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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Information on the date of signature of the Protocol setting out the fishing opportunities and financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius

The Protocol ⁽¹⁾ setting out the fishing opportunities and financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius was signed on 8 December 2017.

The Protocol applies provisionally from 8 December 2017, date of signature, in accordance with its Article 15.

⁽¹⁾ OJ L 279, 28.10.2017, p. 3.

Notice concerning the entry into force of the Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and Mongolia, of the other part

The Framework Agreement on Partnership and Cooperation between the European Union and its Member States, of the one part, and Mongolia, of the other part ⁽¹⁾, entered into force on 1 November 2017, the procedure provided for in Article 63.1 of the Framework Agreement having been completed on 9 October 2017.

⁽¹⁾ OJ L 326, 9.12.2017, p. 7.

REGULATIONS

COMMISSION REGULATION (EU) 2017/2339

of 12 December 2017

establishing a prohibition of fishing for skates and rays in Union waters of VIId 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 Union 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) 2017/127 ⁽²⁾ lays down quotas for 2017.
- (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 2017.
- (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 2017 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) 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).

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

Done at Brussels, 12 December 2017.

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

ANNEX

No	36/TQ127
Member State	Belgium
Stock	SRX/07D. (including special condition, RJC/07D., RJE/07D., RJH/07D., RJM/07D., RJN/07D., RJU/07D., RJC/*67AKD, RJH/*67AKD, RJM/*67AKD, RJN/*67AKD, RJU/*67AKD)
Species	Skates and rays (<i>Rajiformes</i>)
Zone	Union waters of VIId
Closing date	1.11.2017

COMMISSION REGULATION (EU) 2017/2340**of 12 December 2017****establishing a prohibition of fishing for yellowfin tuna in IOTC Area of Competence by vessels flying the flag of Spain**

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

Whereas:

- (1) Council Regulation (EU) 2017/127 ⁽²⁾ lays down quotas for 2017.
- (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 2017.
- (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 2017 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) 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).

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

Done at Brussels, 12 December 2017.

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

ANNEX

No	37/TQ127
Member State	Spain
Stock	YFT/IOTC
Species	Yellowfin tuna (<i>Thunnus albacares</i>)
Zone	IOTC Area of Competence
Closing date	6.11.2017

COMMISSION REGULATION (EU) 2017/2341**of 12 December 2017****establishing a prohibition of fishing for Northern albacore in Atlantic Ocean, north of 5° N by vessels flying the flag of Spain**

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

Whereas:

- (1) Council Regulation (EU) 2017/127 ⁽²⁾ lays down quotas for 2017.
- (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 2017.
- (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 2017 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) 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).

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

Done at Brussels, 12 December 2017.

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

ANNEX

No	33/TQ127
Member State	Spain
Stock	ALB/AN05N
Species	Northern albacore (<i>Thunnus alalunga</i>)
Zone	Atlantic Ocean, north of 5° N
Closing date	24.10.2017

COMMISSION REGULATION (EU) 2017/2342**of 12 December 2017****establishing a prohibition of fishing for greater forkbeard in Union and international waters of VIII and IX by vessels flying the flag of Portugal**

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

Whereas:

- (1) Council Regulation (EU) 2016/2285 ⁽²⁾ lays down quotas for 2017.
- (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 2017.
- (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 2017 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) 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).

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

Done at Brussels, 12 December 2017.

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

ANNEX

No	31/TQ2285
Member State	Portugal
Stock	GFB/89- (including special condition GFB/*567-)
Species	Greater forkbeard (<i>Phycis blennoides</i>)
Zone	Union and international waters of VIII and IX
Closing date	23.10.2017

COMMISSION REGULATION (EU) 2017/2343**of 12 December 2017****establishing a prohibition of fishing for deep-sea sharks in Union and international waters of X by vessels flying the flag of Portugal**

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

Whereas:

- (1) Council Regulation (EU) 2016/2285 ⁽²⁾ lays down quotas for 2017.
- (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 2017.
- (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 2017 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) 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).

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

Done at Brussels, 12 December 2017.

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

ANNEX

No	35/TQ2285
Member State	Portugal
Stock	DWS/10-
Species	Deep-sea sharks (<i>Deania hystricosa</i> and <i>Deania profundorum</i>)
Zone	Union and international waters of X
Closing date	28.10.2017

COMMISSION REGULATION (EU) 2017/2344**of 12 December 2017****establishing a prohibition of fishing for alfonsinos in Union and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV by vessels flying the flag of Portugal**

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

Whereas:

- (1) Council Regulation (EU) 2016/2285 ⁽²⁾ lays down quotas for 2017.
- (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 2017.
- (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 2017 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) 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).

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

Done at Brussels, 12 December 2017.

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

ANNEX

No	39/TQ2285
Member State	Portugal
Stock	ALF/3X14-
Species	Alfonsinos (<i>Beryx</i> spp.)
Zone	Union and international waters of III, IV, V, VI, VII, VIII, IX, X, XII and XIV
Closing date	7.11.2017

COMMISSION REGULATION (EU) 2017/2345**of 12 December 2017****establishing a prohibition of fishing for ling in Union and international waters of I and II by vessels flying the flag of France**

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

Whereas:

- (1) Council Regulation (EU) 2017/127 ⁽²⁾ lays down quotas for 2017.
- (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 2017.
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HAS ADOPTED THIS REGULATION:

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*Article 2***Prohibitions**

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*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) 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).

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

Done at Brussels, 12 December 2017.

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

ANNEX

No	40/TQ127
Member State	France
Stock	LIN/1/2.
Species	Ling (<i>Molva molva</i>)
Zone	Union and international waters of I and II
Closing date	6.11.2017

COMMISSION REGULATION (EU) 2017/2346**of 12 December 2017****establishing a prohibition of fishing for anchovy in IX and X; Union waters of CECAF 34.1.1 by vessels flying the flag of Portugal**

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

Whereas:

- (1) Council Regulation (EU) 2017/127 ⁽²⁾ lays down quotas for 2017.
- (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 2017.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

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*Article 2***Prohibitions**

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*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) 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).

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

Done at Brussels, 12 December 2017.

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

ANNEX

No	38/TQ127
Member State	Portugal
Stock	ANE/9/3411
Species	Anchovy (<i>Engraulis encrasicolus</i>)
Zone	IX and X; Union waters of CECAF 34.1.1
Closing date	8.11.2017

COMMISSION REGULATION (EU) 2017/2347**of 12 December 2017****establishing a prohibition of fishing for skates and rays in Union waters of VIa, VIb, VIIa-c and VIIe-k by vessels flying the flag of Spain**

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

Whereas:

- (1) Council Regulation (EU) 2017/127 ⁽²⁾ lays down quotas for 2017.
- (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 2017.
- (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 2017 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) 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).

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

Done at Brussels, 12 December 2017.

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

João AGUIAR MACHADO

Director-General

Directorate-General for Maritime Affairs and Fisheries

ANNEX

No	43/TQ127
Member State	Spain
Stock	SRX/67AKXD (including special condition RJC/67AKXD; RJE/7FG.; RJF/67AKXD; RJH/67AKXD; RJI/67AKXD; RJM/67AKXD; RJN/67AKXD; RJU/67AKXD; RJC/*07D.; RJE/*07D.; RJF/*07D.; RJH/*07D.; RJI/*07D.; RJM/*07D.; RJN/*07D.; RJU/*07D.)
Species	Skates and rays (<i>Rajiformes</i>)
Zone	Union waters of VIa, VIb, VIIa-c and VIIe-k
Closing date	13.11.2017

COMMISSION REGULATION (EU) 2017/2348**of 12 December 2017****establishing a prohibition of fishing for haddock in areas VIIb-k, 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 Union 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) 2017/127 ⁽²⁾ lays down quotas for 2017.
- (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 2017.
- (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 2017 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) 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).

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

Done at Brussels, 12 December 2017.

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

ANNEX

No	45/TQ127
Member State	Belgium
Stock	HAD/7X7A34
Species	Haddock (<i>Melanogrammus aeglefinus</i>)
Zone	VIIb-k, VIII, IX and X; Union waters of CECAF 34.1.1
Closing Date	25.11.2017

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2349**of 15 December 2017****amending Implementing Regulation (EU) 2016/2080 as regards the date of entry into storage of the skimmed milk powder sold by a tendering procedure**

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) 2016/1240 of 18 May 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage ⁽²⁾, and in particular Article 28 thereof,

Whereas:

- (1) In order to define the quantities of skimmed milk powder covered by the tendering procedure opened by Commission Implementing Regulation (EU) 2016/2080 ⁽³⁾, Article 1 of that Regulation lays down a time limit before which the skimmed milk powder must have entered into public storage.
- (2) Given the current situation on the milk and milk products market in terms of price recovery and the high level of intervention stocks, it is appropriate that an additional volume of skimmed milk powder is made available for sale by changing the date of entry into storage.
- (3) Implementing Regulation (EU) 2016/2080 should therefore be amended accordingly.
- (4) In order to make the skimmed milk powder available for sale without delay, this Regulation should enter into force on the day after its publication in the *Official Journal of the European Union*.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

In Article 1 of Implementing Regulation (EU) 2016/2080, the date of '1 November 2015' is replaced by '1 April 2016'.

Article 2

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 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 206, 30.7.2016, p. 71.

⁽³⁾ Commission Implementing Regulation (EU) 2016/2080 of 25 November 2016 opening the sale of skimmed milk powder by a tendering procedure (OJ L 321, 29.11.2016, p. 45).

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

Done at Brussels, 15 December 2017.

*For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission*

DECISIONS

COUNCIL IMPLEMENTING DECISION (EU) 2017/2350

of 9 August 2016

on imposing a fine on Portugal for failure to take effective action to address an excessive deficit

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) No 1173/2011 of the European Parliament and of the Council of 16 November 2011 on the effective enforcement of budgetary surveillance in the euro area ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) The Council, by decision adopted on 12 July 2016, under Article 126(8) of the Treaty, established that no effective action has been taken by Portugal to correct the excessive deficit in response to the Council recommendation of 21 June 2013 under Article 126(7) of the Treaty.
- (2) Following the Council's decision of 12 July 2016 that Portugal has not taken effective action to correct the excessive deficit, the Commission should recommend that the Council impose a fine.
- (3) The fine to be imposed on Portugal should in principle amount to 0,2 % of its GDP in the preceding year but its amount may be reduced or cancelled on grounds of exceptional economic circumstances or following a reasoned request by the Member State concerned.
- (4) The GDP of Portugal in 2015 was EUR 179,37 billion and 0,2 % of that GDP corresponds to EUR 358 738 200.
- (5) In accordance with point 3 of Article 2 of Regulation (EU) No 1173/2011, 'exceptional economic circumstances' means circumstances where an excess of a government deficit over the reference value is considered exceptional within the meaning of the second indent of point (a) of Article 126(2) of the Treaty, as specified in Council Regulation (EC) No 1467/97 ⁽²⁾. According to the latter Regulation, such an excess is exceptional when it results (i) from an unusual event outside the control of the Member State concerned and with a major impact on the financial position of general government; or (ii) from a severe economic downturn, meaning a negative annual GDP volume growth rate or an accumulated loss of output during a protracted period of very low annual GDP volume growth relative to its potential.
- (6) An evaluation of the application of the abovementioned conditions to Portugal yields the following conclusions:
 - Even though Portugal's annual GDP growth has contracted more rapidly than expected in 2011 and 2012, the economy has been on a mild recovery path since spring 2013. Unemployment also grew considerably until 2013 but returned to a downward path in 2014, as the Portuguese economy eventually began to recover. GDP has been growing largely above the growth of potential output since 2014 and this situation is expected to continue in 2016. According to the Commission 2016 spring forecast, GDP is projected to continue growing at 1,5 % during 2016, further increasing to 1,7 % in 2017. Consequently, there has not been a severe economic downturn over the period covered by the Council recommendation of 21 June 2013 (i.e. 2013-2015).
 - Moreover, no unusual event outside the control of the government, with a major impact on public finances over 2013-2015, took place.
- (7) Therefore, exceptional economic circumstances that would warrant a reduction of the amount of the fine do not exist.

⁽¹⁾ OJ L 306, 23.11.2011, p. 1.

⁽²⁾ Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure (OJ L 209, 2.8.1997, p. 6).

- (8) On 18 July 2016, Portugal submitted a reasoned request to the Commission to recommend that the Council set the amount of the fine to zero. In support of its request, Portugal gave the following reasons:

Portugal recalls the substantial fiscal consolidation effort and the structural reforms implemented during the recent economic adjustment programme. It also reaffirms the strong commitment to correct the excessive deficit in 2016, including the commitment to adopt measures when necessary to correct budgetary deviations, and to implement a fiscal adjustment in 2017 in line with the fiscal country specific recommendation adopted by the Council on 12 July 2016. Portugal considers that the application of sanctions would be detrimental to the achievement of the budgetary targets correcting the excessive deficit this year. It also points to economic policy commitments in particular as regards the stabilisation of the financial system and the measures presented in the 2016 National Reform Programme. Finally, Portugal considers any sanction inappropriate in the current European and international environment, in particular in view of the high uncertainties arising from the outcome of the referendum in the United Kingdom on membership of the Union.

- (9) An assessment of the abovementioned arguments leads to the considerations below.
- (10) While Portugal did not take effective action to address the excessive deficit in compliance with the Council's recommendation of 21 June 2013, the overall fiscal adjustment from 2010 to 2014 was indeed very sizeable. The reduction of the headline deficit net of one-offs by more than 5 % of GDP was driven by the improvement of the structural balance by more than 6 %. Nonetheless, this momentum stalled after the conclusion of the economic programme as highlighted in the Council decision of 12 July 2016. The fiscal adjustment has been accompanied by a comprehensive set of structural reforms under the adjustment programme that has been successfully completed on June 2014, setting the ground for a sounder economic recovery. Important challenges remain, as the still high private and public debt levels are a burden for the economy, and the still high unemployment hampers economic adjustment.
- (11) The commitment by the Portuguese authorities to correct the excessive deficit in 2016 and respect the fiscal country-specific recommendation in 2017 is an important sign of the intention of the Government to comply with the Stability and Growth Pact. For 2016, the government reiterates its commitment given in the Eurogroup of 11 February 2016 to adopt, when necessary, fiscal measures to correct any potential budget execution deviations. Also, the Government commits itself to maintaining the freezing of certain appropriations amounting to 0,2 % of GDP as highlighted in the Stability Programme. The annex to the reasoned request of 18 July 2016 provides additional information on the way these appropriations can be used, making more credible the commitment not to spend them as long as the freeze is needed. First, it indicates that the appropriations have been earmarked for public institutions whose funding has already increased compared to 2015; hence they may eventually not request more funding. Second, to access these appropriations, any public service must present spending authorisations that require the explicit approval of the Minister of Finance. Finally, these appropriations are also on top of already budgeted appropriations and of reserves that are also subject to approval.
- (12) As regards the durable correction of the excessive deficit and, in particular, the budget for 2017, the reasoned request of 18 July 2016 refers mainly to the forthcoming Draft Budgetary Plan to be submitted in October 2016 and commits to compliance with the fiscal country-specific recommendation, which requires a structural adjustment of at least 0,6 % of GDP. This is an improvement compared to the structural adjustment of only 0,35 % of GDP laid out in the Stability Programme for 2017 while the specific adjustment measures are still to be defined.
- (13) As regards the alleged detrimental effect of sanctions to the correction of the excessive deficit in 2016, the fine is limited by Article 6(1) of Regulation (EU) No 1173/2011 to 0,2 % of GDP, an amount small enough to be compatible with the correction of the excessive deficit. Moreover, any potential fine would not impact the variation of the structural balance.
- (14) The commitment to proceed with structural reforms in key economic policy areas and with measures to stabilise the banking system is welcome as indeed they are also part of the relevant country-specific recommendations addressed to Portugal. With respect to other structural reforms planned for 2016 and onwards, like those intended to improve the business environment or address the undercapitalisation of firms, the measures indicated do not depart substantially from what was already presented in the 2016 National Reform Programme. While in principle these reforms are sound, they are subject to implementation risks. Finally, the annex to the reasoned request of 18 July 2016 refers explicitly to the need to define a programme to reduce non-performing loans.

- (15) Regarding the appropriateness of the decision in the current European and international environment, the Council is fully aware of increased uncertainties in the current context, in particular in view of the outcome of the referendum in the United Kingdom on membership of the Union.
- (16) In view of Portugal's reasoned request of 18 July 2016 and having regard of the points given above, in particular the fiscal adjustment undergone during the economic adjustment programme which was accompanied by a comprehensive set of structural reforms; the commitments (i) to adopt, when necessary, fiscal measures to correct any potential budget execution deviations in 2016; (ii) to implement an additional structural adjustment of 0,25 % of GDP in 2017 compared with the adjustment of 0,35 % of GDP laid out in the April 2016 Stability Programme; and (iii) to implement structural reforms in key areas in view of existing challenges including measures to stabilise the banking system, the reasons put forward by Portugal are considered to warrant a cancellation of the fine of 0,2 % of GDP,

HAS ADOPTED THIS DECISION:

Article 1

The fine of 0,2 % of GDP to be imposed on Portugal for failure to take effective action in response to the Council recommendation of 21 June 2013 is cancelled.

Article 2

This Decision is addressed to the Portuguese Republic.

Done at Brussels, 9 August 2016.

For the Council
The President
M. LAJČÁK

COUNCIL IMPLEMENTING DECISION (EU) 2017/2351**of 9 August 2016****on imposing a fine on Spain for failure to take effective action to address an excessive deficit**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) No 1173/2011 of the European Parliament and of the Council of 16 November 2011 on the effective enforcement of budgetary surveillance in the euro area ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) The Council, by decision adopted on 12 July 2016, under Article 126(8) of the Treaty, established that no effective action has been taken by Spain to correct the excessive deficit in response to the Council Recommendation of 21 June 2013 under Article 126(7) of the Treaty.
- (2) Following the Council's decision of 12 July 2016 that Spain has not taken effective action to correct the excessive deficit, the Commission should recommend that the Council impose a fine.
- (3) The fine to be imposed on Spain should in principle amount to 0,2 % of its GDP in the preceding year, but its amount may be reduced or cancelled on grounds of exceptional economic circumstances or following a reasoned request by the Member State concerned.
- (4) The GDP of Spain in 2015 was EUR 1 081,19 billion and 0,2 % of that GDP corresponds to EUR 2 162,38 million.
- (5) In accordance with point 3 of Article 2 of Regulation (EU) No 1173/2011, 'exceptional economic circumstances' means circumstances where an excess of a government deficit over the reference value is considered exceptional within the meaning of the second indent of point (a) of Article 126(2) of the Treaty, as specified in Council Regulation (EC) No 1467/97 ⁽²⁾. According to the latter Regulation, such an excess is exceptional when it results (i) from an unusual event outside the control of the Member State concerned and with a major impact on the financial position of general government or (ii) from a severe economic downturn, meaning a negative annual GDP volume growth rate or an accumulated loss of output during a protracted period of very low annual GDP volume growth relative to its potential.
- (6) An evaluation of the application of the abovementioned conditions to Spain yields the following conclusions:
 - Following ten consecutive quarters of negative real GDP growth, economic growth in Spain resumed in the third quarter of 2013. Real GDP growth reached 1,4 % in 2014 and accelerated to 3,2 % in 2015. According to the updated Commission 2016 spring forecast, real GDP growth is expected to reach 2,9 % in 2016. This is an upwards revision of 0,3 percentage points compared to the Commission 2016 spring forecast, driven by higher-than-expected public and private consumption in the first quarter of the year. Consequently, there has not been a severe economic downturn over the period covered by the Council Recommendation of 21 June 2013 (i.e. 2013-2016).
 - Moreover, no unusual events outside the control of the government, with major impact on public finances over 2013-2016, took place. Even though Spanish inflation was a surprise in that it was on the low side, and was even negative in 2014, its impact on the public finances was not major as it was largely offset by higher-than-expected real GDP growth, with fast job creation and a tax-rich composition of growth benefitting the deficit reduction.

⁽¹⁾ OJ L 306, 23.11.2011, p. 1.

⁽²⁾ Council Regulation (EC) No 1467/97 of 7 July 1997 on speeding up and clarifying the implementation of the excessive deficit procedure (OJ L 209, 2.8.1997, p. 6).

- (7) Therefore, exceptional economic circumstances that would warrant a reduction of the amount of the fine do not exist.
- (8) On 13 July 2016, Spain submitted a reasoned request to the Commission to recommend that the Council set the amount of the fine at zero. In support of its request, Spain gave the following reasons:

Spain recalls its important achievements in implementing a far-reaching reform agenda, despite a very challenging economic context, that proved decisive in supporting the strong rebound of economic activity and job creation, as well as the correction of accumulated imbalances. It also highlights the significant fiscal effort implemented in the wake of the crisis and the negative impact of low and even negative inflation on the fiscal adjustment process and the economy as a whole. Methodological issues are also raised, concerning the alleged inability of the current methodology to assess SGP compliance to take account of negative inflation surprises or to accurately measure potential GDP growth in the case of Spain. Finally, it reports on measures and commitments taken to reduce the public deficit in 2016 and reaffirms the commitment to correct the excessive deficit by 2017.

- (9) An assessment of the abovementioned arguments leads to the considerations below.
- (10) The Spanish economy has experienced a significant turnaround in recent years, also thanks to reforms undertaken in a challenging economic environment that helped ease existing rigidities in labour and product markets. The successful completion of the financial assistance programme for the recapitalisation of financial institutions in Spain in early 2014 and the major structural reforms that have been carried out alongside created a sound basis for the economic recovery. Also after the completion of the programme, Spain continued to implement structural reforms, including a reform of the insolvency framework, the completion of the banking sector restructuring, the public administration reform and the creation of an independent fiscal council. Helped by monetary policy and a reinforced euro area governance framework, this paved the way for a return of capital inflows and improved financial conditions. As growth resumed in the second half of 2013, internal and external rebalancing advanced, also supported by reform-induced competitiveness gains. The recovery is accompanied by strong job creation, supported by continued wage moderation and the impact of labour market reforms. Notwithstanding the progress in rebalancing the economy, important challenges remain, as still high private and public debt reflected in the very high level of net external liabilities exposes Spain to risks stemming from shifts in market sentiment, and still high unemployment hampers economic adjustment.
- (11) While Spain did not take effective action to address the excessive deficit in compliance with the Council's recommendation of 21 June 2013, it should be acknowledged that Spain had already delivered sizeable fiscal efforts to correct its excessive deficit in the budgets for 2012 and, to a lesser extent, 2013. The consolidation fatigue highlighted by the Council decision of 12 July 2016 followed this substantial fiscal structural effort and occurred after difficult economic conditions that impinged on social cohesion. Indeed, notwithstanding the strong rebound of the economy since the third quarter of 2013, Spain kept experiencing unfavourable economic conditions during the period covered by the last Council recommendation. The output gap reached – 8,5 % of potential GDP in 2013 and, while improving fast, it was still largely negative, at – 4,0 %, in 2015. The unemployment rate peaked at 26,1 % in 2013 and social exclusion and inequality worsened in the wake of the crisis, bringing the overall share of people at risk of poverty or social exclusion to 29,2 % in 2014, one of the highest rates in the Union.
- (12) In this context, while some of the measures taken in recent years had a negative direct impact on the public finances, they may contribute to growth and employment in the medium to long term, and in turn to the sustainability of public finances. Social security contributions exemptions and rebates contributed to the persistent general government deficit, but to some extent supported social cohesion by targeting lower income earners, less qualified workers and new permanent contracts. The tax reforms adopted in late 2014, while being under-funded, are aimed at making the tax structure more growth-friendly as well as improving tax governance and equity.
- (13) For 2016, the Spanish government, in its caretaker position, has taken deficit-reducing measures following the Commission Recommendation of 9 March 2016 regarding measures to be taken by Spain in order to ensure a timely correction of its excessive deficit, which is welcome. In particular, with a view to implementing provisions in domestic legislation to enforce fiscal discipline on regional governments, on 6 April, the government required 12 regional governments to approve cuts in budget appropriations to ensure compliance

with their deficit targets for 2016. While the expenditure cuts for 2016 adopted to date by those governments are considerably below the expected amount reported in the 2016 Stability Programme, Spain's central government has approved around 0,2 % of GDP cuts to budgetary appropriations. On 13 July, the Spanish caretaker government announced its commitment to put in place further welcome deficit-reducing measures. On the revenue side, amendments to the corporate income tax law, to be adopted as soon as a new government is formed, have been envisaged to make up for the loss in revenues of around 0,5 % of GDP expected for 2016 following the changes made to the regulation of instalment payments (*pagos fraccionados*) of the corporate income tax, so as to ensure that corporate income tax revenues reach the level expected in the 2016 Stability Programme. On the expenditure side, the advancing of the date of closure of the central government's fiscal year, adopted on 14 July, can help contain expenditure developments in the second half of 2016. Nevertheless, these measures are still subject to considerable implementation risks, in particular with respect to the timely adoption by Parliament of required changes to the corporate income tax law and whether they will be sufficient to offset the expected shortfall in corporate income tax revenues. The government has also committed itself to taking further measures against tax fraud.

- (14) Spain's reasoned request to the Commission also highlights the negative impact of low and even negative inflation on the fiscal adjustment process and the economy as a whole. As also argued in the Council Decision of 12 July 2016, over 2013-2015, Spanish inflation (as measured by the GDP deflator) was indeed well below that in the baseline macroeconomic scenario underpinning the recommendation (it was even negative in 2014, at – 0,4 %). However, the negative impact of low or even negative inflation on Spain's fiscal outcomes was largely offset by higher-than-expected real GDP growth.
- (15) Spain also puts forward methodological issues concerning the alleged inability of the current effective action methodology to take account of negative inflation surprises or to accurately measure potential GDP growth in the case of Spain. Concerning the possible underestimation of the structural effort carried out in Spain, it must be borne in mind that, in estimating potential growth, the Commission applies the commonly agreed production function methodology, endorsed by the Council. As regards the impact of negative inflation, the Commission acknowledges in its analytical work that the methodology agreed for fiscal surveillance — and based on the correction of headline balance figures by means of potential output estimates — can, in the presence of a negative inflation shock, lead to the underestimation of the structural effort. However, this approach is complemented by a so-called bottom-up measure of the fiscal effort, which assesses whether expenditure targets have been met and the planned discretionary measures on the revenue side have been implemented. Contrary to the change in the structural balance, this bottom-up measure will likely be over-estimating the fiscal effort following a disinflation shock. In the case of Spain, also the use of such bottom-up methodology shows that no cumulated effort was delivered over 2013-2015, against the recommended cumulative structural effort of 3,0 % of GDP.
- (16) In view of Spain's reasoned request and having regard to the previous points, in particular the deep structural reforms undertaken by the Spanish government since 2012 and still in place, the challenging economic environment during the period covered by the June 2013 Council recommendation, the deficit-reducing commitments announced by the Spanish caretaker government in its reasoned request, along with the consolidation measures put in place following the Commission Recommendation of 9 March 2016 regarding measures to be taken by Spain in order to ensure a timely correction of its excessive deficit, a cancellation of the fine of 0,2 % of GDP is considered warranted,

HAS ADOPTED THIS DECISION:

Article 1

The fine of 0,2 % of GDP to be imposed on Spain for failure to take effective action in response to the Council recommendation of 21 June 2013 is cancelled.

Article 2

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 9 August 2016.

For the Council
The President
M. LAJČÁK

COMMISSION IMPLEMENTING DECISION (EU) 2017/2352**of 14 December 2017****amending Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.)***(notified under document C(2017) 8356)*

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community ⁽¹⁾, and in particular the fourth sentence of Article 16(3) thereof,

Whereas:

- (1) The experience gained with the application of Commission Implementing Decision (EU) 2015/789 ⁽²⁾, in particular since its last amendment by Implementing Decision (EU) 2016/764 ⁽³⁾, has shown that several further measures need to be taken and that certain provisions of that Decision should be adapted to ensure a more effective approach against the further introduction into, and spread within, the Union of *Xylella fastidiosa* (Wells et al.) (hereinafter: 'the specified organism').
- (2) Notwithstanding the necessity of carrying out surveys based on the level of risk assessed at Member State level, experience has shown that surveys should be carried out in a more thorough and harmonised manner to ensure that all Member States achieve the same level of precaution against the specified organism. For that reason, when carrying out those surveys, Member States should take into account the relevant technical guidelines issued by the Commission.
- (3) As referred to in international standards, the identification of the specified organism has been proven to be most reliable when based on at least two different tests, based on different biological principles or targeting different parts of the genome. The list of those tests should be available in a Commission database that should be public to ensure transparency. As the identification of the specified organism outside the demarcated areas requires a different level of sensitivity of the tests, there should be specific tests for demarcated areas and for areas other than demarcated areas.
- (4) For transparency purposes, Member States should publish their national contingency plans on the internet.
- (5) Scientific evidence referred to by the European Food Safety Authority (EFSA) in the Scientific Opinion of January 2015 ⁽⁴⁾ indicates the possibility of genetic recombination between different subspecies of the specified organism found in other parts of the world, affecting new plant species which were never found infected before by the subspecies concerned. Therefore, in order to ensure a more precautionary approach, and given the fact that different subspecies have recently been reported within the Union, it is important to clarify that where more than one subspecies of the specified organism have been found in an area, that area should be demarcated with regard to the specified organism and all of its possible subspecies. In addition, where the identification of the presence of a subspecies is pending, the Member State concerned should, on a precautionary basis, also demarcate that area with regard to the specified organism and all of its possible subspecies.
- (6) Experience has shown that, while carrying out surveys within the buffer zones, the allocation of resources has to be prioritised according to the level of phytosanitary risk. Therefore, in the buffer zones, it would be proportionate to set out that the respective survey is based on a grid split into 100 m × 100 m squares within a zone of a width of at least 1 km surrounding the infected zone, and a grid split into 1 km × 1 km squares within the rest of the buffer zone.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.

⁽²⁾ Commission Implementing Decision (EU) 2015/789 of 18 May 2015 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) (OJ L 125, 21.5.2015, p. 36).

⁽³⁾ Commission Implementing Decision (EU) 2016/764 of 12 May 2016 amending Implementing Decision (EU) 2015/789 as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Wells et al.) (OJ L 126, 14.5.2016, p. 77).

⁽⁴⁾ EFSA Journal 2015;13(1):3989, 262 pp., doi:10.2903/j.efsa.2015.3989

- (7) Based on current experience, and in line with scientific evidence reported by EFSA, the immediate removal of all host plants, irrespective of their health status, located within a radius of 100 m around the infected plants, increases the prospects for successful eradication of the specified organism. Compared to the containment measures, where the removal of plants is limited only to those found infected and only if located in some parts of the demarcated area, the removal of all host plants provides a higher level of guarantee *vis-à-vis* asymptomatic infections and thus the status of the specified organism in the area. It is therefore proportionate to reduce the width of the buffer zone surrounding the infested zone from 10 km to 5 km in all cases where the demarcated zone is established for the purpose of eradication. However, that width should remain 10 km in the case of demarcated areas established for the purpose of containment, because of the need to adopt a more precautionary approach due to the more extended presence of the specified organism in those demarcated areas.
- (8) It is also proportionate to reduce that buffer zone to 1 km, under certain conditions which would guarantee that no further spread of the specified organism occurred, as well as the immediate removal of the infected plants and appropriate monitoring of the situation. Similarly, it is proportionate to allow the lifting of a demarcated area, after 12 months since its initial establishment, if an intensive sampling scheme is adopted to ensure the absence of the specified organism from that area.
- (9) For the purpose of increasing transparency and public information about the measures taken against the specified organism, Member States should publish and update the list of demarcated areas in their territory, and the Commission should further publish and update its list of those areas as notified by the Member States.
- (10) Experience has shown that it is proportionate to allow that a demarcated area is not established where the specified organism has been found in a site with proven physical protection from the vectors of that organism. That approach is proportionate because of the low risk of spread of the specified organism and the higher possibility to immediately eliminate that organism due to the controlled environment of its appearance.
- (11) Member States should have the option to authorise the planting of some or all host plants within the infected zones under containment outside the 20 km area adjacent to the buffer zone, under relevant conditions, to ensure more flexibility for the respective Member State. In doing so, they should give preference to plants belonging to varieties assessed to be tolerant or resistant to the specified organism, with the aim of reducing the level of bacterial inoculum in the respective areas.
- (12) In order to respect the tradition and history of a particular location, Member States should have the option to decide that host plants officially designated as plants of historic value do not need to be removed if they are not infected with the specified organism, even if they are located within a radius of 100 m around the plants which have been tested and found to be infected by the specified organism. However, and in order to prevent their potential infection and the spread of the specified organism, they should be subject to particular conditions.
- (13) In order to ensure that the monitoring of the presence of the specified organism in the demarcated areas takes place at appropriate times and for purpose of legal certainty, it should be specified that such monitoring and the respective inspections take into account the relevant technical guidelines issued by the Commission.
- (14) For reasons of clarity and legal certainty, it is appropriate to limit the infected zones in which containment measures may be applied to those zones listed in an Annex to Implementing Decision (EU) 2015/789.
- (15) Taking into account the developments of the specified organism in the Union and the recognition of containment areas also in other parts of the Union, the removal of the plants should apply to the whole containment area where the specified organism is found to be present based on official surveys. However, in order to protect the rest of the Union territory, those official surveys should be carried out at least in proximity of sites of production authorised to move specified plants out of the demarcated areas, in proximity of the sites of plants with particular cultural, social and scientific value, and in areas within the infected zone measuring 20 km from the border of that infected zone. However, this requirement should not apply in the case of islands which are entirely containment areas and are situated more than 10 km to the nearest Union land territory, given that these islands are in any event physically isolated.

- (16) Due to the low phytosanitary risk as assessed by EFSA in March 2016 ⁽¹⁾, it is appropriate to allow the movement of specified plants which belong to varieties proven to be not susceptible to one or more of the subspecies of the specified organism, out of the demarcated areas without plant passports prepared and issued in accordance with Commission Directive 92/105/EEC ⁽²⁾.
- (17) Based on the flight dispersal capacity of the insect vectors, it is appropriate and more proportionate to authorise the movement of specified plants from production sites surrounded by a zone with a width of 100 meters which has been subject to inspections twice per year and where all of the plants found to have symptoms, or to be infected with the specified organism, have been removed immediately. For reasons of consistency, a similar rule should apply to sites of production in third countries where the specified organism is known to be present.
- (18) Experience has shown that production sites where host plants are grown outside demarcated areas are subject to annual inspections, and, in the case of symptoms, subject to sampling and testing to ensure a higher level of confidence concerning the absence of the specified organism. Therefore, and in order to ensure a harmonised level of protection in the Union, the respective requirements for those sites should be adopted.
- (19) The species of *Coffea*, *Lavandula dentata* L., *Nerium oleander* L., *Olea europaea* L., *Polygala myrtifolia* L., and *Prunus dulcis* (Mill.) D.A. Webb have proven to be recurrently infected by the specified organism and provide an easy pathway for the spread of the disease within the Union. Although trace-back activities are still ongoing to confirm the source of the infected plants detected in the Union based on the precautionary basis, those specified plants should only be grown in sites that are subject to annual official inspection, sampling and testing to confirm the absence of the specified organism. Due to the higher susceptibility of those plants to the specified organism, the presence of that organism should be identified on the basis of at least two positive tests, of which at least one should be a molecular test, listed in the respective Commission database.
- (20) A similar requirement should apply to third countries where the specified organism is not known to occur yet. In addition, when moving those plants within the Union, professional operators should keep records for at least three years in order to ensure traceability and follow-up official inspections as appropriate.
- (21) Implementing Decision (EU) 2015/789 lays down strict provisions for the movement of certain plant species ('host plants') within the Union as being found infected by the European isolates of the specified organism. Those host plants are subject to strict conditions even if they are never grown within a demarcated area.
- (22) At the same time, a temporary authorisation has been granted to Belgium, the Czech Republic, France and Spain by Commission Implementing Decision (EU) 2017/167 ⁽³⁾, allowing the certification of pre-basic mother plants and pre-basic material of specific species of fruit plants referred to in Annex I to Council Directive 2008/90/EC ⁽⁴⁾ and produced in the field under non-insect proof conditions. Several of those species, namely *Juglans regia* L., *Olea europaea* L., *Prunus amygdalus* Batsch, *P. amygdalus* × *P. persica*, *P. armeniaca* L., *P. avium* (L.) L., *P. cerasus* L., *P. domestica* L., *P. domestica* × *P. salicina*, *P. dulcis* (Mill.) D.A. Webb, *P. persica* (L.) Batsch, and *P. salicina* Lindley are known to be susceptible to the European and non-European isolates of the specified organism and are listed as 'specified plants' in Annex I to Implementing Decision (EU) 2015/789.
- (23) Giving the emerging threat from the specified organism for the Union territory, the authorisation for the certification of those pre-basic mother plants and that pre-basic material, which derogates from the insect-proof growing condition, should be complemented by alternative phytosanitary guarantees, even if the plants are not situated in an area demarcated pursuant to Implementing Decision (EU) 2015/789.
- (24) Therefore, those pre-basic mother plants and that pre-basic material which are subject to Implementing Decision (EU) 2017/167 should only be moved within the Union territory if they are accompanied by a plant passport. The purpose is to guarantee that those pre-basic mother plants and that pre-basic material, as well as all

⁽¹⁾ EFSA Journal 2016; 14(10):4601, 19 pp. doi:10.2903/j.efsa.2016.4601

⁽²⁾ Commission Directive 92/105/EEC of 3 December 1992 establishing a degree of standardization for plant passports to be used for the movement of certain plants, plant products or other objects within the Community, and establishing the detailed procedures related to the issuing of such plant passports and the conditions and detailed procedures for their replacement (OJ L 4, 8.1.1993, p. 22).

⁽³⁾ Commission Implementing Decision (EU) 2017/167 of 30 January 2017 temporarily authorising Belgium, the Czech Republic, France and Spain to certify pre-basic mother plants and pre-basic material of specific species of fruit plants referred to in Annex I to Council Directive 2008/90/EC, produced in the field under non-insect proof conditions (OJ L 27, 1.2.2017, p. 143).

⁽⁴⁾ Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ L 267, 8.10.2008, p. 8).

propagating material and fruit plants produced, are free from the specified organism. Furthermore, the pre-basic mother plants and the pre-basic material concerned should be subject to visual inspection, sampling and molecular testing to ensure the absence of the specified organism, while preserving the health status of those plants and that material during the propagation process.

- (25) Finally, all plant species which have been identified as specified plants by the Commission since the last amendment of Implementing Decision (EU) 2015/789 should be included in Annex I to that Decision.
- (26) Implementing Decision (EU) 2015/789 should therefore be amended accordingly.
- (27) In order to allow professional operators and responsible official bodies to adapt to the new requirements concerning the movement of plants for planting, other than seeds, of species of *Coffea*, *Lavandula dentata* L., *Nerium oleander* L., *Olea europaea* L., *Polygala myrtifolia* L., and *Prunus dulcis* (Mill.) D.A. Webb, the respective provision should apply from 1 March 2018.
- (28) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food, and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Amendment to Implementing Decision (EU) 2015/789

Implementing Decision (EU) 2015/789 is amended as follows:

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

‘Article 3

Surveys of the specified organism in the territories of the Member States and identification

- 1. Member States shall conduct annual surveys for the presence of the specified organism in their territory on the specified plants.

Those surveys shall be carried out by the responsible official body, or under official supervision of the responsible official body. They shall consist of visual examinations and, in the case of any suspicion of infection by the specified organism, collection of samples and testing. Those surveys shall be based on sound scientific and technical principles and shall be carried out at appropriate times of the year with regard to the possibility to detect the specified organism by visual inspection, sampling and testing. Those surveys shall take account of the available scientific and technical evidence, the biology of the specified organism and its vectors, the presence and biology of specified plants, and any other appropriate information, concerning the presence of the specified organism. They shall also take into account the technical guidelines for the survey of *Xylella fastidiosa* provided on the Commission website (*).

- 2. The presence of the specified organism in areas other than demarcated areas, shall be screened by one molecular test, and in case of positive results, its presence shall be identified by carrying out, in line with international standards, at least one more positive molecular test. Those tests shall be listed in the Commission database of tests for the identification of the specified organism and its subspecies and target different parts of the genome.

The presence of the specified organism in demarcated areas shall be screened by one test, and in case of positive results, its presence shall be identified by carrying out, in line with international standards, at least one positive molecular test. Those tests shall be listed in the Commission database of tests for the identification of the specified organism and its subspecies.

- 3. The Commission shall manage and update the database referred to in paragraph 2 and provide public access to it.

The tests listed in that database shall be divided into two categories, depending on their appropriateness for the identification of the specified organism and its subspecies in demarcated areas and in areas other than demarcated areas.

(*) 'Guidelines for the survey of *Xylella fastidiosa* (Wells et al.) in the Union territory' http://ec.europa.eu/food/sites/food/files/plant/docs/ph_bioseca_legis_guidelines_xylella-survey.pdf

(2) In Article 3a, paragraph 4 is replaced by the following:

'4. Member States shall, on request, communicate their contingency plans to the Commission and shall inform all relevant professional operators through publication on the internet.'

(3) Article 4 is amended as follows:

(a) Paragraph 1 is replaced by the following:

'1. Where the presence of the specified organism is identified, the Member State concerned shall without delay demarcate an area in accordance with paragraph 2, hereinafter 'demarcated area'.

By way of derogation from the first subparagraph, where the presence of one particular subspecies of the specified organism is confirmed, the Member State concerned may demarcate an area with regard to that subspecies only.

Where the presence of more than one subspecies of the specified organism is identified, the Member State concerned shall demarcate that area with regard to the specified organism and all of its possible subspecies.

Where the identification of the presence of a subspecies is pending, the Member State concerned shall demarcate that area with regard to the specified organism and all of its possible subspecies.

The identification of the presence of the subspecies shall be based on the results of tests referred to in Article 3(2).'

(b) In paragraph 2, the fourth subparagraph is replaced by the following:

'The buffer zone shall be of a width of at least 5 km surrounding the infected zone. The buffer zone may be reduced to a width of no less than 1 km if there is a high degree of confidence that the initial presence of the specified organism did not result in any spread, and if all of the following conditions have been fulfilled:

- (a) all host plants, irrespective of their health status, have been immediately removed within a radius of 100 m around the plant found infected;
- (b) no other plants have been found infected by the specified organism in the infected zone since the eradication measures have been taken, on the basis of official tests carried out at least once during the course of the year, taking into account the technical guidelines for the survey of *Xylella fastidiosa* provided on the Commission website. Those tests shall be based on a sampling scheme able to identify with 99 % reliability a level of presence of infected plants of 1 % or above, and targeting symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic ones;
- (c) a delimiting survey has been carried out in a zone with a width of at least 5 km surrounding the infected zone, concluding that the specified organism has not been found present in that zone. That survey shall be based on a grid split into 100 m × 100 m squares within a zone of a width of at least 1 km surrounding the infected zone, and a grid split into 1 km × 1 km squares within the rest of the buffer zone. In each of those squares, the Member State concerned shall carry out visual inspections of the specified plants and sample and test symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic ones;
- (d) no vectors carrying the specified organism have been detected in the infected zone since the eradication measures have been taken, on the basis of tests carried out twice during the flight season of the vector, and in accordance with international standards. Those tests shall lead to the conclusion that natural spread of the specified organism is excluded.

When reducing the width of the buffer zone, the Member State concerned shall immediately notify the Commission and the other Member States of the justification for that reduction.

In the case of an infected zone for the purpose of containment measures as referred to in Article 7(1), the buffer zone shall be of a width of at least 10 km.'

(c) Paragraphs 4 and 5 are replaced by the following:

'4. Member States shall keep and update a list of the demarcated areas established in their respective territories and shall publish that list and any updates. They shall notify the Commission of their list and any updates in accordance with Commission Implementing Decision 2014/917/EU (*).

On the basis of those notifications, the Commission shall update and publish its list of demarcated areas.

5. Where based on the surveys referred to in Article 3 and on the monitoring referred to in Article 6(7) the specified organism is not detected in a demarcated area for a period of 5 years, this demarcation may be lifted. In such cases, the Member State concerned shall notify the Commission and other Member States.

By way of derogation from the first subparagraph, where the Member State concerned has reduced the buffer zone to a width of no less than 1 km pursuant to the fourth subparagraph of paragraph 2, that Member State may lift that demarcated area after 12 months since its initial establishment, if both of the following conditions are fulfilled:

- (a) as result of the measures taken pursuant to the fourth subparagraph of paragraph 2, it is concluded with a high degree of confidence that the initial presence of the specified organism was an isolated case and no further spread occurred in the respective demarcated area;
- (b) as practically close to the time of lifting, official tests have been carried out within the demarcated area, taking into account the technical guidelines for the survey of *Xylella fastidiosa* provided on the Commission website, using a sampling scheme able to identify with 99 % reliability a level of presence of infected plants of 1 % in accordance with international standards, and targeting symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic ones.

Where a demarcated area is lifted pursuant to the second subparagraph, the specified plants located in the previously established demarcated area shall be subject to intensive surveys during the following two years. That survey shall be carried out using a sampling scheme able to identify with 99 % reliability a level of presence of infected plants of 1 % or above in accordance with international standards and based on scientific and technical principles related to the potential spreading of the specified organism in the immediate surroundings, and targeting symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic ones.

When lifting the demarcated area after 12 months since its initial establishment, the Member State concerned shall immediately notify the Commission and the other Member States of the justification for that lifting.

(*) Commission Implementing Decision 2014/917/EU of 15 December 2014 setting out detailed rules for the implementation of Council Directive 2000/29/EC as regards the notification of the presence of harmful organisms and of measures taken or intended to be taken by the Member States (OJ L 360, 17.12.2014, p. 59).'

(d) In paragraph 6, point (a) is replaced by the following:

'(a) there is evidence that the specified organism was recently introduced into the area with the plants on which it was found, or that the specified organism has been found in a site with physical protection from the vectors of that organism;'

(4) In Article 5, paragraph 2 is replaced by the following:

'2. By way of derogation from paragraph 1, the Member State concerned may grant authorisations for the planting of the host plants within the infected zones listed in Annex II where containment measures pursuant to Article 7 are applied, except in the 20 km area referred to in Article 7(7)(c). When granting those authorisations, the Member State concerned shall give preference to host plants belonging to varieties assessed as being resistant or tolerant to the specified organism.'

(5) Article 6 is amended as follows:

(a) the following paragraph 2a is inserted:

‘2a. By way of derogation from point (a) of paragraph 2, Member States may decide that individual host plants officially designated as plants with historic value do not need to be removed, provided that all of the following conditions have been fulfilled:

- (a) the host plants concerned have been sampled and tested in accordance with Article 3(2) and have been confirmed not to be infected by the specified organism;
- (b) the individual host plants or the area concerned have been appropriately physically isolated from the vectors in such a way that those plants do not contribute to the further spread of the specified organism;
- (c) appropriate agricultural practices for the management of the specified organism and its vectors have been applied.

Before a derogation is granted, the Member State concerned shall notify the Commission with the outcome of the sampling and testing referred to in point (a), the description of the measures referred to in points (b) and (c) which are intended to be taken, the justification for them, and the location of the individual plants. The Commission shall publish the list and the location of the host plants for which such derogation is granted.

Each of those plants shall be officially inspected, during the flight season of the vector, for symptoms of the specified organism and for checking the appropriateness of the physical isolation. When symptoms are present, the plant shall be subject to sampling and testing for the presence of the specified organism.’

(b) Paragraph 7 is replaced by the following:

‘7. The Member State concerned shall monitor the presence of the specified organism by annual surveys, taking into account the technical guidelines for the survey of *Xylella fastidiosa* provided on the Commission website. It shall carry out visual inspections of the specified plants and sample and test symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic ones, in accordance with the respective provisions of Article 3(1) and (2).

In buffer zones, the surveyed area shall be based on a grid split into 100 m × 100 m squares within a zone of a width of at least 1 km surrounding the infected zone, and a grid split into 1 km × 1 km squares within the rest of the buffer zone. In each of those squares, the Member State concerned shall carry out visual inspections of the specified plants and sample and test symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic ones.’

(6) Article 7 is amended as follows:

(a) Paragraphs 1 and 2 are replaced by the following:

‘1. By way of derogation from Article 6, only in an infected zone listed in Annex II the responsible official body of the Member State concerned may decide to apply the containment measures set out in paragraphs 2 to 7 (hereinafter: ‘containment area’).

2. The Member State concerned shall remove all plants which have been found to be infected by the specified organism on the basis of the official surveys referred to in paragraph 7.

That removal shall take place immediately after the official identification of the presence of the specified organism.

All necessary precautions shall be taken to avoid spreading of the specified organism during and after removal.’

(b) Paragraph 7 is replaced by the following:

‘7. The Member State concerned shall monitor the presence of the specified organism by annual official surveys, taking into account the technical guidelines for the survey of *Xylella fastidiosa* provided on the Commission website, at least in the following locations:

- (a) in the proximity of the sites referred to in Article 9(2);

- (b) in the proximity of the sites of plants with particular cultural, social or scientific value;
- (c) within an infected zone listed in Annex II and situated within an area measuring at least 20 km from the border of that infected zone with the rest of the Union territory.

Those surveys shall be based on a grid split into 100 m × 100 m squares. In each of those squares, the Member State concerned shall carry out visual inspections of the specified plants and sample and test symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic ones, in accordance with the respective provisions of Article 3(1) and (2).

The Member State concerned shall immediately notify the Commission and the other Member States of any official identification of the presence of the specified organism in the locations referred to in point (c).

Point (c) of the first subparagraph shall not apply in the case of islands which are entirely containment areas and are situated more than 10 km to the nearest Union land territory.'

(7) Article 9 is amended as follows:

(a) In paragraph 1, the first subparagraph is replaced by the following:

'1. This Article shall only apply to the movement of specified plants other than:

- (a) plants which have been grown for the entire production cycle *in vitro*; or
- (b) plants belonging to varieties of specified plants listed in Annex III.'

(b) In paragraph 2, points (d), (e) and (f) are replaced by the following:

- '(d) it is surrounded by a zone with a width of 100 meters which has been subject to official inspections twice per year and where all the plants found to be infected with the specified organism or to have symptoms, have been immediately removed and appropriate phytosanitary treatments against the vectors of the specified organism have been applied before that removal;
- (e) it is subject to phytosanitary treatments at appropriate times of the year to maintain freedom from vectors of the specified organism; those treatments may include, as appropriate, removal of plants;
- (f) it is subjected annually, together with the zone referred to in point (d), to at least two official inspections, taking into account the technical guidelines for the survey of *Xylella fastidiosa* provided on the Commission website;'

(c) Paragraphs 7 and 8 are replaced by the following:

'7. Specified plants which have been grown for at least part of their life in a demarcated area shall only be moved to and within the Union territory, if they are accompanied by a plant passport prepared and issued in accordance with Commission Directive 92/105/EEC (*).

8. Host plants which have never been grown inside the demarcated areas shall only be moved within the Union if the following conditions have been fulfilled:

- (a) they have been grown in a site that is subject to annual official inspection, and, in the case of symptoms of the specified organism, sampling, taking into account the technical guidelines for the survey of *Xylella fastidiosa* provided on the Commission website, as well as testing in line with international standards for the presence of the specified organism;
- (b) they are accompanied by a plant passport prepared and issued in accordance with Directive 92/105/EEC.

However, plants for planting, other than seeds, of *Coffea*, *Lavandula dentata* L., *Nerium oleander* L., *Olea europaea* L., *Polygala myrtifolia* L. and *Prunus dulcis* (Mill.) D.A. Webb, shall only be moved within the Union if they have been grown in a site that is subject to annual official inspection, sampling, taking into account the technical guidelines for the survey of *Xylella fastidiosa* provided on the Commission website, as well as testing in line with international standards for the presence of the specified organism, confirming the absence of the specified organism, using a sampling scheme able to identify with 99 % reliability the level of presence of infected plants of 5 %. By way of derogation from the first subparagraph of Article 3(2), the presence of the

specified organism shall be screened by one test, and in case of positive results, its presence shall be identified by carrying out, in line with international standards, at least one positive molecular test. Those tests shall be listed in the Commission database of tests for the identification of the specified organism and its subspecies. Sampling shall target symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic ones.

Without prejudice to Part A of Annex V to Directive 2000/29/EC, no plant passport shall be required for the movement of the host plants referred to in this paragraph to any person acting for purposes which are outside his trade, business or profession, and who acquires those plants for his own use.

(*) Commission Directive 92/105/EEC of 3 December 1992 establishing a degree of standardization for plant passports to be used for the movement of certain plants, plant products or other objects within the Community, and establishing the detailed procedures related to the issuing of such plant passports and the conditions and detailed procedures for their replacement (OJ L 4, 8.1.1993, p. 22).'

(d) The following paragraph 9 is added:

'9. Without prejudice to paragraph 8, pre-basic mother plants as defined in Article 1(3) of Commission Implementing Directive 2014/98/EU (*) or pre-basic material as defined in Article 2(5) of Council Directive 2008/90/EC (**) which belong to the species *Juglans regia* L., *Olea europaea* L., *Prunus amygdalus* Batsch, *P. amygdalus* × *P. persica*, *P. armeniaca* L., *P. avium* (L.) L., *P. cerasus* L., *P. domestica* L., *P. domestica* × *P. salicina*, *P. dulcis* (Mill.) D.A. Webb, *P. persica* (L.) Batsch, and *P. salicina* Lindley and which have been grown outside the demarcated areas and spent at least part of their life outside insect proof facilities, shall only be moved within the Union if they are accompanied by a plant passport prepared and issued in accordance with Directive 92/105/EEC and if the following conditions have been fulfilled:

- (a) they are subject to the authorisation provided for in Commission Implementing Decision (EU) 2017/167 (***);
- (b) within the shortest possible time prior to their movement, they have been subjected to visual inspection, sampling and molecular testing for the presence of the specified organism carried out in accordance with international standards.

Without prejudice to Part A of Annex V to Directive 2000/29/EC, no plant passport shall be required for the movement of the pre-basic mother plants and pre-basic material referred to in this paragraph to any person acting for purposes which are outside his trade, business or profession, and who acquires those plants for its own use.

(*) Commission Implementing Directive 2014/98/EU of 15 October 2014 implementing Council Directive 2008/90/EC as regards specific requirements for the genus and species of fruit plants referred to in Annex I thereto, specific requirements to be met by suppliers and detailed rules concerning official inspections (OJ L 298, 16.10.2014, p. 22).

(**) Council Directive 2008/90/EC of 29 September 2008 on the marketing of fruit plant propagating material and fruit plants intended for fruit production (OJ L 267, 8.10.2008, p. 8).

(***) Commission Implementing Decision (EU) 2017/167 of 30 January 2017 temporarily authorising Belgium, the Czech Republic, France and Spain to certify pre-basic mother plants and pre-basic material of specific species of fruit plants referred to in Annex I to Council Directive 2008/90/EC, produced in the field under non-insect-proof conditions (OJ L 27, 1.2.2017, p. 143).'

(8) Article 10 is amended as follows:

(a) The following paragraph 2a is inserted:

'2a. Paragraphs 1 and 2 shall also apply to the supply of plants for planting of *Coffea*, *Lavandula dentata* L., *Nerium oleander* L., *Olea europaea* L., *Polygala myrtifolia* L. and *Prunus dulcis* (Mill.) D.A. Webb which have never been grown within a demarcated area.'

(b) Paragraph 3 is replaced by the following:

'3. Professional operators shall keep the records referred to in paragraphs 1, 2 and 2a for 3 years from the date on which the respective lot was supplied to or by them.'

(9) In Article 16, the following second subparagraph is added:

'Plants for planting, other than seeds, of *Coffea*, *Lavandula dentata* L., *Nerium oleander* L., *Olea europaea* L., *Polygala myrtifolia* L., and *Prunus dulcis* (Mill.) D.A. Webb shall only be introduced into the Union if they have been grown in

a site that is subject to annual official inspection, with sampling and testing carried out at the appropriate times on those plants for the presence of the specified organism and in accordance with international standards, confirming the absence of the specified organism, using a sampling scheme able to identify with 99 % reliability the level of presence of infected plants of 5 %, and targeting symptomatic plants, as well as asymptomatic plants in the proximity of the symptomatic ones.'

(10) In Article 17(4), points (c), (d) and (e) are replaced by the following:

- '(c) it is surrounded by a zone with a width of 100 meters which has been subject to official inspections twice per year and where all of the plants found to be infected with the specified organism or to have symptoms have been immediately removed, and appropriate phytosanitary treatments against the vectors of the specified organism have been applied before that removal;
- (d) at appropriate times throughout the year, it is subject to phytosanitary treatments to maintain freedom from vectors of the specified organism; those treatments may include, as appropriate, removal of plants;
- (e) it is subjected annually, together with the zone referred to in point (c), to at least two official inspections during the flight season of the vector;'

(11) Annex I is amended in accordance with Annex I to this Decision.

(12) Annex II is replaced by the text set out in Annex II to this Decision.

(13) Annex III is added, the text of which is set out in Annex III to this Decision.

Article 2

Deferred application

Point (7)(c) of Article 1 as regards the second subparagraph of Article 9(8) of Implementing Decision (EU) 2015/789 shall apply from 1 March 2018.

Article 3

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 14 December 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX I

Annex I to Implementing Decision (EU) 2015/789 is amended as follows:

(1) The following entries are inserted in alphabetical order:

'Acacia dealbata Link
Anthyllis hermanniae L.
Calicotome villosa (Poirot) Link
Cercis siliquastrum L.
Chenopodium album L.
Chitalpa tashkentensis T. S. Elias & Wisura
Cytisus villosus Pourr.
Eremophila maculata F. Muell.
Erigeron bonariensis L.
Erigeron sumatrensis Retz.
Erysimum
Fraxinus
Genista corsica (Loisel.) DC.
Helichrysum italicum (Roth) G. Don
Heliotropium europaeum L.
Lavandula × *allardi* (syn. *Lavandula* × *heterophylla*)
Lavandula × *intermedia*
Pelargonium
Phagnalon saxatile (L.) Cass.
Phillyrea latifolia L.
Rosa canina L.
Streptocarpus

(2) The following entries are deleted:

'Chitalpa tashkinensis T. S. Elias & Wisura
Fraxinus americana L.
Fraxinus dipetala hook. & Arn.
Fraxinus latifolia Benth
Fraxinus pennsylvanica Marshall
Metrosideros excelsa Sol. ex Gaertn
Pelargonium graveolens L'Hér.'.

ANNEX II

'ANNEX II

Infected zones referred to in Article 4(2) which are containment areas within the meaning of Article 7(1)

PART A

Infected zone in Italy

The infected zone of Italy includes the following areas:

1. The province of Lecce

2. Municipalities located in the province of Brindisi:

Brindisi

Carovigno

Ceglie Messapica,

Only land registry plots (Fogli) 11, 20 to 24, 32 to 43, 47 to 62, 66 to 135

Cellino San Marco

Erchie

Francavilla Fontana

Latiano

Mesagne

Oria

Ostuni

Only land registry plots (Fogli) 34 to 38, 48 to 52, 60 to 67, 74, 87 to 99, 111 to 118, 141 to 154 and 175 to 222

San Donaci

San Michele Salentino

San Pancrazio Salentino

San Pietro Vernotico

San Vito dei Normanni

Torchiarolo

Torre Santa Susanna

Villa Castelli

3. Municipalities located in the province of Taranto:

Avetrana

Carosino

Faggiano

Fragagnano

Grottaglie

Only land registry plots (Fogli) 5, 8, 11 to 14, 17 to 41, 43 to 47 and 49 to 89

Leporano

Only land registry plots (Fogli) 2 to 6 and 9 to 16

Lizzano

Manduria

Martina Franca

Only land registry plots (Fogli) 246 to 260

Maruggio

Monteiasi

Monteparano

Pulsano

Roccaforzata

San Giorgio Ionico

San Marzano di San Giuseppe

Sava

Taranto

Only: (Section A, land registry plots (Fogli) 49, 50, 220, 233, 234, 250 to 252, 262, 275 to 278, 287 to 293 and 312 to 318) (Section B, land registry plots (Fogli) 1 to 27) (Section C, land registry plots (Fogli) 1 to 11)

Torricella

PART B

Infected zone in France

The infected zone in France includes the following area:

The region of Corsica

PART C

Infected zone in Spain

The infected zone in Spain includes the following area:

The Autonomous Community of Balearic Islands'

ANNEX III

‘ANNEX III

Varieties of specified plants which are non-susceptible to the respective strain of the subspecies of the specified organism, as referred to in point (b) of the first subparagraph of Article 9(1)

Varieties	Species of varieties	Subspecies of specified organism
Cabernet Sauvignon	<i>Vitis vinifera</i> L.	<i>Xylella fastidiosa</i> subsp. <i>pauca</i> ST 53
Negroamaro	<i>Vitis vinifera</i> L.	<i>Xylella fastidiosa</i> subsp. <i>pauca</i> ST 53
Primitivo	<i>Vitis vinifera</i> L.	<i>Xylella fastidiosa</i> subsp. <i>pauca</i> ST 53'

COMMISSION IMPLEMENTING DECISION (EU) 2017/2353**of 14 December 2017****authorising the placing on the market of oil from *Calanus finmarchicus* as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council***(notified under document C(2017) 8426)***(Only the English text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

- (1) On 31 January 2011, the Norwegian company Calanus AS made a request to the competent authority of the United Kingdom to place oil from the crustacean (marine zooplankton) *Calanus finmarchicus* harvested in the Norwegian Economic Zone and the Jan Mayen zone on the Union market as a novel food ingredient within the meaning of point (e) of Article 1(2) of Regulation (EC) No 258/97.
- (2) On 21 October 2016, the competent authority of the United Kingdom issued its initial assessment report. In that report, it came to the conclusion that oil from *Calanus finmarchicus* meets the criteria for novel food set out in Article 3(1) of Regulation (EC) No 258/97.
- (3) On 8 November 2016, the Commission forwarded the initial assessment report to the other Member States.
- (4) Reasoned objections were raised by other Member States within the 60-day period laid down in the first subparagraph of Article 6(4) of Regulation (EC) No 258/97, in particular concerning the insufficient information on productions process, storage stability and toxicological data. The additional explanations provided by the applicant alleviated those concerns to the satisfaction of Member States and of the Commission.
- (5) Directive 2002/46/EC of the European Parliament and of the Council ⁽²⁾ lays down requirements for food supplements. The use of oil from *Calanus finmarchicus* should be authorised without prejudice to the provisions of that Directive.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Without prejudice to the provisions of Directive 2002/46/EC, oil from *Calanus finmarchicus* as specified in Annex I to this Decision may be placed on the Union market as a novel food ingredient to be used in food supplements at the maximum levels established in Annex II to this Decision.

Article 2

The designation of oil from *Calanus finmarchicus* authorised by this Decision on the labelling of the foodstuffs shall be 'oil from *Calanus finmarchicus* (crustacean)'.

⁽¹⁾ OJ L 43, 14.2.1997, p. 1.

⁽²⁾ Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements, (OJ L 183, 12.7.2002, p. 51).

Article 3

This Decision is addressed to Calanus AS, Stakkevolly. 65, P.O. Box 2489, 9272 Tromsø, Norway.

Done at Brussels, 14 December 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX I

SPECIFICATIONS OF OIL FROM *CALANUS FINMARCHICUS*

Description: The novel food is ruby coloured, slightly viscous oil with a slight shellfish odour extracted from the crustacean (marine zooplankton) *Calanus finmarchicus*. The ingredient consists primarily of wax esters (> 85 %) with minor amounts of triglycerides and other neutral lipids.

Specifications

Parameter	Specifications values
Water	< 1 %
Wax esters	> 85 %
Total fatty acids	> 46 %
Eicosapentaenoic acid (EPA)	> 3 %
Docosahexaenoic acid (DHA)	> 4 %
Total fatty alcohols	> 28 %
C20:1 n-9 fatty alcohol	> 9 %
C22:1 n-11 fatty alcohol	> 12 %
Trans fatty acids	< 1 %
Astaxanthin esters	< 0,1 %
Peroxide value	< 3 meq. O ₂ /kg

ANNEX II

AUTHORISED USES OF OIL FROM *CALANUS FINMARCHICUS*

Food category	Maximum level
Food supplements as defined in Directive 2002/46/EC	2,3 g/day

COMMISSION IMPLEMENTING DECISION (EU) 2017/2354**of 14 December 2017****authorising an extension of use of Chia seeds (*Salvia hispanica*) as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council***(notified under document C(2017) 8470)***(Only the English text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

- (1) Commission Decision 2009/827/EC ⁽²⁾ authorised, in accordance with Regulation (EC) No 258/97, the placing on the market of Chia seeds (*Salvia hispanica*) as a novel food ingredient to be used in bread products.
- (2) Commission Implementing Decision 2013/50/EU ⁽³⁾ authorised, in accordance with Regulation (EC) No 258/97, an extension of use of Chia seeds (*Salvia hispanica*) as a novel food ingredient to be used in additional food categories as follows: baked products; breakfast cereals; fruit, nut and seed mixes, and pre-packed Chia seeds as such.
- (3) On 18 September 2015, an authorisation letter was issued by the Food Safety Authority of Ireland, in accordance with Regulation (EC) No 258/97, for an extension of use of Chia seeds (*Salvia hispanica*) as a novel food ingredient to be used in additional food categories, namely, in fruit juice and fruit juice blends.
- (4) On 5 September 2016, the company MEGGLE Hrvatska d.o.o. made a request to the competent authority of Croatia for an extension of use of Chia seeds (*Salvia hispanica*) as a novel food ingredient to be used in additional food categories, namely, in yoghurt.
- (5) On 11 January 2017, the competent authority of Croatia issued its initial assessment report. In that report, it came to the conclusion that the extension of use and proposed maximum use levels of Chia seeds (*Salvia hispanica*) meet the criteria for novel food set out in Article 3(1) of Regulation (EC) No 258/97.
- (6) On 16 January 2017, the Commission forwarded the initial assessment report to the other Member States.
- (7) Reasoned objections were raised by the other Member States within the 60-day period laid down in the first subparagraph of Article 6(4) of Regulation (EC) No 258/97, in particular due to insufficient information. Additional explanations by the applicant alleviated the concerns to the satisfaction of the Member States and the Commission.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Chia seeds (*Salvia hispanica*) as specified in the Annex to this Decision may be placed on the Union market as a novel food ingredient to be used in yoghurt with the maximum content of 1,3 g of whole Chia seeds per 100 g of yoghurt or 4,3 g of whole Chia seeds per 330 g of yoghurt (portion).

⁽¹⁾ OJ L 43, 14.2.1997, p. 1.

⁽²⁾ Commission Decision 2009/827/EC of 13 October 2009 authorising the placing on the market of Chia seed (*Salvia hispanica*) as novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council (OJ L 294, 11.11.2009, p. 14).

⁽³⁾ Commission Implementing Decision 2013/50/EU of 22 January 2013 authorising an extension of use of Chia (*Salvia hispanica*) seed as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council (OJ L 21, 24.1.2013, p. 34).

Article 2

The designation of Chia seeds (*Salvia hispanica*) authorised by this Decision on the labelling of the foodstuffs shall be 'Chia seeds (*Salvia hispanica*)'.

Article 3

This Decision is addressed to MEGGLE Hrvatska d.o.o., Zeleno polje 34, 31 000 Osijek, Croatia.

Done at Brussels, 14 December 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

SPECIFICATIONS OF CHIA SEEDS (*SALVIA HISPANICA*)**Description**

Chia (*Salvia hispanica*) is a summer annual herbaceous plant belonging to the Labiatae family. Post-harvest the seeds are cleaned mechanically. Flowers, leaves and other parts of the plant are removed.

Composition of Chia seeds (*Salvia hispanica*)

Dry matter	91-96 %
Protein	19-25,6 %
Fat	28-34 %
Carbohydrate ⁽¹⁾	24,6-41,5 %
Crude fibre ⁽²⁾	20-32 %
Ash	4-6 %

⁽¹⁾ Carbohydrates include the fibre value (EU: CH are available carbohydrates = sugar + starch)

⁽²⁾ Crude fibre is the part of fibre made mainly of indigestible cellulose, pentosans and lignin

COMMISSION IMPLEMENTING DECISION (EU) 2017/2355**of 14 December 2017****authorising the placing on the market of UV-treated mushrooms as a novel food under Regulation (EC) No 258/97 of the European Parliament and of the Council***(notified under document C(2017) 8474)***(Only the English text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

- (1) On 10 June 2016, the company Ekoidé AB made a request to the competent authority of Sweden to place UV-treated mushrooms (*Agaricus bisporus*) with increased levels of vitamin D₂ on the Union market as a novel food within the meaning of point (f) of Article 1(2) of Regulation (EC) No 258/97.
- (2) On 27 February 2017, the competent authority of Sweden issued its initial assessment report. In that report, it came to the conclusion that the UV-treated mushrooms (*Agaricus bisporus*) with increased levels of vitamin D₂ meet the criteria for novel food set out in Article 3(1) of Regulation (EC) No 258/97.
- (3) On 2 March 2017, the Commission forwarded the initial assessment report to the other Member States.
- (4) Reasoned objections were raised by other Member States within the 60-day period laid down in the first subparagraph of Article 6(4) of Regulation (EC) No 258/97. Additional explanations by the applicant alleviated those concerns to the satisfaction of the Member States and of the Commission.
- (5) Point 1 of Part A of Annex VI to Regulation (EU) No 1169/2011 of the European Parliament and of the Council ⁽²⁾ requires that the name of the food shall include or be accompanied by particulars as to the specific treatment that a food has undergone in all cases where omission of such information could mislead the consumers. As consumers do not normally expect mushrooms to be subject to UV-treatments, the name of the food shall include or be accompanied by such information in order to avoid consumers to be misled.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

*Article 1*Mushrooms (*Agaricus bisporus*) which have been UV-treated to increase the level of vitamin D₂ as specified in the Annex to this Decision may be placed on the Union market as a novel food.*Article 2*The designation of mushrooms (*Agaricus bisporus*) being UV-treated to increase the level of vitamin D₂ authorised by this Decision shall be 'UV-treated mushrooms (*Agaricus bisporus*)'.⁽¹⁾ OJ L 43, 14.2.1997, p. 1.⁽²⁾ Regulation (EU) No 1169/2011 of the European Parliament and of the Council of 25 October 2011 on the provision of food information to consumers, amending Regulations (EC) No 1924/2006 and (EC) No 1925/2006 of the European Parliament and of the Council, and repealing Commission Directive 87/250/EEC, Council Directive 90/496/EEC, Commission Directive 1999/10/EC, Directive 2000/13/EC of the European Parliament and of the Council, Commission Directives 2002/67/EC and 2008/5/EC and Commission Regulation (EC) No 608/2004 (OJ L 304, 22.11.2011, p. 18).

Article 3

This Decision is addressed to Ekoidé AB, Vårbruksgatan 67, 583 32 Linköping, Sweden.

Done at Brussels, 14 December 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

SPECIFICATIONS OF UV-TREATED MUSHROOMS (*AGARICUS BISPORUS*) WITH INCREASED LEVELS OF VITAMIN D₂**Description/Definition:**

Commercially grown *Agaricus bisporus* to which UV light treatment is applied to harvested mushrooms yielding a vitamin D₂ content of $\leq 10 \mu\text{g}/100 \text{ g}$ fresh weight.

UVB radiation: a process of radiation in ultraviolet light within the wavelength of 290-320 nm.

Vitamin D₂:

Chemical name	(3 β ,5Z,7E,22E)-9,10-secoergosta-5,7,10(19),22-tetraen-3-ol
Synonym	Ergocalciferol
CAS No	50-14-6
Molecular weight	396,65 g/mol

Contents:

Vitamin D₂ in the final product: 5-10 $\mu\text{g}/100\text{g}$ fresh weight at the expiration of shelf life.

COMMISSION IMPLEMENTING DECISION (EU) 2017/2356**of 15 December 2017****on recognition of the report of Australia including typical greenhouse gas emissions from cultivation of agricultural raw materials pursuant to Directive 2009/28/EC of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC ⁽¹⁾, and in particular Article 19(4) thereof,

Whereas:

- (1) On 22 August 2016, Australia submitted a report presenting the results of calculations of greenhouse gas emissions from the cultivation of canola oilseed in Australia. In Australia the closest statistical regions to the description of NUTS2 regions are states. Estimates of greenhouse gas emissions were therefore undertaken at the level of the Australian states.
- (2) After examination of the report submitted by Australia, the Commission considers that it complies with the conditions set out in Directive 2009/28/EC to allow a third country to use typical values for a smaller geographical area (Australian states) than that used in the calculation of the default values: the data of this report refer to emissions from cultivation of agricultural raw materials (canola oilseed); the typical greenhouse gas emissions from the cultivation of canola oilseed can be expected to be lower than or equal to the emissions that were assumed in the calculation of the relevant default values; and these typical greenhouse gas emissions have been reported to the Commission;
- (3) The measures provided for in this Decision are in accordance with the opinion of the Committee on the Sustainability of Biofuels and Bioliquids,

HAS ADOPTED THIS DECISION:

Article 1

The Commission considers that the report submitted for recognition by Australia on 22 August 2016 contains accurate data for measuring the greenhouse gas emissions associated with the cultivation of canola oilseed produced in the Australian states as NUTS 2 equivalent regions for the purposes of Article 17(2) of Directive 2009/28/EC. A summary of the data contained in the report is set out in the Annex.

Article 2

This Decision is valid for a period of 5 years. If the content or circumstances of the report, as submitted for recognition to the Commission on 22 August 2016, change in a way that might affect the conditions required for the recognition made in Article 1, such changes shall be notified to the Commission without delay. The Commission shall assess the notified changes with a view to establishing whether the report is still providing accurate data.

Article 3

The Commission may repeal this Decision if it has been clearly demonstrated that the report does not contain any longer accurate data for the purposes of measuring the greenhouse gas emissions associated with the cultivation of canola oilseed produced in Australia.

⁽¹⁾ OJ L 140, 5.6.2009, p. 16.

Article 4

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

Done at Brussels, 15 December 2017.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

Greenhouse gas emissions arising from the cultivation of canola in the States of Australia (tonne CO₂-eq/tonne canola seed on dry matter basis)

State	Soil N ₂ O		Crop residue	Manufacturing		Fuel use	Lime	Seed	Total
	Direct	Indirect		Fertiliser	Pesticide				
<i>New South Wales (dryland)</i>	0,046	0,005	0,115	0,195	0,023	0,079	0,035	0,001	0,500
<i>New South Wales (irrigated)</i>	0,276	0,123	0,115	0,275	0,006	0,096	0,053	0,001	0,944
New South Wales	0,051	0,008	0,115	0,197	0,023	0,079	0,036	0,001	0,509
<i>Victoria (dryland)</i>	0,026	0,005	0,113	0,192	0,020	0,078	0,035	0,001	0,470
<i>Victoria (irrigated)</i>	0,271	0,121	0,113	0,268	0,005	0,091	0,052	0,001	0,922
Victoria	0,030	0,007	0,113	0,193	0,019	0,078	0,035	0,001	0,476
Queensland	0,076	0,008	0,118	0,188	0,006	0,351	0,034	0,003	0,784
South Australia	0,013	0,002	0,113	0,184	0,013	0,080	0,034	0,001	0,439
Western Australia	0,013	0,002	0,112	0,237	0,032	0,079	0,034	0,002	0,511
Tasmania	0,270	0,121	0,107	0,265	0,012	0,138	0,052	0,002	0,967

Greenhouse gas emissions arising from the cultivation of canola in the States of Australia (g CO₂-eq/MJ FAME).

State	Soil N ₂ O		Crop residue	Manufacturing		Fuel use	Lime	Seed	Total
	Direct	Indirect		Fertiliser	Pesticide				
<i>New South Wales (dryland)</i>	1,766	0,192	4,414	7,485	0,883	3,032	1,343	0,038	19
<i>New South Wales (irrigated)</i>	10,594	4,721	4,414	10,555	0,23	3,685	2,034	0,038	36
New South Wales	1,958	0,307	4,414	7,561	0,883	3,032	1,382	0,038	20
<i>Victoria (dryland)</i>	0,998	0,192	4,337	7,37	0,768	2,994	1,343	0,038	18
<i>Victoria (irrigated)</i>	10,402	4,644	4,337	10,287	0,192	3,493	1,996	0,038	35
Victoria	1,151	0,269	4,337	7,408	0,729	2,994	1,343	0,038	18
Queensland	2,917	0,307	4,529	7,216	0,230	13,472	1,305	0,115	30
South Australia	0,499	0,077	4,337	7,062	0,499	3,071	1,305	0,038	17
Western Australia	0,499	0,077	4,299	9,097	1,228	3,032	1,305	0,077	20
Tasmania	10,363	4,644	4,107	10,171	0,461	5,297	1,996	0,077	37

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2017 OF THE ACP-EU COMMITTEE OF AMBASSADORS of 8 December 2017

regarding the implementation of Article 68 of the ACP-EU Partnership Agreement [2017/2357]

THE ACP-EU COMMITTEE OF AMBASSADORS,

Having regard to the Partnership Agreement between the Members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States of the other part ⁽¹⁾, and in particular Article 100 thereof, in conjunction with its Articles 15(4) and 16(2),

Whereas:

- (1) Article 68 of the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States ('ACP') of the one part, and the European Community and its Member States, of the other part ('the ACP-EU Partnership Agreement') stipulates that a system of additional support mechanism is to be put in place in order to mitigate the short-term adverse effects resulting from exogenous shocks affecting the economy of ACP States. Paragraph 4 of that Article sets out that the modalities of the support mechanism are laid down in Annex II to the ACP-EU Partnership Agreement.
- (2) The mechanism as currently defined in Annex II to the ACP-EU Partnership Agreement needs to be adapted to reflect the needs of the Parties and to ensure a flexible and rapid delivery of assistance.
- (3) Article 100 of the ACP-EU Partnership Agreement stipulates that Annexes Ia, II, III, IV, and VI to the Agreement in question may be revised, reviewed and/or amended by the ACP-EU Council of Ministers on the basis of a recommendation from the ACP-EU Development Finance Cooperation Committee.
- (4) Article 15(4) of the ACP-EU Partnership Agreement stipulates that the ACP-EU Council of Ministers may delegate powers to the ACP-EU Committee of Ambassadors.
- (5) Article 16(2) of the ACP-EU Partnership Agreement stipulates that the ACP-EU Committee of Ambassadors shall carry out any mandate entrusted to it by the Council.
- (6) The ACP-EU Council of Ministers meeting of 5 May 2017 mandated that the ACP-EU Committee of Ambassadors adopt a decision on the implementation of Article 68 of the ACP-EU Partnership Agreement regarding exogenous shocks and amending Annex II, Chapter 3.
- (7) A decision on the implementation of Article 68 of the ACP-EU Partnership Agreement should be adopted,

HAS ADOPTED THIS DECISION:

Article 1

The financial support to ACP countries in the event of macroeconomic instability resulting from exogenous shocks, provided for in Article 68 of the ACP-EU Partnership Agreement, is governed by the provisions of this Decision.

Article 2

1. Additional financial support may be mobilised from the 11th European Development Fund reserve for unforeseen needs, in order to mitigate the short term adverse effects resulting from exogenous shocks, including the effects on export earnings, and safeguard the socioeconomic reforms and policies jeopardised by the drop in revenue.

⁽¹⁾ OJ L 317, 15.12.2000, p. 3.

2. ACP countries, struck by exogenous shocks, shall address a request for financial support to the European Commission for this purpose, which will be examined through a needs oriented case by case approach in the multi-annual financial framework of cooperation under the ACP-EU Partnership Agreement.

3. Assistance shall be administered and implemented under procedures permitting operations that are rapid, flexible and effective. The European Commission will report periodically to the ACP-EU Development, Finance Cooperation Committee.

Article 3

The Contracting Parties to the Agreement, the European Commission and the ACP Secretariat shall be informed of the practical implementation modalities of Article 68.

Article 4

Annex II, Chapter 3 of the ACP-EU Partnership Agreement shall be applied in accordance with this Decision.

Article 5

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

Done at Brussels, 8 December 2017.

For the ACP-EU Committee of Ambassadors

The President

K. TAEI

