

Official Journal of the European Union

L 186



English edition

Legislation

Volume 60

19 July 2017

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1343

of 18 July 2017

amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, and in particular Article 9(1)(e) thereof,

Whereas:

- (1) Regulation (EEC) No 2658/87 established a nomenclature of goods (hereinafter referred to as the 'Combined Nomenclature' or the 'CN'), which is set out in Annex I to that Regulation.
- (2) In the interest of legal certainty, it is necessary to clarify the classification of capsules, tablets, pastilles and pills produced from flour, groats, meal, starch or malt extract of heading 1901 or from goods of headings 0401 to 0404 intended for use as food supplements.
- (3) In accordance with the judgment of the Court of Justice of the European Union in Joined Cases C-410/08 to C-412/08 ⁽²⁾, edible food preparations intended for use as food supplements, composed principally of vegetable or animal oil with an addition of vitamins and presented in measured dosages (capsules) are to be classified under heading 2106 ('Food preparations not elsewhere specified or included').
- (4) In that judgment, the Court of Justice explained that, in the case of the goods concerned, the form of presentation (i.e. in a casing) is a decisive factor which reveals their function as a food supplement, since it determines the dosage of the edible preparations, the way in which they are absorbed and the place where they are supposed to become active. Consequently, both factors (the casing together with the content of a food supplement) determine the use and character of the respective goods.
- (5) The Explanatory Notes to the Harmonised System concerning heading 2106 state that this heading includes preparations, often referred to as 'food supplements', and containing added vitamins and sometimes minute quantities of iron compounds which are put up in packagings with indications that they maintain general health or well-being.
- (6) Food supplements made of flour, groats, meal, starch or malt extract of heading 1901 or made from goods of headings 0401 to 0404, which are presented in measured doses, such as capsules, tablets, pastilles and pills, are not covered by heading 1901, because the specific form of presentation is indicative of their function as a food supplement. Food supplements are a very specific kind of food preparation only mentioned in the Explanatory Notes of the Harmonised System to heading 2106 and in general presented in measured doses. Consequently, food preparations intended for use as food supplements, presented in measured doses and made from flour, groats, meal, starch or malt extract of heading 1901 or from goods of headings 0401 to 0404 cannot fulfil the requirements of heading 1901 and should be classified under heading 2106.

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.⁽²⁾ Judgment of 17 December 2009, Swiss Caps AG, C-410/08 to C-412/08, ECLI:EU:C:2009:794.

- (7) For reasons of legal certainty, the provisions of the Combined Nomenclature should reflect the jurisprudence mentioned above. This has been partially achieved with the introduction of additional note 5 to Chapter 21 by Commission Implementing Regulation (EU) No 698/2013 ⁽¹⁾. For the sake of consistency and uniformity with that previous measure, a corresponding additional note should also be introduced to Chapter 19.
- (8) A new additional note should therefore be added to Chapter 19 of Part Two of the Combined Nomenclature to ensure its uniform interpretation throughout the Union.
- (9) Regulation (EEC) No 2658/87 should therefore be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

In Chapter 19 of Part Two of the Combined Nomenclature set out in Annex I to Regulation (EEC) No 2658/87, the following additional note 4 is added:

- ‘4. Food preparations of flour, groats, meal, starch or malt extract of heading 1901 as well as those of goods of headings 0401 to 0404 presented in measured doses, such as capsules, tablets, pastilles and pills intended for use as food supplements, are excluded from classification under heading 1901. The essential character of a food supplement is not only given by its ingredients, but also by its specific form of presentation revealing its function as a food supplement, since it determines the dosage, the way in which it is absorbed and the place where it is supposed to become active. Such food preparations are to be classified under heading 2106 insofar as they are not specified or included elsewhere.’

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, 18 July 2017.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ Commission Implementing Regulation (EU) No 698/2013 of 19 July 2013 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 198, 23.7.2013, p. 35).

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1344**of 18 July 2017****amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff ⁽¹⁾, and in particular Article 9(1)(e) thereof,

Whereas:

- (1) Regulation (EEC) No 2658/87 established a nomenclature of goods (hereinafter referred to as the 'Combined Nomenclature' or the 'CN'), which is set out in Annex I to that Regulation.
- (2) The current wording of Additional notes 4 and 5 to Chapter 17 as well as Additional notes 3 and 4 to Chapter 21 of the Combined Nomenclature refers to Article 42 of Commission Regulation (EC) No 951/2006 ⁽²⁾ setting out the methods for the calculation of the sucrose content of raw sugar and certain syrups.
- (3) Paragraphs 2, 3 and 4 of Article 42 of Regulation (EC) No 951/2006 will be deleted with effect from 1 October 2017 due to the amendment of the sugar production quota system, following changes in the agricultural policy. Consequently, the references to Article 42 of Regulation (EC) No 951/2006 in the Additional notes 4 and 5 to Chapter 17 as well as Additional notes 3 and 4 to Chapter 21 will become defunct.
- (4) In the interest of legal certainty and in order to avoid the creation of a legal void, it is necessary to amend those Additional notes and to integrate the applicable analytical methods directly into those notes.
- (5) In light of improvements in the analytical methods for the determination of sugar content, the analytical method currently used for the purposes of calculating the sugar content of certain products falling under Chapter 17, which may be influenced by the sample matrix or interfering compounds, should be replaced by the high performance liquid chromatography method (the 'HPLC method').
- (6) However, for a number of other products falling under Chapter 17, as well as products falling under Chapter 21, where the sugar content is not solely based on sucrose, fructose, glucose and maltose due to the presence of other sugars, the HPLC method cannot be applied. For those products, the sucrose content, including other sugars expressed as sucrose, should be determined by the refractometry method in accordance with the Annex to Commission Implementing Regulation (EU) No 974/2014 ⁽³⁾.
- (7) In order to ensure the uniform interpretation of the Combined Nomenclature throughout the Union with regard to determining the sugar content of certain products, Additional notes 4 and 5 to Chapter 17, as well as Additional notes 3 and 4 to Chapter 21 of Part Two of the Combined Nomenclature should be amended.
- (8) Regulation (EEC) No 2658/87 should therefore be amended accordingly.
- (9) Paragraphs 2, 3 and 4 of Article 42 of Regulation (EC) No 951/2006 will be repealed with effect from 1 October 2017. This Regulation should therefore apply from the same date.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

⁽²⁾ Commission Regulation (EC) No 951/2006 of 30 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 318/2006 as regards trade with third countries in the sugar sector (OJ L 178, 1.7.2006, p. 24).

⁽³⁾ Commission Implementing Regulation (EU) No 974/2014 of 11 September 2014 laying down the refractometry method of measuring dry soluble residue in products processed from fruit and vegetables for the purposes of their classification in the Combined Nomenclature (OJ L 274, 16.9.2014, p. 6).

HAS ADOPTED THIS REGULATION:

Article 1

Part Two of Annex I to Regulation (EEC) No 2658/87 is amended as follows:

(a) in Chapter 17, Additional notes 4 and 5 are replaced by the following:

- ‘4. For products of subheadings 1702 20 10, 1702 60 95 and 1702 90 71, the sugar content (sucrose, fructose, glucose and maltose, where the fructose and glucose are expressed in sucrose equivalent) is to be determined by applying the high performance liquid chromatography method (the ‘HPLC method’), using the following formula:

$$S + 0,95 \times (F + G) + M$$

where:

‘S’ is the sucrose content determined by the HPLC method;

‘F’ is the fructose content determined by the HPLC method;

‘G’ is the glucose content determined by the HPLC method;

‘M’ is the maltose content determined by the HPLC method.

For products of subheadings 1702 60 80, 1702 90 80 and 1702 90 95, the sucrose content, including other sugars expressed as sucrose, is to be determined by the refractometry method (expressed in degrees Brix in accordance with the Annex to Commission Implementing Regulation (EU) No 974/2014 (*). For products of subheadings 1702 60 80 and 1702 90 80, the conversion of the results into sucrose equivalent is to be obtained by multiplying the degrees Brix by the coefficient 0,95.

5. For the purposes of subheadings 1702 30 10, 1702 40 10, 1702 60 10 and 1702 90 30, the term ‘isoglucose’ means the product obtained from glucose or its polymers with a content by weight in the dry state of at least 10 % fructose.

For products of those subheadings, the sucrose content, including other sugars expressed as sucrose, is to be determined by the refractometry method (expressed in degrees Brix in accordance with the Annex to Implementing Regulation (EU) No 974/2014).

(*) Commission Implementing Regulation (EU) No 974/2014 of 11 September 2014 laying down the refractometry method of measuring dry soluble residue in products processed from fruit and vegetables for the purposes of their classification in the Combined Nomenclature (OJ L 274, 16.9.2014, p. 6).;

(b) in Chapter 21, Additional notes 3 and 4 are replaced by the following:

- ‘3. For the purposes of subheading 2106 90 30, the term ‘isoglucose’ means the product obtained from glucose or its polymers with a content by weight in the dry state of at least 10 % fructose.

4. For products of subheadings 2106 90 30 and 2106 90 59, the sucrose content, including other sugars expressed as sucrose, is to be determined by the refractometry method (expressed in degrees Brix in accordance with the Annex to Commission Implementing Regulation (EU) No 974/2014 (*).

(*) Commission Implementing Regulation (EU) No 974/2014 of 11 September 2014 laying down the refractometry method of measuring dry soluble residue in products processed from fruit and vegetables for the purposes of their classification in the Combined Nomenclature (OJ L 274, 16.9.2014, p. 6).;

Article 2

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

It shall apply from 1 October 2017.

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

Done at Brussels, 18 July 2017.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1345**of 18 July 2017****operating deductions from fishing quotas available for certain stocks in 2017 on account of overfishing in the previous years**

THE EUROPEAN COMMISSION,

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

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

Whereas:

(1) Fishing quotas for the year 2016 have been established by:

- Council Regulation (EU) No 1367/2014 ⁽²⁾,
- Council Regulation (EU) 2015/2072 ⁽³⁾,
- Council Regulation (EU) 2016/72 ⁽⁴⁾, and
- Council Regulation (EU) 2016/73 ⁽⁵⁾.

(2) Fishing quotas for the year 2017 have been established by:

- Council Regulation (EU) 2016/1903 ⁽⁶⁾,
- Council Regulation (EU) 2016/2285 ⁽⁷⁾,
- Council Regulation (EU) 2016/2372 ⁽⁸⁾, and
- Council Regulation (EU) 2017/127 ⁽⁹⁾.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ 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).

⁽³⁾ Council Regulation (EU) 2015/2072 of 17 November 2015 fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulations (EU) No 1221/2014 and (EU) 2015/104 (OJ L 302, 19.11.2015, p. 1).

⁽⁴⁾ Council Regulation (EU) 2016/72 of 22 January 2016 fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2015/104 (OJ L 22, 28.1.2016, p. 1).

⁽⁵⁾ Council Regulation (EU) 2016/73 of 18 January 2016 fixing for 2016 the fishing opportunities for certain fish stocks in the Black Sea (OJ L 16, 23.1.2016, p. 1).

⁽⁶⁾ Council Regulation (EU) 2016/1903 of 28 October 2016 fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2016/72 (OJ L 295, 29.10.2016, p. 1).

⁽⁷⁾ Council Regulation (EU) 2016/2285 of 12 December 2016 fixing for 2017 and 2018 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks and amending Council Regulation (EU) 2016/72 (OJ L 344, 17.12.2016, p. 32).

⁽⁸⁾ Council Regulation (EU) 2016/2372 of 19 December 2016 fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks in the Black Sea (OJ L 352, 23.12.2016, p. 26).

⁽⁹⁾ Council Regulation (EU) 2017/127 of 20 January 2017 fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 24, 28.1.2017, p. 1).

- (3) According to Article 105(1) of Regulation (EC) No 1224/2009, when the Commission has established that a Member State has exceeded the fishing quotas which have been allocated to it, the Commission is to operate deductions from future fishing quotas of that Member State.
- (4) Article 105(2) and (3) of Regulation (EC) No 1224/2009 provides that such deductions have to be operated in the following year or years by applying the respective multiplying factors as set out therein.
- (5) Certain Member States have exceeded their fishing quotas for the year 2016. It is therefore appropriate to operate deductions on the fishing quotas allocated to them in 2017 and, where relevant, in subsequent years, for the overfished stocks.
- (6) Commission Implementing Regulations (EU) 2016/2226 ⁽¹⁾ and (EU) 2017/162 ⁽²⁾ have provided for deductions from fishing quotas for certain countries and species for 2016. However, for certain Member States, the deductions to be applied for some species were higher than the respective quotas available in 2016 and could therefore not be operated entirely in that year. To ensure that in such cases the full amount for the respective stocks be deducted, the remaining quantities should be taken into account when establishing deductions for 2017 and, where appropriate, from subsequent quotas.
- (7) In the framework of Article 3(3) of Council Regulation (EC) No 847/96 ⁽³⁾, by letter dated 16 November 2016, Belgium requested Commission's permission to land additional quantities of turbot and brill in Union waters of IIa and IV (T/B/2AC4-C) within the limits of 10 % of the quota. The additional quantities granted in 2016 under that procedure should be considered as exceeding permitted landings for the purpose of the deductions envisaged in Article 105 of Regulation (EC) No 1224/2009.
- (8) Deductions from fishing quotas, as provided for by this Regulation, should apply without prejudice to deductions applicable to 2017 quotas pursuant to Commission Implementing Regulation (EU) No 185/2013 ⁽⁴⁾.
- (9) Since quotas are expressed in tonnes, overfishing involving quantities of less than 1 tonne should not be considered,

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing quotas fixed in Regulations (EU) 2016/1903, (EU) 2016/2285, (EU) 2016/2372 and (EU) 2017/127 for the year 2017 shall be reduced as set out in the Annex to this Regulation.
2. Paragraph 1 shall apply without prejudice to deductions provided for in Implementing Regulation (EU) No 185/2013.

Article 2

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

⁽¹⁾ Commission Implementing Regulation (EU) 2016/2226 of 9 December 2016 operating deductions from fishing quotas available for certain stocks in 2016 on account of overfishing in the previous years (OJ L 336, 10.12.2016, p. 28).

⁽²⁾ Commission Implementing Regulation (EU) 2017/162 of 31 January 2017 operating deductions from fishing quotas available for certain stocks in 2016 on account of overfishing of other stocks in the previous years and amending Implementing Regulation (EU) 2016/2226 operating deductions from fishing quotas available for certain stocks in 2016 on account of overfishing in the previous years (OJ L 27, 1.2.2017, p. 101).

⁽³⁾ Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (OJ L 115, 9.5.1996, p. 3).

⁽⁴⁾ Commission Implementing Regulation (EU) No 185/2013 of 5 March 2013 providing for deductions from certain fishing quotas allocated to Spain in 2013 and subsequent years on account of overfishing of a certain mackerel quota in 2009 (OJ L 62, 6.3.2013, p. 1).

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

Done at Brussels, 18 July 2017.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

DEDUCTIONS FROM QUOTAS FOR STOCKS WHICH HAVE BEEN OVERFISHED

Member State	Species code	Area code	Species name	Area name	Initial quota 2016 (in kilograms)	Permitted landings 2016 (Total adapted quantity in kilograms) ⁽¹⁾	Total catches 2016 (quantity in kilograms)	Quota consumption related to permitted landings	Overfishing related to permitted landing (quantity in kilograms)	Multiplying factor ⁽²⁾	Additional Multiplying factor ⁽³⁾ ⁽⁴⁾	Outstanding deductions from previous years ⁽⁵⁾ (quantity in kilograms)	Deductions to apply in 2017 (quantity in kilograms)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
BE	SRX	07D.	Skates and rays	Union waters of VIId	87 000	86 919	91 566	105,35 %	4 647	/	/	/	4 647
BE	SOL	7FG.	Common sole	VIIf and VIIg	487 000	549 565	563 401	102,52 %	13 836	/	/	/	13 836
BE	SOL	8AB.	Common sole	VIIIa and VIIIb	42 000	281 638	287 659	102,14 %	6 021	/	C ⁽⁶⁾	/	6 021
BE	T/B	2AC4-C	Turbot and brill	Union waters of IIa and IV	329 000	481 000	514 275	106,92 %	33 275 ⁽⁷⁾	/	/	/	33 275
DE	DGS	2AC4-C	Picked dogfish	Union waters of IIa and IV	0	0	2 118	N/A	2 118	/	/	/	2 118
DE	MAC	2CX14-	Mackerel	VI, VII, VIIIa, VIIIb, VIId and VIIIe; Union and international waters of Vb; international waters of IIa, XII and XIV	22 751 000	21 211 759	22 211 517	104,71 %	999 758	/	/	/	999 758
DK	DGS	2AC4-C	Picked dogfish	Union waters of IIa and IV	0	0	1 350	N/A	1 350	/	/	/	1 350
DK	HER	1/2-	Herring	Union, Faroese, Norwegian and international waters of I and II	7 069 000	10 331 363	10 384 320	100,51 %	52 957	/	/	/	52 957
DK	JAX	4BC7D	Horse mackerel and associated	Union waters of IVb, IVc and VIId	5 519 000	264 664	265 760	100,42 %	1 096	/	/	/	1 096
DK	MAC	2A34.	Mackerel	IIIa and IV; Union waters of IIa, IIb, IIc and Subdivisions 22-32	19 461 000	13 354 035	14 677 440	109,91 %	1 323 405	/	/	/	1 323 405

Member State	Species code	Area code	Species name	Area name	Initial quota 2016 (in kilograms)	Permitted landings 2016 (Total adapted quantity in kilograms) ⁽¹⁾	Total catches 2016 (quantity in kilograms)	Quota consumption related to permitted landings	Overfishing related to permitted landing (quantity in kilograms)	Multiplying factor ⁽²⁾	Additional Multiplying factor ⁽³⁾ ⁽⁴⁾	Outstanding deductions from previous years ⁽⁵⁾ (quantity in kilograms)	Deductions to apply in 2017 (quantity in kilograms)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
DK	MAC	2A4A-N	Mackerel	Norwegian waters of IIa and IVa	14 043 000	14 886 020	16 351 930	109,85 %	1 465 910	/	/	/	1 465 910
DK	NOP	04-N.	Norway pout	Norwegian waters of IV	0	0	22 880	N/A	22 880	/	/	/	22 880
DK	OTH	*2AC4C	Other species	Union waters of IIa and IV	6 018 300	3 994 920	4 508 050	112,84 %	513 130	1,2	/	/	615 756
DK	POK	1N2AB.	Saithe	Norwegian waters of I and II	/	0	3 920	N/A	3 920	/	/	/	3 920
DK	SAN	234_1	Sandeel	Union waters of sandeel management area 1	12 263 000	12 517 900	12 525 750	100,06 %	7 850	/	/	/	7 850
DK	SAN	04-N.	Sandeel	Norwegian waters of IV	0	0	19 860	N/A	19 860	/	/	/	19 860
ES	ALB	AN05N	Northern albacore	Atlantic Ocean, north of 5° N	14 917 370	14 754 370	16 645 500	112,82 %	1 891 130	1,2	/	/	2 269 356
ES	ALF	3X14-	Alfonsinos	Union and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV	67 000	86 159	79 185	91,90 %	- 6 974	/	/	817	0
ES	BSF	8910-	Black scabbard-fish	Union and international waters of VIII, IX and X	12 000	24 004	16 419	68,41 %	- 7 585	/	/	2 703	0
ES	BUM	ATLANT	Blue marlin	Atlantic Ocean	0	0	13 396	N/A	13 396	/	A	/	20 094
ES	COD	1/2B.	Cod	I and IIb	13 192 000	9 730 876	9 731 972	100,01 %	1 096	/	/	/	1 096

Member State	Species code	Area code	Species name	Area name	Initial quota 2016 (in kilograms)	Permitted landings 2016 (Total adapted quantity in kilograms) ⁽¹⁾	Total catches 2016 (quantity in kilograms)	Quota consumption related to permitted landings	Overfishing related to permitted landing (quantity in kilograms)	Multiplying factor ⁽²⁾	Additional Multiplying factor ⁽³⁾ ⁽⁴⁾	Outstanding deductions from previous years ⁽⁵⁾ (quantity in kilograms)	Deductions to apply in 2017 (quantity in kilograms)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
ES	GHL	1N2AB.	Greenland halibut	Norwegian waters of I and II	/	9 000	27 600	306,67 %	18 600	1,0	A	/	27 900
ES	GHL	N3LMNO	Greenland halibut	NAFO 3LMNO	4 067 000	4 070 000	4 072 999	100,07 %	2 999	/	C ⁽⁶⁾	/	2 999
ES	SRX	67AKXD	Skates and rays	Union waters of VIa, VIb, VIIa-c and VIIe-k	876 000	459 287	469 586	102,24 %	10 299	/	/	/	10 299
ES	SRX	89-C.	Skates and rays	Union waters of VIII and IX	1 057 000	925 232	956 878	103,42 %	31 646	/	A	131 767	179 236
ES	WHM	ATLANT	White marlin	Atlantic Ocean	2 460	2 460	9 859	400,77 %	7 399	1,0	A	138 994	150 092
FR	LIN	04-C.	Ling	Union waters of IV	162 000	262 351	304 077	115,91 %	41 726	1,0	/	/	41 726
FR	POK	1/2/INT	Saithe	International waters of I and II	0	0	2 352	N/A	2 352	/	/	/	2 352
FR	RED	51214S	Redfish (shallow pelagic)	Union and international waters of V; international waters of XII and XIV	0	0	29 827	N/A	29 827	/	/	/	29 827
FR	SBR	678-	Red seabream	Union and international waters of VI, VII and VIII	6 000	28 817	31 334	108,72 %	2 517	/	/	/	2 517
FR	SRX	07D.	Skates and rays	Union waters of VIId	663 000	630 718	699 850	110,96 %	69 132	1,0	A	/	103 698
FR	SRX	67AKXD	Skates and rays	Union waters of VIa, VIb, VIIa-c and VIIe-k	3 255 000	3 641 000	39 254	101,08 %	39 254	/	/	/	39 254
FR	WHG	08.	Whiting	VIII	1 524 000	2 406 000	2 441 333	101,47 %	35 333	/	/	/	35 333
IE	PLE	7FG.	Plaice	VIIf and VIIg	200 000	66 332	67 431	101,66 %	1 099	/	/	/	1 099

Member State	Species code	Area code	Species name	Area name	Initial quota 2016 (in kilograms)	Permitted landings 2016 (Total adapted quantity in kilograms) ⁽¹⁾	Total catches 2016 (quantity in kilograms)	Quota consumption related to permitted landings	Overfishing related to permitted landing (quantity in kilograms)	Multiplying factor ⁽²⁾	Additional Multiplying factor ⁽³⁾ ⁽⁴⁾	Outstanding deductions from previous years ⁽⁵⁾ (quantity in kilograms)	Deductions to apply in 2017 (quantity in kilograms)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
IE	POK	1N2AB	Saithe	Norwegian waters of I and II	/	0	5 969	N/A	5 969	/	/	/	5 969
IE	SRX	67AKXD	Skates and rays	Union waters of VIa, VIb, VIIa-c and VIIe-k	1 048 000	949 860	980 960	103,27 %	31 056	/	A ⁽⁶⁾	/	31 056
NL	DGS	2AC4-C	Picked dogfish	Union waters of IIa and IV	0	0	1 260	N/A	1 260	/	/	/	1 260
NL	HAD	7X7A34	Haddock	VIIb-k, VIII, IX and X; Union waters of CECAF 34.1.1	/	559	26 220	N/A	25 661	/	/	/	25 661
NL	HER	*25B-F	Herring	II, Vb north of 62° N (Faroes waters)	736 000	477 184	476 491	99,86 %	- 693	/	/	23 551	22 858
NL	OTH	*2A-14	Associate by-catches to horse mackerel (boarfish, whiting and mackerel)	Union waters of IIa, IVa, VI, VIIa-c, VIIe-k, VIIla, VIIlb, VIIId and VIIle; Union and international waters of Vb; international waters of XII and XIV	1 663 800	1 777 300	2 032 689	114,37 %	255 389	1,2	/	/	306 467
NL	POK	2A34	Saithe	IIIa and IV; Union waters of IIa, IIlb, IIlc and Subdivisions 22-32	68 000	110 846	110 889	100,04 %	43 ⁽⁸⁾	/	/	1 057	1 057
NL	T/B	2AC4-C	Turbot and brill	Union waters of IIa and IV	2 493 000	2 551 261	2 737 636	107,31 %	186 375	/	/	/	186 375
PT	BUM	ATLANT	Blue marlin	Atlantic ocean	49 550	49 550	50 611	102,14 %	1 061	/	/	/	1 061

Member State	Species code	Area code	Species name	Area name	Initial quota 2016 (in kilograms)	Permitted landings 2016 (Total adapted quantity in kilograms) ⁽¹⁾	Total catches 2016 (quantity in kilograms)	Quota consumption related to permitted landings	Overfishing related to permitted landing (quantity in kilograms)	Multiplying factor ⁽²⁾	Additional Multiplying factor ⁽³⁾ ⁽⁴⁾	Outstanding deductions from previous years ⁽⁵⁾ (quantity in kilograms)	Deductions to apply in 2017 (quantity in kilograms)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
PT	GHL	1N2AB	Greenland Halibut	Norwegian waters of I and II	/	18 487	18 487	N/A	18 487	/	/	/	18 487
PT	MAC	8C3411	Mackerel	VIIIc, IX and X; Union waters of CECAF 34.1.1	6 971 000	6 313 658	6 823 967	108,08 %	510 309	/	/	/	510 309
PT	SRX	89-C.	Skates and rays	Union waters of VIII and IX	1 051 000	1 051 000	1 068 676	101,68 %	17 676	/	/	/	17 676
PT	SWO	AN05N	Swordfish	Atlantic Ocean, North of 5° N	1 161 950	1 541 950	1 561 142	101,24 %	19 192	/	/	/	19 192
UK	DGS	15X14	Picked dogfish	Union and international waters of I, V, VI, VII, VIII, XII and XIV	0	0	12 585	N/A	12 585	/	/	/	12 585
UK	DGS	2AC4-C	Picked dogfish	Union waters of IIa and IV	0	0	17 776	N/A	17 776	/	/	/	17 776
UK	HER	4AB.	Herring	Union and Norwegian waters of IV north of 53° 30' N	70 348 000	70 710 390	73 419 998	103,83 %	2 709 608	/	/		2 709 608
UK	MAC	2CX14-	Mackerel	VI, VII, VIIIa, VIIIb, VIIIc and VIIIe; Union and international waters of Vb; international waters of IIa, XII and XIV	208 557 000	195 937 403	209 143 232	106,74 %	13 205 829	/	A ⁽⁶⁾	/	13 205 829
UK	SAN	234_1	Sandeel	Union waters of sandeel management area 1	268 000	0	0	N/A	0	/	/	1 466 168	1 466 168

Member State	Species code	Area code	Species name	Area name	Initial quota 2016 (in kilograms)	Permitted landings 2016 (Total adapted quantity in kilograms) ⁽¹⁾	Total catches 2016 (quantity in kilograms)	Quota consumption related to permitted landings	Overfishing related to permitted landing (quantity in kilograms)	Multiplying factor ⁽²⁾	Additional Multiplying factor ⁽³⁾ ⁽⁴⁾	Outstanding deductions from previous years ⁽⁵⁾ (quantity in kilograms)	Deductions to apply in 2017 (quantity in kilograms)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
UK	SRX	67AKXD	Skates and rays	Union waters of VIa, VIb, VIIa-c and VIIe-k	2 076 000	2 006 000	2 008 431	100,12 %	2 431	/	/	/	2 431
UK	T/B	2AC4-C	Turbot and brill	Union waters of IIa and IV	693 000	522 000	544 680	104,34 %	22 680	/	/	/	22 680

⁽¹⁾ Quotas available to a Member State pursuant to the relevant fishing opportunities Regulations after taking into account exchanges of fishing opportunities in accordance with Article 16(8) of Regulation (EU) No 1380/2013 of the European Parliament and of the Council (OJ L 354, 28.12.2013, p. 22), quota transfers from 2015 to 2016 in accordance with Article 4(2) of Council Regulation (EC) No 847/96 (OJ L 115, 9.5.1996, p. 3), with Article 5a of Council Regulation (EU) No 1221/2014 (OJ L 330, 15.11.2014, p. 16), with Article 18a of Council Regulation (EU) 2015/104 (OJ L 22, 28.1.2015, p. 1), with Article 15(9) of Regulation (EU) No 1380/2013 or reallocation and deduction of fishing opportunities in accordance with Articles 37 and 105 of Regulation (EC) No 1224/2009.

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

⁽³⁾ As set out in Article 105(3) of Regulation (EC) No 1224/2009 and provided that the extent of overfishing exceeds 10 %.

⁽⁴⁾ Letter 'A' indicates that an additional multiplying factor of 1,5 has been applied due to consecutive overfishing in the years 2014, 2015 and 2016. Letter 'C' indicates that an additional multiplying factor of 1,5 has been applied as the stock is subject to a multiannual plan.

⁽⁵⁾ Remaining quantities that could not be deducted in 2016 pursuant to Regulation (EU) 2016/2226 as amended by Regulation (EU) 2017/162 because there was no or not sufficient quota available.

⁽⁶⁾ Additional multiplying factor not applicable because the overfishing does not exceed 10 % of the permitted landings.

⁽⁷⁾ At Belgium's request, additional landings up to 10 % of the T/B quota were permitted by the Commission according to Article 3(3) of Regulation (EC) No 847/96.

⁽⁸⁾ Quantities below one tonne are not considered.

DECISIONS

COUNCIL DECISION (EU) 2017/1346

of 17 July 2017

on the position to be adopted, on behalf of the European Union, at the sixth session of the Meeting of the Parties to the Aarhus Convention as regards compliance case ACCC/C/2008/32

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 the proposal from the European Commission,

Whereas:

- (1) On 17 February 2005, the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters ⁽¹⁾ ('the Aarhus Convention') was approved, on behalf of the European Community, by Council Decision 2005/370/EC ⁽²⁾.
- (2) The Union implemented the obligations of the Aarhus Convention with regard to its institutions and bodies notably by way of Regulation (EC) No 1367/2006 of the European Parliament and of the Council ⁽³⁾.
- (3) Pursuant to Article 15 of the Aarhus Convention, the Aarhus Convention Compliance Committee ('the Committee') was established, which is competent to review the Parties' compliance with the provisions of the Aarhus Convention.
- (4) On 17 March 2017, the Union received findings in case ACCC/C/2008/32 regarding access to justice at Union level ('the findings'). In paragraph 123 of the findings, the Committee held that 'the Party concerned fails to comply with Article 9, paragraphs 3 and 4, of the Convention with regard to access to justice by members of the public because neither the Aarhus Regulation, nor the jurisprudence of the CJEU implements or complies with the obligations arising under those paragraphs.'
- (5) The Aarhus Convention bodies have been made aware by the Declaration that the Union made upon signature and reiterated upon approval of the Aarhus Convention that '[w]ithin the institutional and legal context of the Community [...] the Community institutions will apply the Convention within the framework of their existing and future rules on access to documents and other relevant rules of Community law in the field covered by the Convention.'
- (6) One of the findings in case ACCC/C/2008/32, namely that the Union fails to comply with paragraphs (3) and (4) of Article 9 of the Aarhus Convention, has been incorporated into draft Decision VI/8f, which will be submitted to the sixth session of the Meeting of the Parties to the Aarhus Convention to take place in September 2017 in Budva, Montenegro.
- (7) The Union should explore ways and means to comply with the Aarhus Convention in a way that is compatible with the fundamental principles of the Union legal order and with its system of judicial review.

⁽¹⁾ OJ L 124, 17.5.2005, p. 4.

⁽²⁾ Council Decision 2005/370/EC of 17 February 2005 on the conclusion, on behalf of the European Community, of the Convention on access to information, public participation in decision-making and access to justice in environmental matters (OJ L 124, 17.5.2005, p. 1).

⁽³⁾ Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p. 13).

- (8) In view of the separation of powers in the Union, the Council cannot give instructions or make recommendations to the Court of Justice of the European Union ('the Court of Justice') concerning its judicial activities. Therefore, the recommendations in draft Decision VI/8f related to the Court of Justice and its jurisprudence cannot be accepted.
- (9) The Union continues to fully support the important objectives of the Aarhus Convention.
- (10) The Union should determine the position to be taken at the sixth session of the Meeting of the Parties to the Aarhus Convention with regard to draft Decision VI/8f,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be taken by the Union at the sixth session of the Meeting of the Parties to the Aarhus Convention with regard to draft Decision VI/8f concerning compliance by the Union with its obligations under the Aarhus Convention shall be to accept draft Decision VI/8f subject to:

- deleting the last part of paragraph 6 of draft Decision VI/8f and replacing 'endorses' with 'takes note of', so that the paragraph would then read as follows: 'Takes note of the finding of the Compliance Committee with regard to communication ACCC/C/2008/32 (part II) that the Party concerned fails to comply with Article 9, paragraphs 3 and 4, of the Convention.';
- inserting the words 'to consider' after the words 'Recommends to the Party concerned' in the heading of paragraph 7 of draft Decision VI/8f, which would then read: 'Recommends that the Party concerned considers that:';
- deleting the words 'to the Court of Justice of the European Union' in point (i) of paragraph 7 (b) of draft Decision VI/8f; and
- deleting point (c) of paragraph 7 of draft Decision VI/8f.

2. Other minor amendments in line with the approach of this Decision can be agreed at coordination on the spot and in light of possible negotiations on draft Decision VI/8f.

Article 2

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

Done at Brussels, 17 July 2017.

For the Council
The President
T. TAMM

CORRIGENDA**Corrigendum to Council Implementing Decision (CFSP) 2017/975 of 8 June 2017 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea**

(Official Journal of the European Union L 146 of 9 June 2017)

On page 145, concluding formula:

for: 'Done at Brussels, 8 June 2017.

For the Council

The President

L. GRECH',

read: 'Done at Luxembourg, 8 June 2017.

For the Council

The President

K. SIMSON'.

