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EN

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) 2017/786

of 8 May 2017

amending Regulation (EU) No 142/2011 as regards the definitions of fishmeal and fish oil

(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 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) ⁽¹⁾, and in particular Article 31(2) thereof,

Whereas:

- (1) Regulation (EC) No 1069/2009 lays down public and animal health rules for animal by-products and derived products, in order to prevent and minimise risks to public and animal health arising from those products. It assigns those products to specific categories which reflect the level of such risks and provides for requirements on their safe use and disposal.
- (2) Commission Regulation (EU) No 142/2011 ⁽²⁾, lays down implementing rules for Regulation (EC) No 1069/2009, including definitions of animal by-products, such as fishmeal and fish oil.
- (3) Fishmeal is defined in point 7 of Annex I to Regulation (EU) No 142/2011 as processed animal protein derived from aquatic animals, except sea mammals. The definition of fish oil, which is a product of the same technological process as fishmeal, is provided for in point 9 of that Annex.
- (4) In accordance with point 9 of Article 3 of Regulation (EC) No 1069/2009, the term ‘aquatic animals’ is defined by reference to Article 3(1)(e) of Council Directive 2006/88/EC ⁽³⁾ as fish belonging to the superclass *Agnatha* and to the classes *Chondrichthyes* and *Osteichthyes*, mollusc belonging to the Phylum *Mollusca*, and crustacean belonging to the Subphylum *Crustacea*.
- (5) The current definition of ‘aquatic animals’ does not include starfish belonging to the phylum Echinodermata, subphylum *Asterozoa* nor farmed aquatic invertebrates other than molluscs and crustaceans. Consequently, it is currently not possible to use starfish or farmed aquatic invertebrates other than molluscs and crustaceans for the production of fishmeal and fish oil.

⁽¹⁾ OJ L 300, 14.11.2009, p. 1.

⁽²⁾ Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJ L 54, 26.2.2011, p. 1).

⁽³⁾ Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals (OJ L 328, 24.11.2006, p. 14).

- (6) Starfish are maritime invertebrates and mostly predators on other marine invertebrates, such as molluscs. They are regularly harvested as a by-product of operations growing bivalve molluscs intended for human consumption without noticeable negative impact on the starfish population. This incidental by-catch represents a potentially valuable source of protein in the feed for porcine animals or poultry.
- (7) The polychaete worm *Nereis virens* presents an alternative protein source in the diet of farmed carnivorous fish allowing the reduction of feed cost and of the dependence on fishmeal.
- (8) Recital 18 of Regulation (EC) No 1069/2009 explains that aquatic invertebrates which are not covered by the definition in point 9 of Article 3 of that Regulation, such as starfish and farmed aquatic invertebrates other than molluscs and crustaceans, and which pose no risk of disease transmission may be used under the same conditions as the aquatic animals that fall under the definition, for instance for the production of fishmeal.
- (9) The existing Union rules on animal by-products and on transmissible spongiform encephalopathies ⁽¹⁾ do not prohibit the use of starfish and farmed aquatic invertebrates other than molluscs and crustaceans in the production of feed for farmed animals.
- (10) As the use of processed animal proteins from wild aquatic animals, such as starfish, and farmed aquatic invertebrates other than molluscs and crustaceans in feed for non-ruminant animals does not represent a higher risk than the use of fishmeal in such feed, it is appropriate to modify the definitions of 'fishmeal' and 'fish oil' in order to include certain aquatic invertebrate animals.
- (11) For the purpose of environmental protection and to avoid creating new pressure on wild starfish populations, their use for the production of fishmeal should be restricted to cases where starfish are harvested in a mollusc production area as defined in Directive 2006/88/EC.
- (12) The definitions of fishmeal and fish oil set out in points 7 and 9 respectively of Annex I to Regulation (EU) No 142/2011 should be amended accordingly.
- (13) The processing standards for fish oil as laid down in Annex X to Regulation (EU) No 142/2011 should be extended by reference to Article 10(l) of Regulation (EC) No 1069/2009 in order to allow the use of aquatic and terrestrial invertebrates other than species pathogenic to humans or animals in the production of fish oil, which would include star fish and farmed aquatic invertebrates other than molluscs and crustaceans.
- (14) Annexes I and X to Regulation (EU) No 142/2011 should therefore be amended accordingly.
- (15) 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

Annexes I and X to Regulation (EU) No 142/2011 are amended in accordance with the Annex to this Regulation.

Article 2

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

⁽¹⁾ Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies (OJ L 147, 31.5.2001, p. 1).

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

Done at Brussels, 8 May 2017.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

Regulation (EU) No 142/2011 is amended as follows:

(1) Annex I is amended as follows:

(a) point 7 is replaced by the following:

‘7. **“fishmeal”** means processed animal protein derived from aquatic animals except sea mammals, including farmed aquatic invertebrates, including those covered by Article 3(1)(e) of Council Directive 2006/88/EC (*), and starfish of the species *Asterias rubens* which are harvested in a mollusc production area;

(*) Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals (OJ L 328, 24.11.2006, p. 14).’;

(b) point 9 is replaced by the following:

‘9. **“fish oil”** means oil derived from the processing of aquatic animals except sea mammals, including farmed aquatic invertebrates, including those covered by Article 3(1)(e) of Directive 2006/88/EC, and starfish of the species *Asterias rubens* which are harvested in a mollusc production area, or oil from the processing of fish for human consumption, which an operator has destined for purposes other than human consumption’;

(2) in Annex X, Chapter II, Section 3(A), point 2 is replaced by the following:

‘2. Fish oil

Only Category 3 material referred to in Article 10(i), (j) and (l) of Regulation (EC) No 1069/2009 and Category 3 material of aquatic animal origin referred to in Article 10(e) and (f) of that Regulation may be used for the production of fish oil.’

COMMISSION IMPLEMENTING REGULATION (EU) 2017/787**of 8 May 2017****establishing a minimum conservation reference size for red seabream in the North-East Atlantic Ocean**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽²⁾ sets out measures for the conservation and sustainable exploitation of marine biological resources, including, inter alia, minimum conservation reference sizes, defined as the size of a living marine aquatic species taking into account maturity, below which restrictions or incentives apply that aim to avoid capture through fishing activity.
- (2) According to Article 2(2) of Regulation (EU) No 1380/2013, the Common Fisheries Policy shall aim to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the maximum sustainable yield.
- (3) In Article 45(1) of Regulation (EC) No 850/98 it is provided that, where the conservation of stocks of marine organisms calls for immediate action, the Commission may, in addition to or by way of derogation from that Regulation, adopt any necessary measures. Annex XII of the same Regulation sets out minimum conservation reference sizes of marine organisms. Currently this Annex does not provide for a minimum conservation reference size for red seabream (*Pagellus bogaraveo*).
- (4) Red blackspot seabream (hereinafter 'red seabream') is a long-lived, late-maturing, slow-growth deep-sea species with low productivity and vulnerable to exploitation found in the North-East Atlantic. Tagging data show that red seabream is distributed across a large area. It straddles between the Mediterranean Sea and the Atlantic Ocean. For biological and management reasons the International Council for the Exploration of the Sea (ICES) considers that in the North-East Atlantic there are three different components of this population, namely in: a) ICES subareas VI, VII, and VIII; b) ICES subarea IX and adjacent areas, and c) ICES subarea X (Azores).
- (5) According to the latest ICES advice from June 2016 for red seabream (hereafter latest ICES advice) ⁽³⁾ in ICES subarea VI, VII and VIII the stock is seriously depleted and for the first time it is recommended to set the total allowable catches (TAC) at zero. ICES indicated that catches of red seabream in ICES subareas VI, VII and VIII are at 1-2 % of the historical levels of the 1960s and 1970s. Furthermore, on the basis of the findings of the three bottom-trawl surveys in France, Spain and Ireland monitoring this fishery ICES reports that the species is rarely caught during these scientific surveys, which reinforces the assessment that the spawning stock biomass is very low. ICES therefore recommends reducing mortality by all means to allow the stock to rebuild ⁽³⁾. Moreover, ICES stresses the importance of urgently implementing management measures to protect juveniles, especially by setting a minimum landing size to prevent catching small fish.
- (6) According to the latest ICES advice for red seabream in ICES subarea IX it is recommended to decrease catches by 13 % for 2017 and by another 14 % for 2018 ⁽⁴⁾. ICES finds that catches have stayed significantly below the TAC since 2009 and have fallen from 718 tons in 2009 to 152 tons in 2015 ⁽⁵⁾. ICES also states that the distribution of the stocks extends to outside subarea IX and catch statistics are incomplete.

⁽¹⁾ OJ L 125, 27.4.1998, p. 1.

⁽²⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

⁽³⁾ ICES advice of 3 June 2016, 9.3.43 red seabream in subarea 6, 7 and 8.

⁽⁴⁾ ICES advice of 3 June 2016, 9.3.41 red seabream in subarea 9.

⁽⁵⁾ ICES WGDEEP Report 2016, page 535.

- (7) According to the latest ICES advice for red seabream in ICES subarea X it is recommended to decrease catches by 12 % for 2017 and by another 12 % for 2018. In ICES subarea X catches of red seabream have been at around two thirds of the level of 2009 and preceding years. In April 2015 the STECF noted that both red seabream catches and catch per unit effort have been declining in recent years, implying that the fishable biomass of red seabream has also been declining, thereby indicating that the current measures in place have not been sufficiently effective to prevent such decline.
- (8) ICES recommends the establishment of a management plan that covers the entire stock distribution area, which includes adjacent CECAF (the Fishery Committee for the Eastern Central Atlantic) and GFCM (the General Fisheries Commission for the Mediterranean) areas, especially considering important catches from the area IX stock are taken in adjacent areas not regulated by the current TAC and where stock information is missing. ICES recommends implementing management measures that ensure a balanced exploitation between younger fish and older fish, which can be achieved by setting a minimum landing size.
- (9) The above recent developments show that heavy exploitation of red seabream due to overfishing and a lack of sufficient management measures led the stock in ICES subareas VI, VII and VIII to be seriously depleted and has led to the decline of the stock to low levels in ICES subareas IX and X.
- (10) In light of the above there are clear indications that the North-East Atlantic red seabream stocks are overexploited and subject to a risk of collapse in all areas, if no immediate action to protect juveniles is taken.
- (11) The means used so far by the Union to reduce seabream mortality include the application of TACs since 2003 as well as the introduction of a minimum conservation reference size of 33 cm for the Mediterranean by virtue of Council Regulation (EC) No 1967/2006 ⁽¹⁾ concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean sea on the basis of scientific advice ⁽²⁾. Regulation (EC) No 850/98, which establishes minimum conservation reference sizes for certain marine organisms in other areas, including the Atlantic, does not currently provide any minimum size for Atlantic red seabream.
- (12) According to scientific advice, Atlantic red seabream matures between 33 and 36 cm in areas VI, VII, VIII, IX and X. In assessing the proportionality of the measure, and in particular in deciding whether a minimum size of 33 cm should apply to the stock, the Commission examined scientific advice and took into account the need for coherence with the Common Fisheries Policy and the objective to gradually eliminate discards. Scientific advice shows that at 33 cm 75 % of male red seabream and 25 % of female red seabream reach maturity ⁽³⁾. Therefore 33 cm is the size where red seabream can reproduce and replenish the stock. Furthermore setting a minimum size at 36 cm would lead to discards of red seabream and would hence not be coherent with the objective to gradually eliminate discards.
- (13) Furthermore a minimum size for red seabream of 33 cm currently applies in the Mediterranean. As red seabream straddles between the Mediterranean and the North-East Atlantic, it is necessary to provide the same level of protection to all stock distribution areas in order for the measures to be effective. This would also prevent misreporting. Allowing catching and landing red seabream below a size of 33 cm has a negative effect on the reproductive capacity of the species causing a serious threat to the conservation of the North-East Atlantic stocks.
- (14) The measures provided for in this Regulation relate to the conservation of exhaustible fish stocks. They aim at avoiding over-exploitation of the red seabream stocks and at rebuilding those stocks back to safe biological limits. Setting a minimum size of 33 cm for those stocks equally applies to Union and imported products irrespective of their origin. Furthermore, the measures will be made effective in conjunction with Union conservation measures intended to address similar concerns, including Council Regulation (EU) No 1367/2014 ⁽⁴⁾.

⁽¹⁾ Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11).

⁽²⁾ SEC(2002) 888 (Brussels, 16.8.2002) Report of the ad hoc working group on evaluation of recovery plans of Andalusia and Sicily and document SEC (2004) 772, page 406.

⁽³⁾ Report of STECF, 16-09 — Red seabream_JRC101980, Minimum conservation size for Red Seabream (*Pagellus bogaraveo*) page 9, paragraphs 5, 6 and 7.

⁽⁴⁾ Council Regulation (EU) No 1367/2014 of 15 December 2014 fixing for 2015 and 2016 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks (OJ L 366, 20.12.2014, p. 1).

- (15) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

For the purpose of Regulation (EC) No 850/98 and in addition to Annex XII thereof, a minimum reference size of 33 cm shall apply to red seabream (*Pagellus bogaraveo*) in Regions 1–5, as defined in Article 2 of that Regulation.

Article 2

Before the end of 2018 the Commission shall assess whether the measures introduced by this Regulation are still necessary.

Article 3

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

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

Done at Brussels, 8 May 2017.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2017/788**of 8 May 2017****amending Implementing Regulation (EU) No 1243/2014 laying down rules pursuant to Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund with regard to the information to be sent by Member States, as well as on data needs and synergies between potential data sources**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 508/2014 of the European Parliament and of the Council of 15 May 2014 on the Maritime and Fisheries Fund and repealing Council Regulations (EC) No 2328/2003, (EC) No 861/2006, (EC) No 1198/2006 and (EC) No 791/2007 and Regulation (EU) No 1255/2011 of the European Parliament and of the Council ⁽¹⁾, and in particular Article 107(3) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 1243/2014 ⁽²⁾ sets out the data which the Member States are to record and provide to the Commission in order to permit the monitoring and evaluation of operations supported under shared management by the European Maritime and Fisheries Fund (EMFF).
- (2) According to Article 3 of Implementing Regulation (EU) No 1243/2014, those data are to be updated at the time of approval and completion of each operation. By contrast, the report on the progress in implementing the operational programme, required by Article 50 of Regulation (EU) No 1303/2013 of the European Parliament and of the Council ⁽³⁾, is to be sent by the Member States on an annual basis with the data updated annually by the end of the previous year. Additionally, there are also differences in the data content of the two reports that impose unnecessary administrative burden on Member States when preparing those reports.
- (3) In order to increase consistency between the different reports and thus simplify the fulfilment of reporting obligations, data required by Implementing Regulation (EU) No 1243/2014 should likewise be updated on an annual basis and should concern the same set of operations and data covered by the implementation report referred to in Article 50 of Regulation (EU) No 1303/2013.
- (4) Implementing Regulation (EU) No 1243/2014 sets out the information to be sent by Member States. Commission Implementing Regulation (EU) No 1242/2014 ⁽⁴⁾ sets out rules on the presentation of relevant cumulative data on operations. In order to clarify that these Regulations refer to the same reporting obligations by Member States, a clear link should be established between the two Regulations and the reporting obligations imposed by them.
- (5) Implementing Regulation (EU) No 1243/2014 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the European Maritime and Fisheries Fund,

⁽¹⁾ OJ L 149, 20.5.2014, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 1243/2014 of 20 November 2014 laying down rules pursuant to Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund with regard to the information to be sent by Member States, as well as on data needs and synergies between potential data sources (OJ L 334, 21.11.2014, p. 39).

⁽³⁾ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

⁽⁴⁾ Commission Implementing Regulation (EU) No 1242/2014 of 20 November 2014 laying down rules pursuant to Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund with regard to the presentation of relevant cumulative data on operations (OJ L 334, 21.11.2014, p. 11).

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 1243/2014 is amended as follows:

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

‘2. The list of data shall be recorded and provided to the Commission by 31 March each year, in accordance with the templates set out in the Annexes to Commission Implementing Regulation (EU) No 1242/2014 (*), for each operation selected for funding under the operational programme supported by the EMFF.

(*) Commission Implementing Regulation (EU) No 1242/2014 of 20 November 2014 laying down rules pursuant to Regulation (EU) No 508/2014 of the European Parliament and of the Council on the European Maritime and Fisheries Fund with regard to the presentation of relevant cumulative data on operations (OJ L 334, 21.11.2014, p. 11).’;

(2) Article 3 is deleted;

(3) the table in Part A of Annex I is replaced by the table in Annex I to this Regulation;

(4) the table in Part B of Annex I is replaced by the table in Annex II to this Regulation;

(5) the table in Part C of Annex I is replaced by the table in Annex III to this Regulation.

(6) the table in Part D of Annex I is replaced by the table in Annex IV 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, 8 May 2017.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX I

‘PART A

Administrative information

Field	Content of field	Description	Data needs and synergies
1	CCI	Common Code of Identification of the operational programme	Data field 19 of Annex III to Commission Delegated Regulation (EU) No 480/2014 ⁽¹⁾
2	Unique Identifier of the Operation (ID)	Required for all operations supported by the Fund	Data field 5 of Annex III to Delegated Regulation (EU) No 480/2014
3	Name of the operation	If available and if field 2 is a number	Data field 5 of Annex III to Delegated Regulation (EU) No 480/2014
4	Vessel number ‘Community Fleet Register number’ (CFR ⁽²⁾)	Where relevant	EMFF Specific
5	NUTS code ⁽³⁾	Put most relevant NUTS level (default = level III)	EMFF Specific
6	Beneficiary	Beneficiary name (only legal entities and natural persons in accordance with national law)	Data field 1 of Annex III to Delegated Regulation (EU) No 480/2014
7	Gender of beneficiary	Where relevant (possible value: 1: male, 2: female, 3: other)	EMFF Specific
8	Size of enterprise	Where relevant ⁽⁴⁾ (possible values: 1: micro, 2: small, 3: medium, 4: large)	EMFF Specific
9	State of progress of the operation	1 digit: code 0 = operation covered by a decision granting aid but for which no expenditure has been declared by the beneficiary to the Managing Authority code 1 = operation interrupted following partial implementation (for which some expenditure has been declared by the beneficiary to the Managing Authority) code 2 = operation abandoned following partial implementation (for which some expenditure has been declared by the beneficiary to the Managing Authority) code 3 = operation completed (for which all expenditures have been paid to the beneficiary) code 4 = operation under implementation (for which some expenditure has been declared by the beneficiary to the Managing Authority)	EMFF Specific

Field	Content of field	Description	Data needs and synergies
		code 5 = operation fully implemented (but for which all expenses have not necessarily been paid to the beneficiary)	

- (¹) Commission Delegated Regulation (EU) No 480/2014 of 3 March 2014 supplementing Regulation (EU) No 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund (OJ L 138, 13.5.2014, p. 5).
- (²) Annex I to Commission Regulation (EC) No 26/2004 of 30 December 2003 on the Community fishing fleet register (OJ L 5, 9.1.2004, p. 25).
- (³) Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS) (OJ L 154, 21.6.2003, p. 1).
- (⁴) In accordance with Article 2(28) of Regulation (EU) No 1303/2013 of 17 December 2013 (OJ L 347, 20.12.2013, p. 320) for SMEs.'

ANNEX II

'PART B*Expenditure forecast (In the currency applicable to the operation)*

Field	Content of field	Description	Data needs and synergies
10	Total eligible cost	Amount of the total eligible cost of the operation approved in the document setting out the conditions for support	Data field 41 of Annex III to Delegated Regulation (EU) No 480/2014
11	Total eligible public cost	Amount of the total eligible costs constituting public expenditure as defined in Article 2(15) of Regulation (EU) No 1303/2013	Data field 42 of Annex III to Delegated Regulation (EU) No 480/2014
12	EMFF support	Amount of EMFF support, as set out in the document setting out the conditions for support	EMFF specific
13	Date of approval	Date of the document setting out the conditions for support	Data field 12 of Annex III to Delegated Regulation (EU) No 480/2014'

ANNEX III

PART C*Financial implementation of the operation (in EUR)*

Field	Content of field	Description	Data needs and synergies
14	Total eligible expenditure	Total eligible expenditure declared by the beneficiary to the Managing Authority in payment claim(s)	Data field 46 of Annex III to Delegated Regulation (EU) No 480/2014
15	Total eligible public expenditure	Public expenditure, as defined in Article 2(15) of Regulation (EU) No 1303/2013, corresponding to the eligible expenditure declared by the beneficiary to the Managing Authority in payment claim(s)	Data field 47 of Annex III to Delegated Regulation (EU) No 480/2014
16	EMFF eligible expenditure	EMFF expenditure corresponding to the eligible expenditure declared by the beneficiary to the Managing Authority in payment claim(s)	EMFF specific
17	Date of final payment to beneficiary		Data field 45 of Annex III to Delegated Regulation (EU) No 480/2014 (only date of final payment to beneficiary)

ANNEX IV

'PART D*Operation implementation data*

Field	Content of field	Comment	Data needs and synergies
18	Measure concerned	Code of the measure (see Annex II)	EMFF specific
19	Output indicator	Numerical value	EMFF specific
20	Operation implementation data	See Annex II	EMFF specific
21	Value of the implementation data	Numerical value	EMFF specific (shall only be updated twice, when field 9 equals to code 0 and code 5)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/789**of 8 May 2017****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, 8 May 2017.

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

Jerzy PLEWA

Director-General

Directorate-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	EG	176,8
	MA	93,7
	TR	91,0
	ZZ	120,5
0707 00 05	MA	79,4
	TR	116,3
	ZZ	97,9
0709 93 10	TR	129,9
	ZZ	129,9
0805 10 22, 0805 10 24, 0805 10 28	EG	51,5
	IL	80,7
	MA	55,7
	ZZ	62,6
0805 50 10	TR	59,0
	ZZ	59,0
0808 10 80	AR	91,2
	BR	113,7
	CL	124,4
	CN	145,5
	NZ	144,0
	US	111,3
	ZA	97,6
	ZZ	118,2

⁽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'.

DECISIONS

COUNCIL DECISION (EU) 2017/790

of 25 April 2017

on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Annex XX (Environment) to the EEA Agreement

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) in conjunction with Article 218(9) thereof,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area ⁽²⁾ ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, inter alia, Annex XX (Environment) to the EEA Agreement.
- (3) Regulation (EU) No 510/2011 of the European Parliament and of the Council ⁽³⁾ is to be incorporated into the EEA Agreement.
- (4) Commission Delegated Regulation (EU) No 205/2012 ⁽⁴⁾ is to be incorporated into the EEA Agreement.
- (5) Commission Implementing Regulation (EU) No 293/2012 ⁽⁵⁾ is to be incorporated into the EEA Agreement.
- (6) Commission Delegated Regulation (EU) No 114/2013 ⁽⁶⁾ is to be incorporated into the EEA Agreement.
- (7) Commission Delegated Regulation (EU) No 1047/2013 ⁽⁷⁾ is to be incorporated into the EEA Agreement.
- (8) Regulation (EU) No 253/2014 of the European Parliament and of the Council ⁽⁸⁾ is to be incorporated into the EEA Agreement.

⁽¹⁾ OJ L 305, 30.11.1994, p. 6.

⁽²⁾ OJ L 1, 3.1.1994, p. 3.

⁽³⁾ Regulation (EU) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO₂ emissions from light-duty vehicles (OJ L 145, 31.5.2011, p. 1).

⁽⁴⁾ Commission Delegated Regulation (EU) No 205/2012 of 6 January 2012 amending Annex II to Regulation (EU) No 510/2011 of the European Parliament and of the Council with regard to the data source and the data parameters to be reported by Member States (OJ L 72, 10.3.2012, p. 2).

⁽⁵⁾ Commission Implementing Regulation (EU) No 293/2012 of 3 April 2012 on monitoring and reporting of data on the registration of new light commercial vehicles pursuant to Regulation (EU) No 510/2011 of the European Parliament and of the Council (OJ L 98, 4.4.2012, p. 1).

⁽⁶⁾ Commission Delegated Regulation (EU) No 114/2013 of 6 November 2012 supplementing Regulation (EU) No 510/2011 of the European Parliament and of the Council with regard to rules for the application for a derogation from the specific CO₂ emissions targets for new light commercial vehicles (OJ L 38, 9.2.2013, p. 1).

⁽⁷⁾ Commission Delegated Regulation (EU) No 1047/2013 of 21 August 2013 amending Commission Delegated Regulation (EU) No 114/2013 for the purpose of correcting the 2010 average specific CO₂ emissions specified for the manufacturer Piaggio (OJ L 285, 29.10.2013, p. 1).

⁽⁸⁾ Regulation (EU) No 253/2014 of the European Parliament and of the Council of 26 February 2014 amending Regulation (EU) No 510/2011 to define the modalities for reaching the 2020 target to reduce CO₂ emissions from new light commercial vehicles (OJ L 84, 20.3.2014, p. 38).

- (9) Commission Delegated Regulation (EU) No 404/2014 ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (10) Commission Implementing Regulation (EU) No 410/2014 ⁽²⁾ is to be incorporated into the EEA Agreement.
- (11) Commission Implementing Regulation (EU) No 427/2014 ⁽³⁾ is to be incorporated into the EEA Agreement.
- (12) Annex XX (Environment) to the EEA Agreement should therefore be amended accordingly.
- (13) The position of the Union within the EEA Joint Committee should therefore be based on the attached draft decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be adopted, on behalf of the Union, within the EEA Joint Committee on the proposed amendment to Annex XX (Environment) to the EEA Agreement, shall be based on the draft decision of the EEA Joint Committee attached to this Decision.

Article 2

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

Done at Luxembourg, 25 April 2017.

For the Council
The President
I. BORG

⁽¹⁾ Commission Delegated Regulation (EU) No 404/2014 of 17 February 2014 amending Annex II to Regulation (EU) No 510/2011 of the European Parliament and of the Council as regards the monitoring of CO₂ emissions from new light commercial vehicles type-approved in a multi-stage process (OJ L 121, 24.4.2014, p. 1).

⁽²⁾ Commission Implementing Regulation (EU) No 410/2014 of 23 April 2014 amending Implementing Regulation (EU) No 293/2012 as regards the monitoring of CO₂ emissions from new light commercial vehicles type-approved in a multi-stage process (OJ L 121, 24.4.2014, p. 21).

⁽³⁾ Commission Implementing Regulation (EU) No 427/2014 of 25 April 2014 establishing a procedure for the approval and certification of innovative technologies for reducing CO₂ emissions from light commercial vehicles pursuant to Regulation (EU) No 510/2011 of the European Parliament and of the Council (OJ L 125, 26.4.2014, p. 57).

DRAFT

DECISION OF THE EEA JOINT COMMITTEE No ...
of ...
amending Annex XX (Environment) to the EEA Agreement

THE EEA JOINT COMMITTEE,

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

Whereas:

- (1) Regulation (EU) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union's integrated approach to reduce CO₂ emissions from light-duty vehicles ⁽¹⁾ is to be incorporated into the EEA Agreement.
- (2) Commission Delegated Regulation (EU) No 205/2012 of 6 January 2012 amending Annex II to Regulation (EU) No 510/2011 of the European Parliament and of the Council with regard to the data source and the data parameters to be reported by Member States ⁽²⁾ is to be incorporated into the EEA Agreement.
- (3) Commission Implementing Regulation (EU) No 293/2012 of 3 April 2012 on monitoring and reporting of data on the registration of new light commercial vehicles pursuant to Regulation (EU) No 510/2011 of the European Parliament and of the Council ⁽³⁾ is to be incorporated into the EEA Agreement.
- (4) Commission Delegated Regulation (EU) No 114/2013 of 6 November 2012 supplementing Regulation (EU) No 510/2011 of the European Parliament and of the Council with regard to rules for the application for a derogation from the specific CO₂ emissions targets for new light commercial vehicles ⁽⁴⁾ is to be incorporated into the EEA Agreement.
- (5) Commission Delegated Regulation (EU) No 1047/2013 of 21 August 2013 amending Commission Delegated Regulation (EU) No 114/2013 for the purpose of correcting the 2010 average specific CO₂ emissions specified for the manufacturer Piaggio ⁽⁵⁾ is to be incorporated into the EEA Agreement.
- (6) Regulation (EU) No 253/2014 of the European Parliament and of the Council of 26 February 2014 amending Regulation (EU) No 510/2011 to define the modalities for reaching the 2020 target to reduce CO₂ emissions from new light commercial vehicles ⁽⁶⁾ is to be incorporated into the EEA Agreement.
- (7) Commission Delegated Regulation (EU) No 404/2014 of 17 February 2014 amending Annex II to Regulation (EU) No 510/2011 of the European Parliament and of the Council as regards the monitoring of CO₂ emissions from new light commercial vehicles type-approved in a multi-stage process ⁽⁷⁾ is to be incorporated into the EEA Agreement.
- (8) Commission Implementing Regulation (EU) No 410/2014 of 23 April 2014 amending Implementing Regulation (EU) No 293/2012 as regards the monitoring of CO₂ emissions from new light commercial vehicles type-approved in a multi-stage process ⁽⁸⁾ is to be incorporated into the EEA Agreement.
- (9) Commission Implementing Regulation (EU) No 427/2014 of 25 April 2014 establishing a procedure for the approval and certification of innovative technologies for reducing CO₂ emissions from light commercial vehicles pursuant to Regulation (EU) No 510/2011 of the European Parliament and of the Council ⁽⁹⁾ is to be incorporated into the EEA Agreement.

⁽¹⁾ OJ L 145, 31.5.2011, p. 1.

⁽²⁾ OJ L 72, 10.3.2012, p. 2.

⁽³⁾ OJ L 98, 4.4.2012, p. 1.

⁽⁴⁾ OJ L 38, 9.2.2013, p. 1.

⁽⁵⁾ OJ L 285, 29.10.2013, p. 1.

⁽⁶⁾ OJ L 84, 20.3.2014, p. 38.

⁽⁷⁾ OJ L 121, 24.4.2014, p. 1.

⁽⁸⁾ OJ L 121, 24.4.2014, p. 21.

⁽⁹⁾ OJ L 125, 26.4.2014, p. 57.

(10) Annex XX to the EEA Agreement should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The following is inserted after point 21av (Directive 2009/33/EC of the European Parliament and of the Council) of Annex XX to the EEA Agreement:

‘21aw. **32011 R 0510:** Regulation (EU) No 510/2011 of the European Parliament and of the Council of 11 May 2011 setting emission performance standards for new light commercial vehicles as part of the Union’s integrated approach to reduce CO₂ emissions from light-duty vehicles (OJ L 145, 31.5.2011, p. 1), as amended by:

- **32012 R 0205:** Commission Delegated Regulation (EU) No 205/2012 of 6 January 2012 (OJ L 72, 10.3.2012, p. 2),
- **32014 R 0253:** Regulation (EU) No 253/2014 of the European Parliament and of the Council of 26 February 2014 (OJ L 84, 20.3.2014, p. 38),
- **32014 R 0404:** Commission Delegated Regulation (EU) No 404/2014 of 17 February 2014 (OJ L 121, 24.4.2014, p. 1).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

(a) The following subparagraph shall be added in Article 7(2):

‘If the pool includes only manufacturers established in the EFTA States, the manufacturers shall file the information with the EFTA Surveillance Authority. If the pool includes at least one manufacturer established in the Union and at least one manufacturer established in the EFTA States, the manufacturers shall file the information with the Commission and the EFTA Surveillance Authority.’.

(b) The following subparagraph shall be added in Article 7(3):

‘The EFTA Surveillance Authority shall notify manufacturers established in the EFTA States.’.

(c) The following subparagraph shall be added in Article 7(4):

‘If the pool includes only manufacturers established in the EFTA States, the manufacturers shall jointly inform the EFTA Surveillance Authority. If the pool includes or is extended to include at least one manufacturer established in the Union and at least one manufacturer established in the EFTA States, the manufacturers shall jointly inform both the Commission and the EFTA Surveillance Authority.’.

(d) In Article 7(5), the words ‘Articles 101 and 102 TFEU’ shall read ‘Articles 53 and 54 of the EEA Agreement’ and the word ‘Union’ shall read ‘EEA’.

(e) In Article 7(7) and Article 10(1), the words ‘or the EFTA Surveillance Authority’ shall be inserted after the word ‘Commission’.

(f) The data reported by the EFTA States shall also be kept in the central register referred to in Article 8(4).

(g) The following subparagraph shall be added in Article 8(4):

‘The EFTA Surveillance Authority shall make the calculations set out in the first subparagraph for manufacturers established in the EFTA States and notify each manufacturer established in the EFTA States in accordance with the second subparagraph.’.

(h) Without prejudice to Protocol 1 to the Agreement, in Article 8(5) and (6), Article 11(3), (4), (5) and (6), the words ‘or the EFTA Surveillance Authority, as the case may be,’ shall be inserted after the word ‘Commission’.

- (i) The following subparagraphs shall be added in Article 9(1):

‘Where the manufacturer or pool manager is established in an EFTA State, the EFTA Surveillance Authority shall impose the excess emissions premium.

The amounts of the excess emissions premium shall be distributed between the Commission and the EFTA Surveillance Authority proportionally to the share of the registrations of new light commercial vehicles in the EU or in the EFTA States, respectively, relative to the total number of new light commercial vehicles registered in the EEA.’.

- (j) The following subparagraphs shall be added in Article 9(3):

‘The European Commission shall use its established means for collecting excess emissions premiums as stipulated in Commission Decision 2012/99/EU under paragraph 1 also in relation to the registrations in EFTA States of manufacturers established in the EU.

The EFTA Surveillance Authority shall determine the means for collecting excess emissions premiums under paragraph 1. These means shall be based on the Commission’s means.’.

- (k) The following subparagraph shall be added in Article 9(4):

‘For the EFTA States, the EFTA States shall determine the allocation of the amounts of the excess emissions premium.’.

- (l) Without prejudice to Protocol 1 to the Agreement, in Article 11(2), the words ‘, or, in the case of a manufacturer established in the EFTA States, to the EFTA Surveillance Authority,’ shall be inserted after the word ‘Commission’.

- (m) The following subparagraph shall be added in Article 12(2):

‘Suppliers or manufacturers established in the EFTA States shall send applications pursuant to this Article to the Commission. The Commission shall give the same priority to such applications as to other applications pursuant to this article.’.

- (n) The following subparagraph shall be added in Article 12(4):

‘Commission Decisions approving innovative technologies pursuant to this Article are generally applicable and shall be incorporated into the EEA Agreement.’.

- (o) This Regulation shall not apply to Liechtenstein.

21awa. **32012 R 0293**: Commission Implementing Regulation (EU) No 293/2012 of 3 April 2012 on monitoring and reporting of data on the registration of new light commercial vehicles pursuant to Regulation (EU) No 510/2011 of the European Parliament and of the Council (OJ L 98, 4.4.2012, p. 1), as amended by:

— **32014 R 0410**: Commission Implementing Regulation (EU) No 410/2014 of 23 April 2014 (OJ L 121, 24.4.2014, p. 21).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) In Articles 9 and 10, the words ‘, or, in the case of a manufacturer established in the EFTA States, to the EFTA Surveillance Authority,’ shall be inserted after the word ‘Commission’.

- (b) Article 10 (a) (3) shall not apply as regards the EFTA Surveillance Authority.

21awb. **32013 R 0114**: Commission Delegated Regulation (EU) No 114/2013 of 6 November 2012 supplementing Regulation (EU) No 510/2011 of the European Parliament and of the Council with regard to rules for the application for a derogation from the specific CO₂ emissions targets for new light commercial vehicles (OJ L 38, 9.2.2013, p. 1), as amended by:

— **32013 R 1047**: Commission Delegated Regulation (EU) No 1047/2013 of 21 August 2013 (OJ L 285, 29.10.2013, p. 1).

The Regulation shall, for the purposes of this Agreement, be read with the following adaptations:

- (a) Without prejudice to Protocol 1 to the Agreement, in Article 6(1), the words ‘, or the EFTA Surveillance Authority, as the case may be,’ shall be inserted after the word ‘Commission’.
- (b) Article 6(2) and the email set out in Annex I shall not apply as regards the EFTA Surveillance Authority.

21awc. **32014 R 0427**: Commission Implementing Regulation (EU) No 427/2014 of 25 April 2014 establishing a procedure for the approval and certification of innovative technologies for reducing CO₂ emissions from light commercial vehicles pursuant to Regulation (EU) No 510/2011 of the European Parliament and of the Council (OJ L 125, 26.4.2014, p. 57).’.

Article 2

The texts of Regulations (EU) No 510/2011 and (EU) No 253/2014, Delegated Regulations (EU) No 205/2012, (EU) No 114/2013, (EU) No 1047/2013 and (EU) No 404/2014 and Implementing Regulations (EU) No 293/2012, (EU) No 410/2014 and (EU) No 427/2014 in the Icelandic and Norwegian languages, to be published in the EEA Supplement to the *Official Journal of the European Union*, shall be authentic.

Article 3

This Decision shall enter into force on [...], provided that all the notifications under Article 103(1) of the EEA Agreement have been made (*).

Article 4

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

Done at Brussels,

For the EEA Joint Committee

The President

The Secretaries to the EEA Joint Committee

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

