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⁽¹⁾ Text with EEA relevance.

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1594

of 22 October 2018

approving non-minor amendments to the specification for a name entered in the register of traditional specialities guaranteed [Bratislavský rožok/Pressburger Kipfel/Pozsonyi kifli (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 Article 52(2) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined Slovakia's application for the approval of amendments to the specification for the traditional speciality guaranteed 'Bratislavský rožok'/'Pressburger Kipfel'/'Pozsonyi kifli', registered under Commission Implementing Regulation (EU) No 729/2012 ⁽²⁾.
- (2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* ⁽³⁾ as required by Article 50(2)(b) of that Regulation.
- (3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

Article 1

The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Bratislavský rožok'/'Pressburger Kipfel'/'Pozsonyi kifli' (TSG) are hereby approved.

Article 2

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

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 729/2012 of 8 August 2012 entering a name in the register of traditional specialities guaranteed (Bratislavský rožok/Pressburger Kipfel/Pozsonyi kifli (TSG)) (OJ L 213, 10.8.2012, p. 9).

⁽³⁾ OJ C 19, 19.1.2018, p. 28.

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

Done at Brussels, 22 October 2018.

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

COMMISSION REGULATION (EU) 2018/1595**of 23 October 2018****amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards Interpretation 23 of the International Financial Reporting Interpretations Committee****(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 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards ⁽¹⁾, and in particular Article 3(1) thereof,

Whereas:

- (1) By Commission Regulation (EC) No 1126/2008 ⁽²⁾ certain international standards and interpretations that were in existence at 15 October 2008 were adopted.
- (2) On 7 June 2017, the International Accounting Standards Board (IASB) published Interpretation 23 *Uncertainty over Income Tax Treatments* of the International Financial Reporting Interpretations Committee (IFRIC 23). IFRIC 23 specifies how to reflect uncertainty in accounting for income taxes.
- (3) Adoption of IFRIC 23 implies by way of consequence, amendments to International Financial Reporting Standard (IFRS) 1, in order to ensure consistency between international accounting standards.
- (4) The consultation with the European Financial Reporting Advisory Group confirms that IFRIC 23 meets the criteria for adoption set out in Article 3(2) of Regulation (EC) No 1606/2002.
- (5) Regulation (EC) No 1126/2008 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Accounting Regulatory Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 1126/2008 is amended as follows:

- (a) Interpretation 23 *Uncertainty over Income Tax Treatments* of the International Financial Reporting Interpretations Committee (IFRIC 23) is inserted as set out in the Annex to this Regulation;
- (b) International Financial Reporting Standard (IFRS) 1 is amended in accordance with IFRIC 23 as set out in the Annex to this Regulation.

Article 2

Each company shall apply the amendments referred to in Article 1, at the latest, as from the commencement date of its first financial year starting on or after 1 January 2019.

*Article 3*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.⁽¹⁾ OJ L 243, 11.9.2002, p. 1.⁽²⁾ Commission Regulation (EC) No 1126/2008 of 3 November 2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council (OJ L 320, 29.11.2008, p. 1).

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

Done at Brussels, 23 October 2018.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

IFRIC 23

UNCERTAINTY OVER INCOME TAX TREATMENTS

IFRIC 23

UNCERTAINTY OVER INCOME TAX TREATMENTS

REFERENCES

- IAS 1 *Presentation of Financial Statements*
- IAS 8 *Accounting Policies, Changes in Accounting Estimates and Errors*
- IAS 10 *Events after the Reporting Period*
- IAS 12 *Income Taxes*

BACKGROUND

1. IAS 12 *Income Taxes* specifies requirements for current and deferred tax assets and liabilities. An entity applies the requirements in IAS 12 based on applicable tax laws.
2. It may be unclear how tax law applies to a particular transaction or circumstance. The acceptability of a particular tax treatment under tax law may not be known until the relevant taxation authority or a court takes a decision in the future. Consequently, a dispute or examination of a particular tax treatment by the taxation authority may affect an entity's accounting for a current or deferred tax asset or liability.
3. In this Interpretation:
 - (a) 'tax treatments' refers to the treatments used by an entity or that it plans to use in its income tax filings.
 - (b) 'taxation authority' refers to the body or bodies that decide whether tax treatments are acceptable under tax law. This might include a court.
 - (c) an 'uncertain tax treatment' is a tax treatment for which there is uncertainty over whether the relevant taxation authority will accept the tax treatment under tax law. For example, an entity's decision not to submit any income tax filing in a tax jurisdiction, or not to include particular income in taxable profit, is an uncertain tax treatment if its acceptability is uncertain under tax law.

SCOPE

4. This Interpretation clarifies how to apply the recognition and measurement requirements in IAS 12 when there is uncertainty over income tax treatments. In such a circumstance, an entity shall recognise and measure its current or deferred tax asset or liability applying the requirements in IAS 12 based on taxable profit (tax loss), tax bases, unused tax losses, unused tax credits and tax rates determined applying this Interpretation.

ISSUES

5. When there is uncertainty over income tax treatments, this Interpretation addresses:
 - (a) whether an entity considers uncertain tax treatments separately;
 - (b) the assumptions an entity makes about the examination of tax treatments by taxation authorities;
 - (c) how an entity determines taxable profit (tax loss), tax bases, unused tax losses, unused tax credits and tax rates; and
 - (d) how an entity considers changes in facts and circumstances.

CONSENSUS

Whether an entity considers uncertain tax treatments separately

6. An entity shall determine whether to consider each uncertain tax treatment separately or together with one or more other uncertain tax treatments based on which approach better predicts the resolution of the uncertainty. In determining the approach that better predicts the resolution of the uncertainty, an entity might consider, for example, (a) how it prepares its income tax filings and supports tax treatments; or (b) how the entity expects the taxation authority to make its examination and resolve issues that might arise from that examination.
7. If, applying paragraph 6, an entity considers more than one uncertain tax treatment together, the entity shall read references to an 'uncertain tax treatment' in this Interpretation as referring to the group of uncertain tax treatments considered together.

Examination by taxation authorities

8. In assessing whether and how an uncertain tax treatment affects the determination of taxable profit (tax loss), tax bases, unused tax losses, unused tax credits and tax rates, an entity shall assume that a taxation authority will examine amounts it has a right to examine and have full knowledge of all related information when making those examinations.

Determination of taxable profit (tax loss), tax bases, unused tax losses, unused tax credits and tax rates

9. An entity shall consider whether it is probable that a taxation authority will accept an uncertain tax treatment.
10. If an entity concludes it is probable that the taxation authority will accept an uncertain tax treatment, the entity shall determine the taxable profit (tax loss), tax bases, unused tax losses, unused tax credits or tax rates consistently with the tax treatment used or planned to be used in its income tax filings.
11. If an entity concludes it is not probable that the taxation authority will accept an uncertain tax treatment, the entity shall reflect the effect of uncertainty in determining the related taxable profit (tax loss), tax bases, unused tax losses, unused tax credits or tax rates. An entity shall reflect the effect of uncertainty for each uncertain tax treatment by using either of the following methods, depending on which method the entity expects to better predict the resolution of the uncertainty:
 - (a) the most likely amount—the single most likely amount in a range of possible outcomes. The most likely amount may better predict the resolution of the uncertainty if the possible outcomes are binary or are concentrated on one value.
 - (b) the expected value—the sum of the probability-weighted amounts in a range of possible outcomes. The expected value may better predict the resolution of the uncertainty if there is a range of possible outcomes that are neither binary nor concentrated on one value.
12. If an uncertain tax treatment affects current tax and deferred tax (for example, if it affects both taxable profit used to determine current tax and tax bases used to determine deferred tax), an entity shall make consistent judgements and estimates for both current tax and deferred tax.

Changes in facts and circumstances

13. An entity shall reassess a judgement or estimate required by this Interpretation if the facts and circumstances on which the judgement or estimate was based change or as a result of new information that affects the judgement or estimate. For example, a change in facts and circumstances might change an entity's conclusions about the acceptability of a tax treatment or the entity's estimate of the effect of uncertainty, or both. Paragraphs A1–A3 set out guidance on changes in facts and circumstances.

14. An entity shall reflect the effect of a change in facts and circumstances or of new information as a change in accounting estimate applying IAS 8 *Accounting Policies, Changes in Accounting Estimates and Errors*. An entity shall apply IAS 10 *Events after the Reporting Period* to determine whether a change that occurs after the reporting period is an adjusting or non-adjusting event.

Appendix A

Application Guidance

This appendix is an integral part of IFRIC 23 and has the same authority as the other parts of IFRIC 23.

CHANGES IN FACTS AND CIRCUMSTANCES (PARAGRAPH 13)

- A1 In applying paragraph 13 of this Interpretation, an entity shall assess the relevance and effect of a change in facts and circumstances or of new information in the context of applicable tax laws. For example, a particular event might result in the reassessment of a judgement or estimate made for one tax treatment but not another, if those tax treatments are subject to different tax laws.
- A2 Examples of changes in facts and circumstances or new information that, depending on the circumstances, can result in the reassessment of a judgement or estimate required by this Interpretation include, but are not limited to, the following:
- (a) examinations or actions by a taxation authority. For example:
 - (i) agreement or disagreement by the taxation authority with the tax treatment or a similar tax treatment used by the entity;
 - (ii) information that the taxation authority has agreed or disagreed with a similar tax treatment used by another entity; and
 - (iii) information about the amount received or paid to settle a similar tax treatment.
 - (b) changes in rules established by a taxation authority.
 - (c) the expiry of a taxation authority's right to examine or re-examine a tax treatment.
- A3 The absence of agreement or disagreement by a taxation authority with a tax treatment, in isolation, is unlikely to constitute a change in facts and circumstances or new information that affects the judgements and estimates required by this Interpretation.

DISCLOSURE

- A4 When there is uncertainty over income tax treatments, an entity shall determine whether to disclose:
- (a) judgements made in determining taxable profit (tax loss), tax bases, unused tax losses, unused tax credits and tax rates applying paragraph 122 of IAS 1 *Presentation of Financial Statements*; and
 - (b) information about the assumptions and estimates made in determining taxable profit (tax loss), tax bases, unused tax losses, unused tax credits and tax rates applying paragraphs 125–129 of IAS 1.
- A5 If an entity concludes it is probable that a taxation authority will accept an uncertain tax treatment, the entity shall determine whether to disclose the potential effect of the uncertainty as a tax-related contingency applying paragraph 88 of IAS 12.

Appendix B

Effective date and transition

This appendix is an integral part of IFRIC 23 and has the same authority as the other parts of IFRIC 23.

EFFECTIVE DATE

- B1 An entity shall apply this Interpretation for annual reporting periods beginning on or after 1 January 2019. Earlier application is permitted. If an entity applies this Interpretation for an earlier period, it shall disclose that fact.

TRANSITION

- B2 On initial application, an entity shall apply this Interpretation either:
- (a) retrospectively applying IAS 8, if that is possible without the use of hindsight; or
 - (b) retrospectively with the cumulative effect of initially applying the Interpretation recognised at the date of initial application. If an entity selects this transition approach, it shall not restate comparative information. Instead, the entity shall recognise the cumulative effect of initially applying the Interpretation as an adjustment to the opening balance of retained earnings (or other component of equity, as appropriate). The date of initial application is the beginning of the annual reporting period in which an entity first applies this Interpretation.

Appendix C

An entity shall apply the amendment in this Appendix when it applies IFRIC 23.

Amendment to IFRS 1 First-time Adoption of International Financial Reporting Standards

Paragraph 39AF is added.

39AF IFRIC 23 *Uncertainty over Income Tax Treatments* added paragraph E8. An entity shall apply that amendment when it applies IFRIC 23.

In Appendix E, paragraph E8 and related heading are added.

Uncertainty over income tax treatments

- E8 A first-time adopter whose date of transition to IFRSs is before 1 July 2017 may elect not to reflect the application of IFRIC 23 *Uncertainty over Income Tax Treatments* in comparative information in its first IFRS financial statements. An entity that makes that election shall recognise the cumulative effect of applying IFRIC 23 as an adjustment to the opening balance of retained earnings (or other component of equity, as appropriate) at the beginning of its first IFRS reporting period.
-

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1596**of 23 October 2018****extending the derogation from Council Regulation (EC) No 1967/2006 as regards the minimum distance from the coast and depth granted to shore seines fishing in certain territorial waters of France (Occitanie and Provence-Alpes-Côte d'Azur)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 ⁽¹⁾, and in particular Article 13(5) thereof,

Whereas:

- (1) Article 13(1) of Regulation (EC) No 1967/2006 prohibits the use of towed gears within three nautical miles of the coast or within the 50 m isobath where that depth is reached at a shorter distance from the coast.
- (2) At the request of a Member State, the Commission may allow a derogation from Article 13(1) of Regulation (EC) No 1967/2006, provided that a number of conditions set out in Article 13(5) and (9) are fulfilled.
- (3) Derogation from the first subparagraph of Article 13(1) of that Regulation, for the use of shore seines in certain sea areas situated within the territorial waters of France, irrespective of the depth, was granted until 31 December 2014 by Commission Implementing Regulation (EU) No 587/2014 ⁽²⁾.
- (4) An extension of the derogation was granted until 25 August 2018 by Commission Implementing Regulation (EU) 2015/1421 ⁽³⁾.
- (5) On 23 May 2018 the Commission received from France a request to extend the derogation which expired on 25 August 2018. France provided up-to-date information justifying the extension of the derogation.
- (6) France adopted a management plan in accordance with Article 19(2) of Regulation (EC) No 1967/2006 ⁽⁴⁾.
- (7) The Scientific, Technical and Economic Committee for Fisheries (STECF) assessed the derogation requested by France in July 2018 ⁽⁵⁾. STECF highlighted the need for improvement of data collection. France committed to improving the data collection by launching a scientific study to monitor the fishery and increase the sampling effort and also committed to improving the control framework beyond and above the obligations set out for the vessels concerned in Council Regulation (EC) No 1224/2009 ⁽⁶⁾ by doubling the number of controls, increasing the catch reporting frequency and by mandating the sending of a pre-notification to the control authorities 24 hours before any fishing trip.
- (8) In 2013 the STECF considered that taking into account the gears characteristics, the low speed of hand-hauling and the fact that the fishermen try to operate on 'clean' bottoms, the impact of this activity on the marine environment can be considered negligible.
- (9) The extension of the derogation requested by France complies with the conditions laid down in Article 13(5) and (9) of Regulation (EC) No 1967/2006.

⁽¹⁾ OJ L 409, 30.12.2006, p. 11.

⁽²⁾ Commission Implementing Regulation (EU) No 587/2014 of 2 June 2014 derogating from Council Regulation (EC) No 1967/2006 as regards the minimum distance from the coast and depth for shore seines fishing in certain territorial waters of France (Languedoc-Roussillon and Provence-Alpes-Côte d'Azur) (OJ L 164, 3.6.2014, p. 13).

⁽³⁾ Commission Implementing Regulation (EU) 2015/1421 of 24 August 2015 extending the derogation from Council Regulation (EC) No 1967/2006 as regards the minimum distance from the coast and depth granted to shore seines fishing in certain territorial waters of France (Languedoc-Roussillon and Provence-Alpes-Côte d'Azur) (OJ L 222, 25.8.2015, p. 1).

⁽⁴⁾ JORF n° 0122 of 27 May 2014 page 8669, text n° 6, NOR: DEVM1407280A.

⁽⁵⁾ <https://stecf.jrc.ec.europa.eu/documents/43805/2147402/STECF+PLEN+18-02.pdf>

⁽⁶⁾ Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

- (10) There are specific geographical constraints given the limited width of the continental shelf.
- (11) Shore seine fishing is carried out from the shore in shallow depths and targets a variety of species. The nature of this type of fishery is such that it cannot be undertaken with any other fishing gear since there is no other regulated gear that can capture the target species.
- (12) The derogation granted under Commission Implementing Regulation (EU) 2015/1421 concerns a limited number of 23 vessels. The extension of the derogation requested by France concerns only 20 vessels.
- (13) The management plan adopted by France guarantees no future increase of the fishing effort, as fishing authorisations will only be issued to the specified 20 vessels involving a total effort of 1 386 days that are already authorised to fish by France. In addition, France limited the maximum effort allowed for each gear.
- (14) The management plan should enable to decrease the fleet with time since the fishing authorizations are linked to the vessels and are automatically withdrawn when the vessel holding the authorization is replaced.
- (15) The request covers vessels with a track record in the fishery of more than five years.
- (16) Those vessels are included in a list communicated to the Commission in line with the requirements of Article 13(9) of Regulation (EC) No 1967/2006.
- (17) The fishing activities concerned fulfil the requirements of Article 4 of Regulation (EC) No 1967/2006 since the French management plan explicitly prohibits fishing above protected habitats.
- (18) The requirements of Article 8(1)(h) of Regulation (EC) No 1967/2006 are not applicable since they relate to trawlers.
- (19) As regards the requirement to comply with Article 9(5) establishing the minimum mesh size, the Commission notes that given the fishing activities concerned are highly selective, have a negligible effect on the marine environment and are not carried out above protected habitats, France authorised in line with Article 9(7) of Regulation (EC) No 1967/2006 a derogation from these provisions in its management plan.
- (20) The fishing activities concerned fulfil the recording requirements set out in Article 14 of Council Regulation (EC) No 1224/2009.
- (21) The fishing activities concerned do not interfere with the activities of vessels using gears other than trawls, seines or similar towed nets.
- (22) The activity of shore seines is regulated in the French management plan to ensure that catches of species mentioned in Annex III to Regulation (EC) No 1967/2006 are minimal.
- (23) Shore seines do not target cephalopods.
- (24) The French management plan includes derogations to the minimum size of marine organisms for fries of sardine landed for human consumption and targeted by the fishing activities regulated therein, in accordance with Article 15(3) of Regulation (EC) No 1967/2006.
- (25) The STECF considered that derogation should be requested from the minimum mesh size together with the minimal distance from the shore or minimum depth. However, the European Commission considers that the relevant conditions listed in the Mediterranean Regulation are complied with: as per Article 9(5), the minimum mesh size applicable for surrounding nets such as shore seines shall be 14 mm, as per Article 15(3), the minimum mesh size shall not apply to fries of sardine landed for human consumption if a national management plan for shore seines is in place and the French management plan legally sets a 2 mm minimum mesh size for shore seines targeting sardine juveniles.
- (26) The STECF considered that the impact of the fishery may not be fully evaluated because certain species caught by this fishery are not scientifically assessed. However, the European Commission considers that the impact of this fishery should be assessed in light of the actual magnitude of this fishery, which is minimal: the poutine fishery targeting in particular sardine juveniles concerns only 10 vessels whose yearly catches are only 1,6 tonnes.

- (27) The French management plan includes measures for the monitoring of fishing activities, as provided for in the third subparagraph of Article 13(9) of Regulation (EC) No 1967/2006.
- (28) The region Languedoc-Roussillon changed name to Occitanie on 28 September 2016 ⁽¹⁾. Consequently, references to 'Languedoc-Roussillon' have to be replaced by 'Occitanie'.
- (29) The requested extension of the derogation should therefore be granted.
- (30) France should report to the Commission in due time and in accordance with the monitoring plan provided for in the French management plan.
- (31) A limitation of the duration of the derogation will allow ensuing prompt corrective management measures in case the monitoring of the management plan will show a poor conservation status of the exploited stock, while providing scope to enhance the scientific basis for an improved management plan.
- (32) The French management plan for shore seines has no expiry date and therefore its period of application shall extend beyond that of the derogation requested. There is consequently no risk of legal gap.
- (33) Accordingly, the derogation should apply until 25 August 2021.
- (34) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Derogation

Article 13(1) of Regulation (EC) No 1967/2006 shall not apply in territorial waters of France adjacent to the coast of Occitanie and Provence-Alpes-Côte-d'Azur to shore seines used by vessels:

- (a) bearing the registration number mentioned in the French management plan;
- (b) Having a track record in the fishery of more than five years and not involving any future increase in the fishing effort deployed; and
- (c) Holding a fishing authorisation and operating under the management plan adopted by France in accordance with Article 19(2) of Regulation (EC) No 1967/2006.

Article 2

Monitoring plan and reporting

France shall communicate to the Commission, within one year following the entry into force of this Regulation, a report drawn up in accordance with the monitoring plan established in the management plan referred to in Article 1(c).

Article 3

Entry into force and period of application

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 until 25 August 2021.

⁽¹⁾ <https://www.legifrance.gouv.fr/eli/decret/2016/9/28/INTB1617888D/jo/texte/fr>

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

Done at Brussels, 23 October 2018.

For the Commission

The President

Jean-Claude JUNKER

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2018/1597

of 23 October 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) 7117)

(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

⁽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).

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.

- (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) 2018/1307 ⁽¹⁾, following the notification by Bulgaria of a further outbreak of highly pathogenic avian influenza in a poultry holding in the Plovdiv region of that Member State. Bulgaria also notified the Commission that it had duly taken the necessary measures required in accordance with Directive 2005/94/EC following that outbreak, including the establishment of protection and surveillance zones around the infected poultry holding.
- (7) Since the date of the last amendment made to Implementing Decision (EU) 2017/247 by Implementing Decision (EU) 2018/1307, Bulgaria has notified the Commission of three new outbreaks of highly pathogenic avian influenza of subtype H5 in poultry holdings in the regions of Plovdiv and Haskovo in that Member State.
- (8) Bulgaria has also notified the Commission that it has taken the necessary measures required in accordance with Directive 2005/94/EC following these new outbreaks, including the establishment of protection and surveillance zones around the infected poultry holdings in that Member State.
- (9) The Commission has examined those measures in collaboration with Bulgaria, and the Commission is satisfied that the boundaries of the protection and surveillance zones, established by the competent authority of Bulgaria, are at a sufficient distance to the poultry holdings where the new outbreaks have been 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 Bulgaria, the protection and surveillance zones established in Bulgaria, in accordance with Directive 2005/94/EC, following the new outbreaks 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 Bulgaria, as regards highly pathogenic avian influenza. In particular, the newly established protection and surveillance zones in Bulgaria, 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 be amended to update regionalization at Union level in order to include the protection and surveillance zones established in Bulgaria, in accordance with Directive 2005/94/EC, following the new outbreaks 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) 2018/1307 of 27 September 2018 amending Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of highly pathogenic avian influenza in certain Member States (OJ L 244, 28.9.2018, p. 117).

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 23 October 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 Bulgaria is replaced by the following:

Member State: Bulgaria

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Haskovo region:	
Municipality of Haskovo:	18.11.2018
— Konush	
— Manastir	
— Voyvodovo	
Plovdiv region:	
Municipality of Maritsa:	27.10.2018'
— Manole	
— Manolsko Konare	
— Yasno pole	

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

Member State: Bulgaria

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Haskovo region:	
Municipality of Haskovo:	From 19.11.2018 to 27.11.2018
— Konush	
— Manastir	
— Voyvodovo	
Municipality of Haskovo:	27.11.2018
— Dolno Voyvodino	
— Galabets	
— Gorno Voyvodino	
— Haskovo	
— Knizhovnik	
— Kozlets	
— Malevo	
— Mandra	
— Orlovo	
— Stamboliyski	
— Teketo	
— Trakiets	
— Vaglarovo	

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Municipality of Stambolovo: — Zhalti Bryag	27.11.2018
Plovdiv Region:	
Municipality of Maritsa: — Manole — Manolsko Konare — Yasno pole	From 28.10.2018 to 5.11.2018
Municipality of Rakovski — Land of Stryama — State hunting farm “Chekeritsa”	From 12.10.2018 to 5.11.2018
Municipality of Maritsa: — Trilistnik	From 12.10.2018 to 5.11.2018
Municipality of Maritsa: — Rogosh — Skutare	5.11.2018
Municipality of Maritsa: — Dink — Krislovo — Kalekovets — Zhelyazno — Voivodino	21.10.2018
Municipality of Rakovski: — Rakovski — Shishmatsi — Stryama — Bolyarino — Belozem — Chalakovtsi	5.11.2018
Municipality of Sadovo: — Sadovo — Cheshengirovo	5.11.2018'

RECOMMENDATIONS

RECOMMENDATION No 1/2018 OF THE EU-AZERBAIJAN COOPERATION COUNCIL of 28 September 2018 on the EU-Azerbaijan Partnership Priorities [2018/1598]

THE EU-AZERBAIJAN COOPERATION COUNCIL,

Having regard to the Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part, ⁽¹⁾ and in particular Article 81 thereof,

Whereas:

- (1) The Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Azerbaijan, of the other part (the 'Agreement') was signed on 22 April 1996 and entered into force on 1 July 1999.
- (2) In accordance with Article 81 of the Agreement, the Cooperation Council may make appropriate recommendations for the purpose of attaining the objectives of the Agreement.
- (3) In accordance with Article 98 of the Agreement, the Parties to the Agreement are to take any general or specific measures required to fulfil their obligations under the Agreement and are to see to it that the objectives set out in the Agreement are attained.
- (4) The review of the European Neighbourhood Policy proposed a new phase of engagement with partners, allowing a greater sense of ownership by both sides.
- (5) The European Union and Azerbaijan wish to consolidate their partnership by agreeing on a set of priorities for the period 2018-2020 with the aim of supporting and strengthening the resilience and stability of Azerbaijan.
- (6) The Parties to the Agreement have therefore agreed on the text of the EU-Azerbaijan Partnership Priorities, which will support the implementation of the Agreement, focusing cooperation on commonly identified shared interests,

HAS ADOPTED THE FOLLOWING RECOMMENDATION:

Article 1

The Cooperation Council recommends that the Parties to the Agreement implement the EU-Azerbaijan Partnership Priorities, as set out in the Annex.

Article 2

This Recommendation shall take effect on the day of its adoption.

Done at Brussels, 28 September 2018.

For the Cooperation Council

F. MOGHERINI

E. MAMMADYAROV

⁽¹⁾ OJ L 246, 17.9.1999, p. 3.

ANNEX

PARTNERSHIP PRIORITIES BETWEEN THE EUROPEAN UNION AND AZERBAIJAN**I. CONTEXT**

1. In the context of the Review of the European Neighbourhood Policy, the EU and Azerbaijan have agreed on joint Partnership Priorities with a view to further strengthening their relationship, based on mutual interest and common values, respect for human rights, democracy and the rule of law as well as commitments to the respect of and support for the territorial integrity, inviolability of international borders of states, independence and sovereignty of each other, to shape cooperation with due regard to economic sustainability and to guide the Partnership mainly for the next period (2018-2020). The Partnership Priorities have been defined in an inclusive process through involvement of various stakeholders, including civil society.
2. The Partnership Priorities build on past fruitful cooperation, including the implementation of the ENP Action Plan, which they will replace. They reflect the interests of both the EU and Azerbaijan, reflecting the equality and mutual nature of the Partnership. The renewed Partnership aims at sharpening the focus of our relationship, as a part of the broad policy framework envisioned in the new EU-Azerbaijan Agreement with a view to contributing to the shared goals of peace and security, prosperity, resilience and stabilisation, as well as supporting the reforms that Azerbaijan intends to undertake in this context, and to deliver concrete results for the benefit of all citizens. The EU-Azerbaijan Partnership Priorities translate the goals of the revised European Neighbourhood Policy to concrete areas of cooperation and will shape the agenda for regular political and sectoral dialogue to be agreed in the new EU-Azerbaijan Agreement.
3. The Partnership Priorities reflect a focus on the rule of law, fundamental rights and universal values. They support also the objectives of the 2030 Agenda for Sustainable Development, including the 17 UN Sustainable Development Goals, the implementation of the 2015 Paris Agreement on Climate Change and their commitment to address issues of climate change, environmental degradation, poverty and inequality.
4. These Partnership Priorities for Azerbaijan are grouped under the same four thematic areas as in the '20 Deliverables for 2020' agreed at the Eastern Partnership Brussels Summit of November 24, 2017, while respecting the principle of differentiation. The Partnership Priorities and the 20 Deliverables for 2020 should, where possible, reinforce each other.
5. Azerbaijan seeks to diversify its economy and is developing an ambitious economic reform agenda. The EU is one of the key investors in the country accounting for over half of foreign direct investment in both the oil and non-oil sectors. In this context the EU and Azerbaijan are willing to continue their economic dialogue and cooperation on economic diversification and sustainable growth focusing on support to Azerbaijan to improve the business climate and conditions across all sectors as further developed in paragraph 19. Building further on a shared strategic objective of Azerbaijan and the EU to establish direct energy and transport links, Azerbaijan's role as a strategic energy partner and its geographical location as a natural transport hub offers the possibility to enhance the Parties' agenda on connections, boosting trade and logistics and enabling important East-West and North-South transportation projects in the region.
6. Building inter alia on the resumed dialogue on human rights, cooperation on the rule of law, justice reform and public administration reform will be enhanced. The implementation of the Mobility Partnership and of the Visa Facilitation and Readmission Agreements will be speeded up. To foster an open flow of knowledge and expertise, education, research and innovation and culture cooperation will be enhanced.
7. The future EU-Azerbaijan financial cooperation and programming, notably the next Single Support Framework for Azerbaijan for 2018-2020, will be based on these Partnership Priorities. The Parties will review the implementation of the Partnership Priorities together with the stakeholders on a regular basis to realize agreed objectives.

II. PRIORITIES

8. The cooperation will range from good governance, the rule of law and human rights, dialogue with civil society and people to people contacts to sustainable development and modernisation, research and innovation, transport, energy and climate action, as well as the promotion of high environmental standards.

9. Economic cooperation towards sustained and more sustainable economic growth is an area where mutual interest is strong and where all possible opportunities will be explored to improve the business environment. Accelerating sustainable and more inclusive growth in the long-term will require solid public institutions and improved governance, enhanced respect for labour standards, better infrastructure connections, sustainable management of natural resources and appropriate skills and human capital. Tackling these issues will create favourable conditions for stronger cooperation in key sectors and for increased mobility, to the benefit of citizens both in Azerbaijan and in the EU. Each priority theme includes several elements in a multi-disciplinary and cross-cutting approach that is necessary to reach the objectives.
10. The areas for political, economic and technical cooperation outlined below are not exhaustive; cooperation between the EU and Azerbaijan can – and is encouraged to – span a wider number of areas. They can be pursued bilaterally and in the multilateral context where Azerbaijan's participation could be further enhanced.
11. A vibrant civil society is very important for private sector development, sustainable economic growth, ambitious environmental policies and social innovation. High-quality sector reform dialogue requires technical expertise. Cooperation aims at reinforcing the capacities of all stakeholders.
12. Civil society will be enabled to enhance its participation in public life. Other relevant cross-cutting-issues, such as gender, climate, environmental and social issues will be mainstreamed in all relevant policy areas. Particular focus will be provided to enhancing employment opportunities for women and youth.

1. Strengthening institutions and good governance

13. Azerbaijan and the EU will promote good governance and continuously improve the Azerbaijani public administration, including public service, and judiciary. This will include cooperation on security matters.
14. Particular attention will be given to the rule of law, including the independence, impartiality, quality and efficiency of the judiciary. The Parties will continue their efforts for the reform of public administration at all levels of government, including local authorities and law enforcement as well as public finance management. The cooperation aims to reinforce the accountability and effectiveness of aforementioned institutions as well as the transparency and efficiency of public service delivery based on best practices and by means that include widespread use of e-government. The Parties will also endeavour to base policy development and evaluation on clear evidence provided by, amongst others, a high quality statistical service and involve civil society in the policy making process.
15. The fight against corruption will be an essential element of the administrative reform and of the cooperation to reinforce the rule of law. The cooperation will aim at reinforcing the capacities of anti-corruption bodies and enhancing their activities, and improving regulatory environment in light of international best practices and standards, in particular the areas of public procurement system and the management of public functions where economic and other stakes are highest (such as procurement and permits) with a view to ensuring high ethical standards. Transparency will be an important element of avoiding conflict of interest and reinforcing accountability in case of misconduct. Cooperation in fighting fraud affecting the financial interests of the EU and Azerbaijan will be also strengthened. The Parties will also cooperate on recovery of criminal assets and on fighting money-laundering through the appropriate institutional and legal framework including considering the setup of a national asset recovery office.
16. Cooperation in the security sector will seek to reinforce the capacities as well as the responsibilities of relevant authorities and address common concerns in the fight against organised crime, drugs and terrorism, including financing of terrorism, by means which are respectful of provisions on justice, freedom and security laid down in the various agreements governing EU-Azerbaijan relations and taking into account international standards. The Parties will also step up efforts to increase resilience to cyber threats.

2. Economic development and market opportunities

17. The EU will support Azerbaijan's efforts to diversify the structure of its economy and to enhance its export potential and sources of income with the aim of sustainable and inclusive growth, derived from an increasingly smart, green, circular and social economy. The Parties will enhance bilateral trade in all sectors, including via addressing mutual market access and investment challenges.

18. The World Trade Organisation (WTO) membership of Azerbaijan is an important goal in this regard and the EU is ready to actively support such a process.
19. The Parties will cooperate to develop an enabling and conducive business environment in Azerbaijan, based on macroeconomic stability, fair competition and a public sector applying the rule of law in an efficient and impartial manner. The public policy, guided by the Strategic Roadmap on perspectives of the national economy and inspired by the relevant recommendations of the EU Small Business Act (SBA) Assessment, will aim at facilitating the operation of small and medium-sized enterprises (SMEs), which are the main generators of employment. Such facilitation could take the form of providing better access to finance, reinforced protection and enforcement of property rights or upgrading the Information and Communication Technology (ICT) regulatory and infrastructure environment. Fostering business support organisations and access of SMEs to improved business services and training will also help the integration of Azerbaijani enterprises in global value chains and will contribute to the knowledge sharing and the development of industries. Active participation of Azerbaijan in the EU programmes for SMEs (COSME) and for research and innovation (Horizon 2020) are useful for boosting business development. Better links between education and business will be promoted, including through business incubators.
20. In order to ensure balanced, sustainable and inclusive development and diversification of the economy, the EU and Azerbaijan will cooperate in regional and rural development, in order to reinforce local administration and civil society and in particular the productivity and competitiveness of agriculture and rural SMEs, including small family businesses.
21. The Parties will cooperate in fostering digital economy, including through the harmonisation of Azerbaijan's digital environment with the EU's Digital Single Market, strengthening cybersecurity as well as in developing mechanisms for a green and circular economy, on the basis of EU legislation and best practise as appropriate.
22. In the context of diversification of economy, employment and social measures will ensure that the population and especially vulnerable groups can adapt to the changes in the labour market. The EU will share its experience in improving social assistance provisions in order to protect the unemployed and the socially vulnerable groups and their inclusion into society. The EU and Azerbaijan will promote effective social dialogue in respect of the standards of the International Labour Organisation.

3. Connectivity, energy efficiency, environment and climate action

23. Azerbaijan's diversification strategy draws strongly on its favourable position at the cross-roads of transport connections and the Parties will cooperate to increase Azerbaijan's ability to operate as a trade, logistics and transport hub, ensuring that its physical and regulatory environments support that objective. Particular attention will be paid to effective border management and transit system as well as to a swift conclusion of an EU-Azerbaijan Aviation Agreement. Governance of the transport sector, including legal and institutional reforms, is also of key importance.
24. Enhancing energy interconnections among partner countries, as well as with the EU, is an important priority for both Azerbaijan and the EU. Azerbaijan – due to its capabilities and geographic location – can play a key role in contributing to Europe's energy security. Likewise, the EU can play an important role in contributing to the enhancement of efficiency, competitiveness, sustainability and security of the energy sector of Azerbaijan. With that purpose, both Parties should provide each other with open and undistorted trade and investment opportunities in their respective energy sectors. In that regard, the Parties will also step up their efforts to improve the general investment climate in their energy sectors and markets. On the issue of energy trade, the Parties will aim to upgrade the functioning of relevant energy systems and the stability of the energy markets to and through which there are and will be energy flows. In this respect and in line with the provisions of the Joint Declaration on the Southern Gas Corridor signed on 13 January 2011, the swift completion of the Southern Gas Corridor and the timely beginning of the gas deliveries to the European market are key priorities. This will reinforce the role of Azerbaijan not only as a significant energy supplier to Europe but also as a potential transit country who could offer a full range of transmission and logistics services within the context of the Southern Gas Corridor to the energy producers in the Caspian region and beyond in view of the possible expansion of the Southern Gas Corridor to other countries and regions. Finally, the EU will share its experience on the issues of regulatory policy and the transition towards green and sustainable economy, particularly by promoting increased energy efficiency measures and renewable energy solutions, as stipulated in the Memorandum of Understanding on a Strategic Partnership between the EU and Azerbaijan in the Field of Energy signed on 7 November 2006. In this respect, reforms in the energy sector will be essential.

25. Better environmental governance, the sustainable management of natural resources and a transition towards a green and circular economy, as well as cooperation on the development of an environmentally friendly transport policy via the implementation of relevant projects is essential to achieve sustainable development. The Parties will cooperate to ensure that the best practices in this area are applied. Energy efficiency, urban and rural environmental management, particularly better pollution prevention and effective use of materials, and waste management, will play a key role in reaching Azerbaijan's objectives related to the environment. Sustainable forest management and water basin management will also be among the main priorities in this field to be tackled. Increased cooperation on climate action will help Azerbaijan to develop an economy that is more efficient, competitive, resilient and stable in accordance with its Nationally Determined Contributions (NDC). The full implementation of the Paris Agreement on Climate Change as well as respective NDCs will be among the main priorities. The EU will particularly focus its cooperation with Azerbaijan on the development of long-term low greenhouse gas emission development strategies, the mainstreaming of climate action and environment into national policies with a focus on quick-win options, the introduction of emissions measuring, reporting and verification frameworks and the adaptation to climate change.

4. Mobility and people to people contacts

26. The Parties will aim to enhance the mobility of citizens, as appropriate, and cooperation in the areas of education, youth, culture as well as research and innovation.
27. The partners are committed to the effective implementation of the Mobility Partnership, as well as to the full implementation and smooth functioning of the Visa Facilitation and Readmission Agreements, with a view to considering in due course, if conditions allow, the opening of a Visa Liberalisation Dialogue with Azerbaijan respectively, provided that conditions for a well-managed and secure mobility are in place, including the effective implementation of Visa Facilitation and Readmission Agreements. In this respect the Parties will cooperate with a view to consolidating the legal and institutional framework for document security, border management, migration and asylum policy in line with best international standards.
28. Building on the on-going cooperation in the framework of Erasmus+ and of the Bologna Process and development of technical and vocational training, the future cooperation will focus on modernising Azerbaijan's education system from pre-school to tertiary education. It will help improve the match between demand for education by the people and the demand for skills by employers. In particular, efforts will focus on developing skills and training of teachers and enhancing the public image and the quality of vocational training. Cooperation on research and innovation will be promoted. Cooperation in the area of intercultural dialogue will foster cultural diversity and better mutual understanding and increase tolerance in our societies.
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