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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2015/1878

of 8 October 2015

authorising the Kingdom of Belgium and the Republic of Poland, respectively, to ratify, and the Republic of Austria to accede to the Budapest Convention on the Contract for the Carriage of Goods by Inland Waterways (CMNI)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81(2), in conjunction with point (a) of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament,

Whereas:

- (1) The Budapest Convention on the Contract for the Carriage of Goods by Inland Waterways (CMNI) ('the Budapest Convention' or 'the Convention') is a valuable instrument to promote inland navigation across Europe.
- (2) The Union has exclusive external competence in particular with regard to Article 29 of the Budapest Convention in so far as the provisions of that Article affect the rules laid down in Regulation (EC) No 593/2008 of the European Parliament and of the Council ⁽¹⁾.
- (3) The Budapest Convention is not open for participation by Regional Economic Integration Organisations such as the European Union. As a result, the Union is not in a position to become a Contracting Party to the Convention.
- (4) The Member States which have navigable inland waterways falling within the scope of the Budapest Convention should therefore be authorised to ratify or accede to the Convention.
- (5) The Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Federal Republic of Germany, the French Republic, the Republic of Croatia, the Grand Duchy of Luxembourg, Hungary, the Kingdom of the Netherlands, Romania and the Slovak Republic are Contracting Parties to the Budapest Convention.
- (6) The Kingdom of Belgium ratified the Budapest Convention after the adoption of Regulation (EC) No 593/2008 by which the Union acquired exclusive external competence. The Council should therefore *ex post* authorise the Kingdom of Belgium to ratify the Convention.
- (7) The Republic of Austria and the Republic of Poland, which have navigable inland waterways falling within the scope of the Budapest Convention, have expressed their interest in becoming Contracting Parties to the Convention.

⁽¹⁾ Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) (OJ L 177, 4.7.2008, p. 6).

- (8) The remaining Member States have indicated that they do not have navigable inland waterways falling within the scope of the Budapest Convention and therefore do not have an interest in ratifying or acceding to the Convention.
- (9) The Budapest Convention allows Contracting States to make declarations with regard to the scope of application of the Convention. Accordingly, the Republic of Austria and the Republic of Poland should make the declarations allowed under its provisions which they deem appropriate and necessary.
- (10) The United Kingdom and Ireland are bound by Regulation (EC) No 593/2008 and are therefore taking part in the adoption and application of this Decision.
- (11) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The Council hereby authorises the Kingdom of Belgium and the Republic of Poland, respectively, to ratify, and the Republic of Austria to accede to the Budapest Convention on the Contract for the Carriage of Goods by Inland Waterways (CMNI).

The text of the Convention is attached to this Decision.

Article 2

The Republic of Austria and the Republic of Poland shall make the appropriate declarations allowed under the provisions of the Budapest Convention.

Article 3

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

Article 4

This Decision is addressed to the Kingdom of Belgium, the Republic of Austria and the Republic of Poland.

Done at Luxembourg, 8 October 2015.

For the Council
The President
J. ASSELBORN

BUDAPEST CONVENTION
on the Contract for the Carriage of Goods by Inland Waterways (CMNI) (*)

THE STATES PARTIES TO THIS CONVENTION,

CONSIDERING the recommendations of the Final Act of the Conference on Security and Cooperation in Europe of 1 August 1975 for the harmonization of legal regimes with a view to the development of transport by member States of the Central Commission for the Navigation of the Rhine and the Danube Commission in collaboration with the United Nations Economic Commission for Europe,

HAVING RECOGNIZED the necessity and desirability of establishing by common agreement certain uniform rules concerning contracts for the carriage of goods by inland waterway,

HAVE DECIDED to conclude a Convention for this purpose and have thereto agreed as follows:

CHAPTER I

GENERAL PROVISIONS

Article 1

Definitions

In this Convention,

1. 'Contract of carriage' means any contract, of any kind, whereby a carrier undertakes against payment of freight to carry goods by inland waterway;
2. 'Carrier' means any person by whom or in whose name a contract of carriage has been concluded with a shipper;
3. 'Actual carrier' means any person, other than a servant or an agent of the carrier, to whom the performance of the carriage or of part of such carriage has been entrusted by the carrier;
4. 'Shipper' means any person by whom or in whose name or on whose behalf a contract of carriage has been concluded with a carrier;
5. 'Consignee' means the person entitled to take delivery of the goods;
6. 'Transport document' means a document which evidences a contract of carriage and the taking over or loading of goods by a carrier, made out in the form of a bill of lading or consignment note or of any other document used in trade;
7. 'Goods' does not include either towed or pushed vessels or the luggage or vehicles of passengers; where the goods are consolidated in a container, on a pallet or in or on a similar article of transport or where they are packed, 'goods' includes such article of transport or packaging if supplied by the shipper;
8. 'In writing' includes, unless otherwise agreed between the parties concerned, the transmission of information by electronic, optical or similar means of communication, including, but not limited to, telegram, facsimile, telex, electronic mail or electronic data interchange (EDI), provided the information is accessible so as to be usable for subsequent reference.
9. The law of a State applicable in accordance with this Convention means the rules of law in force in that State other than its rules of private international law.

(*) Adopted by the Diplomatic Conference Organized Jointly by CCNR, the Danube Commission and UN/ECE, held in Budapest from 25 September to 3 October 2000.

*Article 2***Scope of application**

1. This Convention is applicable to any contract of carriage according to which the port of loading or the place of taking over of the goods and the port of discharge or the place of delivery of the goods are located in two different States of which at least one is a State Party to this Convention. If the contract stipulates a choice of several ports of discharge or places of delivery, the port of discharge or the place of delivery to which the goods have actually been delivered shall determine the choice.
2. This Convention is applicable if the purpose of the contract of carriage is the carriage of goods, without transshipment, both on inland waterways and in waters to which maritime regulations apply, under the conditions set out in paragraph 1, unless:
 - (a) a maritime bill of lading has been issued in accordance with the maritime law applicable, or
 - (b) the distance to be travelled in waters to which maritime regulations apply is the greater.
3. This Convention is applicable regardless of the nationality, place of registration or home port of the vessel or whether the vessel is a maritime or inland navigation vessel and regardless of the nationality, domicile, registered office or place of residence of the carrier, the shipper or the consignee.

CHAPTER II

RIGHTS AND OBLIGATIONS OF THE CONTRACTING PARTIES*Article 3***Taking over, carriage and delivery of the goods**

1. The carrier shall carry the goods to the place of delivery within the specified time and deliver them to the consignee in the condition in which they were handed over to him.
2. Unless otherwise agreed, the taking over and delivery of the goods shall take place on board the vessel.
3. The carrier shall decide which vessel is to be used. He shall be bound, before and at the beginning of the voyage, to exercise due diligence to ensure that, taking into account the goods to be carried, the vessel is in a state to receive the cargo, is seaworthy and is manned and equipped as prescribed by the regulations in force and is furnished with the necessary national and international authorizations for the carriage of the goods in question.
4. Where it has been agreed that the carriage shall be performed by a specific vessel or type of vessel, the carrier shall be entitled to load or transship the goods in whole or in part on to another vessel or on to another type of vessel without the consent of the shipper, only:
 - (a) in circumstances, such as low water or collision or any other obstacle to navigation, which were unforeseeable at the time when the contract of carriage was concluded and in which the loading or transshipment of the goods is necessary in order to perform the contract of carriage, and when the carrier is unable to obtain within an appropriate period of time instructions from the shipper, or
 - (b) when it is in accordance with the practice prevailing in the port where the vessel is located.
5. Except as provided by the obligations incumbent on the shipper, the carrier shall ensure that the loading, stowage and securing of the goods do not affect the safety of the vessel.
6. The carrier is entitled to carry the goods on deck or in open vessels only if it has been agreed with the shipper or if it is in accordance with the usage of the particular trade or is required by the statutory regulations.

*Article 4***Actual carrier**

1. A contract complying with the definition set out in article 1, paragraph 1, concluded between a carrier and an actual carrier constitutes a contract of carriage within the meaning of this Convention. For the purpose of such contract, all the provisions of this Convention concerning the shipper shall apply to the carrier and those concerning the carrier to the actual carrier.

2. Where the carrier has entrusted the performance of the carriage or part thereof to an actual carrier, whether or not in pursuance of a liberty under the contract of carriage to do so, the carrier nevertheless remains responsible for the entire carriage according to the provisions of this Convention. All the provisions of this Convention governing the responsibility of the carrier also apply to the responsibility of the actual carrier for the carriage performed by him.
3. The carrier shall in all cases inform the shipper when he entrusts the performance of the carriage or part thereof to an actual carrier.
4. Any agreement with the shipper or the consignee extending the carrier's responsibility according to the provisions of this Convention affects the actual carrier only to the extent that he has agreed to it expressly and in writing. The actual carrier may avail himself of all the objections invocable by the carrier under the contract of carriage.
5. If and to the extent that both the carrier and the actual carrier are liable, their liability is joint and several. Nothing in this article shall prejudice any right of recourse as between them.

Article 5

Delivery time

The carrier shall deliver the goods within the time limit agreed in the contract of carriage or, if no time limit has been agreed, within the time limit which could reasonably be required of a diligent carrier, taking into account the circumstances of the voyage and unhindered navigation.

Article 6

Obligations of the shipper

1. The shipper shall be required to pay the amounts due under the contract of carriage.
2. The shipper shall furnish the carrier in writing, before the goods are handed over, with the following particulars concerning the goods to be carried:
 - (a) dimensions, number or weight and stowage factor of the goods;
 - (b) marks necessary for identification of the goods;
 - (c) nature, characteristics and properties of the goods;
 - (d) instructions concerning the Customs or administrative regulations applying to the goods;
 - (e) other necessary particulars to be entered in the transport document.

The shipper shall also hand over to the carrier, when the goods are handed over, all the required accompanying documents.

3. If the nature of the goods so requires, the shipper shall, bearing in mind the agreed transport operation, pack the goods in such a way as to prevent their loss or damage between the time they are taken over by the carrier and their delivery and so as to ensure that they do not cause damage to the vessel or to other goods. According to what has been agreed with a view to carriage, the shipper shall also make provision for appropriate marking in conformity with the applicable international or national regulations or, in the absence of such regulations, in accordance with rules and practices generally recognized in inland navigation.

4. Subject to the obligations to be borne by the carrier, the shipper shall load and stow the goods and secure them in accordance with inland navigation practice unless the contract of carriage specifies otherwise.

Article 7

Dangerous and polluting goods

1. If dangerous or polluting goods are to be carried, the shipper shall, before handing over the goods, and in addition to the particulars referred to in article 6, paragraph 2, inform the carrier clearly and in writing of the danger and the risks of pollution inherent in the goods and of the precautions to be taken.

2. Where the carriage of the dangerous or polluting goods requires an authorization, the shipper shall hand over the necessary documents at the latest when handing over the goods.
3. Where the continuation of the carriage, the discharge or the delivery of the dangerous or polluting goods are rendered impossible owing to the absence of an administrative authorization, the shipper shall bear the costs for the return of the goods to the port of loading or a nearer place, where they may be discharged and delivered or disposed of.
4. In the event of immediate danger to life, property or the environment, the carrier shall be entitled to unload the goods, to render them innocuous or, provided that such a measure is not disproportionate to the danger they represent, to destroy them, even if, before they were taken over, he was informed or was apprised by other means of the nature of the danger or the risks of pollution inherent in the goods.
5. Where the carrier is entitled to take the measures referred to in paragraphs 3 or 4 above, he may claim compensation for damages.

Article 8

Liability of the shipper

1. The shipper shall, even if no fault can be attributed to him, be liable for all the damages and costs incurred by the carrier or the actual carrier by reason of the fact that:
 - (a) the particulars or information referred to in articles 6, paragraph 2, or 7, paragraph 1, are missing, inaccurate or incomplete;
 - (b) the dangerous or polluting goods are not marked or labelled in accordance with the applicable international or national regulations or, if no such regulations exist, in accordance with rules and practices generally recognized in inland navigation;
 - (c) the necessary accompanying documents are missing, inaccurate or incomplete.

The carrier may not avail himself of the liability of the shipper if it is proven that the fault is attributable to the carrier himself, his servants or agents. The same applies to the actual carrier.

2. The shipper shall be responsible for the acts and omissions of persons of whose services he makes use to perform the tasks and meet the obligations referred to in articles 6 and 7, when such persons are acting within the scope of their employment, as if such acts or omissions were his own.

Article 9

Termination of the contract of carriage by the carrier

1. The carrier may terminate the contract of carriage if the shipper has failed to perform the obligations set out in article 6, paragraph 2, or article 7, paragraphs 1 and 2.
2. If the carrier makes use of his right of termination, he may unload the goods at the shipper's expense and claim optionally the payment of any of the following amounts:
 - (a) one third of the agreed freight; or
 - (b) in addition to any demurrage charge, a compensation equal to the amount of costs incurred and the loss caused, as well as, should the voyage have already begun, a proportional freight for the part of the voyage already performed.

Article 10

Delivery of the goods

1. Notwithstanding the obligation of the shipper under article 6, paragraph 1, the consignee who, following the arrival of the goods at the place of delivery, requests their delivery, shall, in accordance with the contract of carriage, be liable for the freight and other charges due on the goods, as well as for his contribution to any general average. In the absence of a transport document, or if such document has not been presented, the consignee shall be liable for the freight agreed with the shipper if it corresponds to market practice.

2. The placing of the goods at the disposal of the consignee in accordance with the contract of carriage or with the usage of the particular trade or with the statutory regulations applicable at the port of discharge shall be considered a delivery. The imposed handing over of the goods to an authority or a third party shall also be considered a delivery.

CHAPTER III

TRANSPORT DOCUMENTS

Article 11

Nature and content

1. For each carriage of goods governed by this Convention the carrier shall issue a transport document; he shall issue a bill of lading only if the shipper so requests and if it has been so agreed before the goods were loaded or before they were taken over for carriage. The lack of a transport document or the fact that it is incomplete shall not affect the validity of the contract of carriage.

2. The original of the transport document must be signed by the carrier, the master of the vessel or a person authorized by the carrier. The carrier may require the shipper to countersign the original or a copy. The signature may be in handwriting, printed in facsimile, perforated, stamped, in symbols or made by any other mechanical or electronic means, if this is not prohibited by the law of the State where the transport document was issued.

3. The transport document shall be prima facie evidence, save proof to the contrary, of the conclusion and content of the contract of carriage and of the taking over of the goods by the carrier. In particular, it shall provide a basis for the presumption that the goods have been taken over for carriage as they are described in the transport document.

4. When the transport document is a bill of lading, it alone shall determine the relations between the carrier and the consignee. The conditions of the contract of carriage shall continue to determine the relations between carrier and shipper.

5. The transport document, in addition to its denomination, contains the following particulars:

- (a) the name, domicile, registered office or place of residence of the carrier and of the shipper;
- (b) the consignee of the goods;
- (c) the name or number of the vessel, where the goods have been taken on board, or particulars in the transport document stating that the goods have been taken over by the carrier but not yet loaded on the vessel;
- (d) the port of loading or the place where the goods were taken over and the port of discharge or the place of delivery;
- (e) the usual name of the type of goods and their method of packaging and, for dangerous or polluting goods, their name according to the requirements in force or, if there is no such name, their general name;
- (f) the dimensions, number or weight as well as the identification marks of the goods taken on board or taken over for the purpose of carriage;
- (g) the statement, if applicable, that the goods shall or may be carried on deck or on board open vessels;
- (h) the agreed provisions concerning freight;
- (i) in the case of a consignment note, the specification as to whether it is an original or a copy; in the case of a bill of lading, the number of originals;
- (j) the place and date of the issue.

The legal character of a transport document in the sense of article 1, paragraph 6, of this Convention is not affected by the absence of one or more of the particulars referred to in this paragraph.

*Article 12***Reservations in transport documents**

1. The carrier is entitled to include in the transport document reservations concerning:
 - (a) The dimensions, number or weight of the goods, if he has grounds to suspect that the particulars supplied by the shipper are inaccurate or if he had no reasonable means of checking such particulars, especially because the goods have not been counted, measured or weighed in his presence or because, without explicit agreement, the dimensions or weights have been determined by draught measurement;
 - (b) Identification marks which are not clearly and durably affixed on the goods themselves or, if the goods are packed, on the receptacles or packagings;
 - (c) The apparent condition of the goods.
2. If the carrier fails to note the apparent condition of the goods or does not enter reservations in that respect, he is deemed to have noted in the transport document that the goods were in apparent good condition.
3. If, in accordance with the particulars set out in the transport document, the goods are placed in a container or in the holds of the vessel and sealed by other persons than the carrier, his servants or his agents, and if neither the container nor the seals are damaged or broken when they reach the port of discharge or the place of delivery, it shall be presumed that the loss or damage to the goods did not occur during carriage.

*Article 13***Bill of lading**

1. The originals of a bill of lading shall be documents of title issued in the name of the consignee, to order or to bearer.
2. At the place of destination, the goods shall be delivered only in exchange for the original of the bill of lading submitted initially; thereafter, further delivery cannot be claimed against other originals.
3. When the goods are taken over by the carrier, handing over the bill of lading to a person entitled thereby to receive the goods has the same effects as the handing over of the goods as far as the acquisition of rights to the goods is concerned.
4. If the bill of lading has been transferred to a third party, including the consignee, who has acted in good faith in reliance on the description of the goods therein, proof to the contrary of the presumption set out in article 11, paragraph 3, and article 12, paragraph 2, shall not be admissible.

CHAPTER IV

RIGHT TO DISPOSE OF THE GOODS*Article 14***Holder of the right of disposal**

1. The shipper shall be authorized to dispose of the goods; in particular, he may require the carrier to discontinue the carriage of the goods, to change the place of delivery or to deliver the goods to a consignee other than the consignee indicated in the transport document.
2. The shipper's right of disposal shall cease to exist once the consignee, following the arrival of the goods at the scheduled place of delivery, has requested delivery of the goods and,
 - (a) where carriage is under a consignment note, once the original has been handed over to the consignee;
 - (b) where carriage is under a bill of lading, once the shipper has relinquished all the originals in his possession by handing them over to another person.
3. By an appropriate entry in the consignment note, the shipper may, when the consignment note is issued, waive his right of disposal to the consignee.

*Article 15***Conditions for the exercise of the right of disposal**

The shipper or, in the case of article 14, paragraphs 2 and 3, the consignee, must, if he wishes to exercise his right of disposal:

- (a) where a bill of lading is used, submit all originals prior to the arrival of the goods at the scheduled place of delivery;
- (b) where a transport document other than a bill of lading is used, submit this document, which shall include the new instructions given to the carrier;
- (c) compensate the carrier for all costs and damage incurred in carrying out instructions;
- (d) pay all the agreed freight in the event of the discharge of the goods before arrival at the scheduled place of delivery, unless the contract of carriage provides otherwise.

CHAPTER V

LIABILITY OF THE CARRIER*Article 16***Liability for loss**

1. The carrier shall be liable for loss resulting from loss or damage to the goods caused between the time when he took them over for carriage and the time of their delivery, or resulting from delay in delivery, unless he can show that the loss was due to circumstances which a diligent carrier could not have prevented and the consequences of which he could not have averted.

2. The carrier's liability for loss resulting from loss or damage to the goods caused during the time before the goods are loaded on the vessel or the time after they have been discharged from the vessel shall be governed by the law of the State applicable to the contract of carriage.

*Article 17***Servants and agents**

1. The carrier shall be responsible for the acts and omissions of his servants and agents of whose services he makes use during the performance of the contract of carriage, when such persons are acting within the scope of their employment, as if such acts or omissions were his own.

2. When the carriage is performed by an actual carrier in accordance with article 4, the carrier is also responsible for the acts and omissions of the actual carrier and of the servants and agents of the actual carrier acting within the scope of their employment.

3. If an action is brought against the servants and agents of the carrier or the actual carrier, such persons, if they prove that they acted within the scope of their employment, are entitled to avail themselves of the exonerations and limits of liability which the carrier or the actual carrier is entitled to invoke under this Convention.

4. A pilot designated by an authority and who cannot be freely selected shall not be considered to be a servant or agent within the meaning of paragraph 1.

*Article 18***Special exonerations from liability**

1. The carrier and the actual carrier shall be exonerated from their liability when the loss, damage or delay are the result of one of the circumstances or risks listed below:

- (a) acts or omissions of the shipper, the consignee or the person entitled to dispose of the goods;
- (b) handling, loading, stowage or discharge of the goods by the shipper, the consignee or third parties acting on behalf of the shipper or the consignee;

- (c) carriage of the goods on deck or in open vessels, where such carriage has been agreed with the shipper or is in accordance with the practice of the particular trade, or if it is required by the regulations in force;
- (d) nature of the goods which exposes them to total or partial loss or damage, especially through breakage, rust, decay, desiccation, leakage, normal wastage (in volume or weight), or the action of vermin or rodents;
- (e) lack of or defective condition of packaging in the case of goods which, by their nature, are exposed to loss or damage when not packed or when the packaging is defective;
- (f) insufficiency or inadequacy of marks identifying the goods;
- (g) rescue or salvage operations or attempted rescue or salvage operations on inland waterways;
- (h) carriage of live animals, unless the carrier has not taken the measures or observed the instructions agreed upon in the contract of carriage.

2. When, in the circumstances of the case, damage could be attributed to one or more of the circumstances or risks listed in paragraph 1 of the present article, it is presumed to have been caused by such a circumstance or risk. This presumption does not apply if the injured party proves that the loss suffered does not result, or does not result exclusively, from one of the circumstances or risks listed in paragraph 1 of this article.

Article 19

Calculation of compensation

1. Where the carrier is liable for total loss of goods, the compensation payable by him shall be equal to the value of the goods at the place and on the day of delivery according to the contract of carriage. Delivery to a person other than the person entitled is deemed to be a loss.
2. In the event of partial loss or damage to goods, the carrier shall be liable only to the extent of the loss in value.
3. The value of the goods shall be fixed according to the commodity exchange price or, if there is no such price, according to their market price or, if there is no commodity exchange price or market price, by reference to the normal value of goods of the same kind and quality at the place of delivery.
4. In respect of goods which by reason of their nature are exposed to wastage during carriage, the carrier shall be held liable, whatever the length of the carriage, only for that part of the wastage which exceeds normal wastage (in volume or weight) as determined by the parties to the contract of carriage or, if not, by the regulations or established practice at the place of destination.
5. The provisions of this article shall not affect the carrier's right concerning the freight as provided by the contract of carriage or, in the absence of special agreements in this regard, by the applicable national regulations or practices.

Article 20

Maximum limits of liability

1. Subject to article 21 and paragraph 4 of the present article, and regardless of the action brought against him, the carrier shall under no circumstances be liable for amounts exceeding 666,67 units of account per package or other shipping unit, or 2 units of account per kilogram of weight, specified in the transport document, of the goods lost or damaged, whichever is the higher. If the package or other shipping unit is a container and if there is no mention in the transport document of any package or shipping unit consolidated in the container, the amount of 666,67 units of account shall be replaced by the amount of 1 500 units of account for the container without the goods it contains and, in addition, the amount of 25 000 units of account for the goods which are in the container.
2. Where a container, pallet or similar article of transport is used to consolidate goods, the packages or other shipping units enumerated in the transport document as packed in or on such article of transport are deemed packages or shipping units. Except as aforesaid, the goods in or on such article of transport are deemed one shipping unit. In cases where the article of transport itself has been lost or damaged, that article of transport, if not owned or otherwise supplied by the carrier, is considered one separate shipping unit.

3. In the event of loss due to delay in delivery, the carrier's liability shall not exceed the amount of the freight. However, the aggregate liability under paragraph 1 and the first sentence of the present paragraph shall not exceed the limitation which would be established under paragraph 1 for total loss of the goods with respect to which such liability was incurred.

4. The maximum limits of liability mentioned in paragraph 1 do not apply:

- (a) where the nature and higher value of the goods or articles of transport have been expressly specified in the transport document and the carrier has not refuted those specifications, or
- (b) where the parties have expressly agreed to higher maximum limits of liability.

5. The aggregate of the amounts of compensation recoverable from the carrier, the actual carrier and their servants and agents for the same loss shall not exceed overall the limits of liability provided for in this article.

Article 21

Loss of right to limit liability

1. The carrier or the actual carrier is not entitled to the exonerations and limits of liability provided for in this Convention or in the contract of carriage if it is proved that he himself caused the damage by an act or omission, either with the intent to cause such damage, or recklessly and with the knowledge that such damage would probably result.

2. Similarly, the servants and agents acting on behalf of the carrier or the actual carrier are not entitled to the exonerations and limits of liability provided for in this Convention or in the contract of carriage, if it is proved that they caused the damage in the manner described in paragraph 1.

Article 22

Application of the exonerations and limits of liability

The exonerations and limits of liability provided for in this Convention or in the contract of carriage apply in any action in respect of loss or damage to or delay in delivery of the goods covered by the contract of carriage, whether the action is founded in contract, in tort or on some other legal ground.

CHAPTER VI

CLAIMS PERIOD

Article 23

Notice of damage

1. The acceptance without reservation of the goods by the consignee is prima facie evidence of the delivery by the carrier of the goods in the same condition and quantity as when they were handed over to him for carriage.

2. The carrier and the consignee may require an inspection of the condition and quantity of the goods on delivery in the presence of the two parties.

3. Where the loss or damage to the goods is apparent, any reservation on the part of the consignee must be formulated in writing specifying the general nature of the damage, no later than the time of delivery, unless the consignee and the carrier have jointly checked the condition of the goods.

4. Where the loss or damage to the goods is not apparent, any reservation on the part of the consignee must be notified in writing specifying the general nature of the damage, no later than 7 consecutive days from the time of delivery; in such case, the injured party shall show that the damage was caused while the goods were in the charge of the carrier.

5. No compensation shall be payable for damage resulting from delay in delivery except when the consignee can prove that he gave notice of the delay to the carrier within 21 consecutive days following delivery of the goods and that this notice reached the carrier.

*Article 24***Limitation of actions**

1. All actions arising out of a contract governed by this Convention shall be time-barred after one year commencing from the day when the goods were, or should have been, delivered to the consignee. The day on which the limitation period commences is not included in the period.
2. The person against whom an action is instituted may at any time during the limitation period extend that period by a declaration in writing to the injured party. This period may be further extended by one or more further declarations.
3. The suspension and interruption of the limitation period are governed by the law of the State applicable to the contract of carriage. The filing of a claim in proceedings to apportion limited liability for all claims arising from an event having led to damage shall interrupt the limitation.
4. Any action for indemnity by a person held liable under this Convention may be instituted even after the expiry of the limitation period provided for in paragraphs 1 and 2 of the present article, if proceedings are instituted within a period of 90 days commencing from the day on which the person instituting the action has settled the claim or has been served with process, or if proceedings are instituted within a longer period as provided by the law of the State where proceedings are instituted.
5. A right of action which has become barred by lapse of time may not be exercised by way of counter-claim or set-off.

CHAPTER VII

LIMITS OF CONTRACTUAL FREEDOM*Article 25***Nullity of contractual stipulations**

1. Any contractual stipulation intended to exclude or to limit or, subject to the provisions of article 20, paragraph 4, to increase the liability, within the meaning of this Convention, of the carrier, the actual carrier or their servants or agents, to shift the burden of proof or to reduce the periods for claims or limitations referred to in articles 23 and 24 shall be null and void. Any stipulation assigning a benefit of insurance of the goods in favour of the carrier is also null and void.
2. Notwithstanding the provisions of paragraph 1 of the present article and without prejudice to article 21, contractual stipulations shall be authorized specifying that the carrier or the actual carrier is not liable for losses arising from:
 - (a) an act or omission by the master of the vessel, the pilot or any other person in the service of the vessel, pusher or tower during navigation or in the formation or dissolution of a pushed or towed convoy, provided that the carrier complied with the obligations set out for the crew in article 3, paragraph 3, unless the act or omission results from an intention to cause damage or from reckless conduct with the knowledge that such damage would probably result;
 - (b) fire or an explosion on board the vessel, where it is not possible to prove that the fire or explosion resulted from a fault of the carrier or the actual carrier or their servants or agents or a defect of the vessel;
 - (c) the defects existing prior to the voyage of his vessel or of a rented or chartered vessel if he can prove that such defects could not have been detected prior to the start of the voyage despite due diligence.

CHAPTER VIII

SUPPLEMENTARY PROVISIONS*Article 26***General average**

Nothing in this Convention shall prevent the application of provisions in the contract of carriage or national law regarding the calculation of the amount of damages and contributions payable in the event of general average.

*Article 27***Other applicable provisions and nuclear damage**

1. This Convention does not modify the rights or duties of the carrier provided for in international conventions or national law relating to the limitation of liability of owners of inland navigation or maritime vessels.
2. The carrier shall be relieved of liability under this Convention for damage caused by a nuclear incident if the operator of a nuclear installation or other authorized person is liable for such damage pursuant to the laws and regulations of a State governing liability in the field of nuclear energy.

*Article 28***Unit of account**

The unit of account referred to in article 20 of this Convention is the Special Drawing Right as defined by the International Monetary Fund. The amounts mentioned in article 20 are to be converted into the national currency of a State according to the value of such currency at the date of judgment or the date agreed upon by the parties. The value, in terms of the Special Drawing Rights, of a national currency of a Contracting State is to be calculated in accordance with the method of evaluation applied by the International Monetary Fund in effect at the date in question for its operations and transactions.

*Article 29***Additional national provisions**

1. In cases not provided for in this Convention, the contract of carriage is governed by the law of the State agreed by the Parties.
2. In the absence of such agreement, the law of the State with which the contract of carriage is most closely connected is to be applied.
3. It is to be presumed that the contract of carriage is most closely connected with the State in which the principal place of business of the carrier is located at the time when the contract was concluded, if the port of loading or the place where the goods are taken over, or the port of discharge or the place of delivery or the shipper's principal place of business is also located in that State. Where the carrier has no place of business on land and concludes the contract of carriage on board his vessel, it is to be presumed that the contract is most closely connected with the State in which the vessel is registered or whose flag it flies, if the port of loading or the place where the goods are taken over, or the port of discharge or the place of delivery or the shipper's principal place of business is also located in that State.
4. The law of the State where the goods are located governs the real guarantee granted to the carrier for claims set out in article 10, paragraph 1.

CHAPTER IX

DECLARATIONS CONCERNING THE SCOPE OF APPLICATION*Article 30***Carriage by way of specific inland waterways**

1. Each State may, at the time of signing this Convention or of ratification, acceptance, approval or accession, declare that it will not apply this Convention to contracts relating to carriage by way of specific inland waterways situated on its territory and to which international rules of navigation do not apply and which do not constitute a link between such international waterways. However, such a declaration may not mention all main waterways of that State.
2. Where the purpose of the contract of carriage is the carriage of goods without transshipment both on waterways not mentioned in the declaration referred to in paragraph 1 of this article and on waterways mentioned in this declaration, this Convention equally applies to this contract, unless the distance to be travelled on the latter waterways is the longer.

3. When a declaration has been made according to paragraph 1, any other Contracting State may declare that it will not apply either the provisions of this Convention to the contracts referred to in this declaration. The declaration made in accordance with the present paragraph shall take effect at the time of entry into force of the Convention for the State which has made a declaration according to paragraph 1, but at the earliest at the time of entry into force of the Convention for the State which has made a declaration according to the present paragraph.

4. The declarations referred to in paragraphs 1 and 3 of this article may be withdrawn in whole or in part, at any time, by notification to the depositary to that effect, indicating the date on which they shall cease to have effect. The withdrawal of these declarations shall not have any effect on contracts already concluded.

Article 31

National transport or transport free of charge

Each State may, at the time of the signature of this Convention, of its ratification, its approval, its acceptance, its accession thereto or at any time thereafter, declare that it will also apply this Convention:

- (a) to contracts of carriage according to which the port of loading or the place of taking over and the port of discharge or the place of delivery are located in its own territory;
- (b) by derogation from article 1, paragraph 1, to carriage free of charge.

Article 32

Regional provisions concerning liability

1. Each State may, at the time of signature of this Convention, or of its ratification, its approval, its acceptance, its accession thereto or at any time thereafter, declare that in respect of the carriage of goods between ports of loading or places where goods are taken over and ports of discharge or places of delivery, of which either both are situated on its own territory or one is situated on its own territory and the other on the territory of a State which has made the same declaration, the carrier shall not be liable for damage caused by an act or omission by the master of the vessel, pilot or any other person in the service of the vessel, pusher or tower during navigation or during the formation of a pushed or towed convoy, provided that the carrier complied with the obligations set out for the crew in article 3, paragraph 3, unless the act or omission results from an intention to cause damage or from reckless conduct with the knowledge that such damage would probably result.

2. The provision concerning liability referred to in paragraph 1 shall enter into force between two Contracting States when this Convention enters into force in the second State which has made the same declaration. If a State has made this declaration following the entry into force of the Convention for that State, the provision concerning liability referred to in paragraph 1 shall enter into force on the first day of the month following a period of three months as from the notification of the declaration to the depositary. The provision concerning liability shall be applicable only to contracts of carriage signed after its entry into force.

3. A declaration made in accordance with paragraph 1 may be withdrawn at any time by notification to the depositary. In the event of withdrawal, the provisions concerning liability referred to in paragraph 1 shall cease to have effect on the first day of the month following the notification or at a subsequent time indicated in the notification. The withdrawal shall not apply to contracts of carriage signed before the provisions concerning liability have ceased to have effect.

CHAPTER X

FINAL PROVISIONS

Article 33

Signature, ratification, acceptance, approval, accession

1. This Convention shall be open for signature by all States for one year at the headquarters of the depositary. The period for signature shall start on the day when the depositary states that all authentic texts of this Convention are available.

2. States may become Parties to this Convention:
 - (a) by signature without reservation as to ratification, acceptance or approval;
 - (b) by signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval;
 - (c) by accession after the deadline set for signature
3. Instruments of ratification, acceptance, approval or accession shall be deposited with the depositary.

Article 34

Entry into force

1. This Convention shall enter into force on the first day of the month following the expiration of a period of three months as from the date on which five States have signed this Convention without any reservation as to ratification, acceptance or approval or have deposited their instruments of ratification, acceptance, approval or accession with the depositary.
2. For each State which signs this Convention without any reservation as to ratification, acceptance or approval, or deposits the instruments of ratification, acceptance, approval or accession with the depositary after the entry into force of this Convention, the same shall enter into force on the first day of the month following the expiration of a period of three months as from the date of signing without any reservation as to ratification, acceptance or approval, or the deposit of the instruments of ratification, acceptance, approval or accession with the depositary.

Article 35

Denunciation

1. This Convention may be denounced by a State Party on the expiration of a period of one year following the date on which it entered into force for that State.
2. Notification of denunciation shall be deposited with the depositary.
3. The denunciation shall take effect on the first day of the month following the expiration of a period of one year as from the date of deposit of the notification of denunciation or after a longer period referred to in the notification of denunciation.

Article 36

Review and amendment

At the request of not less than one third of the Contracting States to this Convention, the depositary shall convene a conference of the Contracting States for revising or amending it.

Article 37

Revision of the amounts for limitation of liability and unit of account

1. Notwithstanding the provisions of article 36, when a revision of the amount specified in article 20, paragraph 1, or the substitution of the unit defined in article 28 by another unit is proposed, the depositary shall, when not less than one fourth of the States Parties to this Convention so request, submit the proposal to all members of the United Nations Economic Commission for Europe, the Central Commission for the Navigation of the Rhine and the Danube Commission and to all Contracting States and shall convene a conference for the sole purpose of altering the amount specified in article 20, paragraph 1, or of substituting the unit defined in article 28 by another unit.
2. The conference shall be convened at the earliest six months after the day on which the proposal was transmitted.
3. All Contracting States to this Convention are entitled to participate in the conference, whether or not they are members of the organizations referred to in paragraph 1.

4. The amendments shall be adopted by a majority of two thirds of the Contracting States to the Convention represented at the conference and taking part in the vote, provided that not less than one half of the Contracting States to this Convention are represented when the vote is taken.
5. During the consultation concerning the amendment of the amount specified in article 20, paragraph 1, the conference shall take account of the lessons drawn from the events having led to damage and in particular the amount of damage resulting therefrom, changes in monetary values and the effect of the proposed amendment on the cost of insurance.
6. (a) The amendment of the amount in accordance with this article may take effect at the earliest five years after the day on which this Convention was opened for signature and at the earliest five years after the day on which an amendment made previously in accordance with this article entered into force.
(b) An amount may not be so increased as to exceed the amount of the maximum limits of liability specified by this Convention, increased by six per cent per annum, calculated according to the principle of compound interest as from the day on which this Convention was opened for signature.
(c) An amount may not be so increased as to exceed the triple of the maximum limits of liability specified by this Convention.
7. The depositary shall notify all Contracting States of any amendment adopted in accordance with paragraph 4. The amendment is deemed to have been accepted after a period of eighteen months following the day of notification, unless during such period not less than one fourth of the States which were Contracting States at the time of the decision concerning the amendment have informed the depositary that they will not accept that amendment; in such case, the amendment is rejected and does not enter into force.
8. An amendment which is deemed to have been accepted in accordance with paragraph 7 shall enter into force eighteen months after its acceptance.
9. All Contracting States are bound by the amendment unless they denounce this Convention in accordance with article 35 not later than six months before the amendment enters into force. The denunciation takes effect when the amendment enters into force.
10. When an amendment has been adopted but the scheduled eighteen-month period for acceptance has not elapsed, a State which becomes a Contracting State during that period is bound by the amendment if it enters into force. A State which becomes a Contracting State after that period is bound by an amendment accepted in accordance with paragraph 7. In the cases cited in the present paragraph, a State is bound by an amendment as soon as it enters into force or as soon as this Convention enters into force for that State if this takes place subsequently.

Article 38

Depositary

1. This Convention shall be deposited with the Government of the Republic of Hungary.
2. The depositary shall:
 - (a) communicate to all States which participated in the Diplomatic Conference for the Adoption of the Budapest Convention on the Contract for the Carriage of Goods by Inland Waterway, for checking, the present Convention in the official language version which was not available at the time of the Conference;
 - (b) inform all States referred to under subparagraph (a) above of any proposal for the amendment of the text communicated in accordance with subparagraph (a) above;
 - (c) establish the date on which all official language versions of this Convention have been brought into conformity with each other and are to be considered authentic;
 - (d) communicate to all States referred to in subparagraph (a) above the date established in accordance with subparagraph (c) above;
 - (e) communicate to all States which were invited to the Diplomatic Conference for the Adoption of the Budapest Convention on the Contract for the Carriage of Goods by Inland Waterway and to those which have signed this Convention or acceded thereto, certified true copies of this Convention;

- (f) inform all States which have signed this Convention or acceded to it:
 - (i) of any new signature, notification or declaration made, indicating the date of the signature, notification or declaration;
 - (ii) of the date of entry into force of this Convention;
 - (iii) of any denunciation of this Convention and of the date on which such denunciation is to take effect;
 - (iv) of any amendment adopted in accordance with articles 36 and 37 of this Convention and of the date of entry into force of such amendment;
 - (v) of any communication required under a provision of this Convention.

3. After the entry into force of this Convention, the depositary shall transmit to the Secretariat of the United Nations a certified true copy of this Convention for registration and publication, in accordance with Article 102 of the Charter of the United Nations.

DONE AT Budapest on the twenty-second of June 2001 in a single original copy of which the Dutch, English, French, German and Russian texts are equally authentic.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their Governments, have signed this Convention.

REGULATIONS

COMMISSION REGULATION (EU) 2015/1879

of 15 October 2015

establishing a prohibition of fishing for whiting in area VIII by vessels flying the flag of Belgium

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 ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) 2015/104 ⁽²⁾ lays down quotas for 2015.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2015.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2015 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

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

Article 3

Entry into force

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

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) 2015/104 of 19 January 2015 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters, amending Regulation (EU) No 43/2014 and repealing Regulation (EU) No 779/2014 (OJ L 22, 28.1.2015, p. 1).

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

Done at Brussels, 15 October 2015.

*For the Commission,
On behalf of the President,
João AGUIAR MACHADO
Director-General for Maritime Affairs and Fisheries*

ANNEX

No	45/TQ104
Member State	Belgium
Stock	WHG/08.
Species	Whiting (<i>Merlangius merlangus</i>)
Zone	VIII
Closing date	19.9.2015

COMMISSION REGULATION (EU) 2015/1880**of 15 October 2015****establishing a prohibition of fishing for sole in area VIIIa and VIIIb by vessels flying the flag of Belgium**

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 ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) 2015/104 ⁽²⁾ lays down quotas for 2015.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2015.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2015 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

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

*Article 3***Entry into force**

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

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

Done at Brussels, 15 October 2015.

For the Commission,

On behalf of the President,

João AGUIAR MACHADO

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) 2015/104 of 19 January 2015 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters, amending Regulation (EU) No 43/2014 and repealing Regulation (EU) No 779/2014 (OJ L 22, 28.1.2015, p. 1).

ANNEX

No	44/TQ104
Member State	Belgium
Stock	SOL/8AB.
Species	Common sole (<i>Solea solea</i>)
Zone	VIIIa and VIIIb
Closing date	19.9.2015

COMMISSION REGULATION (EU) 2015/1881**of 15 October 2015****establishing a prohibition of fishing for sole in area VII_f and VII_g by vessels flying the flag of Belgium**

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 ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) 2015/104 ⁽²⁾ lays down quotas for 2015.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2015.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2015 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

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

*Article 3***Entry into force**

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

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

Done at Brussels, 15 October 2015.

For the Commission,
On behalf of the President,
João AGUIAR MACHADO
Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) 2015/104 of 19 January 2015 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters, amending Regulation (EU) No 43/2014 and repealing Regulation (EU) No 779/2014 (OJ L 22, 28.1.2015, p. 1).

ANNEX

No	43/TQ104
Member State	Belgium
Stock	SOL/7FG.
Species	Common sole (<i>Solea solea</i>)
Zone	VII f and VII g
Closing date	19.9.2015

COMMISSION REGULATION (EU) 2015/1882**of 15 October 2015****establishing a prohibition of fishing for plaice in areas VIII, IX and X; Union waters of CECAF
34.1.1 by vessels flying the flag of Belgium**

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 ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) 2015/104 ⁽²⁾ lays down quotas for 2015.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2015.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2015 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

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

*Article 3***Entry into force**

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

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

Done at Brussels, 15 October 2015.

For the Commission,
On behalf of the President,
João AGUIAR MACHADO
Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) 2015/104 of 19 January 2015 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters, amending Regulation (EU) No 43/2014 and repealing Regulation (EU) No 779/2014 (OJ L 22, 28.1.2015, p. 1).

ANNEX

No	46/TQ104
Member State	Belgium
Stock	PLE/8/3411
Species	Plaice (<i>Pleuronectes platessa</i>)
Zone	VIII, IX and X; Union waters of CECAF 34.1.1
Closing date	19.9.2015

COMMISSION REGULATION (EU) 2015/1883**of 15 October 2015****establishing a prohibition of fishing for skates and rays in Union waters of VIII and IX by vessels flying the flag of Belgium**

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 ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) 2015/104 ⁽²⁾ lays down quotas for 2015.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2015.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2015 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

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

*Article 3***Entry into force**

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

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

Done at Brussels, 15 October 2015.

For the Commission,

On behalf of the President,

João AGUIAR MACHADO

Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EU) 2015/104 of 19 January 2015 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters, amending Regulation (EU) No 43/2014 and repealing Regulation (EU) No 779/2014 (OJ L 22, 28.1.2015, p. 1).

ANNEX

No	47/TQ104
Member State	Belgium
Stock	SRX/89-C.
Species	Skates and rays (<i>Rajiformes</i>)
Zone	Union waters of VIII and IX
Closing date	19.9.2015

**COMMISSION IMPLEMENTING REGULATION (EU) 2015/1884
of 20 October 2015**

amending Annex I to Regulation (EC) No 798/2008 as regards the entries for Canada and the United States in the list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into or transit through the Union in relation to highly pathogenic avian influenza outbreaks in these countries

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽¹⁾, and in particular the introductory phrase of Article 8, the first subparagraph of point 1 of Article 8, point 4 of Article 8 and Article 9(4)(c) thereof,

Having regard to Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs ⁽²⁾, and in particular Articles 23(1), 24(2) and 25(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 798/2008 ⁽³⁾ lays down veterinary certification requirements for imports into and transit, including storage during transit, through the Union of poultry and poultry products ('the commodities'). It provides that the commodities may only be imported into and transit through the Union from the third countries, territories, zones or compartments listed in columns 1 and 3 of the table in Part 1 of Annex I thereto.
- (2) Regulation (EC) No 798/2008 also lays down the conditions for a third country, territory, zone or compartment to be considered as free from highly pathogenic avian influenza (HPAI).
- (3) Canada is listed in Part 1 of Annex I to Regulation (EC) No 798/2008 as a third country from which imports into and transit through the Union of the commodities covered by that Regulation are authorised from certain parts of its territory depending on the presence of HPAI outbreaks. That regionalisation was recognised by Regulation (EC) No 798/2008, as amended by Implementing Regulation (EU) 2015/198 ⁽⁴⁾ and lastly by Implementing Regulation (EU) 2015/908 ⁽⁵⁾ following outbreaks of HPAI in the Province of Ontario.
- (4) An Agreement between the Union and Canada ⁽⁶⁾ provides for a swift mutual recognition of regionalisation measures in the event of outbreaks of a disease in the Union or in Canada ('the Agreement').
- (5) Canada has reported the completion of cleaning and disinfection measures following stamping-out on holdings in the Province of Ontario where HPAI outbreaks were detected in April 2015. It is therefore appropriate to indicate the date when the affected areas in this Province that were placed under veterinary restrictions in relation to

⁽¹⁾ OJ L 18, 23.1.2003, p. 11.

⁽²⁾ OJ L 343, 22.12.2009, p. 74.

⁽³⁾ Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements (OJ L 226, 23.8.2008, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) 2015/198 of 6 February 2015 amending Annex I to Regulation (EC) No 798/2008 as regards the entry for Canada in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into or transit through the Union in relation to highly pathogenic avian influenza (OJ L 33, 10.2.2015, p. 9).

⁽⁵⁾ Commission Implementing Regulation (EU) 2015/908 of 11 June 2015 amending Annex I to Regulation (EC) No 798/2008 as regards the entry for Canada in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into or transit through the Union in relation to highly pathogenic avian influenza (OJ L 148, 13.6.2015, p. 11).

⁽⁶⁾ Agreement between the European Community and the Government of Canada on sanitary measures to protect public and animal health in respect of trade in live animals and animal products as approved on behalf of the Community by Council Decision 1999/201/EC (OJ L 71, 18.3.1999, p. 3).

those outbreaks, may again be considered free of HPAI and imports into the Union of certain commodities originating from those areas should again be authorised.

- (6) The entry for Canada in the list in Part 1 of Annex I to Regulation (EC) No 798/2008 should therefore be amended to take account of the current epidemiological situation in that third country.
- (7) The United States is listed in Part 1 of Annex I to Regulation (EC) No 798/2008 as a third country from which imports into and transit through the Union of the commodities covered by that Regulation are authorised from certain parts of its territory depending on the presence of HPAI outbreaks. That regionalisation was recognised by Regulation (EC) No 798/2008, as amended by Implementing Regulations (EU) 2015/243 ⁽¹⁾, (EU) 2015/342 ⁽²⁾, (EU) 2015/526 ⁽³⁾, (EU) 2015/796 ⁽⁴⁾, (EU) 2015/1153 ⁽⁵⁾, (EU) 2015/1220 ⁽⁶⁾ and lastly by (EU) 2015/1363 ⁽⁷⁾ following outbreaks of HPAI in that country. According to Implementing Regulation (EU) 2015/1363, no further states became newly infected with HPAI.
- (8) An Agreement between the Union and the United States ⁽⁸⁾ provides for a swift mutual recognition of regionalisation measures in the event of outbreaks of a disease in the Union or in the United States ('the Agreement').
- (9) Following each HPAI outbreak the United States has implemented a stamping-out policy in order to control HPAI and limit its spread. The veterinary authorities of the United States continue to suspend issuing veterinary certificates for consignments of commodities intended for export to the Union from the entire territory of the affected states or from parts thereof which have been placed under restrictions and are subject to Union regionalisation measures.
- (10) Since mid-June, no further HPAI outbreaks were detected in the United States. The United States has submitted updated information on the epidemiological situation on its territory and the measures it has taken to prevent the further spread of HPAI which has now been evaluated by the Commission. On the basis of that evaluation, as well as the commitments laid down in the Agreement and the guarantees provided by the United States, it is appropriate to modify the prohibition on the introduction into the Union of certain commodities to cover only certain parts of the states of Iowa and North Dakota, which the veterinary authorities of the United States have placed under restrictions due to previous outbreaks.
- (11) In addition, the United States has reported the completion of cleaning and disinfection measures following the stamping-out of poultry on holdings in the states of Iowa, Montana, Nebraska, and North and South Dakota where HPAI outbreaks were detected between April and June 2015. It is therefore appropriate to indicate the

⁽¹⁾ Commission Implementing Regulation (EU) 2015/243 of 13 February 2015 amending Annex I to Regulation (EC) No 798/2008 as regards the entry for the United States in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into or transit through the Union in relation to highly pathogenic avian influenza (OJ L 41, 17.2.2015, p. 5).

⁽²⁾ Commission Implementing Regulation (EU) 2015/342 of 2 March 2015 amending Annex I to Regulation (EC) No 798/2008 as regards the entry for the United States in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into or transit through the Union in relation to highly pathogenic avian influenza following outbreaks in the States of Idaho and California (OJ L 60, 4.3.2015, p. 31).

⁽³⁾ Commission Implementing Regulation (EU) 2015/526 of 27 March 2015 amending Annex I to Regulation (EC) No 798/2008 as regards the entry for the United States in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into or transit through the Union in relation to further outbreaks of highly pathogenic avian influenza in that country (OJ L 84, 28.3.2015, p. 30).

⁽⁴⁾ Commission Implementing Regulation (EU) 2015/796 of 21 May 2015 amending Annex I to Regulation (EC) No 798/2008 as regards the entry for the United States in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into or transit through the Union in relation to highly pathogenic avian influenza following further outbreaks in that country (OJ L 127, 22.5.2015, p. 9).

⁽⁵⁾ Commission Implementing Regulation (EU) 2015/1153 of 14 July 2015 amending Annex I to Regulation (EC) No 798/2008 as regards the entry for the United States in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into or transit through the Union in relation to highly pathogenic avian influenza following further outbreaks in that country (OJ L 187, 15.7.2015, p. 10).

⁽⁶⁾ Commission Implementing Regulation (EU) 2015/1220 of 24 July 2015 amending Annex I to Regulation (EC) No 798/2008 as regards the entry for the United States in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into or transit through the Union in relation to highly pathogenic avian influenza following recent outbreaks in the States of Indiana and Nebraska (OJ L 197, 25.7.2015, p. 1).

⁽⁷⁾ Commission Implementing Regulation (EU) 2015/1363 of 6 August 2015 amending Annex I to Regulation (EC) No 798/2008 as regards the entry for the United States in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into or transit through the Union in relation to highly pathogenic avian influenza outbreaks in that country (OJ L 210, 7.8.2015, p. 24).

⁽⁸⁾ Agreement between the European Community and the Government of the United States of America on sanitary measures to protect public and animal health in trade in live animals and animal products, as approved on behalf of the European Community by Council Decision 1998/258/EC (OJ L 118, 21.4.1998, p. 1).

dates when the affected areas in those states that were placed under veterinary restrictions in relation to those outbreaks, may again be considered free of HPAI and imports into the Union of certain commodities originating from those areas should accordingly again be authorised.

- (12) The entry for the United States in the list in Part 1 of Annex I to Regulation (EC) No 798/2008 should therefore be amended to take account of the current epidemiological situation in that third country. For reasons of clarity in the description of the territory, zone or compartment in the table in Part 1 of that Annex, it is appropriate to include all concerned commodities in column 4 of that table.
- (13) Annex I to Regulation (EC) No 798/2008 should therefore be amended accordingly.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Part 1 of Annex I to Regulation (EC) No 798/2008 is 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*.

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

Done at Brussels, 20 October 2015.

For the Commission
The President
Jean-Claude JUNCKER

Part 1 of Annex I to Regulation (EC) No 798/2008 is amended as follows:

(a) The entry for Canada is replaced by the following:

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella control status	
			Model(s)	Additional guarantees		Closing date ⁽¹⁾	Opening date ⁽²⁾				
1	2	3	4	5	6	6A	6B	7	8	9	
‘CA — Canada	CA-0	Whole country	SPF								
			EP, E							S4	
	CA-1	The whole country of Canada excluding area CA-2	WGM	VIII							
			POU, RAT		N						
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA					A		S1, ST1	
	CA-2	Territory of Canada corresponding to:									
	CA-2.1	“Primary Control Zone” delimited by the following boundaries: — on the west, the Pacific Ocean, — on the south, the border to the United States of America, — on the north, Highway 16, — on the east, the border between the Provinces of British Columbia and Alberta.	WGM	VIII	P2	4.12.2014	9.6.2015				
			POU, RAT		N, P2						
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA						A		S1, ST1

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella control status
			Model(s)	Additional guarantees		Closing date ⁽¹⁾	Opening date ⁽²⁾			
1	2	3	4	5	6	6A	6B	7	8	9
	CA-2.2	Area in the Province of Ontario delimited by the following boundaries: — from County Road 119 where it meets County Road 64 and 25th Line, — north on 25th Line to where it meets Road 68, travelling east on Road 68 to where it again meets 25th Line and continuing north on 25th Line to 74 Road, — east on 74 Road from 25th line to 31st line, — north on 31st Line from 74 Road to 78 Road, — east on 78 Road from 31st Line to 33rd Line, — 33rd Line north from 78 Road to 84 Road, — east on 84 Road from 33rd Line to Highway 59, — south on Highway 59 from 84 Road to Road 78, — east on Road 78 from Highway 59 to 13th Line, — south on 13 Line from 78 Road to Oxford Road 17, — east on Oxford road 17 from 13 line to Oxford Road 4, — south on Oxford Road 4 from Oxford Road 17 to County Road 15,	WGM	VIII	P2	8.4.2015	8.10.2015			
			POU, RAT							
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA		N, P2					S1, ST1

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella control status
			Model(s)	Additional guarantees		Closing date ⁽¹⁾	Opening date ⁽²⁾			
1	2	3	4	5	6	6A	6B	7	8	9
		— east on County Road 15, crossing Highway 401, from Oxford Road 4 to Middletown Line, — Middletown Line south, crossing highway 403, from County Road 15 to Old Stage Road, — Old Stage Road west from Middletown Line to County Road 59, — south on County Road 59 from Old Stage Road to Curries Road, — west on Curries Road from County Road 59 to Cedar Line, — Cedar Line south from Curries Road to Rivers Road, — Rivers Road south-west from Cedar Line to Foldens Line, — Foldens Line north-west from Rivers Road to Sweaburg Road, — Sweaburg Road south-west from Foldens Line to Harris Street, — Harris Street north-west from Sweaburg Road to Highway 401, — Highway 401 west from Harris Street to Ingersoll Street, (County Road 10),								

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella control status
			Model(s)	Additional guarantees		Closing date ⁽¹⁾	Opening date ⁽²⁾			
1	2	3	4	5	6	6A	6B	7	8	9
		— Ingersoll Street (County Road 10) north from Highway 401 to County Road 119, — County Road 119 from Ingersoll Street (County Road 10) to the origin where County Road 119 meets 25 Line.								
		Area in the Province of Ontario delimited by the following boundaries: — Twnshp Rd 4, west from where it crosses Highway 401 to Blandford Road, — north on Blandford Road from Twnshp Rd 4 to Oxford-Waterloo Road, — east on Oxford-Waterloo Road from Blandford Road to Walker Road, — north on Walker Road from Oxford-Waterloo Road to Bridge St, — east on Bridge St from Walker Road to Puddicombe Road, — north on Puddicombe Road from Bridge St to Bethel Road, — east on Bethel Road from Puddicombe road to Queen Street, — south on Queen Street from Bethel Road to Bridge street,	WGM	VIII	P2	18.4.2015	8.10.2015			
			POU, RAT							
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA		N P2			A		S1, ST1'
	CA-2.3									

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella control status
			Model(s)	Additional guarantees		Closing date ⁽¹⁾	Opening date ⁽²⁾			
1	2	3	4	5	6	6A	6B	7	8	9
		— east on Bridge Street from Queen Street to Trussler Road, — Trussler Road south from Bridge Street to Oxford Road 8, — Oxford Road 8 east from Trussler Road to Northumberland Street, — south on Northumberland St from Oxford Road 8, continuing as Swan Street/Ayr Road to Brant Waterloo Road, — west on Brant Waterloo Road from Swan St/Ayr Road to Trussler Road, — south on Trussler Road from Brant Waterloo Road to Township Road 5, — west on Township Road 5 from Trussler Road to Blenheim Road, — south on Blenheim Road from Township Road 5 to Township Road 3, — west on Township Road 3 from Blenheim Road to Oxford Road 22, — north on Oxford Road 22 from Township Road 3 to Township Road 4, — west on Township Road 4 from Oxford Road 22 to Highway 401.								

(b) The entry for the United States is replaced by the following:

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella control status
			Model(s)	Additional guarantees		Closing date ⁽¹⁾	Opening date ⁽²⁾			
1	2	3	4	5	6	6A	6B	7	8	9
US — United States	US-0	Whole country	SPF							
			EP, E							S4
	US-1	Area of the United States, excluding the territory US-2	WGM	VIII						
			POU, RAT		N					
			BPP, BPR, DOC, DOR, HEP, HER, SRP, SRA		N			A		S3, ST1
	US-2	Area of the United States corresponding to:								
	US-2.1	State of Washington: Benton County Franklin County	WGM	VIII	P2	19.12.2014	7.4.2015			
			POU, RAT		N P2					
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA					A		S3, ST1
	US-2.2	State of Washington: Clallam County	WGM	VIII	P2	19.12.2014	11.5.2015			
			POU, RAT		N P2					
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA					A		S3, ST1

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella control status
			Model(s)	Additional guarantees		Closing date ⁽¹⁾	Opening date ⁽²⁾			
1	2	3	4	5	6	6A	6B	7	8	9
	US-2.3		WGM	VIII	P2					
		State of Washington:								
		Okanogan County (1):	POU, RAT							
		(a) North: Beginning at the intersection of US 97 WA 20 and S. Janis Road, turn right onto S. Janis Road. Turn left onto McLaughlin Canyon Road, then right onto Hardy Road, then turn left onto Chewilken Valley Road.								
		(b) East: From Chewilken Valley Road, turn right onto JH Green Road, then left onto Hosheit Road, then left onto Tedrow Trail Road, then left onto Brown Pass Road to the boundary line of the Colville Tribe. Follow the Colville Tribe boundary west and then south until it crosses US 97 WA 20.			N P2	29.1.2015	16.6.2015			
		(c) South: Turn right onto US 97 WA 20, then left onto Cherokee Road, then right onto Robinson Canyon Road. Turn left onto Bide A Wee Road, then left onto Duck Lake Road, then right onto Soren Peterson Road, then left onto Johnson Creek Road, then right onto George Road. Turn left onto Wetherstone Road, then right onto Eplay Road.	BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA					A		S3, ST1

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella control status
			Model(s)	Additional guarantees		Closing date ⁽¹⁾	Opening date ⁽²⁾			
1	2	3	4	5	6	6A	6B	7	8	9
		(d) West: From Eplay Road, turn right onto Conconully Road/6th Avenue N., then left onto Green Lake Road, then right onto Salmon Creek Road, then right onto Happy Hill Road, then left onto Conconully Road (turns into Main Street). Turn right onto Broadway, then left onto C Street, then right onto Lake Street E, then right onto Sinlahekin Road, then right onto S. Fish Lake Road, then right onto Fish Lake Road. Turn left onto N. Pine Creek Road, then right onto Henry Road (turns into N. Pine Creek Road), then right onto Indian Springs Road, then right onto Hwy 7, ending at US 97 WA 20.								
	US-2.4		WGM	VIII	P2					
		State of Washington:	POU, RAT							
		Okanogan County (2):								
		(a) North: Beginning where US Hwy 97 intersects with the Canadian border, continue east along the Canadian border, then turn right onto 9 Mile Road (County Hwy 4777).	BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA		N P2	3.2.2015	6.5.2015	A		S3, ST1

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella control status
			Model(s)	Additional guarantees		Closing date ⁽¹⁾	Opening date ⁽²⁾			
1	2	3	4	5	6	6A	6B	7	8	9
		(b) East: From 9 Mile Road, turn right onto Old Hwy 4777, which turns South onto Molson Road. Turn right onto Chesaw Road, then left onto Forest Service 3525, then left onto Forest Development Road 350, which turns into Forest Development Road 3625. From there, head due west and turn left onto Forest Service 3525, then right onto Rone Road, then right onto Box Spring Road, then left onto Mosquito Creek Road, and then right onto Swanson Mill Road. (c) South: From Swanson Mill Road, turn left onto O'Neil Road, then merge south onto US 97. Turn right onto Ellis Forde Bridge Road, then left onto Janis Oroville (SR 7), then right onto Loomis Oroville Road, then right onto Wannacut Lake Road, then left onto Ellemeham Mountain Road, then left onto Earth Dam Road, then left onto an unnamed road, then right onto an unnamed road, then right onto another unnamed road, then left onto an unnamed road, and then left onto another unnamed road. (d) West: From the unnamed road, turn right onto Loomis Oroville Road, then left onto Smilkam- een Road to the Canadian Border.								

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella control status
			Model(s)	Additional guarantees		Closing date ⁽¹⁾	Opening date ⁽²⁾			
1	2	3	4	5	6	6A	6B	7	8	9
	US-2.5	State of Oregon: Douglas County	WGM	VIII	P2	19.12.2014	23.3.2015			
			POU, RAT		N P2					
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA					A		S3, ST1
	US-2.6	State of Oregon: Deschutes County	WGM	VIII	P2	14.2.2015	19.5.2015			
			POU, RAT		N P2					
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA					A		S3, ST1
	US-2.7	State of Oregon: Malheur County	WGM	VIII	P2	20.1.2015	11.5.2015			
			POU, RAT		N P2					
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA					A		S3, ST1
		State of Idaho: Canyon County Payette County	WGM	VIII	P2					
			POU, RAT		N P2					
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA					A		S3, ST1

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella control status
			Model(s)	Additional guarantees		Closing date ⁽¹⁾	Opening date ⁽²⁾			
1	2	3	4	5	6	6A	6B	7	8	9
	US-2.8.		WGM	VIII	P2					
		State of California: Stanislaus County/Tuolumne County: A zone of a 10 km radius starting with N point on the circular Control Zone border and extending in a clockwise fashion: (a) North: 2,5 miles east from intersection between State Hwy. 108 and Williams Road. (b) North-east: 1,4 miles south-east from intersection between Rock River Dr and Tulloch Road. (c) East: 2,0 miles north-west from intersection between Milpitas Road and Las Cruces Road. (d) South-east: 1,58 miles east of the north end of Rushing Road. (e) South: 0,70 miles south of intersection between State Highway 132 and Crabtree Road. (f) South-west: 0,8 miles south-east of intersection between Hazel Dean Road and Loneoak Road. (g) West: 2,5 miles south-west of intersection between Warnerville Road and Tim Bell Road. (h) North-west: 1,0 mile south-east of intersection between CA-120 and Tim Bell Road.	POU, RAT							
					N P2	23.1.2015	5.5.2015	A		S3, ST1

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella control status		
			Model(s)	Additional guarantees		Closing date ⁽¹⁾	Opening date ⁽²⁾					
1	2	3	4	5	6	6A	6B	7	8	9		
	US-2.9	State of California:	WGM	VIII	P2	12.2.2015	26.5.2015					
		Kings County:	POU, RAT		N P2							
		A zone of a 10 km radius starting with N point on the circular Control Zone border and extending in a clockwise fashion: (a) North: 0,58 miles north of Kansas Avenue. (b) Northeast: 0,83 miles east from CA-43. (c) East: 0,04 miles east from 5th Avenue. (d) Southeast: 0,1 miles east of intersection between Paris Avenue and 7th Avenue. (e) South: 1,23 miles north of Redding Avenue. (f) Southwest: 0,6 miles west of intersection of Paris Avenue and 15th Avenue. (g) West: 1,21 miles east of 19th Avenue. (h) Northwest: 0,3 miles north of intersection of Laurel Avenue and 16th Avenue.	BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA					A	S3, ST1			
		US-2.10	State of Minnesota	WGM		VIII	P2	5.3.2015				
				POU, RAT			N P2					
				BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA						A	S3, ST1	

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella control status
			Model(s)	Additional guarantees		Closing date ⁽¹⁾	Opening date ⁽²⁾			
1	2	3	4	5	6	6A	6B	7	8	9
	US-2.11.1	State of Missouri: Jasper County Barton County	WGM	VIII	P2	8.3.2015	18.6.2015			
			POU, RAT		N P2					
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA					A		S3, ST1
	US-2.11.2	State of Missouri: Moniteau County Morgan County	WGM	VIII	P2	10.3.2015	11.6.2015			
			POU, RAT		N P2					
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA					A		S3, ST1
	US-2.11.3	State of Missouri: Lewis County	WGM	VIII	P2	5.5.2015	20.9.2015			
			POU, RAT		N P2					
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA					A		S3, ST1
	US-2.13	State of Arkansas: Boone County Marion County	WGM	VIII	P2	11.3.2015	13.7.2015			
			POU, RAT		N P2					
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA					A		S3, ST1
	US-2.14	State of Kansas: Leavenworth County Wyandotte County	WGM	VIII	P2	13.3.2015	12.6.2015			
			POU, RAT		N P2					
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA					A		S3, ST1

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella control status
			Model(s)	Additional guarantees		Closing date ⁽¹⁾	Opening date ⁽²⁾			
1	2	3	4	5	6	6A	6B	7	8	9
	US-2.15	State of Kansas: Cherokee County Crawford County	WGM	VIII	P2	9.3.2015	18.6.2015			
			POU, RAT		N P2					
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA					A		S3, ST1
	US-2.16	State of Montana: Judith Basin County Fergus County	WGM	VIII	P2	2.4.2015	2.7.2015			
			POU, RAT		N P2					
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA					A		S3, ST1
	US-2.17	State of North Dakota: Dickey County La Moure County	WGM	VIII	P2	11.4.2015	27.7.2015			
			POU, RAT		N P2					
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA					A		S3, ST1
	US-2.18	State of South Dakota: Beadle County Bon Homme County Brookings County Brown County Hutchinson County Kingsbury County Lake County McCook County McPherson County Minnehaha County	WGM	VIII	P2	1.4.2015	10.9.2015			
			POU, RAT		N P2					
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA					A		S3, ST1

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella control status
			Model(s)	Additional guarantees		Closing date ⁽¹⁾	Opening date ⁽²⁾			
1	2	3	4	5	6	6A	6B	7	8	9
	US-2.19.1	Moody County Roberts County Spink County Yankton County	WGM	VIII	P2	16.4.2015	18.8.2015	A		S3, ST1
	US-2.19.2	State of Wisconsin: Barron County	WGM	VIII	P2	11.4.2015	17.8.2015	A		S3, ST1
	US-2.19.3	State of Wisconsin: Chippewa County	WGM	VIII	P2	23.4.2015	29.7.2015	A		S3, ST1
	US-2.19.4	State of Wisconsin: Juneau County	WGM	VIII	P2	17.4.2015	6.8.2015	A		S3, ST1

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella control status		
			Model(s)	Additional guarantees		Closing date ⁽¹⁾	Opening date ⁽²⁾					
1	2	3	4	5	6	6A	6B	7	8	9		
	US-2.20.1	State of Iowa:	WGM	VIII	P2	14.4.2015	11.11.2015					
		Buena Vista County	POU, RAT									
		Calhoun County	BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA		N P2			14.4.2015	11.11.2015	A		S3, ST1
		Cherokee County										
		Clay County										
		Dickinson County										
		Emmet County										
		Hamilton County										
		Hardin County										
		Humboldt County										
		IDA County										
		Kossuth County										
		Lyon County										
O'Brien County												
Osceola County												
Palo Alto County												
Plymouth County												
Pocahontas County												
Sac County												
Sioux County												
Webster County												
Woodbury County												
Wright County												
	US-2.20.2	State of Iowa:	WGM	VIII	P2	4.5.2015	9.9.2015					
		Adair County	POU, RAT									
		Guthrie County	BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA		N P2			4.5.2015	9.9.2015	A		S3, ST1
		Madison County										

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella control status
			Model(s)	Additional guarantees		Closing date ⁽¹⁾	Opening date ⁽²⁾			
1	2	3	4	5	6	6A	6B	7	8	9
	US-2.21	State of Indiana: Whitley County	WGM	VIII	P2	10.5.2015	8.8.2015			
			POU, RAT		N P2					
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA					A		S3, ST1
	US-2.22	State of Nebraska: Dakota County Dixon County Thurston County Wayne County	WGM	VIII	P2	11.5.2015	21.10.2015			
			POU, RAT		N P2					
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA					A		S3, ST1'

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1885**of 20 October 2015**

amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances 2,4-D, acibenzolar-s-methyl, amitrole, bentazone, cyhalofop butyl, diquat, esfenvalerate, famoxadone, flumioxazine, DPX KE 459 (flupyrsulfuron-methyl), glyphosate, iprovalicarb, isoproturon, lambda-cyhalothrin, metalaxyl-M, metsulfuron methyl, picolinafen, prosulfuron, pymetrozine, pyraflufen-ethyl, thiabendazole, thifensulfuron-methyl and triasulfuron

(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 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular the first paragraph of Article 17 thereof,

Whereas:

- (1) Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽²⁾ sets out the active substances deemed to have been approved under Regulation (EC) No 1107/2009.
- (2) The approvals of the active substances 2,4-D, acibenzolar-s-methyl, amitrole, bentazone, cyhalofop butyl, diquat, esfenvalerate, famoxadone, flumioxazine, DPX KE 459 (flupyrsulfuron-methyl), glyphosate, iprovalicarb, isoproturon, lambda-cyhalothrin, metalaxyl-M, metsulfuron methyl, picolinafen, prosulfuron, pymetrozine, pyraflufen-ethyl, thiabendazole, thifensulfuron-methyl and triasulfuron will expire on 31 December 2015. Applications for the renewal of the inclusion of those substances in Annex I to Council Directive 91/414/EEC ⁽³⁾ were submitted in accordance with Article 4 of Commission Regulation (EU) No 1141/2010 ⁽⁴⁾.
- (3) Due to the fact that the assessment of the substances has been delayed for reasons beyond the control of the applicants, the approvals of those active substances are likely to expire before a decision has been taken on their renewal. It is therefore necessary to extend their approval periods.
- (4) In view of the aim of the first paragraph of Article 17 of Regulation (EC) No 1107/2009, as regards cases where the Commission will adopt a Regulation providing that the approval of an active substance referred to in the Annex to this Regulation is not renewed because the approval criteria are not satisfied, the Commission will set the expiry date at the same date as before this Regulation or at the date of the entry into force of the Regulation providing that the approval of the active substance is not renewed, whichever date is later.
- (5) Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Part A of the Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with the Annex to this Regulation.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

⁽³⁾ Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

⁽⁴⁾ Commission Regulation (EU) No 1141/2010 of 7 December 2010 laying down the procedure for the renewal of the inclusion of a second group of active substances in Annex I to Council Directive 91/414/EEC and establishing the list of those substances (OJ L 322, 8.12.2010, p. 10).

Article 2

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

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

Done at Brussels, 20 October 2015.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

Part A of the Annex to Implementing Regulation (EU) No 540/2011 is amended as follows:

- (1) in the sixth column, expiration of approval, of row 7, Metsulfuron methyl, the date of '31 December 2015' is replaced by '30 June 2016';
- (2) in the sixth column, expiration of approval, of row 9, Triasulfuron, the date of '31 December 2015' is replaced by '30 June 2016';
- (3) in the sixth column, expiration of approval, of row 10, Esfenvalerate, the date of '31 December 2015' is replaced by '30 June 2016';
- (4) in the sixth column, expiration of approval, of row 11, Bentazone, the date of '31 December 2015' is replaced by '30 June 2016';
- (5) in the sixth column, expiration of approval, of row 12, Lambda-cyhalothrin, the date of '31 December 2015' is replaced by '30 June 2016';
- (6) in the sixth column, expiration of approval, of row 14, Amitrole, the date of '31 December 2015' is replaced by '30 June 2016';
- (7) in the sixth column, expiration of approval, of row 15, Diquat, the date of '31 December 2015' is replaced by '30 June 2016';
- (8) in the sixth column, expiration of approval, of row 17, Thiabendazole, the date of '31 December 2015' is replaced by '30 June 2016';
- (9) in the sixth column, expiration of approval, of row 19, DPX KE 459 (flupyrsulfuron-methyl), the date of '31 December 2015' is replaced by '30 June 2016';
- (10) in the sixth column, expiration of approval, of row 20, Acibenzolar-s-methyl, the date of '31 December 2015' is replaced by '30 June 2016';
- (11) in the sixth column, expiration of approval, of row 23, Pymetrozine, the date of '31 December 2015' is replaced by '30 June 2016';
- (12) in the sixth column, expiration of approval, of row 24, Pyraflufen-ethyl, the date of '31 December 2015' is replaced by '30 June 2016';
- (13) in the sixth column, expiration of approval, of row 25, Glyphosate, the date of '31 December 2015' is replaced by '30 June 2016';
- (14) in the sixth column, expiration of approval, of row 26, Thifensulfuron-methyl, the date of '31 December 2015' is replaced by '30 June 2016';
- (15) in the sixth column, expiration of approval, of row 27, 2,4-D, the date of '31 December 2015' is replaced by '30 June 2016';
- (16) in the sixth column, expiration of approval, of row 28, Isoproturon, the date of '31 December 2015' is replaced by '30 June 2016';
- (17) in the sixth column, expiration of approval, of row 30, Iprovalicarb, the date of '31 December 2015' is replaced by '30 June 2016';
- (18) in the sixth column, expiration of approval, of row 31, Prosulfuron, the date of '31 December 2015' is replaced by '30 June 2016';
- (19) in the sixth column, expiration of approval, of row 34, Cyhalofop butyl, the date of '31 December 2015' is replaced by '30 June 2016';
- (20) in the sixth column, expiration of approval, of row 35, Famoxadone, the date of '31 December 2015' is replaced by '30 June 2016';

- (21) in the sixth column, expiration of approval, of row 37, Metalaxyl-M, the date of '31 December 2015' is replaced by '30 June 2016';
 - (22) in the sixth column, expiration of approval, of row 38, Picolinafen, the date of '31 December 2015' is replaced by '30 June 2016';
 - (23) in the sixth column, expiration of approval, of row 39, Flumioxazine, the date of '31 December 2015' is replaced by '30 June 2016'.
-

COMMISSION REGULATION (EU) 2015/1886**of 20 October 2015****refusing to authorise certain health claims made on foods and referring to children's development and health****(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 1924/2006 of the European Parliament and of the Council of 20 December 2006 on nutrition and health claims made on foods ⁽¹⁾, and in particular Article 17(3) thereof,

Whereas:

- (1) Pursuant to Regulation (EC) No 1924/2006 health claims made on foods are prohibited unless they are authorised by the Commission in accordance with that Regulation and included in a list of permitted claims.
- (2) Regulation (EC) No 1924/2006 also provides that applications for authorisations of health claims may be submitted by food business operators to the national competent authority of a Member State. The national competent authority is to forward valid applications to the European Food Safety Authority (EFSA), hereinafter referred to as 'the Authority'.
- (3) Following receipt of an application the Authority is to inform without delay the other Member States and the Commission thereof, and to deliver an opinion on the health claim concerned.
- (4) The Commission is to decide on the authorisation of health claims taking into account the opinion delivered by the Authority.
- (5) Following an application from Specialised Nutrition Europe (formerly European Dietetic Food Industry Association), submitted pursuant to Article 14(1)(b) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to 'non-digestible oligo- and polysaccharides including galacto-oligosaccharides, oligofructose, polyfructose and inulin' and 'increase in calcium absorption' (Question No EFSA-Q-2008-140 ⁽²⁾). The claim proposed by the applicant was worded, inter alia, as follows: 'With non-digestible oligo- and/or polysaccharides to stimulate calcium absorption'.
- (6) On the basis of the data presented, the Authority concluded in its opinion, received by the Commission and the Member States on 19 November 2014, that a cause and effect relationship cannot be established between the consumption of 'non-digestible oligo- and polysaccharides including galacto-oligosaccharides, oligofructose, polyfructose and inulin' and a beneficial physiological effect. In particular, the Authority considered that the food constituents 'non-digestible oligo- and polysaccharides including galacto-oligosaccharides, oligofructose, polyfructose and inulin' were not sufficiently characterised. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (7) Following an application from Specialised Nutrition Europe, submitted pursuant to Article 14(1)(b) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to beta-galactosidase from *Streptococcus thermophilus* and reduction of gastrointestinal discomfort (Question No EFSA-Q-2008-148 ⁽³⁾). The claim proposed by the applicant was worded, inter alia, as follows: 'Lactase for comfortable digestion'.
- (8) On the basis of the data presented, the Authority concluded in its opinion, received by the Commission and the Member States on 9 October 2014, that a cause and effect relationship had not been established between the consumption of beta-galactosidase, which is produced by *Streptococcus thermophilus* (subsequently inactivated) during fermentation of an infant formula, and reduction of gastrointestinal discomfort. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.

⁽¹⁾ OJ L 404, 30.12.2006, p. 9.

⁽²⁾ EFSA Journal 2014;12(11):3889.

⁽³⁾ EFSA Journal 2014;12(10):3841.

- (9) Following an application from Specialised Nutrition Europe, submitted pursuant to Article 14(1)(b) of Regulation (EC) No 1924/2006, the Authority was required to deliver an opinion on a health claim related to prunes and contribution to normal bowel function (Question No EFSA-Q-2008-193 ⁽¹⁾). The claim proposed by the applicant was worded, *inter alia*, as follows: 'dried plums/prunes can contribute to normal bowel function'.
- (10) On the basis of the data presented, the Authority concluded in its opinion, received by the Commission and the Member States on 19 November 2014, that a cause and effect relationship had not been established between the consumption of prunes and contribution to normal bowel function without the occurrence of diarrhoea for infants and young children from 6 months to 3 years of age. In particular, the Authority noted that no studies investigating the effect of prunes on bowel function in infants and young children were provided by the applicant. Accordingly, as the claim does not comply with the requirements of Regulation (EC) No 1924/2006, it should not be authorised.
- (11) In accordance with Article 28(6) of Regulation (EC) No 1924/2006, health claims referred to in Article 14(1)(b) of that Regulation and not authorised by a decision pursuant to Article 17(3) of that Regulation may continue to be used for 6 months after the adoption of that decision, provided that the application for authorisation was made before 19 January 2008. Accordingly, as the health claims listed in the Annex to this Regulation fulfil those conditions, the transitional period laid down in Article 28(6) of Regulation (EC) No 1924/2006 should apply.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

1. The health claims listed in the Annex to this Regulation shall not be included in the Union list of permitted claims as provided for in Article 14(1) of Regulation (EC) No 1924/2006.
2. However, the health claims referred to in paragraph 1 used prior to the entry into force of this Regulation may continue to be used for a maximum period of 6 months after the entry into force of this Regulation.

Article 2

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

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

Done at Brussels, 20 October 2015.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ EFSA Journal 2014;12(11):3892.

ANNEX

Rejected health claims

Application — Relevant provisions of Regulation (EC) No 1924/2006	Nutrient, substance, food or food category	Claim	EFSA opinion reference
Article 14(1)(b) health claim referring to children's development and health	Non-digestible oligo- and polysaccharides including galactooligosaccharides, oligofructose, polyfructose and inulin	With non-digestible oligo- and/or polysaccharides to stimulate calcium absorption	Q-2008-140
Article 14(1)(b) health claim referring to children's development and health	Beta-galactosidase from <i>Streptococcus thermophilus</i>	Lactase for comfortable digestion	Q-2008-148
Article 14(1)(b) health claim referring to children's development and health	Prunes	Dried plums/prunes can contribute to normal bowel function	Q-2008-193

COMMISSION IMPLEMENTING REGULATION (EU) 2015/1887**of 20 October 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 ⁽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, 20 October 2015.

*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	44,6
	MA	118,1
	MK	53,3
	TR	95,4
	ZZ	77,9
0707 00 05	AL	38,5
	MK	46,1
	TR	117,4
	ZZ	67,3
0709 93 10	TR	144,5
	ZZ	144,5
0805 50 10	AR	145,5
	TR	108,0
	UY	64,9
	ZA	148,6
	ZZ	116,8
0806 10 10	BR	179,2
	EG	197,1
	MK	96,9
	PE	73,3
	TR	164,3
	ZZ	142,2
	AR	124,2
0808 10 80	CL	118,5
	MK	23,1
	NZ	136,8
	US	120,3
	ZA	172,8
	ZZ	116,0
	TR	131,9
0808 30 90	XS	96,6
	ZZ	114,3

⁽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) 2015/1888
of 20 October 2015**

fixing the allocation coefficient to be applied to the quantities on which applications for import licences and applications for import rights lodged from 1 to 7 October 2015 are based and establishing the quantities to be added to the quantity fixed for the sub-period from 1 April to 30 June 2016 under the tariff quotas opened by Regulation (EC) No 616/2007 for poultrymeat

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 616/2007 ⁽²⁾ opened annual tariff quotas for imports of poultrymeat products originating in Brazil, Thailand and other third countries.
- (2) The quantities on which applications for import licences lodged from 1 to 7 October 2015 for the sub-period from 1 January to 31 March 2016 are based relate, for some quotas, to quantities exceeding those available. The extent to which import licences may be issued should therefore be determined by fixing 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 on which applications for import rights lodged from 1 to 7 October 2015 for the sub-period from 1 January to 31 March 2016 are based relate, for some quotas, to quantities exceeding those available. The extent to which import rights may be issued should therefore be determined by fixing the allocation coefficient to be applied to the quantities requested, calculated in accordance with Article 6(3) in conjunction with Article 7(2) of Regulation (EC) No 1301/2006.
- (4) The quantities on which applications for import licences and import rights lodged from 1 to 7 October 2015 for the sub-period from 1 January to 31 March 2016 are based relate, for some quotas, to quantities 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 sub-period.
- (5) 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 on which applications for import licences lodged pursuant to Regulation (EC) No 616/2007 for the sub-period from 1 January to 31 March 2016 are based shall be multiplied by the allocation coefficient set out in part A of the Annex hereto.
2. The quantities for which applications for import licences have not been lodged pursuant to Regulation (EC) No 616/2007, to be added to the sub-period from 1 April to 30 June 2016, are set out in part A of the Annex hereto.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 616/2007 of 4 June 2007 opening and providing for the administration of Community tariff quotas in the sector of poultrymeat originating in Brazil, Thailand and other third countries (OJ L 142, 5.6.2007, p. 3).

⁽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

1. The quantities on which applications for import rights lodged pursuant to Regulation (EC) No 616/2007 for the sub-period from 1 January to 31 March 2016 are based shall be multiplied by the allocation coefficient set out in part B of the Annex hereto.
2. The quantities for which applications for import rights have not been lodged pursuant to Regulation (EC) No 616/2007, to be added to the sub-period from 1 April to 30 June 2016, are set out in part B of the Annex hereto.

Article 3

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, 20 October 2015.

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

ANNEX

PART A

Group No	Order No	Allocation coefficient — applications lodged for the sub-period from 1 January to 31 March 2016 (%)	Non-requested quantities to be added to the quantities available for the sub-period from 1 April to 30 June 2016 (in kg)
1	09.4211	0,336927	—
2	09.4212	0,683761	—
4A	09.4214 09.4251 09.4252	1,67819 0,734413 —	— — 3 974 530
6A	09.4216 09.4260	0,347223 0,40437	— —
7	09.4217	—	33 486 000
8	09.4218	—	9 276 800

PART B

Group No	Order No	Allocation coefficient — applications lodged for the sub-period from 1 January to 31 March 2016 (%)	Non-requested quantities to be added to the quantities available for the sub-period from 1 April to 30 June 2016 (in kg)
5A	09.4215 09.4254 09.4255 09.4256	0,556638 50,341711 4,566231 —	— — — 5 231 791

DECISIONS

COUNCIL DECISION (EU) 2015/1889

of 8 October 2015

on the dissolution of the Europol pension fund

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the Council Act of 3 December 1998 laying down the staff regulations applicable to Europol employees ⁽¹⁾ (the 'Europol Staff Regulations'), and in particular Article 37(3) of Appendix 6 thereto,

Having regard to the Council Act of 12 March 1999 adopting rules on the Europol pension fund, and in particular Article 13 thereof,

Having regard to the proposal submitted by the Management Board of Europol after hearing the management board of the Europol pension fund (the 'fund'),

Whereas:

- (1) Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol) ⁽²⁾ ('Europol Decision') replaced, as from the date of its application, namely 1 January 2010, the Council Act of 26 July 1995 drawing up the Convention based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office ('Europol Convention') ⁽³⁾.
- (2) The Europol Decision provides that all measures implementing the Europol Convention shall be repealed with effect from 1 January 2010, unless otherwise provided in the Europol Decision.
- (3) Article 57(5) of the Europol Decision further provides that the Europol Staff Regulations and other relevant instruments shall continue to apply to staff members who are not recruited under the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union, as laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 ⁽⁴⁾ ('Staff Regulations').
- (4) The Europol Decision also provides that the Staff Regulations shall apply to the Director, the Deputy Directors and to Europol staff engaged after 1 January 2010.
- (5) The Europol Decision further provides that all employment contracts concluded by Europol as established by the Europol Convention and in force on 1 January 2010 shall be honoured until their expiry date and may not be renewed on the basis of the Europol Staff Regulations after the date of application of the Europol Decision.
- (6) The Europol Decision also provides that members of staff engaged pursuant to a contract in force on 1 January 2010 are to be offered the possibility of concluding temporary agent or contract agent contracts under the Conditions of Employment of Other Servants of the European Union. A great majority of members of staff have made use of this possibility.
- (7) Consequently, the number of staff members continuing to be employed under the Europol Staff Regulations, and hence their contributions to the Europol pension fund pursuant to Article 37(1) of Appendix 6 to the Europol Staff Regulations, have steadily decreased since January 2010. The contributions were ultimately discontinued when the last employment contract to which the Europol Staff Regulations apply expired on 31 December 2014.

⁽¹⁾ OJ C 26, 30.1.1999, p. 23.

⁽²⁾ OJ L 121, 15.5.2009, p. 37.

⁽³⁾ OJ C 316, 27.11.1995, p. 1.

⁽⁴⁾ Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1).

- (8) To date, the fund has already paid out a large majority of the pension benefits and severance grants awarded to its participants on the basis of the Europol Staff Regulations. Its remaining pension liabilities are exclusively limited to the monthly payment of benefits to a very limited and constantly diminishing population of pensioners and former staff members, or the payment to them of a severance grant.
- (9) The liabilities of the fund are to end earlier than foreseen at the time when the fund was created, and can be determined using actuarial expertise.
- (10) The assets currently available in the fund exceed the capital needed in order to meet its liabilities.
- (11) The Europol pension fund was established, pursuant to Article 37(1) of Appendix 6 to the Europol Staff Regulations, with the main purpose of managing the pension contributions from Europol and the fund participants and of providing for the pension benefits or severance grants awarded to the fund participants on the basis of the Europol Staff Regulations. The fund has fulfilled its purpose as an independent provisional pension fund.
- (12) In view of the reduced activity of the fund and its present financial state, the administrative arrangements in place for the fund should be simplified by adapting the manner in which benefits derived from the pension scheme of the Europol Staff Regulations are financed and paid out.
- (13) Consequently, the fund should be dissolved and its residual activity entrusted to Europol, which should be made responsible for executing the payments of benefits under the pension scheme of the Europol Staff Regulations.
- (14) The assets of the fund should be transferred to Europol insofar as they are required for meeting the liabilities transferred to it. The funds transferred by the fund to Europol for the purpose of executing the payment of benefits under the pension scheme of the Europol Staff Regulations are to be earmarked for that purpose.
- (15) It is for the Council to make provision for the settlement of any assets left in the fund, which are to be used for the purpose most in line with the purpose of the fund.
- (16) The general purpose of the fund was to provide Europol employees and their beneficiaries with a regular source of income upon retirement, while limiting the cost of staff members' pensions for the budgets of the Member States. Therefore, the redistribution of any assets left in the fund among its original contributors is most in line with the purpose of the fund.
- (17) The Management Board of Europol, following consultation of the management board of the Europol pension fund, unanimously agreed to propose to the Council the dissolution of the fund and the redistribution of the general reserve to each contributor pro rata to their contributions, in accordance with Article 13 of the rules on the Europol pension fund,

HAS ADOPTED THIS DECISION:

Article 1

Dissolution of the Europol pension fund and transfer of activity

The independent pension fund established by the Council Act of 12 March 1999 adopting rules on the Europol pension fund, pursuant to Article 37 of Appendix 6 to the Europol Staff Regulations, is hereby dissolved.

The residual activity of the fund shall be automatically transferred to Europol on 1 January 2016.

Article 2

Legal succession

Europol shall be considered the legal successor of the fund in respect of all contracts concluded by, liabilities incumbent on and property acquired by the fund, and of claims of the fund towards third parties.

This Decision shall not affect the legal force of agreements concluded by the fund.

*Article 3***Preparation actions for the transfer**

Prior to the date of application of this Decision, assets that are invested by the fund shall be liquidated and deposited in a bank account in the name of the fund.

After consulting an independent qualified actuary, the management board of the fund shall prepare a report showing the fund's closing asset and liability situation (the 'closing report'). The closing report shall include a detailed actuarial assessment of the pension liabilities transferred to Europol on the basis of the parameters resulting from the provisions of the Europol Staff Regulations, of the nature of the remaining pension liabilities, as well as of the actuarial assumptions listed in the Annex to this Decision. The closing report shall set out the amount of financial provisions needed to meet those liabilities, due account being taken of the margin of error resulting from the size of the population concerned.

The closing report shall be forwarded to the Management Board of Europol and audited by the European Court of Auditors, in accordance with Articles 43 and 58(2)(a) of the Europol Decision.

*Article 4***Allocation of the assets of the fund**

1. A portion of the fund's assets corresponding to the amount necessary to cover the pension liabilities transferred to Europol, as approved by the Management Board of Europol on the basis of the closing report, shall be transferred to Europol. Those assets shall be earmarked for the specific purpose of paying out pension benefits pursuant to Article 5.

2. After all pension liabilities have been met, the remainder of the portion of the assets defined in paragraph 1 shall become other revenue for the Europol budget.

3. The difference between the total of the fund's assets and the amount referred to in paragraph 1 shall be allocated in the following way:

- (a) two thirds of the difference shall be repaid to Europol. Europol shall determine which part of that amount must be regarded as:
 - (i) a remainder of the surpluses of the budgets, approved on the basis of Article 35(5) of the Europol Convention, to be paid back to Member States pursuant to the principles on which Article 58(5) of the Europol Decision was based,
 - (ii) a remainder of the subsidies paid to Europol from the general budget of the European Union, pursuant to Article 42 of the Europol Decision.
- (b) one third of the difference shall be transferred to Europol and earmarked for the specific purpose of being distributed to the former active participants of the fund or, where the participants are deceased, their lawful heir, in proportion to the total amount of the contributions they respectively paid to the fund during the period they were employed under the Europol Staff Regulations.

Where not in employment with Europol, potential beneficiaries of a payment under this point shall communicate to Europol their contact details, a proof of identity and a proof of their quality of heir if applicable, within a period of two years following the date of publication of this Decision in the *Official Journal of the European Union*. Europol shall have no obligation to actively research former active participants of the fund whose contact details communicated to Europol have ceased to be valid, nor any obligation to actively research the heirs of deceased former active participants.

The costs incurred by Europol for the purpose of the distribution shall be paid from the amount defined in paragraph 1.

The remainder of this portion of the assets after payment has been made to the identified beneficiaries shall become other income for the Europol budget.

*Article 5***Payment of pension benefits awarded on the basis of the Europol Staff Regulations**

Benefits derived by individuals from the social security scheme referred to in Article 78 of the Europol Staff Regulations shall be charged to the Europol budget and shall be paid out by Europol from the earmarked revenue referred to in Article 4(1).

Any ancillary expenditure connected to the payment of the abovementioned benefits shall be borne by Europol and shall be paid from the same earmarked revenue.

Except for liabilities covered by Europol's reinsurance schemes, Europol shall cover any shortfall where the earmarked revenue referred to in Article 4(1) is not sufficient to meet the liabilities of the fund.

*Article 6***Management board of the Europol pension fund**

The members of the management board of the fund shall remain in function until the board has approved the last annual report and the closing report has been audited by the European Court of Auditors.

After the functions of the members of the management board of the fund have terminated, their liability shall remain limited to cases of gross negligence and serious wrongdoing in the fulfilment of their tasks while they were in function.

*Article 7***Entry into force**

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

It shall apply from 1 January 2016. However, Article 3 shall apply from the date of entry into force of this Decision.

Done at Luxembourg, 8 October 2015.

For the Council
The President
J. ASSELBORN

ANNEX

ACTUARIAL ASSUMPTIONS

Real discount rate	In accordance with the guidelines issued by De Nederlandsche Bank
Actuarial value of the entitlements of deferred pensioners and participants who are not entitled to the payment of a pension	Actuarial value of the option (payment of a pension, transfer of rights, payment of a severance grant) that has the highest cost for the pension fund or Europol
Mortality table (healthy people)	Tables laid down by the Council Act of 20 December 2012 ⁽¹⁾ , in force on 1 January 2016
Mortality table (invalids)	Tables for healthy people + an additional 3 years
Invalidity rate	Proportion of beneficiaries of invalidity pension amongst the total number of remaining participants
Marriage rate when leaving the service	Based on real situation
Difference of age between spouses	Based on real situation
Future administrative costs to be added to the actuarial value of the entitlements	To be calculated on the basis of the foreseeable administrative costs necessary for the payment of remaining entitlements and the redistribution of the amount referred to in Article 4(3) of this Decision.

⁽¹⁾ Council Act of 20 December 2012 laying down the mortality tables referred to in Articles 6 and 35 of Appendix 6 to the Staff Regulations applicable to Europol employees.

