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EN

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

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II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2018/915

of 25 June 2018

amending Regulation (EU) 2018/120 as regards certain fishing opportunities

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Council Regulation (EU) 2018/120 ⁽¹⁾ fixes the fishing opportunities for 2018 for certain fish stocks and groups of fish stocks applicable in Union waters and, for Union vessels, in certain non-Union waters.
- (2) At the 12th meeting of the Conference of the Parties to the Convention on the Conservation of Migratory Species of Wild Animals, whale shark (*Rhincodon typus*) was added to the Appendix I of that convention. That species should therefore be included in the lists of prohibited species.
- (3) As the advice of the International Council for the Exploration of the Sea (ICES) indicates that megrims in ICES subarea 7 and in ICES divisions 8a, 8b, 8d and 8e are the same biological stocks, it is appropriate to provide for an inter-area flexibility of 25 % from ICES subarea 7 to ICES divisions 8a, 8b, 8d and 8e for Member States having a quota for those species in both areas.
- (4) On 26 March 2018, the ICES issued advice for catches of Northern prawn (*Pandalus borealis*) in ICES divisions 3a and 4a East (Skagerrak, Kattegat, and the northern North Sea in the Norwegian Deep). On the basis of that advice, and following consultations with Norway, it is appropriate to fix the Union share of Northern prawn in Skagerrak at 3 327 tonnes.
- (5) According to ICES advice of 12 April 2018, catches of sprat (*Sprattus sprattus*) in the North Sea should be no more than 177 545 tonnes for the period from 1 July 2018 to 30 June 2019. The fishing opportunities for sprat should be set accordingly.
- (6) On 11 April 2018, the ICES issued revised advice for Norway pout for the period 1 November 2017 to 31 October 2018. The fishing opportunities for Norway pout should therefore be amended accordingly.
- (7) The ICES advised that if an underwater TV survey cannot be conducted, a sentinel fishery to collect catch per unit effort data on Norway lobster in functional unit 25, in ICES subarea 8c, could be established. The fishing opportunities should be amended to provide for that sentinel fishery.
- (8) At its sixth annual meeting in 2018, the South Pacific Regional Fisheries Management Organisation (SPRFMO) fixed a total allowable catch (TAC) for jack mackerel. That measure should be implemented in the law of the Union.

⁽¹⁾ Council Regulation (EU) 2018/120 of 23 January 2018 fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2017/127 (OJ L 27, 31.1.2018, p. 1).

- (9) At its 2017 Annual Meeting, the International Commission for the Conservation of Atlantic Tunas (ICCAT) adopted Recommendation 17-07, modifying Recommendation 14-04 on the recovery of Bluefin tuna. Noting that annual increases of 20 % of the TAC over three years would correspond to a moderate and gradual increase of the catch level to the most precautionary MSY estimate of the SCRS, Recommendation 17-07 sets TACs for the Eastern Atlantic and the Mediterranean allocated to Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities for 2018, 2019 and 2020.
- (10) The Union, by letter addressed to the ICCAT Secretariat on 15 February 2018, has submitted the fishing, capacity and inspection plan of the Union. The Union plan was approved by the ICCAT at the meeting of Panel 2 (Madrid 5-7 March 2018) and the endorsement by the ICCAT was communicated by the ICCAT Secretariat on 3 April 2018. Therefore, for the sake of coherence, it is appropriate to modify the figures in Annex IV.4 table A of Regulation (EU) 2018/120.
- (11) The catch limits provided for in Regulation (EU) 2018/120 apply from 1 January 2018. The provisions of this Regulation concerning catch limits should therefore also apply from that date. Such retroactive application is without prejudice to the principles of legal certainty and the protection of legitimate expectations as the fishing opportunities concerned have not yet been exhausted.
- (12) Regulation (EU) 2018/120 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EU) 2018/120

Regulation (EU) 2018/120 is amended as follows:

- (1) in Article 13(1), the following point is added:
- ‘(x) whale shark (*Rhincodon typus*) in all waters.’;
- (2) in Article 45(1), the following point is added:
- ‘(r) whale shark (*Rhincodon typus*) in Union waters.’;
- (3) Annexes IA, IJ and IV are amended in accordance with the Annex to this Regulation.

Article 2

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*.

It shall apply from 1 January 2018, except paragraphs (1) and (2) of Article 1, which shall apply from the date of entry into force of this Regulation.

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

Done at Luxembourg, 25 June 2018.

For the Council
The President
N. DIMOV

ANNEX

1. Annex IA to Regulation (EU) 2018/120 is amended as follows:

(a) the fishing opportunities table for megrims in 7 is replaced by the following table:

Species: Megrims <i>Lepidorhombus</i> spp.		Zone: 7 (LEZ/07.)
Belgium	3 33 ⁽¹⁾	
Spain	3 693 ⁽²⁾	
France	4 481 ⁽²⁾	
Ireland	2 038 ⁽¹⁾	
United Kingdom	1 765 ⁽¹⁾	
Union	12 310	
TAC	12 310	

Analytical TAC
 Article 7(2) of this Regulation applies
 Article 12(1) of this Regulation applies

⁽¹⁾ 5 % of this quota may be used in 8a, 8b, 8d and 8e (LEZ/*8ABDE) for by-catches in directed fisheries for sole.

⁽²⁾ 25 % of this quota may be fished in 8a, 8b, 8d and 8e (LEZ/*8ABDE).'

(b) the fishing opportunities table for Northern prawn in 3a is replaced by the following:

Species: Northern prawn <i>Pandalus borealis</i>		Zone: 3a (PRA/03A.)
Denmark	2 162	
Sweden	1 165	
Union	3 327	
TAC	6 230	

Precautionary TAC
 Articles 3 and 4 of Regulation (EC)
 No 847/96 shall not apply in respect of
 transfers from 2019 to 2018'

- (c) the fishing opportunities table for sprat and associated by-catches in Union waters of 2a and 4 is replaced by the following:

'Species:		Zone:
Sprat and associated by-catches <i>Sprattus sprattus</i>		Union waters of 2a and 4 (SPR/2AC4-C)
Belgium	1 911 ⁽¹⁾ ⁽²⁾	
Denmark	151 264 ⁽¹⁾ ⁽²⁾	
Germany	1 911 ⁽¹⁾ ⁽²⁾	
France	1 911 ⁽¹⁾ ⁽²⁾	
The Netherlands	1 911 ⁽¹⁾ ⁽²⁾	
Sweden	1 330 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
United Kingdom	6 307 ⁽¹⁾ ⁽²⁾	
Union	166 545 ⁽¹⁾	
Norway	10 000 ⁽¹⁾	
Faroe Islands	1 000 ⁽¹⁾ ⁽⁴⁾	
TAC	177 545 ⁽¹⁾	Analytical TAC

⁽¹⁾ The quota may only be fished from 1 July 2018 to 30 June 2019.

⁽²⁾ Up to 2 % of the quota may consist of by-catches of whiting (OTH/*2AC4C). By-catches of whiting counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9 % of the quota.

⁽³⁾ Including sandeel.

⁽⁴⁾ May contain up to 4 % of by-catch of herring.'

- (d) in the fishing opportunities table for herring in Union waters of 7g, 7h, 7j and 7k, the reference 'Article 7(2) of this Regulation applies' is deleted;
- (e) the fishing opportunities table for Norway pout and associated by-catches in 3a and Union waters of 2a and 4 is replaced by the following:

'Species:		Zone:
Norway pout and associated by-catches <i>Trisopterus esmarkii</i>		3a; Union waters of 2a and 4 (NOP/2A3A4.)
Denmark	85 186 ⁽¹⁾	
Germany	16 ⁽¹⁾ ⁽²⁾	
The Netherlands	63 ⁽¹⁾ ⁽²⁾	
Union	85 265 ⁽¹⁾ ⁽³⁾	
Norway	15 000 ⁽⁴⁾	
Faroe Islands	6 000 ⁽⁵⁾	
TAC	not relevant	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply

⁽¹⁾ Up to 5 % of the quota may consist of by-catches of haddock and whiting (OT2/*2A3A4). By-catches of haddock and whiting counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9 % of the quota.

⁽²⁾ Quota may be fished in Union waters of ICES zones 2a, 3a and 4 only.

⁽³⁾ Union quota may only be fished from 1 November 2017 to 31 October 2018.

⁽⁴⁾ A sorting grid shall be used.

⁽⁵⁾ A sorting grid shall be used. Includes a maximum of 15 % of unavoidable by-catches (NOP/*2A3A4), to be counted against this quota.'

- (f) the fishing opportunities table for Norway lobster in 8c is replaced by the following:

'Species:		Zone:
Norway lobster <i>Nephrops norvegicus</i>		8c (NEP/08C.)
Spain	2 ⁽¹⁾	
France	0	
Union	2 ⁽¹⁾	
TAC	2 ⁽¹⁾	Precautionary TAC

⁽¹⁾ Exclusively for catches taken as part of a sentinel fishery to collect catch per unit effort (CPUE) data in functional unit 25 during five trips per month in August and September with vessels carrying observers on board.'

2. In Annex II to Regulation (EU) 2018/120, the fishing opportunities table for jack mackerel in the SPRFMO Convention area is replaced by the following:

'Species:		Zone:
Jack mackerel <i>Trachurus murphyi</i>		SPRFMO Convention Area (CJM/SPRFMO)
Germany	8 849,28	
The Netherlands	9 591,70	
Lithuania	6 157,56	
Poland	10 587,46	
Union	35 186	
TAC	Not relevant	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply'

3. In Annex IV, Section 4, the Table A is replaced by the following:

Number of fishing vessels ⁽¹⁾							
	Cyprus ⁽²⁾	Greece ⁽³⁾	Croatia	Italy	France	Spain	Malta ⁽⁴⁾
Purse Seiners	1	1	16	15	20	6	1
Longliners	20 ⁽⁵⁾	0	0	35	8	54	54
Baitboat	0	0	0	0	37	60	0
Handline	0	0	12	0	33 ⁽⁶⁾	2	0
Trawler	0	0	0	0	57	0	0
Other artisanal ⁽⁷⁾	0	52	0	0	118	545	0

⁽¹⁾ The numbers in this table may be further increased, provided that the international obligations of the Union are complied with.

⁽²⁾ One medium size purse seiner may be replaced by no more than 10 longline vessels or one small purse seiner and no more than three longline vessels.

⁽³⁾ One medium size purse seiner may be replaced by no more than 10 longline vessels or one small size purse seine vessel and three other artisanal vessels.

⁽⁴⁾ One medium size purse seiner may be replaced by no more than 10 longline vessels.

⁽⁵⁾ Polyvalent vessels, using multi-gear equipment.

⁽⁶⁾ Line vessels operating in the Atlantic

⁽⁷⁾ Polyvalent vessels, using multi-gear equipment (longline, handline, trolling line).'

COMMISSION IMPLEMENTING REGULATION (EU) 2018/916**of 27 June 2018****amending Implementing Regulation (EU) No 181/2014 as regards certain provisions on checks, notifications and annual reporting and on amendments to the programme for the smaller Aegean islands**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 229/2013 of the European Parliament and of the Council of 13 March 2013 laying down specific measures for agriculture in favour of the smaller Aegean islands and repealing Council Regulation (EC) No 1405/2006 ⁽¹⁾, and in particular Article 6(2) and the second paragraph of Article 7 and Articles 11(3) and 13(1) thereof,

Whereas:

- (1) Experience gained with the application of Commission Implementing Regulation (EU) No 181/2014 ⁽²⁾ has shown that certain provisions relating to checks, notifications and annual reporting need to be clarified and simplified.
- (2) Article 3 of Implementing Regulation (EU) No 181/2014 lays down the provisions for aid certificates and payment relating to products supplied from the Union. Article 4(1) of Commission Implementing Regulation (EU) 2016/1239 ⁽³⁾ makes the use of the Economic Operators Registration and Identification number (EORI number) mandatory for import licences. It is appropriate to provide the same requirement for the aid certificates covered by Article 3 of Implementing Regulation (EU) No 181/2014.
- (3) Article 13 of Implementing Regulation (EU) No 181/2014 lays down the rules for the administrative and physical checks on the entry, export and dispatch of agricultural products. It is appropriate to separate the type of physical checks for entry from the type of physical checks for export and dispatch. The wording of that Article should make explicit the obligation of applying a representative sample when performing checks on export and dispatch operations provided for in Section 3 of that Regulation.
- (4) Article 20 of Implementing Regulation (EU) No 181/2014 provides the general principles for the checks in respect of aid applications for the measures to support local agricultural products. Taking into account the heterogeneity and different level of complexity of actions within the measures and to further ensure that all areas of expenditure are covered and represented in the sampling, it is necessary to specify that the competent authorities are to perform on-the-spot checks at the level of each action by sampling at least 5 % of the aid applications. The sample should also represent at least 5 % of the amounts covered by the aid for each action.
- (5) Article 22 of Implementing Regulation (EU) No 181/2014 provides the rules for the selection of aid applicants to be subject to on-the-spot checks. As in the smaller Aegean islands there might be a small number of applicants, Greece should have the possibility to select only one applicant.
- (6) Article 30(1) of Implementing Regulation (EU) No 181/2014 requires certain data relating to the specific supply arrangements balance to be notified at the end of each quarter of the year. That periodicity is burdensome and a notification only once per year is deemed sufficient.

⁽¹⁾ OJ L 78, 20.3.2013, p. 41.

⁽²⁾ Commission Implementing Regulation (EU) No 181/2014 of 20 February 2014 laying down rules for the application of Regulation (EU) No 229/2013 of the European Parliament and of the Council laying down specific measures for agriculture in favour of the smaller Aegean islands (OJ L 63, 4.3.2014, p. 53).

⁽³⁾ Commission Implementing Regulation (EU) 2016/1239 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 the system of import and export licences (OJ L 206, 30.7.2016, p. 44).

- (7) Article 31 of Implementing Regulation (EU) No 181/2014 sets out the elements to be included in the annual report on the implementation of the measures. In its report of 15 December 2016 ⁽¹⁾ the Commission concluded that the content of the annual report should be clarified and simplified in order to facilitate the reporting process. As it is therefore opportune to amend the reporting obligations and provide a new structure of the annual report, the relevant details should be specified in a new Annex to Implementing Regulation (EU) No 181/2014.
- (8) Article 32 of Implementing Regulation (EU) No 181/2014 sets out the procedures for amending the programme. Taking into account the experience gained with its application, those procedures need to be simplified in order to ensure a more flexible and smoother adaptation to the actual conditions relating to the supply arrangements and the local agricultural conditions. Therefore, it is appropriate to require that amendments covered by Article 32(1) and (2) of that Regulation be presented at the same time by 31 July.
- (9) In general, amendments to the programme do not need formal approval by the Commission. It is appropriate to revise the wording of Article 32(1) of Implementing Regulation (EU) No 181/2014 in order to express that principle in a more explicit way.
- (10) However, 'major' amendments to the programme covered by Article 32(2) of Implementing Regulation (EU) No 181/2014 do need formal approval by the Commission. On the basis of the experience with that procedure, it is necessary to extend the deadline for approval to five months after the notification of the amendment. In addition, in order to simplify the procedure, the formal approval by the Commission should be limited to the first case currently covered by that provision.
- (11) Article 32(3) of Implementing Regulation (EU) No 181/2014 concerns 'minor' amendments. To ease the financial adjustment procedure within the Member State, the deadline for the notification of adjustments up to 20 % of the financial allocation should be extended to 31 May.
- (12) Finally, the definition of 'measure' in Article 32(5)(a) of Implementing Regulation (EU) No 181/2014 should be simplified.
- (13) Several Commission regulations have been repealed and replaced by delegated and implementing regulations. For reasons of clarity and legal certainty, it is appropriate to update the references to those regulations. In particular, as regards the system of import and export licences, references to Commission Regulation (EC) No 376/2008 ⁽²⁾ should be replaced by references to Commission Delegated Regulation (EU) 2016/1237 ⁽³⁾ and Implementing Regulation (EU) 2016/1239.
- (14) As regards the notifications to the Commission, references to Commission Regulation (EC) No 792/2009 ⁽⁴⁾ should be replaced by references to Commission Delegated Regulation (EU) 2017/1183 ⁽⁵⁾ and Commission Implementing Regulation (EU) 2017/1185 ⁽⁶⁾.

⁽¹⁾ Report from the Commission to the European Parliament and the Council on the implementation of the scheme of specific measures for agriculture in favour of the smaller Aegean islands (SAI) (COM(2016)796 final).

⁽²⁾ Commission Regulation (EC) No 376/2008 of 23 April 2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products (OJ L 114, 26.4.2008, p. 3).

⁽³⁾ Commission Delegated Regulation (EU) 2016/1237 of 18 May 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the rules for applying the system of import and export licences and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the rules on the release and forfeit of securities lodged for such licences, amending Commission Regulations (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 951/2006, (EC) No 341/2007 and (EC) No 382/2008 and repealing Commission Regulations (EC) No 2390/98, (EC) No 1345/2005, (EC) No 376/2008 and (EC) No 507/2008 (OJ L 206, 30.7.2016, p. 1).

⁽⁴⁾ Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands (OJ L 228, 1.9.2009, p. 3).

⁽⁵⁾ Commission Delegated Regulation (EU) 2017/1183 of 20 April 2017 on supplementing Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council with regard to the notifications to the Commission of information and documents (OJ L 171, 4.7.2017, p. 100).

⁽⁶⁾ Commission Implementing Regulation (EU) 2017/1185 of 20 April 2017 laying down rules for the application of Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards notifications to the Commission of information and documents and amending and repealing several Commission Regulations (OJ L 171, 4.7.2017, p. 113).

- (15) As regards the rules based on Regulation (EU) No 1306/2013 of the European Parliament and of the Council ⁽¹⁾ references to Commission Regulation (EC) No 1122/2009 ⁽²⁾ should be replaced by references to Commission Delegated Regulation (EU) No 640/2014 ⁽³⁾ and Commission Implementing Regulation (EU) No 809/2014 ⁽⁴⁾.
- (16) Implementing Regulation (EU) No 181/2014 should therefore be amended accordingly.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 181/2014 is amended as follows:

- (1) in Article 3, paragraph 2 is replaced by the following:

‘2. Aid certificates shall be drawn up on the basis of the specimen import licence set out in Annex I to Commission Implementing Regulation (EU) 2016/1239 (*).

Article 4 of Commission Delegated Regulation (EU) 2016/1237 (**) and Articles 2 and 3, Article 4(1), Articles 5 and 7 and 13 to 16 of Implementing Regulation (EU) 2016/1239 shall apply *mutatis mutandis*, without prejudice to this Regulation.

The negative tolerance provided for in Article 5(4) of Delegated Regulation (EU) 2016/1237 and Article 8(1) of Implementing Regulation (EU) 2016/1239 shall apply *mutatis mutandis*.

(*) Commission Implementing Regulation (EU) 2016/1239 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 the system of import and export licences (OJ L 206, 30.7.2016, p. 44).

(**) Commission Delegated Regulation (EU) 2016/1237 of 18 May 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the rules for applying the system of import and export licences and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the rules on the release and forfeit of securities lodged for such licences, amending Commission Regulations (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 951/2006, (EC) No 341/2007 and (EC) No 382/2008 and repealing Commission Regulations (EC) No 2390/98, (EC) No 1345/2005, (EC) No 376/2008 and (EC) No 507/2008 (OJ L 206, 30.7.2016, p. 1).;

- (2) in Article 10, the third paragraph is replaced by the following:

‘The notification referred to in this Article shall be made in accordance with Commission Delegated Regulation (EU) 2017/1183 (*) and Commission Implementing Regulation (EU) 2017/1185 (**).

(*) Commission Delegated Regulation (EU) 2017/1183 of 20 April 2017 on supplementing Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council with regard to the notifications to the Commission of information and documents (OJ L 171, 4.7.2017, p. 100).

(**) Commission Implementing Regulation (EU) 2017/1185 of 20 April 2017 laying down rules for the application of Regulations (EU) No 1307/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards notifications to the Commission of information and documents and amending and repealing several Commission Regulations (OJ L 171, 4.7.2017, p. 113).;

⁽¹⁾ Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).

⁽²⁾ Commission Regulation (EC) No 1122/2009 of 30 November 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for that Regulation, as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross-compliance under the support scheme provided for the wine sector (OJ L 316, 2.12.2009, p. 65).

⁽³⁾ Commission Delegated Regulation (EU) No 640/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance (OJ L 181, 20.6.2014, p. 48).

⁽⁴⁾ Commission Implementing Regulation (EU) No 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance (OJ L 227, 31.7.2014, p. 69).

(3) in Article 13, paragraph 2 is replaced by the following:

‘2. The physical checks carried out in the smaller Aegean islands on the entry of agricultural products shall involve a representative sample amounting to at least 5 % of the certificates presented in accordance with Article 7.

The physical checks carried out in the smaller Aegean islands on the export or dispatch provided for in Section 3 shall involve a representative sample of at least 5 % of the operations, based on the risk profiles established by Greece.

Commission Regulation (EC) No 1276/2008 (*) shall apply *mutatis mutandis* to those physical checks.

In addition, in special cases the Commission may request that physical checks cover different percentages.

(*) Commission Regulation (EC) No 1276/2008 of 17 December 2008 on the monitoring by physical checks of exports of agricultural products receiving refunds or other amounts (OJ L 339, 18.12.2008, p. 53).;

(4) in Article 20, the third paragraph is replaced by the following:

‘On the basis of a risk analysis in accordance with Article 22(1) of this Regulation, the competent authorities shall perform on-the-spot checks by sampling, for each action, at least 5 % of aid applications. The sample shall also represent at least 5 % of the amounts covered by the aid for each action.’;

(5) in the second subparagraph of Article 22(1), the following sentence is added:

‘When the minimum number of aid applicants to be subjected to on-the-spot checks is lower than 12, Greece shall randomly select at least one applicant.’;

(6) Articles 26 and 27 are replaced by the following:

‘Article 26

Recovery of undue payments and penalties

1. In the event of undue payment, Article 7 of Commission Implementing Regulation (EU) No 809/2014 (*) shall apply *mutatis mutandis*.

2. Where the undue payment has been made as a result of a false declaration, false documents or serious negligence on the part of the aid applicant, a penalty shall be imposed equal to the amount unduly paid, with interest calculated in accordance with Article 7(2) of Implementing Regulation (EU) No 809/2014.

Article 27

Force majeure and exceptional circumstances

In cases of *force majeure* or exceptional circumstances within the meaning of Article 2(2) of Regulation (EU) No 1306/2013, Article 4 of Commission Delegated Regulation (EU) No 640/2014 (**) shall apply *mutatis mutandis*.

(*) Commission Implementing Regulation (EU) No 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance (OJ L 227, 31.7.2014, p. 69).

(**) Commission Delegated Regulation (EU) No 640/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system and conditions for refusal or withdrawal of payments and administrative penalties applicable to direct payments, rural development support and cross compliance (OJ L 181, 20.6.2014, p. 48).;

(7) Article 30 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) in the first subparagraph, the introductory sentence is replaced by the following:

‘1. As regards the specific supply arrangements, the competent authorities shall notify the Commission, no later than 31 May each year, of the following data relating to the operations carried out in the previous year with respect to the supply balance of the reference calendar year, broken down by product and CN code and, where applicable, by individual destination’;

(ii) in the second subparagraph, the second sentence is deleted;

(b) paragraphs 3 and 4 are replaced by the following:

‘3. The notifications referred to in this Article shall be made in accordance with Delegated Regulation (EU) 2017/1183 and Implementing Regulation (EU) 2017/1185.

4. The notifications referred to in Article 20(1) of Regulation (EU) No 229/2013 shall also be made in accordance with Delegated Regulation (EU) 2017/1183 and Implementing Regulation (EU) 2017/1185.’;

(8) Article 31 is replaced by the following:

‘Article 31

Annual report

1. The structure and content of the annual report referred to in Article 20(2) of Regulation (EU) No 229/2013 shall be as set out in Annex III to this Regulation.

2. The report referred to in paragraph 1 shall be submitted to the Commission in accordance with Delegated Regulation (EU) 2017/1183 and Implementing Regulation (EU) 2017/1185.’;

(9) Article 32 is amended as follows:

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

‘1. Amendments made to the support programme referred to in Chapter II of Regulation (EU) No 229/2013 shall be submitted to the Commission once per calendar year, except in cases of *force majeure* or exceptional circumstances. They shall be sent to the Commission no later than 31 July of the year prior to their application. The amendments shall be duly substantiated, in particular by giving the following information:

(a) the reasons for any implementation problems justifying the amendment of the programme;

(b) the expected effects of the amendment;

(c) the implications for financing and eligibility conditions.

The Commission shall inform Greece if it considers that the amendments do not comply with Union legislation, in particular with Article 4 of Regulation (EU) No 229/2013, without prejudice to the Articles 51 and 52 of Regulation (EU) No 1306/2013.

The amendments shall apply from 1 January of the year following that in which they were notified. In case an earlier application is deemed necessary, such amendments may apply earlier, unless the Commission objects.

2. By way of derogation from paragraph 1, the Commission shall evaluate separately the amendments proposed by Greece consisting in the introduction into the general programme of new groups of products to be supported under the specific supply arrangements or of new measures to assist the local agricultural production. The Commission shall decide on their approval within five months of their submission at the latest in accordance with the procedure referred to in Article 22(2) of Regulation (EU) No 229/2013.

The amendments thus approved shall apply from 1 January of the year following that in which the proposal for an amendment was made or as from the date explicitly indicated in the approval decision.’;

(b) in paragraph 3, point (b) is replaced by the following:

‘(b) as regards all measures, adjustments up to 20 % of the financial allocation for each individual measure, without prejudice of the financial ceilings provided for by Article 18 of Regulation (EU) No 229/2013, on condition that such adjustments are notified not later than 31 May of the year following the calendar year to which the amended financial allocation refers’;

(c) in paragraph 5, point (a) is replaced by the following:

‘(a) ‘measure’ means the grouping of actions necessary to achieve one or more objectives for the programme constituting a line for which a financial allocation is defined in the financing table referred to in Article 5(a) of Regulation (EU) No 229/2013’;

(d) paragraph 6 is replaced by the following:

‘6. The notifications referred to in this Article shall be made in accordance with Delegated Regulation (EU) 2017/1183 and Implementing Regulation (EU) 2017/1185.’;

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

Article 2

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

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

Done at Brussels, 27 June 2018.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

‘ANNEX III

Structure and content of the annual report referred to in Article 31

The structure and content of the report over the previous year shall be as follows:

1. GENERAL CONTEXT IN THE PREVIOUS YEAR
 - 1.1. Socio-economic context.
 - 1.2. Situation of agriculture and its development.
 2. PHYSICAL AND FINANCIAL IMPLEMENTATION OF THE MEASURES AND ACTIONS
 - 2.1. Overall table with financial data concerning support for local production and specific supply arrangements, including initial allocation per measure and action, as well as actual spending and, if relevant, any State aid provided in accordance with Article 17 of Regulation (EU) No 229/2013.
 - 2.2. Comprehensive description of the physical and financial implementation of each measure and action, including technical assistance, comprised in the programme:
 - (a) for the specific supply arrangements: data and analysis of the annual supply balance of the smaller Aegean islands;
 - (b) for the support for local production: data and analysis of the physical and financial implementation of each measure and action listed in the programme including such data as the number of beneficiaries, the number of animals covered by the payment, the eligible surface area and/or the number of holdings concerned. Where necessary, the data must be accompanied by a presentation and analysis of the sector to which the measure relates.
 3. PERFORMANCE OF THE PROGRAMME IN THE PREVIOUS YEAR
 - 3.1. Progress of the measures and actions towards the specific objectives and priorities of the programme and the general objectives set out in Article 2 of Regulation (EU) No 229/2013:
 - (a) evolution and analysis of the national indicators quantifying the specific objectives of the programme and assessment of the extent to which the specific objectives assigned to each of the measures contained in the programme have been achieved;
 - (b) for the specific supply arrangements, information on the manner in which the advantage granted was passed on, as well as the measures taken and the checks performed to ensure that it was passed on in compliance with Article 4 of this Regulation.
 - (c) for the specific supply arrangements, analysis of the proportionality of the aid in relation to the additional cost of transport to the smaller Aegean islands and, in the case of products intended for processing and agricultural inputs, the additional costs of insularity and distant location;
 - (d) annual data on the common performance indicators referred to in Article 29 of this Regulation and their analysis in particular with regard to the attainment of the general objectives set out in Article 2 of Regulation (EU) No 229/2013.
 - 3.2. Conclusions of the analyses on the suitability of the strategy of the measures and its possible improvement in order to achieve the objectives of the programme.
 4. MANAGEMENT OF THE PROGRAMME
 - 4.1. Brief account of any major problems encountered in managing and implementing the measures during the year in question.
 - 4.2. Statistics on the checks carried out by the competent authorities and any penalties applied. Any additional information that could be useful for the understanding of the data submitted.
 5. AMENDMENTS

Brief summary of any amendments to the programme presented during the year in question and their justifications.’
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COMMISSION IMPLEMENTING REGULATION (EU) 2018/917

of 27 June 2018

amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances alpha-cypermethrin, beflubutamid, benalaxyl, benthiavalicarb, bifentazate, boscalid, bromoxynil, captan, carvone, chlorpropham, cyazofamid, desmedipham, dimethoate, dimethomorph, diquat, ethephon, ethoprophos, etoxazole, famoxadone, fenamidone, fenamiphos, flumioxazine, fluoxastrobin, folpet, foramsulfuron, formetanate, *Gliocladium catenulatum* strain: J1446, isoxaflutole, metalaxyl-m, methiocarb, methoxyfenozide, metribuzin, milbemectin, oxasulfuron, *Paecilomyces lilacinus* strain 251, phenmedipham, phosmet, pirimiphos-methyl, propamocarb, prothioconazole, pymetrozine and s-metolachlor

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular the first paragraph of Article 17 thereof,

Whereas:

- (1) Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽²⁾ sets out the active substances deemed to have been approved under Regulation (EC) No 1107/2009.
- (2) The approval periods of the active substances diquat, famoxadone, flumioxazine, metalaxyl-m and pymetrozine were last extended by Commission Implementing Regulation (EU) 2017/841 ⁽³⁾. The approval periods of those substances will expire on 30 June 2018. Applications for the renewal of the inclusion of those substances in Annex I to Council Directive 91/414/EEC ⁽⁴⁾ were submitted in accordance with Article 4 of Commission Regulation (EU) No 1141/2010 ⁽⁵⁾.
- (3) The approval periods of the active substances alpha-cypermethrin, benalaxyl, bifentazate, bromoxynil, chlorpropham, cyazofamid, desmedipham, etoxazole, fenamidone, foramsulfuron, *Gliocladium catenulatum* strain: J1446, isoxaflutole, methoxyfenozide, milbemectin, oxasulfuron, phenmedipham and s-metolachlor were last extended by Implementing Regulation (EU) 2017/841. The approval periods of those substances will expire on 31 July 2018.
- (4) The approval periods of the active substances beflubutamid, captan, dimethoate, dimethomorph, ethoprophos, folpet, formetanate, methiocarb, metribuzin, phosmet, pirimiphos-methyl and propamocarb were extended by Commission Implementing Regulation (EU) 2015/404 ⁽⁶⁾. The approval periods of those substances will expire on 31 July 2018.
- (5) The approval periods of the active substances ethephon and fenamiphos were extended by Commission Implementing Regulation (EU) 2015/415 ⁽⁷⁾. The approval periods of those substances will expire on 31 July 2018.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

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

⁽³⁾ Commission Implementing Regulation (EU) 2017/841 of 17 May 2017 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances alpha-cypermethrin, *Ampelomyces quisqualis* strain: aq 10, benalaxyl, bentazone, bifentazate, bromoxynil, carfentrazone ethyl, chlorpropham, cyazofamid, desmedipham, diquat, DPX KE 459 (flupyrsulfuron-methyl), etoxazole, famoxadone, fenamidone, flumioxazine, foramsulfuron, *Gliocladium catenulatum* strain: j1446, imazamox, isoxaflutole, laminarin, metalaxyl-m, methoxyfenozide, milbemectin, oxasulfuron, pendimethalin, phenmedipham, pymetrozine, s-metolachlor, and trifloxystrobin (OJ L 125, 18.5.2017, p. 12).

⁽⁴⁾ Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

⁽⁵⁾ Commission Regulation (EU) No 1141/2010 of 7 December 2010 laying down the procedure for the renewal of the inclusion of a second group of active substances in Annex I to Council Directive 91/414/EEC and establishing the list of those substances (OJ L 322, 8.12.2010, p. 10).

⁽⁶⁾ Commission Implementing Regulation (EU) 2015/404 of 11 March 2015 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances beflubutamid, captan, dimethoate, dimethomorph, ethoprophos, fipronil, folpet, formetanate, glufosinate, methiocarb, metribuzin, phosmet, pirimiphos-methyl and propamocarb (OJ L 67, 12.3.2015, p. 6).

⁽⁷⁾ Commission Implementing Regulation (EU) 2015/415 of 12 March 2015 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances ethephon and fenamiphos (OJ L 68, 13.3.2015, p. 28).

- (6) The approval periods of the active substances benthiavalicarb, boscalid, carvone, fluoxastrobin, *Paecilomyces lilacinus* strain 251 and prothioconazole will expire on 31 July 2018.
- (7) Applications for the renewal of the approval of the substances referred to in recitals 3 to 5 were submitted in accordance with Commission Implementing Regulation (EU) No 844/2012 ⁽¹⁾.
- (8) Due to the fact that the assessment of the substances has been delayed for reasons beyond the control of the applicants, the approvals of those active substances are likely to expire before a decision has been taken on their renewal. It is therefore necessary to extend their approval periods.
- (9) In view of the aim of the first paragraph of Article 17 of Regulation (EC) No 1107/2009, as regards cases where the Commission will adopt a Regulation providing that the approval of an active substance referred to in the Annex to this Regulation is not renewed because the approval criteria are not satisfied, the Commission will set the expiry date at the same date as before this Regulation or at the date of the entry into force of the Regulation providing that the approval of the active substance is not renewed, whichever date is later. As regards cases where the Commission will adopt a Regulation providing for the renewal of an active substance referred to in the Annex to this Regulation, the Commission will endeavour to set, as appropriate under the circumstances, the earliest possible application date.
- (10) Taking into account that some of the approvals of the active substances expire on 30 June 2018, this Regulation should enter into force as soon as possible.
- (11) Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 27 June 2018.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).

ANNEX

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

- (1) in the sixth column, expiration of approval, of row 15, Diquat, the date is replaced by '30 June 2019';
- (2) in the sixth column, expiration of approval, of row 23, Pymetrozine, the date is replaced by '30 June 2019';
- (3) in the sixth column, expiration of approval, of row 35, Famoxadone, the date is replaced by '30 June 2019';
- (4) in the sixth column, expiration of approval, of row 37, Metalaxyl-M, the date is replaced by '30 June 2019';
- (5) in the sixth column, expiration of approval, of row 39, Flumioxazine, the date is replaced by '30 June 2019';
- (6) in the sixth column, expiration of approval, of row 42, Oxasulfuron, the date is replaced by '31 July 2019';
- (7) in the sixth column, expiration of approval, of row 44, Foramsulfuron, the date is replaced by '31 July 2019';
- (8) in the sixth column, expiration of approval, of row 46, Cyazofamid, the date is replaced by '31 July 2019';
- (9) in the sixth column, expiration of approval, of row 62, Fenamidone, the date is replaced by '31 July 2019';
- (10) in the sixth column, expiration of approval, of row 63, Isoxaflutole, the date is replaced by '31 July 2019';
- (11) in the sixth column, expiration of approval, of row 78, Chlorpropham, the date is replaced by '31 July 2019';
- (12) in the sixth column, expiration of approval, of row 83, Alpha-cypermethrin, the date is replaced by '31 July 2019';
- (13) in the sixth column, expiration of approval, of row 84, Benalaxyl, the date is replaced by '31 July 2019';
- (14) in the sixth column, expiration of approval, of row 85, Bromoxynil, the date is replaced by '31 July 2019';
- (15) in the sixth column, expiration of approval, of row 86, Desmedipham, the date is replaced by '31 July 2019';
- (16) in the sixth column, expiration of approval, of row 88, Phenmedipham, the date is replaced by '31 July 2019';
- (17) in the sixth column, expiration of approval, of row 96, Methoxyfenozide, the date is replaced by '31 July 2019';
- (18) in the sixth column, expiration of approval, of row 97, S-metolachlor, the date is replaced by '31 July 2019';
- (19) in the sixth column, expiration of approval, of row 98, *Gliocladium catenulatum* strain: J1446, the date is replaced by '31 July 2019';
- (20) in the sixth column, expiration of approval, of row 99, Etoxazole, the date is replaced by '31 July 2019';
- (21) in the sixth column, expiration of approval, of row 109, Bifenazate, the date is replaced by '31 July 2019';
- (22) in the sixth column, expiration of approval, of row 110, Milbemectin, the date is replaced by '31 July 2019';
- (23) in the sixth column, expiration of approval, of row 141, Fenamiphos, the date is replaced by '31 July 2019';
- (24) in the sixth column, expiration of approval, of row 142, Ethephon, the date is replaced by '31 July 2019';
- (25) in the sixth column, expiration of approval, of row 145, Captan, the date is replaced by '31 July 2019';
- (26) in the sixth column, expiration of approval, of row 146, Folpet, the date is replaced by '31 July 2019';

- (27) in the sixth column, expiration of approval, of row 147, Formetanate, the date is replaced by '31 July 2019';
 - (28) in the sixth column, expiration of approval, of row 148, Methiocarb, the date is replaced by '31 July 2019';
 - (29) in the sixth column, expiration of approval, of row 149, Dimethoate, the date is replaced by '31 July 2019';
 - (30) in the sixth column, expiration of approval, of row 150, Dimethomorph, the date is replaced by '31 July 2019';
 - (31) in the sixth column, expiration of approval, of row 152, Metribuzin, the date is replaced by '31 July 2019';
 - (32) in the sixth column, expiration of approval, of row 153, Phosmet, the date is replaced by '31 July 2019';
 - (33) in the sixth column, expiration of approval, of row 154, Propamocarb, the date is replaced by '31 July 2019';
 - (34) in the sixth column, expiration of approval, of row 155, ethoprophos, the date is replaced by '31 July 2019';
 - (35) in the sixth column, expiration of approval, of row 156, Pirimiphos-methyl, the date is replaced by '31 July 2019';
 - (36) in the sixth column, expiration of approval, of row 158, Bflubutamid, the date is replaced by '31 July 2019';
 - (37) in the sixth column, expiration of approval, of row 163, Benthiavalicarb, the date is replaced by '31 July 2019';
 - (38) in the sixth column, expiration of approval, of row 164, Boscalid, the date is replaced by '31 July 2019';
 - (39) in the sixth column, expiration of approval, of row 165, Carvone, the date is replaced by '31 July 2019';
 - (40) in the sixth column, expiration of approval, of row 166, Fluoxastrobin, the date is replaced by '31 July 2019';
 - (41) in the sixth column, expiration of approval, of row 167, *Paecilomyces lilacinus* strain 251, the date is replaced by '31 July 2019';
 - (42) in the sixth column, expiration of approval, of row 168, Prothioconazole, the date is replaced by '31 July 2019'.
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DECISIONS

COUNCIL IMPLEMENTING DECISION (EU) 2018/918

of 22 June 2018

authorising Germany and Poland to introduce a special measure derogating from Article 5 of Directive 2006/112/EC on the common system of value added tax

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ⁽¹⁾, and in particular Article 395(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By letters registered with the Commission on 9 January 2018 and 22 January 2018, respectively, Germany and Poland requested authorisation to introduce a special measure derogating from the provisions of Directive 2006/112/EC in relation to the construction of a new bridge between Küstrin-Kietz and Kostrzyn nad Odrą.
- (2) By letters dated 5 March 2018, the Commission transmitted the request made by Germany and Poland to the other Member States. By letters dated 6 March 2018, the Commission notified Germany and Poland that it had all the information necessary to consider the request.
- (3) In accordance with an agreement to be concluded between Germany and Poland, the area of the works on the demolition of the existing border bridge and construction of a new bridge between Küstrin-Kietz and Kostrzyn nad Odrą should be considered, with respect to value added tax ('VAT'), as forming part of the territory of Poland, insofar as the supplies of goods and services, the intra-Community acquisitions and imports of goods are destined for the execution of those works.
- (4) Germany and Poland take the view that the tax provisions of the agreement are justified in order to simplify the procedure for complying with VAT obligations. Without such provisions, it would be necessary to break down transactions on the basis of the territory on which they are carried out, which would involve tax complications for contracting companies responsible for the works.
- (5) Considering that the special measure simplifies the procedure for collecting VAT, and that it could only affect the overall amount of the tax revenue of the Member States collected at the stage of final consumption to a negligible extent, it is appropriate to derogate from the provisions of Directive 2006/112/EC and to provide that, for VAT purposes, all supplies of goods and services, intra-Community acquisitions and imports of goods destined for the demolition of the existing border bridge and construction of a new border bridge between Küstrin-Kietz and Kostrzyn nad Odrą are carried out in the territory of Poland and thus would be subject to Polish VAT.
- (6) The derogation has no impact on the Union's own resources accruing from VAT,

HAS ADOPTED THIS DECISION:

Article 1

By way of derogation from Article 5 of Directive 2006/112/EC, Germany and Poland are authorised to treat the area of the construction site of the border bridge between Küstrin-Kietz and Kostrzyn nad Odrą as forming part of the territory of Poland for the purposes of supplies of goods and services, intra-Community acquisitions and imports of goods intended for the demolition of the existing border bridge and the construction of a new border bridge.

⁽¹⁾ OJ L 347, 11.12.2006, p. 1.

Article 2

This Decision is addressed to the Federal Republic of Germany and the Republic of Poland.

Done at Luxembourg, 22 June 2018.

For the Council
The President
V. GORANOV

IV

(Acts adopted before 1 December 2009 under the EC Treaty, the EU Treaty and the Euratom Treaty)

**WITHDRAWAL OF THE DECLARATION BY THE NETHERLANDS CONCERNING ARTICLE 28 OF THE
FRAMEWORK DECISION 2008/909/JHA**

The Kingdom of the Netherlands has withdrawn its declaration, made in accordance with Article 28(2) of Council Framework Decision 2008/909/JHA of 27 November 2008, on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union, as published in the *Official Journal of the European Union* of 9 October 2009 ⁽¹⁾. This withdrawal has taken effect on 1 June 2018.

⁽¹⁾ OJ L 265, 9.10.2009, p. 41.

