

Official Journal of the European Union

L 83



English edition

Legislation

Volume 61

27 March 2018

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Implementing Regulation (EU) 2018/506 of 26 March 2018 entering a name in the register of traditional specialities guaranteed ('Pražská šunka' (TSG))** 1
- ★ **Commission Implementing Regulation (EU) 2018/507 of 26 March 2018 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff** 11

DECISIONS

- ★ **Decision (EU) 2018/508 of the European Parliament and of the Council of 12 December 2017 on the mobilisation of the European Union Solidarity Fund to provide for the payment of advances in the general budget of the Union for 2018** 13
- ★ **European Council Decision (EU) 2018/509 of 22 March 2018 appointing the Vice-President of the European Central Bank** 15
- ★ **Commission Implementing Decision (EU) 2018/510 of 26 March 2018 amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (notified under document C(2018) 1942)⁽¹⁾** 16

⁽¹⁾ Text with EEA relevance.

EN

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

The titles of all other acts are printed in bold type and preceded by an asterisk.

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2018/506

of 26 March 2018

entering a name in the register of traditional specialities guaranteed ('Pražská šunka' (TSG))

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Articles 15(1) and 52(3)(b) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(b) of Regulation (EU) No 1151/2012, the application from the Czech Republic to register the names 'Празка шунка' (BG), 'Jamón de Praga' (ES), 'Pražská šunka' (CS), 'Prag Skinke' (DA), 'Prager Schinken' (DE), 'Praha sink' (ET), 'Χοιρομέρι Πράγας' (EL), 'Prague Ham' (EN), 'Jambon de Prague' (FR), 'Praška šunka' (HR), 'Pražas šķiņķis' (LV), 'Prahos kumpis' (LT), 'Prágai minőségi sonka' (HU), 'Peržut ta' Praga' (MT), 'Praagse Ham' (NL), 'Szynka Praska' (PL), 'Fiambre de Praga' (PT), 'Jambon de Praga' (RO), 'Pražská šunka' (SK), 'Praška šunka' (SL), 'Prahalainen kinkku' (FI), 'Pragskinka' (SV) as Traditional Speciality Guaranteed (TSG) was published in the *Official Journal of the European Union* ⁽²⁾. The name 'Pražská šunka' identifies a ham product covering the following three variants: 'Pražská šunka' on the bone, boneless 'Pražská šunka' and tinned 'Pražská šunka'.
- (2) An application to register the name 'Pražská šunka' along with other linguistic variations thereof had already been published in 2012 ⁽³⁾. Austria, Italy, Germany and Slovakia had lodged oppositions. The Czech Republic had reached an agreement with all the opponents with the exclusion of Slovakia. The Commission had then proceeded to the re-publication of the product specification which had been substantially amended in order to partly take into account the claims and the remarks made by Slovakia.
- (3) On 18 July 2016, the Commission received a notice of opposition from Slovakia, on 16 August 2016 from Serbia, and on 17 August 2016 from Austria.
- (4) On 14 September 2016 the Commission received the reasoned statement of opposition from Slovakia, on 12 October 2016 from Serbia, and on 19 October 2016 from Austria.
- (5) The opposition from Austria could not be continued. In accordance with Article 51(2) of Regulation (EU) No 1151/2012, the Commission only checks the admissibility of the reasoned statement of opposition received within two months from the reception of the related notice of opposition, which was not the case for the reasoned statement from Austria.
- (6) After examining the reasoned statements of opposition from Serbia and Slovakia and founding them admissible, in accordance with Article 51(3) of Regulation (EU) No 1151/2012, the Commission invited the Czech Republic and Slovakia, by letter of 8 November 2016, and the Czech Republic and Serbia, by letter of 2 December 2016, to engage in appropriate consultations in view of reaching an agreement.

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.⁽²⁾ OJ C 180, 19.5.2016, p. 5.⁽³⁾ OJ C 283, 19.9.2012, p. 11.

- (7) An agreement was reached between the Czech Republic and Serbia. They agreed that the name should also be protected in Serbian language, in both Cyrillic and Latin characters, i.e. 'Praška šunka'/Прашка шунка' (RS), and that Serbia should be granted a transitional period of three years to use the protected name on products not complying with the product specification of Pražská Šunka.
- (8) The Commission considers that the content of that agreement is contrary neither to Regulation (EU) No 1151/2012 nor to the EU law. Article 15(1) of Regulation (EU) No 1151/2012, allowing the Commission to grant transitional period of three or more years for use of protected designations of origin and protected geographical indications contravening Article 13(1) of that Regulation, may be applied by analogy also to traditional specialties guaranteed⁽¹⁾. However, this Regulation applying only in the EU territory, such a transitional period may concern only the products imported in the EU from Serbia which would be marketed in the EU under the protected name although not complying with the product specification. Such products should however not be marketed in the EU accompanied by the terms 'traditional specialty guaranteed', nor the abbreviation 'TSG' nor the EU related logo. Following the addition of the Serbian version among the registered names the consolidated version of the product specification should be published for information.
- (9) In contrast, no agreement was reached between the Czech Republic and Slovakia within the designated timeframe. Therefore, the Commission should decide on registration taking into account the results of these appropriate consultations in accordance with the procedure referred to in Article 52(3)(b) of Regulation (EU) No 1151/2012.
- (10) The main arguments of Slovakia as set out in its reasoned statements of opposition and in the consultations carried out with the Czech Republic can be summarised as follows.
- (11) As first reason for opposition, Slovakia argues that the registration of the name would be incompatible with the terms of Regulation (EU) No 1151/2012. Slovakia claims that the method of production included in the product specification for the boneless 'Pražská šunka' is not 'traditional' because it is applied only since 1993 (after Czechoslovakia's split into the Czech Republic and Slovakia) and 30 years have not yet passed. Before 1993 'Pražská šunka' was produced under the Czechoslovak State Standards (ČSN), which set common rules for the production, supply, packaging, transport, storage and testing of meat products applicable in Czechoslovakia, which were applied throughout the whole territory of Czechoslovakia and that did not allow the method of production included in the product specification for the boneless 'Pražská šunka' TSG. Article 18 of Regulation (EU) No 1151/2012 requires that for a name to be registered as TSG either the production method correspond to a traditional practice or the raw materials or ingredients are those traditionally used, while, in accordance with the definition referred to in Article 3(3) of that Regulation, 'traditional' means proven usage for at least 30 years. In the light of the above, the production method for the boneless 'Pražská šunka' TSG cannot correspond to the traditional practice referred to in Article 18 of Regulation (EU) No 1151/2012.
- (12) Slovakia also claims that the requirement concerning the 'specific character', as defined in Article 3(5) of Regulation (EU) No 1151/2012 has not been met.
- (13) As second reason for opposition, Slovakia contends that the product name 'Pražská šunka' is to be considered a generic term, i.e. it has become the common name of the product in the EU. This is demonstrated by the number of oppositions to the registration of the name: the fact that the same name is used for marketing the same, or similar, product in many countries would demonstrate that it is a generic name.
- (14) The third reason for Slovakian opposition is that the name proposed for registration is lawful, renowned and economically significant for similar agricultural products or foodstuffs in Slovakia. The Slovak consumer is familiar with and purchases 'Pražská šunka' as a cooked product in polyamide casings. The 'Pražská šunka' in the boneless version, as described in the proposal, is unknown to Slovak consumers. According to the information provided by individual producers in the Slovak Republic, at least 1 208 tonnes of 'Pražská šunka' are currently produced per year. For Slovak producers, adapting or renaming the product would lead to considerable loss of revenue primarily because it would entail a steep increase in price of between 45 % and 92 % depending on the type and the quality category. Indeed, the product specification of 'Pražská šunka' TSG provides, for all the three versions, that the meat must have a minimum content of pure muscle protein in percentage by weight of 16 %

⁽¹⁾ Commission Implementing Regulation (EU) 2016/304 of 2 March 2016 entering a name in the register of traditional specialties guaranteed (Heumilch/Haymilk/Latte fieno/Lait de foin/Leche de heno (TSG)) (OJ L 58, 4.3.2016, p. 28).

while in Slovakia that percentage may be lower. Under the Slovak legislation 'Pražská šunka' may be marketed under three different categories of ham based on different percentages of pure muscle protein minimum content by weight: special ham (16 %), selected ham (13 %) and standard ham (10 %). Therefore, selected and standard ham could no longer be marketed in Slovakia under the registered name. Besides that price increase, the costs of purchasing moulds for making boneless 'Pražská šunka' should be also counted among the loss of revenue since in Slovakia this technology is not used in the production of 'Pražská šunka' (polyamide casings are used). Such purchase would involve the cost of EUR 70 per unit for ham weighing around 5 kg, meaning EUR 14 000 to produce 1 tonne of the finished product. Similarly, forming 'Pražská šunka' with the aid of film compared to production in polyamide casings would also result in increased costs for the purchase of foil and manual work totalling at least EUR 50/tonne for the finished product.

- (15) Furthermore, three Slovak producers hold trade marks for 'Pražská šunka' and their use would be at risk.
- (16) In addition to the reasoning above, Slovakia proposed that if, notwithstanding the allegations submitted, the Commission decide to register the name, Article 18(3) of Regulation (EU) No 1151/2012 could be taken into account by providing the name 'Pražská šunka' be accompanied by the claim 'made following the tradition of Czech Republic'. In alternative, that same name could be changed into 'Traditional Pražská šunka'.
- (17) The Commission has assessed the arguments exposed in the reasoned statements of opposition from Slovakia in the light of the provisions of Regulation (EU) No 1151/2012, taking into account the results of the appropriate consultations carried out between the applicant and the opponents and it has concluded that the name 'Pražská šunka' should be registered.
- (18) With reference to the first reason for opposition, Czech Republic has clarified that, even before 1993, 'Pražská šunka' was not covered by the Czechoslovak State Standards (ČSN). In that part of Czechoslovakia which corresponds today to Czech Republic 'Pražská šunka' was produced in accordance with the 'technical-economic standard' issued by the Czech section of the 'Masný průmysl' (meat sectors concern). In the late 1970s semi-preserved (pasteurised) boneless Pražská šunka was produced, in several plants of Czechoslovakia within the territory of the present Czech Republic, essentially following the elements which can be found in the product specification for boneless 'Pražská šunka' TSG: pasteurisation, use of moulds for oval shape, smoking and pork fat or pork fat and skin as a decorative layer.
- (19) In addition, the same product, semi-preserved boneless 'Pražská šunka', has been produced for decades in other countries such as Austria and Germany. In the light of the above, it should be concluded that boneless 'Pražská šunka' and its production method correspond to traditional practice existing since more than 30 years.
- (20) There is no requirement that a product must have a specific character for its name to be registered as TSG. Article 19(1)(b) refers to 'specific character' as an element of the description and the specific character of the product is sufficiently described for all three versions covered by the product specification.
- (21) With reference to the second reason of opposition, there are no grounds to conclude that the term has become generic. Slovakia did not give any reasoning leading to such a conclusion. The fact that such a product is produced in several countries in Europe cannot be considered *per se* as a ground to conclude for genericity of such a name. In any event, genericity as such is not a ground for opposition for TSGs. TSGs can legally be produced anywhere, subject to complying with the product specification.
- (22) As third reason of opposition, Slovakia contends that the use of the name is lawful, renowned and economically significant for similar agricultural product or foodstuffs in Slovakia. The Commission recognises these circumstances. However, it considers that first, the reason why the product produced in Slovakia may not be captured in the product specification for 'Pražská šunka' TSG can essentially be found in the circumstance that Slovakia has changed the recipe and the presentation of the product after the independence of both Czech and Slovak Republics, i.e. after 1 January 1993. Slovaks authorities reported that the decree creating the three categories of 1) special ham, 2) selected ham and 3) standard ham (based on the minimum content of pure muscle protein in percentage by weight, 16 %, 13 % and 10 % respectively) was adopted by the Slovak Ministry of Agriculture and the Slovak Ministry of Health on 18 August 2005. Before that date the minimum content of pure muscle protein in percentage by weight was 18 %. 100 % of 'Pražská šunka' produced in Slovakia with 18 % minimum content of pure muscle protein in percentage by weight would have qualified for 'Pražská šunka' TSG. Slovak authorities have also reported that, at the same time, the presentation of the product was also changed with moulding and

heat treatment being abandoned and replaced entirely by the product being stuffed into polyamide casings. Although Slovakia indicates that the production of 'Pražská šunka' evolved also in the Czech Republic after the independence, it clearly appears that it is in Slovakia that the method of production has been essentially and remarkably changed. Second, compared with the initial product specification published in 2010, Czech Republic has substantially softened the requirements of the product specification with the aim of including the largest number of production methods and therefore registering a well widespread and shared TSG. Indeed, all the admitted opponents in the two opposition procedures found an agreement with the exclusion of Slovakia. Third, the calculation of costs to adapt the production to the specifications of 'Pražská šunka' TSG seems not taking into account the fact that the metal moulds can be re-used over a long period. Fourth, in particular, the use of moulds is not compulsory, since alternatives are available. Plastic films may be used. Besides, EUR 50/tonne of finished product for the purchase of film foil and manual work does not seem constitute a disproportionate cost to afford.

- (23) In addition, pursuant to Article 43 of Regulation (EU) No 1151/2012 and by analogy with the provisions applicable to Protected Designations of Origin and Protected Geographical Indications, trade marks which are applied for, registered, or established by use, if that possibility is provided for by the legislation concerned, in good faith within the territory of the Union, before the date on which the application for protection is submitted to the Commission, should be deemed to be allowed to continue to be used and renewed for that product notwithstanding the registration of the name. Trade marks which have been applied for, registered, or established by use, if that possibility is provided for by the Union or the Slovak legislation, in good faith before the date on which the application for registration of the name 'Pražská šunka' as TSG was submitted to the Commission are not affected by that registration.
- (24) In the light of the above, the circumstances opposed by Slovakia as regards the lawful, renowned and economically significant use of the name, also in trade marks, in the territory of Slovakia are not sufficient to justify a rejection of the Czech application for registration. As regards the remaining proposals made by Slovakia, in the light of the reasons set out above, the Commission considers that it is not appropriate to provide that the registered name 'Pražská šunka' TSG is accompanied by the claim 'made following the tradition of the Czech Republic' in order to allow the Slovak 'Pražská šunka' to be marketed, without complying with the product specification of 'Pražská šunka' TSG, as issued from the tradition of Slovakia. In fact, Slovakia has not demonstrated that an alternative 'Slovak tradition' exists for the production of the product named 'Pražská šunka'. In addition, after two opposition procedures have been carried out, the product specification the registered name will refer to will no longer express a specific 'Czech tradition' but mainly a tradition shared among several EU Member States and third countries.
- (25) The proposal to change the name into 'Traditional Pražská šunka' would imply that the procedure should be restarted from the very beginning, which is disproportionate when considering the legitimate expectations involved.
- (26) In any event, protection of traditional specialties guaranteed should be modulated taking into account the interests of producers and operators who have been lawfully using such names so far. On the basis of Article 15(1) of Regulation (EU) No 1151/2012, applicable by analogy also to traditional specialties guaranteed, a transitional period of five years to use the name 'Pražská šunka' without complying with the product specification, combined with the authorisation to continue, after the five-year period has expired, to put on the market products not complying with the product specification until the stocks are exhausted, should be granted with the view to allowing progressive adaptation to the product specification. Such products should however not be marketed accompanied by the terms 'traditional specialty guaranteed', nor the abbreviation 'TSG' nor the EU logo.
- (27) In the light of the above, the names 'Празка шунка' (BG), 'Jamón de Praga' (ES), 'Pražská šunka' (CS/SK), 'Prag Skinke' (DA), 'Prager Schinken' (DE), 'Praha sink' (ET), 'Χοιρομέρι Πράγας' (EL), 'Prague Ham' (EN), 'Jambon de Prague' (FR), 'Praška šunka' (HR/SL/RS), 'Prāgas šķiņķis' (LV), 'Prahos kumpis' (LT), 'Prágai minőségi sonka' (HU), 'Peržut ta' Praga' (MT), 'Praagse Ham' (NL), 'Szynka Praska' (PL), 'Fiambre de Praga' (PT), 'Jambon de Praga' (RO), 'Prahalainen kinkku' (FI), 'Pragskinka' (SV) 'Празка шунка' (RS) should be entered in the 'register of traditional specialties guaranteed'.
- (28) The measures provided for in this Regulation are in accordance with the opinion of the Agricultural Product Quality Policy Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The names 'Празка шунка' (BG), 'Jamón de Praga' (ES), 'Pražská šunka' (CS/SK), 'Prag Skinke' (DA), 'Prager Schinken' (DE), 'Praha sink' (ET), 'Χοιρομέρι Πράγας' (EL), 'Prague Ham' (EN), 'Jambon de Prague' (FR), 'Praška šunka' (HR/SL/RS), 'Prāgas šķiņķis' (LV), 'Prahos kumpis' (LT), 'Prágai minőségi sonka' (HU), 'Peržut ta' Praga' (MT), 'Praagse Ham' (NL), 'Szynka Praska' (PL), 'Fiambre de Praga' (PT), 'Jambon de Praga' (RO), 'Prahalainen kinkku' (FI), 'Pragskinka' (SV) 'Празка шунка' (RS) are registered as TSG.

The names in the first paragraph identify a product from Class 1.2. Meat products (cooked, salted, smoked, etc.) set out in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽¹⁾.

Article 2

The consolidated product specification is set out in the Annex to this Regulation.

Article 3

The registered names may be used to designate products marketed in the EU territory and not complying with the product specification for 'Pražská šunka' TSG, for a period of five years from the date of entry into force of this Regulation. When used with reference to products not complying with the product specification, such names may not be accompanied by the terms 'traditional specialty guaranteed', 'TSG' or by the EU logo.

After the expiration of the five years period, products bearing the registered name, made prior to the end of such period and not complying with the product specification referred to in Article 2 shall be authorised to be marketed until the stocks existing in the EU territory on the date that the five years period expires are exhausted.

Article 4

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

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

Done at Brussels, 26 March 2018.

For the Commission

The President

Jean-Claude JUNCKER

⁽¹⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

ANNEX

PRODUCT SPECIFICATION OF A TRADITIONAL SPECIALITY GUARANTEED

‘PRAŽSKÁ ŠUNKÁ’

EU No: CZ-TSG-0007-0061-21.10.2010

CZECH REPUBLIC

1. NAME TO BE REGISTERED

‘Празка шунка’ (BG), ‘Jamón de Praga’ (ES), ‘Pražská šunka’ (CS/SK), ‘Prag Skinke’ (DA), ‘Prager Schinken’ (DE), ‘Praha sink’ (ET), ‘Χοιρομέρι Πράγας’ (EL), ‘Prague Ham’ (EN), ‘Jambon de Prague’ (FR), ‘Praška šunka’ (HR/SL/RS), ‘Prāgas šķiņķis’ (LV), ‘Prahos kumpis’ (LT), ‘Prágai minőségi sonka’ (HU), ‘Peržut ta’ Praga’ (MT), ‘Praagse Ham’ (NL), ‘Szynka Praska’ (PL), ‘Fiambre de Praga’ (PT), ‘Jambon de Praga’ (RO), ‘Prahalainen kinkku’ (FI), ‘Pragskinka’ (SV), ‘Празка шунка’ (RS)

2. PRODUCT TYPE

Class 1.2. Meat products (cooked, salted, smoked, etc.)

3. GROUNDS FOR THE REGISTRATION

3.1. Whether the product

☒ results from a mode of production, processing or composition corresponding to traditional practice for that product or foodstuff;

☐ is produced from raw materials or ingredients that are those traditionally used.

The traditional meat product ‘Pražská šunka’ is intended for direct consumption and has long been produced in the following variants:

- ‘Pražská šunka’ on the bone;
- boneless ‘Pražská šunka’;
- tinned ‘Pražská šunka’.

3.2. Whether the name

☒ has been traditionally used to refer to the specific product;

☐ identifies the traditional character or specific character of the product.

The traditional name ‘Pražská šunka’ does not express the specific character of the product or link the product’s specific character to its provenance or agricultural origin, but is specific in itself, as it is internationally associated with a renowned meat product having a characteristic shape and taste.

4. DESCRIPTION

4.1. Description of the product to which the name under point 1 applies, including its main physical, chemical, microbiological or organoleptic characteristics showing the product’s specific character (Article 7(2) of this Regulation)

4.1.1. ‘Pražská šunka’ on the bone

‘Pražská šunka’ on the bone differs from other bone-in hams in particular in terms of the way in which the basic raw material is selected and processed. Another characteristic feature of ‘Pražská šunka’ on the bone is the pork leg (ham) to brine ratio during production, which makes it possible to achieve a pure muscle protein content in the finished product corresponding to the highest-quality category of ham. Moreover, the production process involves cooking and smoking, which also distinguishes ‘Pražská šunka’ on the bone from a great many traditional dried bone-in hams.

Physical properties:

- Product having an overall weight not exceeding 10 kg.
- The original shape of the pork leg, cut in the Prague style (the flank and sacrum, including tail and pelvic bone, are removed from the whole bone-in leg, which includes the knuckle but not the trotter; the fatty part is rounded from the loin end), is maintained.

Chemical properties (parameters are established on the basis of samples analysed following the removal of bones from the product):

- Pure muscle protein content (excluding connective tissue proteins and plant proteins): min. 16 % by weight. The product's surface coating, composed of fat and skin, is not homogenised into the sample to be analysed;
- Salt content: max. 3 % by weight.
- Fat content: max. 15 % by weight. The product's surface coating is homogenised into the sample to be analysed.

Organoleptic characteristics:

- External appearance and colour: the side covered with skin is golden yellow. Other parts of the surface are not covered with skin and have a lighter covering of fat, ranging from yellowish to golden in colour, with the ham muscle meat being golden-brown to dark brown.
- Appearance and colour in cross-section: the muscle meat is meaty pink when sliced.
- Taste and smell: a distinctive taste and smell of cooked and smoked ham, appropriately salty taste.
- Consistency: firm and compact. The product is tender to the bite when thinly sliced.

4.1.2. Boneless 'Pražská šunka'

Boneless 'Pražská šunka' differs from other meat products of this category in particular in terms of its production method, as it is a ham of the highest quality produced from boneless pork leg or sides of pork leg which are smoked after being cooked. Another distinctive characteristic is the presence of a decorative surface coating, consisting of a thin layer of pork fat or fat and skin. The finished product's typical egg-like or oval shape is another distinguishing feature.

Physical properties:

- The product typically has an egg-like or oval shape.
- The ham is of the highest quality, produced from whole boneless pork legs with fat cover with or without skin; or from trimmed sides of pork leg and salted slices of pork fat with or without skin; or trimmed sides of pork leg with fat cover with or without skin;

Chemical properties:

- Pure muscle protein, salt and fat content: see chemical properties for 'Pražská šunka' on the bone.

Organoleptic characteristics:

- External appearance and colour: the side covered with fat and skin is golden yellow. If the surface is covered only with fat, without skin, the surface is in lighter shades from yellowish to gold.
- Appearance and colour in cross-section, taste and smell, consistency: see organoleptic properties for 'Pražská šunka' on the bone:

4.1.3. Tinned 'Pražská šunka'

Tinned 'Pražská šunka' differs from other meat products of this category in particular in terms of the raw materials used, as it is a ham of the highest quality produced from trimmed sides of pork leg which are either whole or coarsely ground. Another characteristic feature of the product is the presence of a thin layer of aspic between the ham and the packaging. However, what distinguishes tinned 'Pražská šunka' from other tinned meats is the typical flat oval shape of its packaging.

Physical properties:

- The product is typically of a flat oval shape, its dimensions being those of its packaging, which are such as to ensure that the finished product it contains weighs about 0,454 kg;
- When placed into the packaging, meat accounts for at least 87 % of the raw material input weight.

Chemical properties:

- Pure muscle protein content (excluding connective tissue proteins and plant proteins): min. 16 % by weight. The product's aspic coating is not homogenised into the sample to be analysed;
- Salt content: max. 3 % by weight.
- Fat content: max. 4 % by weight. The product's aspic coating is homogenised into the sample to be analysed;
- Aspic content: max. 36 % by weight.

Organoleptic characteristics:

- the product is enclosed in hermetically sealed packaging and maintains commercial sterility. There is a smooth golden-yellow layer of aspic between the packaging material and the product;
- Appearance and colour in cross-section: the ham is of a meaty-pink colour. Small, isolated holes filled with aspic are permitted;
- Taste and smell: distinctive taste and smell of cooked ham, appropriately salty taste;
- Consistency: firm and compact.

4.2. Description of the production method of the product to which the name under point 1 applies that the producers must follow including, where appropriate, the nature and characteristics of the raw materials or ingredients used, and the method by which the product is prepared (Article 7(2) of this Regulation)

4.2.1. 'Pražská šunka' on the bone

Whole pork legs cut in the Prague style (the flank and sacrum, including tail and pelvic bone, are removed from the whole bone-in leg which includes the knuckle but not the trotter; the fatty part is rounded from the loin end) and brine prepared from the ingredients listed below are used to produce 'Pražská šunka' on the bone.

Pork legs 100,0 kg

Brine (max. 20,0 kg):

- Water max. 17,0 kg
- Nitrite or nitrate pickling curing mix max. 2,6 kg
- Sugars 0-1,2 kg
- Stabilisers 0-0,5 kg
- Spice extract or oil 0-0,3 kg
- Antioxidants 0-0,1 kg

The pork legs are sprayed with brine of the prescribed composition. They are then left to rest in brine or may be massaged with brine. This is followed by cooking, which has the effect of pasteurisation. After being cooked, the products are dried in a smoking chamber and surface-smoked to achieve the characteristic taste, aroma and colour, and then cooled and stored.

Alternatively, if the pork legs are not salted by being injected with brine and then left to rest or massaged, chilled legs may be salted and worked by rubbing their surface thoroughly with a nitrate curing mix containing a small amount of sugar. They are then placed, skins down, into lightly salted curing pots. Boiled and cooled nitrate brine, again containing a small amount of sugar, is then poured over them. The hams are weighted down so that they are completely submerged in the brine and after an appropriate period of time, in the light of the results of continuous sensory quality checks, are turned over so that their underside is on top in the curing pot, and their topside is underneath. After being thoroughly salted, the hams are soaked for several hours in lukewarm water and then left to drip dry. The hams are first dried in a smoking chamber and then surface-smoked to achieve the characteristic taste, aroma and colour. This is followed by cooking, which has the effect of pasteurisation, and then cooling and storage.

Whichever of the two alternative methods is used, the final production stage may also be completed by baking the surface and treating the skin using various decorative techniques.

4.2.2. Boneless 'Pražská šunka'

Boneless 'Pražská šunka' is produced using either whole boneless pork legs or individual sides of pork leg, prepared in accordance with point 4.1.2, and brine which, in terms of its composition and maximum permissible ratio to the meat raw material, is the same as the brine used in the production of 'Pražská šunka' on the bone.

The boneless pork legs or sides of pork leg are sprayed with brine of the prescribed composition and/or may be massaged with brine. Salted slices of pork fat, with or without skin, are massaged separately if used to make a decorative surface coating for the product. After the raw materials have been salted and massaged, they are placed in oval or egg-shaped moulds in such a way that the fat, with or without skin, always provides the product with a decorative surface coating. If slices of pork fat, with or without skin, are used to create a decorative surface coating for the product, the moulds are lined with massaged slices of fat and only then filled with trimmed sides of pork leg. This is followed by cooking in the moulds, which has the effect of pasteurisation. After cooking, the products are removed from the moulds, smoked to achieve the characteristic taste, aroma and colour, and then cooled and packaged.

It is also possible to complete the final production stage by baking the surface and treating the skin using various decorative techniques.

Products produced using whole boneless pork legs with fat cover with or without skin, and where appropriate trimmed sides of pork leg with fat cover with or without skin, may before cooking be formed into the prescribed shape with the aid of film which is removed from the product post-cooking. In such cases, it is not necessary to use moulds.

4.2.3. Tinned 'Pražská šunka'

Trimmed sides of pork leg (either whole or coarsely chopped), gelatine (powdered) and brine prepared from the ingredients listed below are used to produce tinned 'Pražská šunka'.

Trimmed sides of pork leg 100,0 kg

Powdered gelatine 4,0 kg

Brine (max. 14,3 kg):

— Water max. 11,0 kg

— Nitrite curing mix max. 2,8 kg

— Sugars 0-0,5 kg

Flat, oval packaging made from materials suitable for sterilisation and ensuring the weight of the content of the completed product (approx. 0,454 kg), is used.

The sides of pork leg, whole or coarsely ground, are massaged with brine. After the muscle meat has been brined in this way, it is placed into vacuum-packaging on the bottom of which is an appropriate quantity of powdered gelatine. After the packaging has been vacuum-sealed, the product is left to rest at a temperature of 5 °C for 12 hours. This is followed by sterilisation, during which a minimum heat effect corresponding to a temperature of 121 °C for 10 minutes must be achieved in all parts of the product. After cooking, the product is cooled and stored dry at a temperature of 0–25 °C and a relative humidity of up to 85 %. It has a shelf-life of at least three years.

4.3. Description of the key elements establishing the product's traditional character (Article 7(2) of this Regulation)

4.3.1. 'Pražská šunka' on the bone

The name 'Pražská šunka' has been used since the 1860s to denote one of the best-known food products originating in the Czech Republic, in particular Prague. Historical sources show a product called 'Pražská šunka' to be connected with the name of František Zvěřina, who first produced it. Josef Jeřábek, a well-known Prague smoked-meats producer, took over the production of 'Pražská šunka' from František Zvěřina. Other makers of this product included the Prague smoked-meats producers Dlouhý, Malý, Cibulka and others. The production of 'Pražská šunka' also began in other large towns and cities, following the example of Prague. In Brno, it was made by the smoked-meats producer Jebavý, in Hradec Králové by the smoked-meats producer Hutla, and in Pardubice

by the smoked-meats producer Sochor, and it was being made by many other smoked-meats producers by the end of the 19th century. Figuratively speaking, the 'Pražská šunka' made by Zvěřina was the ancestor of all the others. Industrial-scale production of 'Pražská šunka' was started by Antonín Chmel, who established his firm at U Zvonářky in Prague in 1879. Besides 'Pražská šunka', his flagship product, he also produced a wide range of smoked-meat products which quickly gained a reputation in Prague and other towns, especially spa towns, and eventually in a number of European countries. However, his most commercially successful product was 'Pražská šunka', which soon even found its way onto markets overseas. After the Second World War, the firm was nationalised and a number of other production plants in Prague were gradually amalgamated with it. It was during this period that other variants of 'Pražská šunka' came into being in the form of semi-preserved or tinned ham made from pork-leg muscle meat. In 1977, the U Zvonářky plant and all of its employees and resources were absorbed into the newly built meat-industry combine Masokombinát Praha jih – Písnice. The advent of new curing technologies saw the introduction of brine-spraying, with or without subsequent massaging, in the production of 'Pražská šunka'. During the post-1989 privatisation period, the meat-industry plant at Písnice closed down, but the production of 'Pražská šunka' on the bone continued at a number of other production facilities across the Czech Republic.

The basis for the production of 'Pražská šunka' originally lay in the selection of the raw materials and the method of curing. The raw materials used were pork legs from lightweight pigs, which is also why the current recipe specifies a maximum weight of 10 kg. Another distinguishing feature of the production process, which has been passed down from one generation to the next, is that the pork leg is given the 'Prague cut'. Chilled pork legs were cured by rubbing the surface of the meat, in particular the skin, thoroughly with a nitrate curing mix containing a small amount of sugar. The bottom of the curing pot was lightly salted and the pork legs were placed skins down. Boiled and refrigerated nitrate brine, again containing a small amount of sugar, would be poured over the hams, which would then be weighted down. The hams were subsequently turned so that their underside was on top and their topside underneath. The hams were again weighted down. After sensory quality control, the hams would be soaked for several hours in lukewarm water and then left to dry. This was followed by the final process, namely the removal of the pelvic bone, the scraping of the surface of the skin and the binding of the shank so that its shape would not be damaged by cooking. The hams were always hung in a heated smokehouse. Smoking comprised two stages: firstly drying over a brightly burning fire, and secondly flavouring and colouring with the aid of moistened hardwood sawdust. The hams were usually smoked slowly for 8-12 hours. The hams would then be scalded in boiling water and cooked. They would then be cooled by soaking them in cold water.

4.3.2. Boneless 'Pražská šunka'

The period before the Second World War saw the development of alternatives to the original 'Pražská šunka' on the bone. These took the form, firstly, of pasteurised boneless 'Pražská šunka' produced from pork-leg muscle meat. It was produced by Antonín Chmel at U Zvonářky in Prague and by Josef Beránek at Beránkové podniky, his firm's plant. The technology used to produce these types of 'Pražská šunka' consisted in boning refrigerated fresh pork legs, processing individual parts of them, sorting them according to their colour and mechanically and intermittently breaking up the raw materials whilst adding sodium chloride and the necessary amount of sodium nitrite and sugar, all partially dissolved in a specific quantity of brine. This was followed by pasteurisation and refrigeration. After the Second World War, the production of pasteurised 'Pražská šunka' was mainly concentrated at meat-industry plants at Brno, Kostelec, Studená, Vamberk and Planá nad Lužnicí. The late 1970s saw an increase in production in these plants of boneless 'Pražská šunka' using moulds and the subsequent packaging of the end product in plastic containers, which on the one hand eliminated the use of cans but in particular meant that, after pasteurisation, the product could be smoked and made it possible to add a thin decorative layer of pork fat or pork fat and skin. The product and its parameters have therefore been brought significantly closer to the original 'Pražská šunka' on the bone. Since 1989, boneless 'Pražská šunka' has been produced at other sites across the entire Czech Republic.

4.3.3. Tinned 'Pražská šunka'

Tinned 'Pražská šunka' is another variant of the original 'Pražská šunka' which came into being after the end of the Second World War. It was also produced using sorted raw materials from the boning of chilled fresh pork legs, with the addition of nitrite curing mix, sugar and gelatine; in order to achieve a longer shelf life, it was sterilised in egg-shaped packaging at a weight of 1 lb. The commercial success of the tinned ham was due to a very large extent to the proportion of aspic in the finished product. Tinned 'Pražská šunka' has been produced since 1973, mainly by meat industry plants in Kostelec, Krahulčí and Studená. Since 1989, this variant has also been produced at other sites across the entire Czech Republic.

COMMISSION IMPLEMENTING REGULATION (EU) 2018/507**of 26 March 2018****amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Regulation (EEC) No 2658/87 established a nomenclature of goods (hereinafter referred to as the 'Combined Nomenclature'), which is set out in Annex I to that Regulation.
- (2) In the interest of legal certainty, it is necessary to clarify the classification of capsules, tablets, pastilles and pills made from products of Chapter 15.
- (3) In accordance with the judgment of the Court of Justice of the European Union in Joined Cases C-410/08 to C-412/08 ⁽²⁾, edible food preparations intended for use as food supplements, composed principally of vegetable or animal oil with an addition of vitamins and presented in measured dosages (capsules) are to be classified under heading 2106 ('Food preparations not elsewhere specified or included').
- (4) In that judgment, the Court of Justice explained that, in the case of the goods concerned, the form of presentation is a decisive factor which reveals their function as a food supplement, since it determines the dosage of the edible preparations, the way in which they are absorbed and the place where they are supposed to become active. Consequently, the casing is a factor which, together with their content, determines the use and character of the respective goods. The fact that the raw materials of which the edible preparations are composed are partly covered by headings 1515 and 1517 of the CN does not preclude their classification under heading 2106. Headings 1515 and 1517 of the CN do not allow account to be taken of that characteristic of the goods.
- (5) Tariff classification problems could occur when classifying other edible preparations made from products of Chapter 15, similar in composition and purpose to the products at issue in the mentioned judgment of the Court of Justice, containing a measured dose and presented in capsules, tablets, pastilles or pills.
- (6) The Explanatory Notes to the Harmonized System concerning heading 2106 state that that heading includes preparations, often referred to as 'food supplements', and containing added vitamins and sometimes minute quantities of iron compounds which are put up in packagings with indications that they maintain general health or well-being.
- (7) Food supplements made of products of Chapter 15 which are presented in measured doses, such as capsules, tablets, pastilles and pills, are not covered by that Chapter, because the specific form of presentation is indicative of their function as a food supplement. Food supplements are a very specific kind of food preparations only mentioned in the Explanatory Notes of the Harmonized System to heading 2106 and in general presented in measured doses. Consequently, food preparations intended for use as food supplements, presented in measured doses and made from products of Chapter 15 cannot fulfil the requirements of any heading of that Chapter and should be classified under heading 2106.
- (8) For reasons of legal certainty, the provisions of the Combined Nomenclature should reflect the jurisprudence mentioned above. This has been partially achieved with the introduction of Additional note 5 to Chapter 21 by Commission Implementing Regulation (EU) No 698/2013 ⁽³⁾ and of Additional note 4 to Chapter 19 by Commission Implementing Regulation (EU) 2017/1343 ⁽⁴⁾. For the sake of consistency and uniformity with those previous measures, a corresponding Additional note should also be introduced to Chapter 15.

⁽¹⁾ OJ L 256, 7.9.1987, p. 1.

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

⁽³⁾ Commission Implementing Regulation (EU) No 698/2013 of 19 July 2013 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 198, 23.7.2013, p. 35).

⁽⁴⁾ Commission Implementing Regulation (EU) 2017/1343 of 18 July 2017 amending Annex I to Council Regulation (EEC) No 2658/87 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 186, 19.7.2017, p. 1).

- (9) A new Additional note should therefore be added to Chapter 15 of Part Two of the Combined Nomenclature to ensure its uniform interpretation throughout the Union.
- (10) Regulation (EEC) No 2658/87 should therefore be amended accordingly.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

In Chapter 15 of Part Two of the Combined Nomenclature set out in Annex I to Regulation (EEC) No 2658/87, the following Additional note 5 is added:

'5. Food preparations made from products of Chapter 15 presented in measured doses, such as capsules, tablets, pastilles and pills, intended for use as food supplements, are excluded from this Chapter. The essential character of a food supplement is not only given by its ingredients, but also by its specific form of presentation revealing its function as a food supplement, since it determines the dosage, the way in which it is absorbed and the place where it is supposed to become active. Such food preparations are to be classified under heading 2106 insofar as they are not specified or included elsewhere.'

Article 2

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

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

Done at Brussels, 26 March 2018.

For the Commission

The President

Jean-Claude JUNCKER

DECISIONS

DECISION (EU) 2018/508 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 12 December 2017

on the mobilisation of the European Union Solidarity Fund to provide for the payment of advances in the general budget of the Union for 2018

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 2012/2002 of 11 November 2002 establishing the European Union Solidarity Fund ⁽¹⁾, and in particular Article 4a(4) thereof,

Having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management ⁽²⁾, and in particular point 11 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Union Solidarity Fund (the 'Fund') aims to enable the Union to respond in a rapid, efficient and flexible manner to emergency situations in order to show solidarity with the population of regions struck by natural disasters.
- (2) The Fund is not to exceed a maximum amount of EUR 500 000 000 (2011 prices) as laid down in Article 10 of Council Regulation (EU, Euratom) No 1311/2013 ⁽³⁾.
- (3) Article 4a(4) of Regulation (EC) No 2012/2002 provides that, where necessary in order to ensure the timely availability of budgetary resources, the Fund may be mobilised in an amount of up to EUR 50 000 000 for the payment of advances, entering the corresponding appropriations into the general budget of the Union.
- (4) To ensure the timely availability of sufficient budgetary resources in the general budget of the Union for 2018, the Fund should be mobilised in the amount of EUR 50 000 000 for the payment of advances.
- (5) In order to minimise the time taken to mobilise the Fund, this Decision should apply from the beginning of the 2018 financial year,

HAVE ADOPTED THIS DECISION:

Article 1

For the general budget of the Union for the financial year 2018, the European Union Solidarity Fund shall be mobilised to provide the amount of EUR 50 000 000 in commitment and payment appropriations for the payment of advances.

⁽¹⁾ OJ L 311, 14.11.2002, p. 3.

⁽²⁾ OJ C 373, 20.12.2013, p. 1.

⁽³⁾ Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014–2020 (OJ L 347, 20.12.2013, p. 884).

Article 2

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

It shall apply from 1 January 2018.

Done at Brussels, 12 December 2017.

For the European Parliament

The President

A. TAJANI

For the Council

The President

K. SIMSON

EUROPEAN COUNCIL DECISION (EU) 2018/509
of 22 March 2018
appointing the Vice-President of the European Central Bank

THE EUROPEAN COUNCIL,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 283(2),

Having regard to Council Recommendation of 20 February 2018 on the appointment of the Vice-President of the European Central Bank ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Governing Council of the European Central Bank ⁽³⁾,

Whereas:

- (1) In accordance with Decision 2010/223/EU of the European Council ⁽⁴⁾, the term of office of Mr Vítor CONSTÂNCIO, Vice-President of the European Central Bank, expires on 31 May 2018 and it is therefore necessary to appoint a new Vice-President of the European Central Bank.
- (2) The European Council wishes to appoint Mr Luis DE GUINDOS JURADO who, in its view, fulfils all the requirements set out in Article 283(2) of the Treaty,

HAS ADOPTED THIS DECISION:

Article 1

Mr Luis DE GUINDOS JURADO is hereby appointed Vice-President of the European Central Bank for a term of office of 8 years as from 1 June 2018.

Article 2

This Decision shall be published in the *Official Journal of the European Union*.

Article 3

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

Done at Brussels, 22 March 2018.

For the European Council

The President

D. TUSK

⁽¹⁾ OJ C 67, 22.2.2018, p. 1.

⁽²⁾ Opinion delivered on 14 March 2018 (not yet published in the Official Journal).

⁽³⁾ Opinion delivered on 7 March 2018 (not yet published in the Official Journal).

⁽⁴⁾ Decision 2010/223/EU of the European Council of 26 March 2010 appointing the Vice-President of the European Central Bank (OJ L 99, 21.4.2010, p. 7).

COMMISSION IMPLEMENTING DECISION (EU) 2018/510**of 26 March 2018****amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States***(notified under document C(2018) 1942)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Whereas:

- (1) Commission Implementing Decision (EU) 2017/247 ⁽³⁾ was adopted following outbreaks of highly pathogenic avian influenza of subtype H5 in a number of Member States ('the concerned Member States'), and the establishment of protection and surveillance zones by the competent authority of the concerned Member States in accordance with Article 16(1) of Council Directive 2005/94/EC ⁽⁴⁾.
- (2) Implementing Decision (EU) 2017/247 provides that the protection and surveillance zones established by the competent authorities of the concerned Member States in accordance with Directive 2005/94/EC are to comprise at least the areas listed as protection and surveillance zones in the Annex to that Implementing Decision. Implementing Decision (EU) 2017/247 also lays down that the measures to be applied in the protection and surveillance zones, as provided for in Article 29(1) and Article 31 of Directive 2005/94/EC, are to be maintained until at least the dates for those zones set out in the Annex to that Implementing Decision.
- (3) Since the date of its adoption, Implementing Decision (EU) 2017/247 has been amended several times to take account of developments in the epidemiological situation in the Union as regards avian influenza. In particular, Implementing Decision (EU) 2017/247 was amended by Commission Implementing Decision (EU) 2017/696 ⁽⁵⁾ in order to lay down rules regarding the dispatch of consignments of day-old chicks from the areas listed in the Annex to Implementing Decision (EU) 2017/247. That amendment took into account the fact that day-old chicks pose a very low risk for the spread of highly pathogenic avian influenza compared to other poultry commodities.
- (4) Implementing Decision (EU) 2017/247 was also subsequently amended by Commission Implementing Decision (EU) 2017/1841 ⁽⁶⁾ in order to strengthen the disease control measures applicable where there is an increased risk for the spread of highly pathogenic avian influenza. Consequently, Implementing Decision (EU) 2017/247 now provides for the establishment at Union level of further restricted zones in the concerned Member States, as referred to in Article 16(4) of Directive 2005/94/EC, following an outbreak or outbreaks of highly pathogenic avian influenza, and the duration of the measures to be applied therein. Implementing Decision (EU) 2017/247 now also lays down rules for the dispatch of live poultry, day-old chicks and hatching eggs from the further restricted zones to other Member States, subject to certain conditions.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ Commission Implementing Decision (EU) 2017/247 of 9 February 2017 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 36, 11.2.2017, p. 62).

⁽⁴⁾ Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.1.2006, p. 16).

⁽⁵⁾ Commission Implementing Decision (EU) 2017/696 of 11 April 2017 amending Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 101, 13.4.2017, p. 80).

⁽⁶⁾ Commission Implementing Decision (EU) 2017/1841 of 10 October 2017 amending Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 261, 11.10.2017, p. 26).

- (5) In addition, the Annex to Implementing Decision (EU) 2017/247 has been amended numerous times, mainly to take account of changes in the boundaries of the protection and surveillance zones established by the concerned Member States in accordance with Directive 2005/94/EC.
- (6) The Annex to Implementing Decision (EU) 2017/247 was last amended by Commission Implementing Decision (EU) 2018/418 ⁽¹⁾, following the notification by Italy of new outbreaks of highly pathogenic avian influenza of subtype H5N8 in the region of Lombardia in that Member State, and the notification by the Netherlands of a new outbreak of highly pathogenic avian influenza of subtype H5N6 in the province of Overijssel of that Member State. Italy and the Netherlands also notified the Commission that they had duly taken the necessary measures required in accordance with Directive 2005/94/EC following those outbreaks, including the establishment of protection and surveillance zones around the infected poultry holdings.
- (7) Since the date of the last amendment made to Implementing Decision (EU) 2017/247 by Implementing Decision (EU) 2018/418, Germany has notified the Commission of a new outbreak of highly pathogenic avian influenza of subtype H5N6 in a poultry holding, in Nordfriesland in the *Land* of Schleswig-Holstein of that Member State.
- (8) Germany has also notified the Commission that it has taken the necessary measures required in accordance with Directive 2005/94/EC following that recent outbreak, including the establishment of protection and surveillance zones around the infected poultry holding in that Member State.
- (9) The Commission has examined those measures in collaboration with Germany, and the Commission is satisfied that the boundaries of the protection and surveillance zones, established by the competent authority of Germany, are at a sufficient distance to the poultry holding where the new outbreak was confirmed.
- (10) In order to prevent any unnecessary disturbance to trade within the Union, and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly describe at Union level, in collaboration with Germany, the protection and surveillance zones established in Germany, in accordance with Directive 2005/94/EC, following the recent outbreak of highly pathogenic avian influenza in that Member State.
- (11) Implementing Decision (EU) 2017/247 should therefore be updated to take account of the up-to-date epidemiological situation in Germany, as regards highly pathogenic avian influenza. In particular, the newly established protection and surveillance zones in Germany, now subject to restrictions in accordance with Directive 2005/94/EC, should be listed in the Annex to Implementing Decision (EU) 2017/247.
- (12) The Annex to Implementing Decision (EU) 2017/247 should therefore be amended to update regionalisation at Union level in order to include the protection and surveillance zones established in Germany, in accordance with Directive 2005/94/EC, following the recent outbreak of highly pathogenic avian influenza in that Member State, and the duration of the restrictions applicable therein.
- (13) Implementing Decision (EU) 2017/247 should therefore be amended accordingly.
- (14) 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

The Annex to Implementing Decision (EU) 2017/247 is amended in accordance with the Annex to this Decision.

⁽¹⁾ Commission Implementing Decision (EU) 2018/418 of 16 March 2018 amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 75, 19.3.2018, p. 27).

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 26 March 2018.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

The Annex to Implementing Decision (EU) 2017/247 is amended as follows:

(1) In Part A, the entry for Germany is replaced by the following:

'Member State: Germany'

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
— Land Schleswig-Holstein Insel Süderooge	12.4.2018'

(2) In Part B, the entry for Germany is replaced by the following:

'Member State: Germany'

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
— Land Schleswig-Holstein Insel Süderooge	From 13.4.2018 to 20.4.2018
— Land Schleswig-Holstein Insel Pellworm	20.4.2018'

