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⁽¹⁾ Text with EEA relevance.

EN

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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2019/528

of 6 November 2018

on the conclusion, on behalf of the Union, of the Agreement for scientific and technological cooperation between the European Union and the Kingdom of Morocco setting out the terms and conditions for the participation of the Kingdom of Morocco in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 186, in conjunction with point (a)(v) of the second subparagraph of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) Decision (EU) 2017/1324 of the European Parliament and of the Council ⁽²⁾ provides for the participation of the Union in the Partnership for Research and Innovation in the Mediterranean Area ('PRIMA') jointly undertaken by several Member States.
- (2) The Kingdom of Morocco ('Morocco') has expressed its wish to join PRIMA as a Participating State and to be on an equal footing with the Member States and third countries associated with Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020) — that participate in PRIMA.
- (3) In accordance with Article 1(2) of Decision (EU) 2017/1324, Morocco is to become a Participating State in PRIMA subject to the conclusion of an international agreement for scientific and technological cooperation with the Union setting out the terms and conditions for the participation of Morocco in PRIMA.
- (4) In accordance with Council Decision (EU) 2018/639 ⁽³⁾, the Agreement for scientific and technological cooperation between the European Union and the Kingdom of Morocco setting out the terms and conditions for the participation of the Kingdom of Morocco in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) ('the Agreement') was signed on 10 April 2018, subject to its conclusion at a later date.
- (5) The Agreement should be approved,

⁽¹⁾ Consent of 2 October 2018 (not yet published in the Official Journal).

⁽²⁾ Decision (EU) 2017/1324 of the European Parliament and of the Council of 4 July 2017 on the participation of the Union in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) jointly undertaken by several Member States (OJ L 185, 18.7.2017, p. 1).

⁽³⁾ Council Decision (EU) 2018/639 of 19 March 2018 on the signing, on behalf of the Union, and provisional application of the Agreement for scientific and technological cooperation between the European Union and the Kingdom of Morocco setting out the terms and conditions for the participation of the Kingdom of Morocco in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) (OJ L 106, 26.4.2018, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

The Agreement for scientific and technological cooperation between the European Union and the Kingdom of Morocco setting out the terms and conditions for the participation of the Kingdom of Morocco in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) is hereby approved on behalf of the Union ⁽⁴⁾.

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 5(2) of the Agreement ⁽⁵⁾.

Article 3

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

Done at Brussels, 6 November 2018.

For the Council

The President

H. LÖGER

⁽⁴⁾ The text of the Agreement has been published in OJ L 106, 26.4.2018, p. 3 together with the decision on signature.

⁽⁵⁾ The date of entry into force of the Agreement will be published in the Official Journal by the General Secretariat of the Council.

REGULATIONS

COUNCIL REGULATION (EU) 2019/529

of 28 March 2019

amending Regulation (EU) 2019/124 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) 2019/124 ⁽¹⁾ fixes the fishing opportunities for 2019 for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters.
- (2) At its annual meeting in 2018, the Western and Central Pacific Fisheries Commission (WCPFC) maintained conservation measures for swordfish and tropical tunas. Those measures should be implemented in the law of the Union.
- (3) At its annual meeting in 2019, the South Pacific Regional Fisheries Management Organisation (SPRFMO) adopted new catch limits for jack mackerel (*Trachurus murphyi*) and approved exploratory fisheries for toothfish (*Dissostichus* spp.). The applicable measures should be implemented in the law of the Union.
- (4) In Regulation (EU) 2019/124, the total allowable catch (TAC) for sandeel in the International Council for the Exploration of the Sea (ICES) divisions 2a and 3a and ICES subarea 4 was set at zero. Sandeel is a short-lived species and the relevant scientific advice becomes available in the second half of February, while the fishing activities start in April.
- (5) The catch limits for sandeel in ICES divisions 2a and 3a and ICES subarea 4 should be amended in line with the latest scientific advice from the ICES, issued on 22 February 2019, for the maximum sustainable yield approach and, for certain management areas, for the precautionary approach.
- (6) Effort limits for Union fishing vessels in the International Commission for the Conservation of Atlantic Tunas (ICCAT) Convention Area are based on information provided in the fishing, capacity and farming plans for bluefin tuna communicated by Member States to the Commission. Those effort limits were reported through the Union plan endorsed by ICCAT during the Intersessional meeting of Panel 2 held on 4 and 5 March 2019. They should be established as part of the fishing opportunities.
- (7) Regulation (EU) 2019/124 should therefore be amended accordingly.
- (8) The catch limits provided for in Regulation (EU) 2019/124 apply from 1 January 2019. The provisions introduced by 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 protection of legitimate expectations as the fishing opportunities concerned have not yet been exhausted,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2019/124 is amended as follows:

- (1) Article 27(2) is replaced by the following:

‘2. The Member States referred to in paragraph 1 shall limit the total level of gross tonnage of vessels flying their flag and fishing for pelagic stocks in 2019 to the total Union level of 36 102 gross tonnage in that area.’;

⁽¹⁾ Council Regulation (EU) 2019/124 of 30 January 2019 fixing for 2019 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 29, 31.1.2019, p. 1).

(2) the following Article is inserted:

'Article 28a

Exploratory fisheries

1. Member States may participate in longline exploratory fisheries for toothfish (*Dissostichus* spp.) in the SPRFMO Convention Area in 2019 only if the SPRFMO has approved their application for such fisheries including a Fisheries Operation Plan and commitment to implement a Data Collection Plan.

2. Fishing shall take place only in the research blocks specified in Annex IJ. Fishing shall be prohibited in depths less than 750 metres and more than 2 000 metres.

3. The TAC shall be as set out in Annex IJ. Fishing shall be limited to one trip of a maximum duration of 21 consecutive days and to a maximum number of 5 000 hooks per set, with a maximum of 20 sets per research block. Fishing shall cease either when the TAC is reached or if 100 sets have been set and hauled, whichever is sooner.';

(3) Annexes IA, IB, IH, IJ, III, IV, VII and VIII to Regulation (EU) 2019/124 are 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*.

It shall apply from 1 January 2019.

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

Done at Brussels, 28 March 2019.

For the Council

The President

G. CIAMBA

ANNEX

1. Annex IA is amended as follows:

- (a) the fishing opportunities table for sandeel and associated by-catches in Union waters of ICES divisions 2a and 3a and ICES subarea 4 is replaced by the following:

Species: Sandeel and associated by-catches <i>Ammodytes</i> spp.		Zone: Union waters of 2a, 3a and 4 ⁽¹⁾
Denmark	106 387 ⁽²⁾	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply
United Kingdom	2 325 ⁽²⁾	
Germany	162 ⁽²⁾	
Sweden	3 906 ⁽²⁾	
Union	112 780	
TAC	112 780	

⁽¹⁾ Excluding waters within six nautical miles of the UK baselines at Shetland, Fair Isle and Foula.

⁽²⁾ Up to 2 % of the quota may consist of by-catches of whiting and mackerel (OT1/*2A3A4). By-catches of whiting and mackerel 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.

Special condition:

within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following sandeel management areas, as defined in Annex IIC:

Zone: Union waters of sandeel management areas							
	1r	2r ⁽¹⁾	3r	4 ⁽¹⁾	5r	6	7r
	(SAN/ 234_1R)	(SAN/ 234_2R)	(SAN/ 234_3R)	(SAN/ 234_4)	(SAN/ 234_5R)	(SAN/ 234_6)	(SAN/ 234_7R)
Denmark	86 704	4 717	10 084	4 717	0	165	0
United Kingdom	1 895	103	220	103	0	4	0
Germany	133	7	15	7	0	0	0
Sweden	3 184	173	370	173	0	6	0
Union	91 916	5 000	10 689	5 000	0	175	0
Total	91 916	5 000	10 689	5 000	0	175	0

⁽¹⁾ In management areas 2r and 4 the TAC may only be fished as a monitoring TAC with an associated sampling protocol for the fishery.

- (b) the fishing opportunities table for blue whiting in Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14 is replaced by the following:

'Species:		Zone:
Blue whiting <i>Micromesistius poutassou</i>		Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14 (WHB/1X14)
Denmark	48 813 ⁽¹⁾	
Germany	18 979 ⁽¹⁾	
Spain	41 383 ⁽¹⁾ ⁽²⁾	
France	33 970 ⁽¹⁾	
Ireland	37 800 ⁽¹⁾	
The Netherlands	59 522 ⁽¹⁾	
Portugal	3 844 ⁽¹⁾ ⁽²⁾	
Sweden	12 075 ⁽¹⁾	
United Kingdom	63 341 ⁽¹⁾	
Union	319 727 ⁽¹⁾ ⁽³⁾	
Norway	99 900	
Faroe Islands	10 000	
TAC	Not relevant	Analytical TAC Article 7(2) of this Regulation applies

⁽¹⁾ Special condition: within a total access quantity of 22 500 tonnes for the Union, Member States may fish up to the following percentage of their quotas in Faroese waters (WHB/*05-F): 7 %.

⁽²⁾ Transfers of this quota may be effected to 8c, 9 and 10; Union waters of CECAF 34.1.1. However, such transfers shall be notified in advance to the Commission.

⁽³⁾ Special condition: from the EU quotas in Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14 (WHB/*NZJM1) and in 8c, 9 and 10; Union waters of CECAF 34.1.1 (WHB/*NZJM2), the following quantity may be fished in the Norwegian Economic Zone or in the fishery zone around Jan Mayen: 227 975.'

- (c) the fishing opportunities table for Ling in Union waters of 4 is replaced by the following:

'Species:		Zone:
Ling <i>Molva molva</i>		Union waters of 4 (LIN/04-C.)
Belgium	26 ⁽¹⁾	
Denmark	404 ⁽¹⁾	
Germany	250 ⁽¹⁾	
France	225	
The Netherlands	9	
Sweden	17 ⁽¹⁾	
United Kingdom	3 104 ⁽¹⁾	
Union	4 035	
TAC	4 035	Precautionary TAC

⁽¹⁾ Special condition: of which up to 25 % but no more than 75t may be fished in: Union waters of 3a (LIN/*03A-C).'

(d) the Appendix is replaced by the following:

‘Appendix

The TACs referred to in Article 8(4) are the following:

For Belgium: common sole in 7a; common sole in 7f and 7g; common sole in 7e; common sole in 8a and 8b; megrims in 7; haddock in 7b-k, 8, 9 and 10; Union waters of CECAF 34.1.1; Norway lobster in 7; cod in 7a; plaice in 7f and 7g; plaice in 7h, 7j and 7k; Skates and Rays in 6a, 6b, 7a-c and 7e-k.

For France: mackerel in 3a and 4; Union waters of 2a, 3b, 3c and Subdivisions 22-32; herring in 4, 7d and Union waters of 2a; horse mackerel in Union waters of 4b, 4c and 7d; whiting in 7b-k; haddock in 7b-k, 8, 9 and 10; Union waters of CECAF 34.1.1; common sole in 7f and 7g; whiting in 8; red seabream in Union and international waters of 6, 7 and 8; boarfish in Union and international waters of 6, 7 and 8; mackerel in 6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14; skates and rays in Union waters of 6a, 6b, 7a-c and 7e-k, skates and rays in Union waters of 7d, skates and rays in Union waters of 8 and 9; undulate ray in Union waters of 7d and 7e.

For Ireland: anglerfish in 6; Union and international waters of 5b; international waters of 12 and 14; anglerfish in 7; Norway lobster in Functional Unit 16 of ICES Subarea 7.

For the United Kingdom: in exchange for the West of Scotland cod and whiting: cod in 6b; Union and international waters of 5b west of 12° 00' W and of 12 and 14; whiting in 6; Union and international waters of 5b; international waters of 12 and 14; and in exchange for the Celtic Sea cod, Irish Sea whiting and plaice in 7h, 7j and 7k: cod in 7b, 7c, 7e-k, 8, 9 and 10; Union waters; haddock in 7b-k, 8, 9 and 10; Union waters of CECAF 34.1.1; sole in 7h, 7j and 7k; sole in 7e; plaice in 7h, 7j and 7k.’

2. Annex IB is amended as follows:

- (a) the fishing opportunities table for herring in Union, Faroese, Norwegian and international waters of 1 and 2 is replaced by the following:

Species: Herring <i>Clupea harengus</i>		Zone: Union, Faroese, Norwegian and international waters of 1 and 2 (HER/1/2-)
Belgium	13 ⁽¹⁾	
Denmark	13 129 ⁽¹⁾	
Germany	2 299 ⁽¹⁾	
Spain	43 ⁽¹⁾	
France	566 ⁽¹⁾	
Ireland	3 399 ⁽¹⁾	
The Netherlands	4 698 ⁽¹⁾	
Poland	664 ⁽¹⁾	
Portugal	43 ⁽¹⁾	
Finland	203 ⁽¹⁾	
Sweden	4 865 ⁽¹⁾	
United Kingdom	8 393 ⁽¹⁾	
Union	38 315 ⁽¹⁾	
Faroe Islands	4 500 ⁽²⁾ ⁽³⁾	
Norway	34 484 ⁽²⁾ ⁽⁴⁾	
TAC	588 562	Analytical TAC

⁽¹⁾ When reporting catches to the Commission the quantities fished in each of the following areas shall also be reported: NEAFC Regulatory Area and Union waters.

⁽²⁾ May be fished in Union waters north of 62° N.

⁽³⁾ To be counted against the catch limits of the Faroe Islands.

⁽⁴⁾ To be counted against the catch limits of Norway.

Special condition:

within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zones:

Norwegian waters north of 62° N and the fishery zone around Jan Mayen (HER/*2AJMN)	
	34 484
2, 5b north of 62° N (Faroese waters) (HER/*25B-F)	
Belgium	2
Denmark	1 541
Germany	270
Spain	5
France	67
Ireland	399
The Netherlands	552
Poland	78
Portugal	5
Finland	24
Sweden	571
United Kingdom	986'

- (b) the fishing opportunities table for cod in Greenland waters of NAFO 1F and Greenland waters of 5, 12 and 14 is replaced by the following:

'Species: Cod <i>Gadus morhua</i>		Zone: Greenland waters of NAFO 1F and Greenland waters of 5, 12 and 14 (COD/N1GL14)
Germany	1 636 ⁽¹⁾	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply
United Kingdom	364 ⁽¹⁾	
Union	2 000 ⁽¹⁾	
TAC	Not relevant	

⁽¹⁾ Except for by-catches, the following conditions shall apply to these quotas:

1. They may not be fished between 1 April and 31 May 2019.
2. EU vessels may choose to fish in either or both of the following areas:

Reporting code	Geographical limits
COD/GRL1	The part of the Greenlandic fishing zone that lies within NAFO sub-area 1F West of 44° 00' W and South of 60° 45' N, that portion of NAFO subarea 1 lying south of the parallel of 60° 45' north latitude (Cape Desolation) and the part of the Greenlandic fishing zone within ICES division 14b that lies East of 44° 00' W and South of 62° 30' N.
COD/GRL2	The part of the Greenlandic fishing area that lies within ICES division 14b North of 62° 30' N.'

- (c) the fishing opportunities table for redfish (pelagic) in Greenland waters of NAFO 1F and Greenland waters of 5, 12 and 14 is replaced by the following:

Species: Redfish (pelagic) <i>Sebastes</i> spp.		Zone: Greenland waters of NAFO 1F and Greenland waters of 5, 12 and 14 (RED/N1G14P)
Germany	765 ⁽¹⁾ ⁽²⁾ ⁽³⁾	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply
France	4 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
United Kingdom	5 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
Union	774 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
Norway	561 ⁽¹⁾ ⁽²⁾	
Faroe Islands	0 ⁽¹⁾ ⁽²⁾ ⁽⁴⁾	
TAC	Not relevant	

⁽¹⁾ May only be fished from 10 May to 31 December.

⁽²⁾ May only be fished in Greenland waters within the Redfish Conservation Area bounded by the lines joining the following coordinates:

Point	Latitude	Longitude
1	64° 45' N	28° 30' W
2	62° 50' N	25° 45' W
3	61° 55' N	26° 45' W
4	61° 00' N	26° 30' W
5	59° 00' N	30° 00' W
6	59° 00' N	34° 00' W
7	61° 30' N	34° 00' W
8	62° 50' N	36° 00' W
9	64° 45' N	28° 30' W

⁽³⁾ Special condition: this quota may also be fished in international waters of the Redfish Conservation Area mentioned above (RED/*5-14P).

⁽⁴⁾ May only be fished in Greenland Waters of 5 and 14 (RED/*514GN).'

3. Annex IH is replaced by the following:

'ANNEX IH

WCPFC CONVENTION AREA

Species: Swordfish <i>Xiphias gladius</i>		Zone: WCPFC Convention Area south of 20° S (SWO/F7120S)
Union	3 170,36	Precautionary TAC
TAC	Not relevant	

4. Annex II is replaced by the following:

‘ANNEX II

SPRFMO CONVENTION AREA

Species:	Jack mackerel <i>Trachurus murphyi</i>	Zone:	SPRFMO Convention Area (CJM/SPRFMO)
Germany	9 079,65		
The Netherlands	9 841,41		
Lithuania	6 317,86		
Poland	10 863,08		
Union	36 102		
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	

Species:	Toothfish <i>Dissostichus spp.</i>	Zone:	SPRFMO Convention Area (TOP/SPRFMO)
TAC	45 ⁽¹⁾	Precautionary TAC	

(¹) This TAC is for exploratory fisheries only. Fishing shall only take place within the following research blocks (A-E):

- Research block A: area bounded by latitudes 47° 15' S and 48° 15' S and by longitudes 146° 30' E and 147° 30' E
- Research block B: area bounded by latitudes 47° 15' S and 48° 15' S and by longitudes 147° 30' E and 148° 30' E
- Research block C: area bounded by latitudes 47° 15' S and 48° 15' S and by longitudes 148° 30' E and 150° 00' E
- Research block D: area bounded by latitudes 48° 15' S and 49° 15' S and by longitudes 149° 00' E and 150° 00' E
- Research block E: area bounded by latitudes 48° 15' S and 49° 30' S and by longitudes 150° 00' E and 151° 00' E.

5. Annex III is replaced by the following:

‘ANNEX III

MAXIMUM NUMBER OF FISHING AUTHORISATIONS FOR UNION FISHING VESSELS FISHING IN THIRD-COUNTRY WATERS

Area of fishing	Fishery	Number of fishing authorisations	Allocation of fishing authorisations amongst Member States		Maximum number of vessels present at any time
Norwegian waters and fishery zone around Jan Mayen	Herring, north of 62° 00' N	77	DK	25	57
			DE	5	
			FR	1	
			IE	8	
			NL	9	
			PL	1	
			SV	10	
			UK	18	

Area of fishing	Fishery	Number of fishing authorisations	Allocation of fishing authorisations amongst Member States		Maximum number of vessels present at any time
	Demersal species, north of 62° 00' N	80	DE	16	50
			IE	1	
			ES	20	
			FR	18	
			PT	9	
			UK	14	
			Unallocated	2	
	Mackerel ⁽¹⁾	Not relevant	Not relevant		70
	Industrial species, south of 62° 00' N	480	DK	450	150
			UK	30	
Faroese waters	All trawl fisheries with vessels of not more than 180 feet in the zone between 12 and 21 miles from the Faroese baselines	26	BE	0	13
			DE	4	
			FR	4	
			UK	18	
	Directed fisheries for cod and haddock with a minimum mesh of 135 mm, restricted to the area south of 62° 28' N and east of 6° 30' W	8 ⁽²⁾	Not relevant		4
	Trawl fisheries outside 21 miles from the Faroese baseline. In the periods from 1 March to 31 May and from 1 October to 31 December, those vessels may operate in the area between 61° 20' N and 62° 00' N and between 12 and 21 miles from the baselines	70	BE	0	26
			DE	10	
			FR	40	
			UK	20	
	Trawl fisheries for blue ling with a minimum mesh of 100 mm in the area south of 61° 30' N and west of 9° 00' W and in the area between 7° 00' W and 9° 00' W south of 60° 30' N and in the area south-west of a line between 60° 30' N, 7° 00' W and 60° 00' N, 6° 00' W	70	DE ⁽³⁾	8	20 ⁽⁴⁾
			FR ⁽³⁾	12	

Area of fishing	Fishery	Number of fishing authorisations	Allocation of fishing authorisations amongst Member States		Maximum number of vessels present at any time
	Directed trawl fisheries for saithe with a minimum mesh size of 120 mm and with the possibility to use round-straps around the codend	70	Not relevant		22 ⁽⁴⁾
	Fisheries for blue whiting. The total number of fishing authorisations may be increased by four vessels to form pairs, should the Faroese authorities introduce special rules of access to an area called 'main fishing area of blue whiting'	34	DE	2	20
			DK	5	
			FR	4	
			NL	6	
			UK	7	
			SE	1	
			ES	4	
			IE	4	
			PT	1	
	Line fisheries	10	UK	10	6
	Mackerel	20	DK	2	12
			BE	1	
			DE	2	
			FR	2	
			IE	3	
			NL	2	
			SE	2	
			UK	6	
	Herring, north of 62° 00' N	20	DK	5	20
			DE	2	
			IE	2	
			FR	1	
			NL	2	
			PL	1	
			SE	3	
			UK	4	

Area of fishing	Fishery	Number of fishing authorisations	Allocation of fishing authorisations amongst Member States		Maximum number of vessels present at any time
1, 2b ⁽²⁾	Fishery for snow crab with pots	20	EE	1	Not applicable
			ES	1	
			LV	11	
			LT	4	
			PL	3	

⁽¹⁾ Without prejudice to additional licences granted to Sweden by Norway in accordance with established practice.

⁽²⁾ Those figures are included in the figures for all trawl fisheries with vessels of not more than 180 feet in the zone between 12 and 21 miles from the Faroese baselines.

⁽³⁾ Those figures refer to the maximum number of vessels present at any time.

⁽⁴⁾ Those figures are included in the figures for "Trawl fisheries outside 21 miles from the Faroese baselines".

⁽⁵⁾ The allocation of fishing opportunities available to the Union in the zone of Svalbard is without prejudice to the rights and obligations deriving from the Treaty of Paris of 1920.'

6. Annex IV is replaced by the following:

'ANNEX IV

ICCAT CONVENTION AREA ⁽¹⁾

1. Maximum number of Union bait boats and trolling boats authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Eastern Atlantic

Spain	60
France	37
Union	97

2. Maximum number of Union coastal artisanal fishing vessels authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Mediterranean

Spain	364
France	130
Italy	30
Cyprus	20 ⁽¹⁾
Malta	54 ⁽¹⁾
Union	598

⁽¹⁾ This number may increase if a purse seine vessel is replaced by 10 longline vessels in accordance with footnote 4 or footnote 6 of table A in point 4 of this Annex.

⁽¹⁾ The numbers shown in sections 1, 2 and 3 may decrease in order to comply with international obligations of the Union.

[illegible]

	Total capacity in gross tonnage						
	Cyprus	Croatia	Greece	Italy	France	Spain	Malta
Baitboats	To be established	To be established	To be established	To be established	To be established	To be established	To be established
Handlines	To be established	To be established	To be established	To be established	To be established	To be established	To be established
Trawlers	To be established	To be established	To be established	To be established	To be established	To be established	To be established
Other artisanal	To be established	To be established	To be established	To be established	To be established	To be established	To be established

5. Maximum number of traps engaged in the eastern Atlantic and Mediterranean bluefin tuna fishery authorised by each Member State

Member State	Number of traps ⁽¹⁾
Spain	5
Italy	6
Portugal	3

⁽¹⁾ This number may be further increased, provided that the international obligations of the Union are complied with.

6. Maximum bluefin tuna farming capacity and fattening capacity for each Member State and maximum input of wild caught bluefin tuna that each Member State may allocate to its farms in the eastern Atlantic and Mediterranean

Table A

Maximum tuna farming capacity and fattening capacity		
	Number of farms	Capacity (in tonnes)
Spain	10	11 852
Italy	13	12 600
Greece	2	2 100
Cyprus	3	3 000
Croatia	7	7 880
Malta	6	12 300

Table B ⁽¹⁾ ⁽²⁾

Maximum input of wild caught bluefin tuna (in tonnes)	
Spain	7 000
Italy	To be determined

Maximum input of wild caught bluefin tuna (in tonnes)	
Greece	To be determined
Cyprus	To be determined
Croatia	To be determined
Malta	8 766
Portugal	350

(¹) The farming capacity of Portugal of 500 tonnes is covered by the unused capacity of the Union set out in Table A.

(²) The content of this table shall be further reviewed provided that the international obligations of the Union are complied with. The reviewed table shall not contain figures lower than the ones contained in Regulation (EC) 2018/120.

7. The distribution between the Member States of the maximum number of fishing vessels flying the flag of a Member State authorised to fish for northern albacore as a target species in accordance with Article 12 of Regulation (EC) No 520/2007 shall be as follows:

Member State	Maximum number of vessels
Ireland	50
Spain	730
France	151
United Kingdom	12
Portugal	310

8. Maximum number of Union fishing vessels of at least 20 meters length that fish for bigeye tuna in the ICCAT Convention Area shall be as follows:

Member State	Maximum number of vessels with purse seines	Maximum number of vessels with longlines
Spain	23	190
France	11	—
Portugal	—	79
Union	34	269'

7. Annex VII is replaced by the following:

'ANNEX VII

WCPFC CONVENTION AREA

Maximum number of Union fishing vessels authorised to fish for swordfish in areas south of 20° S of the WCPFC Convention Area

Spain	14
Union	14'

8. Annex VIII is replaced by the following:

'ANNEX VIII

QUANTITATIVE LIMITATIONS OF FISHING AUTHORISATIONS FOR THIRD-COUNTRY VESSELS FISHING IN UNION WATERS

Flag State	Fishery	Number of fishing authorisations	Maximum number of vessels present at any time
Norway	Herring, north of 62° 00' N	To be established	To be established
Faroe Islands	Mackerel, 6a (north of 56° 30' N), 2a, 4a (north of 59° N) Horse mackerel, 4, 6a (north of 56° 30' N), 7e, 7f, 7h	20	14
	Herring, north of 62° 00' N	20	To be established
	Herring, 3a	4	4
	Industrial fishing for Norway pout, 4, 6a (north of 56° 30' N) (including unavoidable by-catches of blue whiting)	14	14
	Ling and tusk	20	10
	Blue whiting, 2, 4a, 5, 6a (north of 56° 30' N), 6b, 7 (west of 12° 00' W)	20	20
	Blue ling	16	16
Venezuela ⁽¹⁾	Snappers (French Guiana waters)	45	45

⁽¹⁾ To issue those fishing authorisations, proof must be produced that a valid contract exists between the ship owner applying for the fishing authorisation and a processing undertaking situated in the Department of French Guiana, and that it includes an obligation to land at least 75 % of all snapper catches from the vessel concerned in that department so that they may be processed in that undertaking's plant. Such a contract must be endorsed by the French authorities, which shall ensure that it is consistent both with the actual capacity of the contracting processing undertaking and with the objectives for the development of the Guianese economy. A copy of the duly endorsed contract shall be appended to the fishing authorisation application. Where such an endorsement is refused, the French authorities shall give notification of this refusal and state their reasons for it to the party concerned and to the Commission.'

COMMISSION IMPLEMENTING REGULATION (EU) 2019/530**of 27 March 2019****designating European Union reference laboratories for pests of plants on insects and mites, nematodes, bacteria, fungi and oomycetes, viruses, viroids, and phytoplasmas**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2017/625 of the European Parliament and of the Council of 15 March 2017 on official controls and other official activities performed to ensure the application of food and feed law, rules on animal health and welfare, plant health and plant protection products, amending Regulations (EC) No 999/2001, (EC) No 396/2005, (EC) No 1069/2009, (EC) No 1107/2009, (EU) No 1151/2012, (EU) No 652/2014, (EU) 2016/429 and (EU) 2016/2031 of the European Parliament and of the Council, Council Regulations (EC) No 1/2005 and (EC) No 1099/2009 and Council Directives 98/58/EC, 1999/74/EC, 2007/43/EC, 2008/119/EC and 2008/120/EC, and repealing Regulations (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council, Council Directives 89/608/EEC, 89/662/EEC, 90/425/EEC, 91/496/EEC, 96/23/EC, 96/93/EC and 97/78/EC and Council Decision 92/438/EEC (Official Controls Regulation) ⁽¹⁾ and in particular Article 93(1) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2018/631 ⁽²⁾ established European Union reference laboratories ('EURLs') for pests of plants on insects and mites, nematodes, bacteria, fungi and oomycetes, and viruses, viroids and phytoplasmas.
- (2) Following the establishment of those EURLs, the Commission carried out a public selection process for the designation of EURLs for pests of plants on insects and mites, nematodes, bacteria, fungi and oomycetes, and viruses, viroids and phytoplasmas
- (3) The consortium led by the French Agency for Food, Environmental and Occupational Health and Safety (ANSES), which also comprises the Austrian Agency for Health and Food Safety (AGES), applied for the selection process for the designation as EURL for pests of plants on insects and mites.
- (4) The consortium led by the French Agency for Food, Environmental and Occupational Health and Safety (ANSES), which also comprises the Flanders Research Institute for Agriculture, Fisheries and Food (ILVO, Belgium), applied for the selection process for the designation as EURL for pests of plants on nematodes.
- (5) The consortium led by the Netherlands Food and Consumer Product Safety Authority-National Reference Centre Plant Health (NVWA-NRC), which also comprises the Flanders Research Institute for Agriculture, Fisheries and Food (ILVO, Belgium), the Research Centre for Plant Protection and Certification (CREA-DC (DIALAB), Italy), and the National Institute of Biology (NIB, Slovenia) applied for the selection process for the designation as EURL for pests of plants on bacteria.
- (6) The French Agency for Food, Environmental and Occupational Health and Safety (ANSES) applied for the selection process for the designation as EURL for pests of plants on fungi and oomycetes.
- (7) The consortium led by the Netherlands Food and Consumer Product Safety Authority-National Reference Centre Plant Health (NVWA-NRC), which also comprises the Research Centre for Plant Protection and Certification (CREA-DC (DIALAB), Italy), and the National Institute of Biology (NIB, Slovenia), applied for the selection process for the designation as EURL for pests of plants on viruses, viroids and phytoplasmas.
- (8) The evaluation and selection committee appointed for the selection process concluded that all those consortia and laboratories comply with the requirements set out in Article 93(3) of Regulation (EU) 2017/625 and could be responsible for the tasks set out in Article 94 of that Regulation.

⁽¹⁾ OJ L 95, 7.4.2017, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) 2018/631 of 7 February 2018 supplementing Regulation (EU) 2017/625 of the European Parliament and of the Council by establishing European Union reference laboratories for pests of plants (OJ L 105, 25.4.2018, p. 1).

- (9) Those four consortia and that laboratory should therefore be designated as EURLs for the respective pests of plants on insects and mites, nematodes, bacteria, fungi and oomycetes, and viruses, viroids and phytoplasmas. Their work programmes should be established in conformity with the objectives and priorities of the relevant work programmes adopted by the Commission in accordance with Article 36 of Regulation (EU) No 652/2014 of the European Parliament and of the Council ⁽³⁾.
- (10) In order to ensure that the appropriate level of methods of analysis, test or diagnosis, and the development of validated methods and the coordinated assistance of the official laboratories is maintained, and in accordance with point (b) of Article 93(2) of Regulation (EU) 2017/625, the designation as EURLs should be reviewed regularly,

HAS ADOPTED THIS REGULATION:

Article 1

European Union Reference Laboratory for pests of plants on insects and mites

The following consortium is designated as a European Union reference laboratory for pests of plants on insects and mites responsible for supporting horizontal activities of the Commission and of the Member States in the area of plant health:

Consortium led by the French Agency for Food, Environmental and Occupational Health and Safety (ANSES, Plant Health Laboratory, Entomology and Invasive Plants Unit, 755 avenue du campus Agropolis, CS 30016, 34988 Montferrier-sur-Lez cedex, France),

and also composed of:

the Austrian Agency for Health and Food Safety (AGES, Institute for Sustainable Plant Production, Spargelfeldstraße 191, 1220 Vienna, Austria).

Article 2

European Union Reference Laboratory for pests of plants on nematodes

The following consortium is designated as a European Union Reference Laboratory for pests of plants on nematodes responsible for supporting horizontal activities of the Commission and of the Member States in the area of plant health:

Consortium led by the French Agency for Food, Environmental and Occupational Health and Safety (ANSES, Plant Health Laboratory, Nematology Unit, Domaine de la Motte au Vicomte — BP 35327, 35653 Le Rheu, France),

and also composed of:

the Flanders Research Institute for Agriculture, Fisheries and Food (ILVO, Plant Sciences, Nematology group, Burg. Van Gansberghelaan 96, 9820 Merelbeke, Belgium).

Article 3

European Union Reference Laboratory for pests of plants on bacteria

The following consortium is designated as a European Union Reference Laboratory for pests of plants on bacteria responsible for supporting horizontal activities of the Commission and of the Member States in the area of plant health:

⁽³⁾ Regulation (EU) No 652/2014 of the European Parliament and of the Council of 15 May 2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005 of the European Parliament and of the Council, Directive 2009/128/EC of the European Parliament and of the Council and Regulation (EC) No 1107/2009 of the European Parliament and of the Council and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC (OJ L 189, 27.6.2014, p. 1).

Consortium led by the Netherlands Food and Consumer Product Safety Authority-National Reference Centre Plant Health (NVWA-NRC, Bacteriology group, Geertjesweg, 15, 6706 EA Wageningen, The Netherlands),

and also composed of:

- the Flanders Research Institute for Agriculture, Fisheries and Food (ILVO, Plant Sciences, Bacteriology group, Burg. Van Gansberghelaan 96, 9820 Merelbeke, Belgium);
- the Research Centre for Plant Protection and Certification (CREA-DC (DIALAB), Laboratory of Phytopathology, Bacteriology group, via Carlo Giuseppe Bertero 22, 00156 Roma, Italy);
- the National Institute of Biology (NIB, Department of Biotechnology and Systems Biology, Bacteriology and Metrology Unit, Laboratory for diagnostics of bacteria, Večna pot 111, Ljubljana, Slovenia).

Article 4

European Union Reference Laboratory for pests of plants on fungi and oomycetes

The following laboratory is designated as a European Union Reference Laboratory for pests of plants on fungi and oomycetes responsible for supporting horizontal activities of the Commission and of the Member States in the area of plant health:

the French Agency for Food, Environmental and Occupational Health and Safety (ANSES, Plant Health Laboratory, Mycology Unit, Domaine de Pixérécourt, CS 400009, 54220 Malzéville, France).

Article 5

European Union Reference Laboratory for pests of plants on viruses, viroids and phytoplasmas

The following consortium is designated as a European Union Reference Laboratory for pests of plants on viruses, viroids and phytoplasmas responsible for supporting horizontal activities of the Commission and of the Member States in the area of plant health.

Consortium led by the Netherlands Food and Consumer Product Safety Authority National Reference Centre Plant Health (NVWA-NRC, Virology group, Geertjesweg, 15, 6706 EA Wageningen, The Netherlands),

and also composed of:

- the Research Centre for Plant Protection and Certification (CREA-DC (DIALAB), Laboratory of Phytopathology, Virology group, via Carlo Giuseppe Bertero 22, 00156 Roma, Italy);
- the National Institute of Biology (NIB, Department of Biotechnology and Systems Biology, Microbiology Unit, Laboratory for diagnostics of viruses, viroids and phytoplasmas, Večna pot 111, Ljubljana, Slovenia).

Article 6

Review of the designation

The designation as European Union Reference Laboratories shall be reviewed regularly.

Article 7

Entry into force

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

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

Done at Brussels, 27 March 2019.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2019/531**of 27 March 2019****amending Regulation (EC) No 1484/95 as regards fixing representative prices in the poultrymeat and egg sectors and for egg albumin**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 183(b) thereof,

Having regard to Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009 ⁽²⁾, and in particular Article 5(6)(a) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽³⁾ lays down detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.
- (2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin.
- (3) Regulation (EC) No 1484/95 should therefore be amended accordingly.
- (4) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is replaced by the text set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day 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 March 2019.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General*

Directorate-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 150, 20.5.2014, p. 1.

⁽³⁾ Commission Regulation (EC) No 1484/95 of 28 June 1995 laying down detailed rules for implementing the system of additional import duties and fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation No 163/67/EEC (OJ L 145, 29.6.1995, p. 47).

ANNEX

'ANNEX I

CN code	Description	Representative price (EUR/100 kg)	Security under Article 3 (EUR/100 kg)	Origin ⁽¹⁾
0207 12 90	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as "65 % chickens", frozen	129,7	0	AR
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	239,1 215,1 240,6	18 26 18	AR BR TH
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	289,6	0	BR

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7).'

COMMISSION IMPLEMENTING REGULATION (EU) 2019/532**of 28 March 2019****amending Implementing Regulation (EU) 2015/2378 as regards the standard forms, including linguistic arrangements, for the mandatory automatic exchange of information on reportable cross-border arrangements**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC ⁽¹⁾, and in particular Article 20(5) thereof,

Whereas:

- (1) Directive 2011/16/EU as amended by Council Directive (EU) 2018/822 ⁽²⁾ provides for mandatory automatic exchange of information on reportable cross-border arrangements. A standard form, including linguistic arrangements, should be used for those exchanges.
- (2) Commission Implementing Regulation (EU) 2015/2378 ⁽³⁾ should therefore be amended in order to provide for such a standard form.
- (3) The second subparagraph of Article 20(5) of Directive 2011/16/EU provides that the standard form shall not exceed the components for the exchange of information listed in Article 8ab(14) of Directive 2011/16/EU, and such other related fields which are linked to these components and are necessary to achieve the objectives of Article 8ab of that Directive. In order to ensure that the mandatory automatic exchange of information on reportable cross-border arrangements is effective, especially where more than one intermediary or relevant taxpayer is liable to file information, it is critical to include an additional field containing a reference number of the reportable cross-border arrangement. If more than one intermediary or relevant taxpayer is obliged to file information, one single reference number should feature on all exchanges of the same arrangement so that these exchanges can be linked to a single arrangement on the central directory.
- (4) For reasons of coherence and legal certainty, the date of application of this Regulation should be aligned with the date of application provided for in the second subparagraph of Article 2(1) of Directive (EU) 2018/822.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee on administrative cooperation for taxation,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) 2015/2378 is amended as follows:

- (1) the following Article 2e is inserted:

'Article 2e

Standard forms, including linguistic arrangements, for the mandatory automatic exchange of information on reportable cross-border arrangements

1. In regard to the forms to be used, 'component' and 'field' mean a location in a form where information to be exchanged pursuant to Directive 2011/16/EU may be recorded.

⁽¹⁾ OJ L 64, 11.3.2011, p. 1.

⁽²⁾ Council Directive (EU) 2018/822 of 25 May 2018 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation in relation to reportable cross-border arrangements (OJ L 139, 5.6.2018, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2015/2378 of 15 December 2015 laying down detailed rules for implementing certain provisions of Council Directive 2011/16/EU on administrative cooperation in the field of taxation and repealing Implementing Regulation (EU) No 1156/2012 (OJ L 332, 18.12.2015, p. 19).

2. The form to be used for the mandatory automatic exchange of information on reportable cross-border arrangements pursuant to Article 8ab of Directive 2011/16/EU shall comply with Annex XIII to this Regulation.

3. The key elements referred to in the third subparagraph of Article 20(5) of Directive 2011/16/EU shall be the components listed in points (b), (c) and (e) of Article 8ab(14) of that Directive and for these key elements, the linguistic arrangements shall be the same as those provided for in Article 2a(3) of this Regulation.’;

(2) Annex to this Regulation is added as Annex XIII.

Article 2

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

It shall apply from 1 July 2020.

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

Done at Brussels, 28 March 2019.

For the Commission
The President
Jean-Claude JUNKER

ANNEX

'ANNEX XIII

Form referred to in Article 2e

The form for the mandatory automatic exchange of information on reportable cross-border arrangements pursuant to Article 8ab of Directive 2011/16/EU contains, in addition to the components listed in Article 8ab(14) of that Directive, the following field:

- (a) Reference Number of the reportable cross-border arrangement(s).'

COMMISSION IMPLEMENTING REGULATION (EU) 2019/533**of 28 March 2019****concerning a coordinated multiannual control programme of the Union for 2020, 2021 and 2022 to ensure compliance with maximum residue levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin****(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 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC ⁽¹⁾, in particular Article 29(2) thereof,

Whereas:

- (1) By Commission Regulation (EC) No 1213/2008 ⁽²⁾ a first coordinated multiannual Community control programme, covering the years 2009, 2010 and 2011, was established. That programme continued under consecutive Commission Regulations. The latest one was Commission Implementing Regulation (EU) 2018/555 ⁽³⁾.
- (2) Thirty to forty foodstuffs constitute the major components of the diet in the Union. Since pesticide uses show significant changes over a period of three years, pesticides should be monitored in those foodstuffs over a series of three-year cycles to allow consumer exposure and the application of Union legislation to be assessed.
- (3) The European Food Safety Authority ('the Authority'), submitted a scientific report on a design assessment of the pesticide monitoring programme. It concluded that an MRL exceedance rate above 1 % could be estimated with a margin of error of 0,75 % by selecting 683 sample units for a minimum of 32 different food items ⁽⁴⁾. Collection of those samples should be apportioned among Member States according to population numbers, with a minimum of 12 samples per product and per year.
- (4) Analytical results from the previous official control programmes of the Union have been taken into account to ensure that the range of pesticides covered by the control programme is representative for the pesticides used.
- (5) Guidance concerning 'Analytical quality control and validation procedures for pesticide residues analysis in food and feed' is published on the Commission website ⁽⁵⁾.
- (6) Where the residue definition of a pesticide includes other active substances, metabolites and/or breakdown or reaction products, those compounds should be reported separately as far as they are measured individually ⁽⁶⁾.
- (7) Implementing measures, such as the Standard Sample Description (SSD) for submitting results of pesticide residues analysis, relating to the submission of information by Member States have been agreed by Member States, the Commission and the Authority.

⁽¹⁾ OJ L 70, 16.3.2005, p. 1.

⁽²⁾ Commission Regulation (EC) No 1213/2008 of 5 December 2008 concerning a coordinated multiannual Community control programme for 2009, 2010 and 2011 to ensure compliance with maximum residue levels of and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin (OJ L 328, 6.12.2008, p. 9).

⁽³⁾ Commission Implementing Regulation (EU) 2018/555 of 9 April 2018 concerning a coordinated multiannual control programme of the Union for 2019, 2020 and 2021 to ensure compliance with maximum levels of pesticides and to assess the consumer exposure to pesticide residues in and on food of plant and animal origin (OJ L 92, 10.4.2018, p. 6).

⁽⁴⁾ European Food Safety Authority; pesticide monitoring program: design assessment. *EFSA Journal* 2015;13(2):4005.

⁽⁵⁾ Document No. SANTE/11813/2017. https://ec.europa.eu/food/sites/food/files/plant/docs/pesticides_mrl_guidelines_wrkdoc_2017-11813.pdf in its most recent version.

⁽⁶⁾ SANCO/12574/2014, Working Document on the summing up of LOQs in case of complex residue definitions.

- (8) For the sampling procedures, Commission Directive 2002/63/EC ⁽⁷⁾, which incorporates the sampling methods and procedures recommended by the Codex Alimentarius Commission, should apply.
- (9) It is necessary to assess whether maximum residue levels for food for infants and young children provided for in Article 10 of Commission Directive 2006/141/EC ⁽⁸⁾ and Article 7 of Commission Directive 2006/125/EC ⁽⁹⁾ are respected, taking into account only the residue definitions as they are set out in Regulation (EC) No 396/2005.
- (10) As regards single residue methods, Member States may be able to meet their obligations of analysis by having recourse to official laboratories already having the validated methods required.
- (11) Member States should submit by 31 August of each year the information concerning the previous calendar year.
- (12) In order to avoid any confusion due to an overlap between consecutive multiannual programmes, Implementing Regulation (EU) 2018/555 should be repealed in the interest of legal certainty. It should, however, continue to apply to samples tested in 2019.
- (13) 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

Member States shall, during the years 2020, 2021 and 2022, take and analyse samples for the pesticide/product combinations, as set out in Annex I.

The number of samples of each product, including foods for infants and young children and products originating from organic farming, shall be as set out in Annex II.

Article 2

1. The lot to be sampled shall be chosen randomly.

The sampling procedure, including the number of units, shall comply with Directive 2002/63/EC.

2. All samples, including those of foods intended for infants and young children and products originating from organic farming, shall be analysed for the pesticides set out in Annex I in accordance with the residue definitions set out in Regulation (EC) No 396/2005.

3. For foods intended for infants and young children, samples shall be evaluated on the products as proposed ready for consumption or as reconstituted according to the instructions of the manufacturers, taking into account the MRLs set out in Directives 2006/125/EC and 2006/141/EC. Where such foods can be consumed both as sold and as reconstituted, the results shall be reported on the non-reconstituted product as sold.

Article 3

Member States shall submit the results of the analysis of samples tested in 2020, 2021 and 2022 by 31 August 2021, 2022 and 2023 respectively. Those results shall be submitted in the electronic reporting format as set out by EFSA.

Where the residue definition of a pesticide includes more than one compound (active substance and/or metabolite or breakdown or reaction product), Member States shall report the analysis results in accordance with the full residue definition. In addition, the results of all analytes that are part of the residue definition shall be submitted separately, as far as they are measured individually.

⁽⁷⁾ Commission Directive 2002/63/EC of 11 July 2002 establishing Community methods of sampling for the official control of pesticide residues in and on products of plant and animal origin and repealing Directive 79/700/EEC (OJ L 187, 16.7.2002, p. 30).

⁽⁸⁾ Commission Directive 2006/141/EC of 22 December 2006 on infant formulae and follow-on formulae and amending Directive 1999/21/EC (OJ L 401, 30.12.2006, p. 1).

⁽⁹⁾ Commission Directive 2006/125/EC of 5 December 2006 on processed cereal-based foods and baby foods for infants and young children (OJ L 339, 6.12.2006, p. 16).

Article 4

Implementing Regulation (EU) 2018/555 is repealed.

However, as regards samples tested in 2019, it shall continue to apply until 1 September 2020.

Article 5

This Regulation shall enter into force on 1 January 2020.

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

Done at Brussels, 28 March 2019.

For the Commission
The President
Jean-Claude JUNKER

ANNEX I

Part A: **Products of plant origin ⁽¹⁾ to be sampled in 2020, 2021 and 2022.**

2020	2021	2022
(a)	(b)	(c)
Oranges ⁽²⁾	Table grapes ⁽²⁾	Apples ⁽²⁾
Pears ⁽²⁾	Bananas ⁽²⁾	Strawberries ⁽²⁾
Kiwi fruits ⁽²⁾	Grapefruits ⁽²⁾	Peaches, including nectarines and similar hybrids ⁽²⁾
Cauliflowers ⁽²⁾	Aubergines ⁽²⁾	Wine (red or white) made from grapes. (If no specific processing factors for wine are available, Member States are requested to report the wine processing factors used in the 'National Summary report')
Onions ⁽²⁾	Broccoli ⁽²⁾	Lettuces ⁽²⁾
Carrots ⁽²⁾	Melons ⁽²⁾	Head cabbages ⁽²⁾
Potatoes ⁽²⁾	Cultivated fungi ⁽²⁾	Tomatoes ⁽²⁾
Beans (dried) ⁽²⁾	Sweet peppers/bell peppers ⁽²⁾	Spinaches ⁽²⁾
Rye grain ⁽³⁾	Wheat grain ⁽³⁾	Oat grain ⁽³⁾ ⁽⁴⁾
Brown rice (husked rice), defined as rice after the removal of the hull from paddy rice ⁽⁵⁾	Virgin olive oil (If no specific oil processing factor is available, Member States are requested to report the processing factors used in the 'National Summary report')	Barley grain ⁽³⁾ ⁽⁶⁾

Part B: **Products of animal origin ⁽¹⁾ to be sampled in 2020, 2021 and 2022.**

2020	2021	2022
(f)	(d)	(e)
Poultry fat ⁽²⁾ ⁽⁷⁾	Bovine fat ⁽²⁾ ⁽⁷⁾	Cow's milk ⁽⁸⁾
Bovine Liver ⁽²⁾	Chicken eggs ⁽²⁾ ⁽⁹⁾	Swine fat ⁽²⁾ ⁽⁷⁾

⁽¹⁾ For the raw commodities to be analysed, the parts of the products to which MRLs apply shall be analysed for the main product of the group or subgroup as listed in Part A of Annex I to Regulation (EC) No 396/2005 unless stated otherwise.

⁽²⁾ Unprocessed products shall be analysed. In case of products sampled in frozen state, a processing factor shall be reported, if applicable.

⁽³⁾ If no sufficient samples of rye, wheat, oat or barley grains are available, also rye, wheat, oat or barley whole grain flour can be analysed and a processing factor shall be reported.

⁽⁴⁾ If no sufficient samples of oat grains are available, the part of the required sample number for oat grains that could not be taken, can be added to the sample number for barley grains, resulting in a reduced sample number for oat grains and a proportionately increased sample number for barley grains.

⁽⁵⁾ Where appropriate, also polished rice grain can be analysed. It shall be reported to EFSA whether polished or husked rice was analysed. If polished rice was analysed, a processing factor shall be reported.

⁽⁶⁾ If no sufficient samples of barley grains are available, the part of the required sample number for barley grains that could not be taken, can be added to the sample number for oat grains, resulting in a reduced sample number for barley grains and a proportionately increased sample number for oat grains.

⁽⁷⁾ Meat may also be sampled according to Table 3 of the Annex to Directive 2002/63/EC.

⁽⁸⁾ Fresh (unprocessed) milk shall be analysed, including frozen, pasteurised, heated, sterilised or filtrated milk.

⁽⁹⁾ Whole eggs without the shell shall be analysed.

Part C: **Pesticide/product combinations to be monitored in/on products of plant origin**

	2020	2021	2022	Remarks
2,4-D	(a)	(b)	(c)	It shall only be analysed in and on oranges, cauliflowers, brown rice and dried beans in 2020; in and on grapefruits, table grapes, aubergines and broccoli in 2021; in and on lettuces, spinaches and tomatoes in 2022.
2-Phenylphenol	(a)	(b)	(c)	
Abamectin	(a)	(b)	(c)	
Acephate	(a)	(b)	(c)	
Acetamiprid	(a)	(b)	(c)	
Acrinathrin	(a)	(b)	(c)	
Aldicarb	(a)	(b)	(c)	
Aldrin and dieldrin	(a)	(b)	(c)	
Ametoctradin	(a)	(b)	(c)	
Azinphos-methyl	(a)	(b)	(c)	
Azoxystrobin	(a)	(b)	(c)	
Bifenthrin	(a)	(b)	(c)	
Biphenyl	(a)	(b)	(c)	
Bitertanol	(a)	(b)	(c)	
Boscalid	(a)	(b)	(c)	
Bromide ion	(a)	(b)	(c)	It shall only be analysed in and on brown rice in 2020; in and on sweet peppers in 2021; in and on lettuces and tomatoes in 2022.
Bromopropylate	(a)	(b)	(c)	
Bupirimate	(a)	(b)	(c)	
Buprofezin	(a)	(b)	(c)	
Captan	(a)	(b)	(c)	
Carbaryl	(a)	(b)	(c)	
Carbendazim and benomyl	(a)	(b)	(c)	
Carbofuran	(a)	(b)	(c)	
Chlorantraniliprole	(a)	(b)	(c)	
Chlorfenapyr	(a)	(b)	(c)	
Chlormequat	(a)	(b)	(c)	It shall only be analysed in and on carrots, pears, rye and brown rice in 2020; in and on aubergines, table grapes, cultivated fungi and wheat in 2021; in and on tomatoes and oat in 2022.

	2020	2021	2022	Remarks
Chlorothalonil	(a)	(b)	(c)	
Chlorpropham	(a)	(b)	(c)	
Chlorpyrifos	(a)	(b)	(c)	
Chlorpyrifos-methyl	(a)	(b)	(c)	
Clofentezine	(a)	(b)	(c)	It shall be analysed in and on all listed commodities except cereals.
Clothianidin	(a)	(b)	(c)	
Cyazofamid	(a)	(b)	(c)	
Cyflufenamid	(a)	(b)	(c)	
Cyfluthrin	(a)	(b)	(c)	
Cymoxanil	(a)	(b)	(c)	
Cypermethrin	(a)	(b)	(c)	
Cyproconazole	(a)	(b)	(c)	
Cyprodinil	(a)	(b)	(c)	
Cyromazine	(a)	(b)	(c)	It shall only be analysed in and on potatoes, onions and carrots in 2020; in and on aubergines, sweet peppers, melons and cultivated fungi in 2021; in and on lettuces and tomatoes in 2022.
Deltamethrin	(a)	(b)	(c)	
Diazinon	(a)	(b)	(c)	
Dichlorvos	(a)	(b)	(c)	
Dicloran	(a)	(b)	(c)	
Dicofol	(a)	(b)	(c)	It shall be analysed in and on all listed commodities except cereals.
Diethofencarb	(a)	(b)	(c)	
Difenoconazole	(a)	(b)	(c)	
Diflubenzuron	(a)	(b)	(c)	
Dimethoate	(a)	(b)	(c)	
Dimethomorph	(a)	(b)	(c)	
Diniconazole	(a)	(b)	(c)	
Diphenylamine	(a)	(b)	(c)	
Dithianon	(a)	(b)	(c)	It shall only be analysed in and on pears and brown rice in 2020; in and on table grapes in 2021; in and on apples and peaches in 2022.

	2020	2021	2022	Remarks
Dithiocarbamates	(a)	(b)	(c)	It shall be analysed in and on all listed commodities except broccoli, cauliflowers, head cabbages, olive oil, wine and onions.
Dodine	(a)	(b)	(c)	
Eamectin benzoate B1a, expressed as emamectin	(a)	(b)	(c)	
Endosulfan	(a)	(b)	(c)	
Epoxiconazole	(a)	(b)	(c)	
Ethephon	(a)	(b)	(c)	It shall only be analysed in and on oranges and pears in 2020; in and on sweet peppers, wheat and table grapes in 2021; in and on apples, peaches, tomatoes and wine in 2022.
Ethion	(a)	(b)	(c)	
Ethirimol	(a)	(b)	(c)	It shall be analysed in and on all listed commodities except cereals.
Etofenprox	(a)	(b)	(c)	
Etoxazole	(a)	(b)	(c)	
Famoxadone	(a)	(b)	(c)	
Fenamidone	(a)	(b)	(c)	
Fenamiphos	(a)	(b)	(c)	
Fenarimol	(a)	(b)	(c)	It shall be analysed in and on all listed commodities except cereals.
Fenazaquin	(a)	(b)	(c)	It shall be analysed in and on all listed commodities except cereals.
Fenbuconazole	(a)	(b)	(c)	
Fenbutatin oxide	(a)	(b)	(c)	It shall only be analysed in and on oranges and pears in 2020; in and on aubergines, grapefruits, sweet peppers and table grapes in 2021; in and on apples, strawberries, peaches, tomatoes and wine in 2022.
Fenhexamid	(a)	(b)	(c)	
Fenitrothion	(a)	(b)	(c)	
Fenoxycarb	(a)	(b)	(c)	
Fenpropathrin	(a)	(b)	(c)	
Fenpropidin	(a)	(b)	(c)	
Fenpropimorph	(a)	(b)	(c)	
Fenpyrazamine	(a)	(b)	(c)	
Fenpyroximate	(a)	(b)	(c)	
Fenthion	(a)	(b)	(c)	

	2020	2021	2022	Remarks
Fenvalerate	(a)	(b)	(c)	
Fipronil	(a)	(b)	(c)	
Flonicamid	(a)	(b)	(c)	
Fluazifop-P	(a)	(b)	(c)	It shall only be analysed in and on cauliflowers, dried beans, potatoes and carrots in 2020; in and on aubergines, broccoli, sweet peppers and wheat in 2021; in and on strawberries, head cabbages, lettuces, spinaches and tomatoes in 2022.
Flubendiamide	(a)	(b)	(c)	
Fludioxonil	(a)	(b)	(c)	
Flufenoxuron	(a)	(b)	(c)	
Fluopicolide	(a)	(b)	(c)	
Fluopyram	(a)	(b)	(c)	
Fluquinconazole	(a)	(b)	(c)	
Flusilazole	(a)	(b)	(c)	
Flutriafol	(a)	(b)	(c)	
Fluxapyroxad	(a)	(b)	(c)	
Folpet	(a)	(b)	(c)	
Formetanate	(a)	(b)	(c)	
Fosthiazate	(a)	(b)	(c)	
Glyphosate	(a)	(b)	(c)	
Haloxypop including haloxypop-P	(a)	(b)	(c)	It shall only be analysed in and on dried beans in 2020; in and on broccoli, grapefruits, sweet peppers and wheat in 2021; in and on strawberries and head cabbages in 2022.
Hexaconazole	(a)	(b)	(c)	
Hexythiazox	(a)	(b)	(c)	It shall be analysed in and on all listed commodities except cereals.
Imazalil	(a)	(b)	(c)	
Imidacloprid	(a)	(b)	(c)	
Indoxacarb	(a)	(b)	(c)	
Iprodione	(a)	(b)	(c)	
Iprovalicarb	(a)	(b)	(c)	
Isocarbophos	(a)	(b)	(c)	
Isoprothiolane	(a)			It shall only be analysed in and on brown rice in 2020. The substance is not to be analysed in or on any product in 2021 and 2022.

	2020	2021	2022	Remarks
Kresoxim-methyl	(a)	(b)	(c)	
Lambda-cyhalothrin	(a)	(b)	(c)	
Linuron	(a)	(b)	(c)	
Lufenuron	(a)	(b)	(c)	
Malathion	(a)	(b)	(c)	
Mandipropamid	(a)	(b)	(c)	
Mepanipyrim	(a)	(b)	(c)	
Mepiquat	(a)	(b)	(c)	It shall only be analysed in and on pears, rye and brown rice in 2020; in and on cultivated fungi and wheat in 2021; in and on barley and oat in 2022.
Metalaxyl and metalaxyl-M	(a)	(b)	(c)	
Methamidophos	(a)	(b)	(c)	
Methidathion	(a)	(b)	(c)	
Methiocarb	(a)	(b)	(c)	
Methomyl	(a)	(b)	(c)	
Methoxyfenozide	(a)	(b)	(c)	
Metrafenone	(a)	(b)	(c)	
Monocrotophos	(a)	(b)	(c)	
Myclobutanil	(a)	(b)	(c)	
Omethoate	(a)	(b)	(c)	
Oxadixyl	(a)	(b)	(c)	
Oxamyl	(a)	(b)	(c)	
Oxydemeton-methyl	(a)	(b)	(c)	
Paclobutrazole	(a)	(b)	(c)	
Parathion methyl	(a)	(b)	(c)	
Penconazole	(a)	(b)	(c)	
Pencycuron	(a)	(b)	(c)	
Pendimethalin	(a)	(b)	(c)	
Permethrin	(a)	(b)	(c)	
Phosmet	(a)	(b)	(c)	
Pirimicarb	(a)	(b)	(c)	

	2020	2021	2022	Remarks
Pirimiphos-methyl	(a)	(b)	(c)	
Procymidone	(a)	(b)	(c)	
Profenofos	(a)	(b)	(c)	
Propamocarb	(a)	(b)	(c)	It shall be only analysed in and on carrots, cauliflowers, onions and potatoes in 2020; in and on table grapes, melons, aubergines, broccoli, sweet peppers and wheat in 2021; in and on strawberries, head cabbages, spinaches, lettuces, tomatoes and barley in 2022.
Propargite	(a)	(b)	(c)	
Propiconazole	(a)	(b)	(c)	
Propyzamide	(a)	(b)	(c)	
Proquinazid	(a)	(b)	(c)	
Prosulfocarb	(a)	(b)	(c)	
Prothioconazole	(a)	(b)	(c)	It shall be only analysed in and on carrots, onions, rye and brown rice in 2020; in and on sweet peppers and wheat in 2021; in and on head cabbages, lettuces, tomatoes, oat and barley in 2022.
Pymetrozine		(b)	(c)	The substance is not to be analysed in or on any product in 2020; it shall only be analysed in and on aubergines, melons and sweet peppers in 2021; in and on head cabbages, lettuces, strawberries, spinaches and tomatoes in 2022.
Pyraclostrobin	(a)	(b)	(c)	
Pyridaben	(a)	(b)	(c)	
Pyrimethanil	(a)	(b)	(c)	
Pyriproxyfen	(a)	(b)	(c)	
Quinoxifen	(a)	(b)	(c)	
Spinosad	(a)	(b)	(c)	
Spirodiclofen	(a)	(b)	(c)	
Spiromesifen	(a)	(b)	(c)	
Spiroxamine	(a)	(b)	(c)	
Spirotetramat	(a)	(b)	(c)	
Tau-Fluvalinate	(a)	(b)	(c)	
Tebuconazole	(a)	(b)	(c)	
Tebufenozide	(a)	(b)	(c)	
Tebufenpyrad	(a)	(b)	(c)	It shall be analysed in and on all listed commodities except cereals.
Teflubenzuron	(a)	(b)	(c)	

	2020	2021	2022	Remarks
Tefluthrin	(a)	(b)	(c)	
Terbuthylazine	(a)	(b)	(c)	
Tetraconazole	(a)	(b)	(c)	
Tetradifon	(a)	(b)	(c)	It shall be analysed in and on all listed commodities except cereals.
Thiabendazole	(a)	(b)	(c)	
Thiacloprid	(a)	(b)	(c)	
Thiamethoxam	(a)	(b)	(c)	
Thiophanate-methyl	(a)	(b)	(c)	
Tolclofos-methyl	(a)	(b)	(c)	
Triadimefon	(a)	(b)	(c)	
Triadimenol	(a)	(b)	(c)	
Thiodicarb	(a)	(b)	(c)	
Triazophos	(a)	(b)	(c)	
Tricyclazole	(a)	(b)	(c)	It shall only be analysed in and on rice.
Trifloxystrobin	(a)	(b)	(c)	
Triflumuron	(a)	(b)	(c)	
Vinclozolin	(a)	(b)	(c)	

Part D: Pesticide/product combinations to be monitored in/on products of animal origin

	2020	2021	2022	Remarks
Aldrin and dieldrin	(f)	(d)	(e)	
Bifenthrin	(f)	(d)	(e)	
Chlordane	(f)	(d)	(e)	
Chlorpyrifos	(f)	(d)	(e)	
Chlorpyrifos-methyl	(f)	(d)	(e)	
Cypermethrin	(f)	(d)	(e)	
DDT	(f)	(d)	(e)	
Deltamethrin	(f)	(d)	(e)	
Diazinon	(f)	(d)	(e)	
Endosulfan	(f)	(d)	(e)	
Famoxadone	(f)	(d)	(e)	
Fenvalerate	(f)	(d)	(e)	

	2020	2021	2022	Remarks
Fipronil	(f)	(d)	(e)	
Glyphosate	(f)	(d)	(e)	
Heptachlor	(f)	(d)	(e)	
Hexachlorobenzene	(f)	(d)	(e)	
Hexachlorocyclohexan (HCH, Alpha-Isomer)	(f)	(d)	(e)	
Hexachlorocyclohexan (HCH, Beta-Isomer)	(f)	(d)	(e)	
Indoxacarb			(e)	It shall only be analysed in and on milk in 2022.
Lindane	(f)	(d)	(e)	
Methoxychlor	(f)	(d)	(e)	
Parathion	(f)	(d)	(e)	
Permethrin	(f)	(d)	(e)	
Pirimiphos-methyl	(f)	(d)	(e)	

ANNEX II

Number of samples referred to in Article 1

- (1) The number of samples to be taken for each commodity and analysed for the pesticides listed in Annex I by each Member State is set out in the table in point (5).
- (2) In addition to the samples required in accordance with the table in point (5), in 2020 each Member State shall take and analyse five samples of infant formulae and five samples of follow-on formulae.

In addition to the samples required in accordance with that table, in 2021 each Member State shall take and analyse ten samples of processed cereal-based baby food.

In addition to the samples required in accordance with that table, in 2022 each Member State shall take and analyse ten samples of foods for infants and young children other than infant formulae, follow-on formulae and processed cereal-based baby food.

- (3) In accordance with the table in point (5), samples from commodities originating from organic farming shall, where available, be taken in proportion to the market share of those commodities in each Member State, with a minimum of 1.
- (4) Member States using multi-residue methods may use qualitative screening methods on up to 15 % of the samples to be taken and analysed in accordance with the table in point (5). Where a Member State uses qualitative screening methods, it shall analyse the remaining number of samples by quantitative multi-residue methods.

Where the results of qualitative screening are positive, Member States shall use a usual target method to quantify the findings.

- (5) Minimum number of samples per Member State per commodity:

Member State	Samples
BE	12
BG	12
CZ	12
DK	12
DE	97
EE	12
EL	12
ES	50
FR	71
IE	12
IT	69
CY	12

Member State	Samples
LU	12
HU	12
MT	12
NL	18
AT	12
PL	47
PT	12
RO	20
SI	12
SK	12
FI	12
SE	12

Member State	Samples	Member State	Samples
LV	12	UK	71
LT	12	HR	12

TOTAL NUMBER OF SAMPLES: 683

RECOMMENDATIONS

COMMISSION RECOMMENDATION (EU) 2019/534

of 26 March 2019

Cybersecurity of 5G networks

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) The Commission has recognised 5th generation (5G) deployment of network technologies as a major enabler for future digital services and a priority for the Digital Single Market strategy. The Commission adopted the 5G Action Plan to make sure that the Union has the connectivity infrastructure necessary for its digital transformation from 2020 ⁽¹⁾.
- (2) 5G networks will build on the current 4th generation (4G) of network technologies, by providing new service capabilities and becoming the central infrastructure and enabler for large parts of the Union economy. Once rolled out, 5G networks will form the backbone for a wide range of services essential for the functioning of the internal market and the maintenance and operation of vital societal and economic functions – such as energy, transport, banking, and health, as well as industrial control systems. The organisation of democratic processes, such elections, will also rely more and more on digital infrastructure and 5G networks.
- (3) The dependence of many critical services on 5G networks would make the consequences of systemic and widespread disruption particularly serious. As a result, ensuring the cybersecurity of 5G networks is an issue of strategic importance for the Union, at a time when cyber-attacks are on the rise and more sophisticated than ever.
- (4) The interconnected and transnational nature of the infrastructures underpinning the digital ecosystem, and the cross-border nature of the threats involved, mean that any significant vulnerabilities and/or cybersecurity incidents concerning 5G networks happening in one Member State would affect the Union as a whole. This is why measures should be provided to underpin a high common level of cybersecurity of 5G networks.
- (5) The need for action at Union level has been confirmed by the Member States. In its conclusions of 21 March 2019, the European Council looked forward to a Commission recommendation on a concerted approach to the security of 5G networks ⁽²⁾.
- (6) Ensuring European sovereignty should be a major objective, in full respect of Europe's values of openness and tolerance ⁽³⁾. Foreign investment in strategic sectors, acquisition of critical assets, technologies and infrastructure in the Union and supply of critical equipment may also pose risks to the Union's security.
- (7) The cybersecurity of 5G networks is key for ensuring the strategic autonomy of the Union, as recognised in the Joint Communication 'EU-China, a Strategic Outlook' ⁽⁴⁾.
- (8) The European Parliament's resolution on security threats connected with the rising Chinese technological presence in the Union also calls on the Commission and Member States to take action at Union level ⁽⁵⁾.
- (9) This Recommendation addresses cybersecurity risks in 5G networks by setting out guidance on appropriate risk analysis and management measures at national level, on developing a coordinated European risk assessment and on establishing a process to develop a common toolbox of best risk management measures.
- (10) There is a strong Union legislative framework in place to protect electronic communications networks.

⁽¹⁾ COM(2016)588 final.

⁽²⁾ European Council conclusions of 21 and 22 March 2019.

⁽³⁾ State of the Union 2018 – The Hour of European Sovereignty, 12 September 2018.

⁽⁴⁾ JOIN (2019) 5 final.

⁽⁵⁾ www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+TA+P8-TA-2019-0156+0+DOC+PDF+V0//EN.

- (11) The Union's framework in the field of electronic communications ⁽⁶⁾ promotes competition, internal market and end-user interests and with the European Electronic Communications Code ⁽⁷⁾ pursues an additional connectivity objective, articulated in terms of outcomes: widespread access to and take-up of very high capacity fixed and mobile connectivity for all Union citizens and businesses while safeguarding the interests of the citizens. Directive 2002/21/EC requires Member States to ensure that the integrity and security of public communications networks are maintained, with obligations to ensure that undertakings providing public communications networks or publicly available electronic communications services take technical and organisational measures to appropriately manage the risks posed to security of networks and services. It also provides that competent national regulatory authorities have powers, including the power to issue binding instructions, to ensure compliance with such obligations.
- (12) In addition, Directive 2002/20/EC of the European Parliament and of the Council ⁽⁸⁾ allows Member States to attach conditions concerning the security of public networks against unauthorised access to the general authorisation, for the purpose of protecting the confidentiality of communications in accordance with Directive 2002/58/EC of the European Parliament and of the Council ⁽⁹⁾.
- (13) To support the implementation of these obligations, the Union has set up a number of cooperation bodies. The Agency for Network and Information Security (ENISA), the Commission, Member States and national regulatory authorities have developed technical guidelines for national regulatory authorities on incident reporting, security measures and threats and assets ⁽¹⁰⁾. The Cooperation Group established by Directive (EU) 2016/1148 of the European Parliament and of the Council ⁽¹¹⁾ ('the Cooperation Group') brings together competent authorities in order to support and facilitate cooperation, in particular by providing strategic guidance for the activities of the Computer Security Incident Response Teams network, which at technical level facilitates operational cooperation.
- (14) The future European cybersecurity certification framework ⁽¹²⁾ should provide an essential supporting tool to promote consistent levels of security. It should allow for the development of cybersecurity certification schemes to respond to the needs of users of 5G-related equipment and software. The critical importance of these infrastructures should make the development of relevant European cybersecurity certification schemes for information and communications technologies' products, services or processes used for 5G networks an immediate priority. Member States and market players should actively engage in the development of such certification schemes, including providing support for the definition of specific protection profiles for 5G networks.
- (15) In the absence of harmonised Union law, Member States may specify by means of national technical regulations, adopted in compliance with Union law, that a European cybersecurity certification scheme should be mandatory. Member States also have recourse to European cybersecurity certification schemes in the context of public procurement and of Directive 2014/24/EU of the European Parliament and of the Council ⁽¹³⁾ and could support the development of assistance mechanisms – such as an assistance hub – for the purchase of cybersecurity solutions by public buyers.
- (16) A high level of data protection and privacy is an important element in ensuring the security of 5G networks. Rules have also been defined at Union level ensuring the security of processing of personal data, including in electronic communications. The General Data Protection Regulation ⁽¹⁴⁾ sets the obligation to process personal data in a manner that ensures its security, including for preventing unauthorised access to or use of personal data and the equipment used for the processing. The Directive on privacy and electronic communications lays down

⁽⁶⁾ Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) (OJ L 108, 24.4.2002, p. 33) and the Specific Directives.

⁽⁷⁾ Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ L 321, 17.12.2018, p. 36).

⁽⁸⁾ Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) (OJ L 108, 24.4.2002, p. 21).

⁽⁹⁾ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).

⁽¹⁰⁾ <https://resilience.enisa.europa.eu/article-13>.

⁽¹¹⁾ Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).

⁽¹²⁾ Proposal for a Regulation of the European Parliament and Council on ENISA, the 'EU Cybersecurity Agency', and repealing Regulation (EU) No 526/2013, and on Information and Communication Technology cybersecurity certification 'Cybersecurity Act' (COM(2017) 477 final — 2017/0225 (COD)).

⁽¹³⁾ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

⁽¹⁴⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

specific rules on the protection of confidentiality of communications and of the terminal equipment of end-users. It also imposes obligations on service providers to take appropriate technical and organisational measures to safeguard the security of their services.

- (17) The Union has also adopted an instrument that will protect critical infrastructure and technologies, such as those used in communications, by allowing Member States to screen foreign direct investments on grounds of security or public order and by creating a cooperation mechanism where Member States and the Commission will be able to exchange information and raise concerns related to specific investments ⁽¹⁵⁾.
- (18) Member States and operators are currently taking important preparatory steps towards enabling the large-scale roll-out of 5G networks. Several Member States have expressed concerns about potential security risks related to 5G networks in the context of carrying out procedures for the grant of rights of use in radio spectrum bands designated for 5G networks ⁽¹⁶⁾ — and have been exploring measures to address these risks.
- (19) Addressing cybersecurity risks in 5G networks should take into account both technical and other factors. Technical factors may include cybersecurity vulnerabilities that may be exploited to gain unauthorised access to information (cyberespionage, be it for economic or political reasons) or for other malicious purposes (cyberattacks aimed at disrupting or destroying systems and data). Important aspects to consider should be the need to protect the networks across their entire lifecycle and the need to cover all relevant equipment, including in the design, development, procurement, deployment, operation and maintenance phases of 5G networks.
- (20) Other factors may include regulatory or other requirements imposed on information and communications technologies equipment suppliers. An assessment of the significance of such factors would need to take into account, inter alia, the overall risk of influence by a third country, notably in relation to its model of governance, the absence of cooperation agreements on security, or similar arrangements, such as adequacy decisions, as regards data protection between the Union and the third country concerned, or whether this country is a party to multilateral, international or bilateral agreements on cybersecurity, the fight against cybercrime, or data protection.
- (21) As an important step in developing a Union approach to the cybersecurity of 5G networks, a risk assessment should be conducted and completed at national level. This would help Member States to adapt national measures on security requirements and risk management in the light of this assessment.
- (22) Coordination should be developed to ensure the effectiveness of measures aimed at addressing these cybersecurity threats, measures which are essential for the smooth functioning of the internal market and for the protection of personal data and privacy.
- (23) The national risk assessments should form the basis for a coordinated Union risk assessment, made up of a threat landscape mapping and a joint review to be conducted by the Member States, with support from the Commission and together with the European Agency for the Cybersecurity (ENISA).
- (24) Taking into account national and Union risk assessments, the Cooperation Group should establish a toolbox identifying types of cybersecurity risk and of possible measures to mitigate the risks in areas including certification, testing and access controls. It should also identify possible specific measures appropriate to address risks identified by one or more Member States. The Cooperation Group should draw on the support of the European Agency for Cybersecurity (ENISA), Europol, the Body of European Regulators for Electronic Communications (BEREC) and the EU Intelligence and Situation Centre. This toolbox should serve to advise the Commission on developing minimum common requirements to further ensure a high level of cybersecurity of 5G networks across the Union.
- (25) When measures are taken to address cybersecurity risks consideration should be given to the promotion of cybersecurity through diversity of suppliers when building any single network.

⁽¹⁵⁾ Regulation (EU) 2019/452 of the European Parliament and of the Council of 19 March 2019 establishing a framework for the screening of foreign direct investments into the Union (OJ L 79I, 21.3.2019, p. 1).

⁽¹⁶⁾ The auction procedure in at least one spectrum band is scheduled for 2019 in 11 Member States: Austria, Belgium, Czechia, France, Germany, Greece, Hungary, Ireland, Netherlands, Lithuania, Portugal. Six more auctions are scheduled for 2020: Spain, Malta, Lithuania (different frequencies), Slovakia, Poland, UK. Source: <http://5gobservatory.eu/observatory-overview/observatory-reports/>

- (26) This Recommendation should be without prejudice to the competences of the Member States regarding activities concerning public security, defence, national security and the activities of the State in areas of criminal law, including the right of the Member States to exclude providers or suppliers from their markets for national security reasons.

HAS ADOPTED THIS RECOMMENDATION:

I. OBJECTIVES

- (1) In order to support the development of a Union approach to ensuring the cybersecurity of 5G networks, this recommendation identifies the actions which should be taken to enable:
- (a) Member States to assess the cybersecurity risks affecting 5G networks at national level and take necessary security measures.
 - (b) Member States and relevant Union institutions, agencies and other bodies to develop jointly a coordinated Union risk assessment that builds on the national risk assessment.
 - (c) The Cooperation Group set up under Directive (EU) 2016/1148 (Cooperation Group) to identify a possible common set of measures to be taken to mitigate cybersecurity risks related to infrastructures underpinning the digital ecosystem, in particular 5G networks.

II. DEFINITIONS

- (2) For the purposes of this Recommendation:
- (a) '5G networks' means a set of all relevant network infrastructure elements for mobile and wireless communications technology used for connectivity and value-added services with advanced performance characteristics such as very high data rates and capacity, low latency communications, ultra-high reliability, or supporting a high number of connected devices. These may include legacy network elements based on previous generations of mobile and wireless communications technology such as 4G or 3G. 5G networks should be understood to include all relevant parts of the network.
 - (b) 'infrastructures underpinning the digital ecosystem' means infrastructures used to enable digitisation across a wide range of critical applications in economy and society.

III. ACTION AT NATIONAL LEVEL

- (3) By 30 June 2019, Member States should carry out a risk assessment of the 5G network infrastructure, including identifying the most sensitive elements where security breaches would have a significant negative impact. By the same date, Member States should also review the security requirements and the risk management methods applicable at national level, to take into account cybersecurity threats that may arise from (i) technical factors, such as the specific technical characteristics of 5G networks, and (ii) other factors such as the legal and policy framework to which suppliers of information and communications technologies equipment may be subject in third countries.
- (4) On the basis of this national risk assessment and review and taking into account ongoing coordinated action at Union level, Member States should:
- (a) update the security requirements and the risk management methods applied in regard to 5G networks;
 - (b) update the relevant obligations imposed on undertakings providing public communications networks or publicly available electronic communications services pursuant to Articles 13a and 13b of Directive 2002/21/EC;
 - (c) attach conditions to the general authorisation concerning the security of public networks against unauthorised access and ask for commitments from the undertakings participating in any upcoming procedures for granting rights of use for radio frequencies in 5G bands as regards compliance with security requirements for networks pursuant to Directive 2002/20/EC;
 - (d) apply other preventive measures aimed at mitigating potential cybersecurity risks.

- (5) Measures referred to under point 4 should include reinforced obligations on suppliers and operators to ensure the security of sensitive parts of the networks as well as, obligations, where appropriate, such as the provision of relevant information to competent national authorities concerning planned changes in electronic communications networks and requirements to have specific information technology components and systems tested in advance for security and integrity purposes by national auditing/certification laboratories.
- (6) Joint security reviews should be conducted by two or more Member States, using and sharing the appropriate technical expertise and facilities relating to infrastructures underpinning the digital ecosystem and 5G networks, for example when the same undertaking is operating or building network infrastructure in more than one Member State or where there are major similarities in network configurations. The European Agency for Cybersecurity (ENISA), Europol and the Body of European Regulators for Electronic Communications (BEREC) should give priority to requests for support from Member States in this area. The results of these reviews should be transmitted to the Cooperation Group and the Computer Security Incident Response Team Network.

IV. COORDINATED ACTION AT UNION LEVEL

- (7) In order to develop a common approach to address the cybersecurity risks in regard to 5G networks Member States should start operating within a dedicated work stream in the Cooperation Group by 30 April 2019. Member States should invite relevant authorities to participate, when appropriate, to the work of the Cooperation Group.

A coordinated European risk assessment

- (8) Member States should exchange information with each other and with relevant Union bodies for the purpose of building a common awareness of the existing and potential cybersecurity risks associated with 5G networks.
- (9) Member States should transmit their national risk assessments to the Commission and to the European Agency for Cybersecurity (ENISA) by 15 July 2019.
- (10) The European Agency for Cybersecurity (ENISA) should complete a specific 5G networks threat landscape mapping. The Cooperation Group and the Computer Security Incident Response Teams network set up under Directive (EU) 2016/1148 should support this process.
- (11) Taking into account all these elements and by 1 October 2019, Member States with the support of the Commission and together with the European Agency for Cybersecurity (ENISA) should complete a joint review of the Union-wide exposure to risks related to infrastructures underpinning the digital ecosystem, in particular 5G networks.
- (12) This joint review should prioritise an analysis of the risks applicable to the particularly sensitive or vulnerable elements included in the core elements of the 5G networks, to the operations and maintenance centre, as well as to the 5G access network elements used for industrial applications.
- (13) In a second phase, this joint review should be extended to other strategic elements of the digital value chain.

A common Union toolbox to address the risks

- (14) The work of the Cooperation Group should identify best practices measures applied at national level of the type foreseen in point 4. On the basis of these national best practices, a toolbox of appropriate, effective and proportionate possible risk management measures to mitigate the identified cybersecurity risks at national and Union level should be agreed by 31 December 2019, for advising the Commission on developing minimum common requirements to further ensure a high level of cybersecurity of 5G networks across the Union.
- (15) This toolbox should include:
 - (a) an inventory of the types of security risks that can affect the cybersecurity of 5G networks (e.g. supply chain risk, software vulnerability risk, access control risk, risks arising from the legal and policy framework to which suppliers of information and communications technologies equipment may be subject in third countries); and
 - (b) a set of possible mitigating measures (e.g. third-party certification for hardware, software or services, formal hardware and software tests or conformity checks, processes to ensure access controls exist and are enforced, identifying products, services or suppliers that are considered potentially not secure, etc.). These measures should address every type of security risk identified in one or more Member States following the risk assessment.

- (16) Once European cybersecurity certification schemes relevant for 5G networks are developed, Member States should adopt, in compliance with Union law, national technical regulations providing for mandatory certification of information and communications technologies products, services or systems covered by these schemes.
- (17) Member States, together with the Commission, should identify the conditions concerning the security of public networks against unauthorised access to be attached to the general authorisation and security requirements for networks for the purposes of asking commitments from the undertakings participating in procedures for granting rights of use of spectrum in 5G bands pursuant to Directive 2002/20/EC. These should be reflected, where possible, in measures taken in point 4(c).
- (18) Member States should cooperate with the Commission to develop specific security requirements that could apply in the context of public procurement related to 5G networks. This should include mandatory requirements to implement cybersecurity certification schemes in public procurement insofar as such schemes are not yet binding for all suppliers and operators.

V. REVIEW

- (19) Member States should cooperate with the Commission to assess the effects of this Recommendation by 1 October 2020, with a view to determine appropriate ways forward. This assessment should take into account the outcome of the coordinated Union risk assessment and the Union toolbox.

Done at Strasbourg, 26 March 2019.

For the Commission

Julian KING

Member of the Commission

