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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 29 May 2013

on the signature, on behalf of the Union, and the provisional application of the Protocol setting out fishing opportunities and the financial contribution provided for in the Agreement between the European Union and the Republic of Côte d'Ivoire (2013-2018)

(2013/303/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43 in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 17 March 2008, the Council adopted Regulation (EC) No 242/2008 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Côte d'Ivoire ⁽¹⁾ (hereinafter the 'Partnership Agreement').
- (2) Since the current protocol to the Partnership Agreement is due to expire on 30 June 2013, the Council authorised the Commission to negotiate a new Protocol granting vessels of the Union fishing opportunities in waters in which the Republic of Côte d'Ivoire exercises its sovereignty or jurisdiction as regards fishing. At the end of those negotiations, the new Protocol was initialled on 9 January 2013.
- (3) To ensure Union vessels can continue their fishing activities, the new Protocol provides for its provisional application as from 1 July 2013.
- (4) The new Protocol should be signed and applied on a provisional basis, pending the completion of the procedures for its conclusion,

HAS ADOPTED THIS DECISION:

Article 1

The signing of the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Union and the Republic of Côte d'Ivoire (2013-2018) (hereinafter the 'new Protocol') is hereby authorised on behalf of the Union, subject to its conclusion.

The text of the new Protocol is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the new Protocol on behalf of the Union subject to its conclusion.

Article 3

The new Protocol shall, in accordance with Article 13 thereof, be applied on a provisional basis as from 1 July 2013, pending the completion of the procedures for its conclusion.

Article 4

This Decision shall enter into force on the day of its adoption

Done at Brussels, 29 May 2013.

For the Council
The President
R. BRUTON

⁽¹⁾ OJ L 75, 18.3.2008, p. 51.

PROTOCOL**setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Union and the Republic of Côte d'Ivoire (2013-2018)***Article 1***Period of application and fishing opportunities**

1. From 1 July 2013, and for a period of five (5) years, the fishing opportunities granted under Article 5 of the Agreement shall be as follows:

Highly migratory species (species listed in Annex 1 to the 1982 United Nations Convention)

— freezer tuna seiners: 28 vessels.

— surface longliners: 10 vessels.

2. Paragraph 1 shall apply subject to Articles 5 and 6 of this Protocol.

3. Vessels flying the flag of a Member State of the European Union (hereinafter 'EU vessels') may engage in fishing activities in the Ivorian fishing zone only if they are in possession of a valid fishing licence issued by Côte d'Ivoire under this Protocol.

*Article 2***Financial contribution — methods of payment**

1. For the period referred to in Article 1, the financial contribution referred to in Article 7 of the Fisheries Partnership Agreement shall be EUR 680 000.

2. The financial contribution comprises:

(a) an annual amount of EUR 422 500 for access to the Ivorian fishing zone equivalent to a reference tonnage of 6 500 tonnes per year; and

(b) a specific amount of EUR 257 500 per year for the support and implementation of the Ivorian sectoral fisheries policy.

3. Paragraph 1 shall apply subject to Articles 3, 5, 6 and 9 of this Protocol and Articles 12 and 13 of the Fisheries Partnership Agreement.

4. If the overall quantity of catches by EU vessels in the Ivorian fishing zone exceeds the reference tonnage, the amount of the annual financial contribution shall be increased by EUR 65 for each additional tonne caught. However, the total annual amount paid by the Union shall not be more than twice the amount indicated in paragraph 2(a) (EUR 422 500). If the quantities caught by EU vessels exceed the quantities corresponding to twice the total annual amount, the amount due for the quantity exceeding that limit shall be paid the following year.

5. Payment of the financial contribution laid down in paragraph 1 shall be made no later than 90 days after the

date of provisional application of the Protocol in the first year and no later than the renewal date of the Protocol in the following years.

6. The Ivorian authorities shall have full discretion regarding the use to which the financial contribution referred to in paragraph 2(a) is put.

7. The financial contribution shall be paid into a single Ivorian Public Treasury account, the references of which shall be notified each year by the Ivorian authorities.

*Article 3***Promotion of responsible fishing in Ivorian waters**

1. The European Union and Côte d'Ivoire, shall agree, within the Joint Committee provided for in Article 9 of the Agreement, by 1 October 2013 at the latest, on a multiannual sectoral programme and detailed implementing rules, in particular:

a) annual and multiannual guidelines for using the financial contribution referred to in Article 2(b);

b) objectives, both annual and multiannual, to be achieved with a view to promoting long-term responsible and sustainable fishing, taking account of the priorities expressed by the Republic of Côte d'Ivoire in its national fisheries policy, notably with regard to the monitoring, control and combating of illegal, unreported and unregulated (IUU) fishing.

c) criteria and procedures for evaluating the results obtained each year.

2. Any proposed amendments to the multiannual sectoral programme or to the use of the specific amounts for the initiatives to be carried out each year must be approved by both Parties within the Joint Committee.

3. Each year, the two Parties shall carry out, within the Joint Committee, an evaluation of the progress made in implementing the multiannual sectoral Programme. If necessary, the two Parties shall continue this monitoring after this Protocol expires, until the specific financial contribution provided for in Article 2(2)(b) has been used up.

*Article 4***Scientific and technical cooperation to ensure responsible fishing**

1. The Parties hereby undertake to promote responsible fishing in Ivorian waters on the basis of the principles of non-discrimination between the different fleets fishing in those waters.

2. During the period covered by this Protocol, the European Union and the Ivorian authorities shall cooperate to monitor the evolution of resources in the Ivorian fishing zone.

3. The Parties undertake to promote cooperation at subregional level on responsible fishing and, in particular, within the International Commission for the Conservation of Atlantic Tunas (ICCAT) and any other subregional or international organisation concerned. The Parties undertake to comply with all ICCAT recommendations.

4. In accordance with Article 4 of the Agreement and on the basis of the recommendations and resolutions adopted within ICCAT, and in the light of the best available scientific advice, the Parties shall consult each other within the Joint Committee provided for in Article 3 of the Agreement and adopt, where appropriate after a scientific meeting possibly at subregional level, and by mutual agreement, measures to ensure the sustainable management of fisheries resources affecting the activities of EU vessels.

5. The parties shall work together to strengthen the control and inspection mechanisms for fisheries in the Republic of Côte d'Ivoire.

Article 5

Review of fishing opportunities by mutual agreement

1. The fishing opportunities referred to in Article 1 may be increased by mutual agreement provided that the consultations referred to in Article 4(4) confirm that such an increase will not endanger the sustainable management of the resources of the Republic of Côte d'Ivoire. In this case the financial contribution referred to in Article 2(1) shall be increased proportionately and *pro rata temporis*.

2. Conversely, if the parties agree to adopt a reduction in the fishing opportunities provided for in Article 1, the financial contribution shall be reduced proportionately and *pro rata temporis*.

3. The allocation of the fishing opportunities among different categories of vessels may also be reviewed, following consultations and by mutual agreement between the Parties, provided that any changes comply with recommendations made by the scientific meeting referred to in Article 4(4) regarding the management of stocks liable to be affected by such redistribution. The parties shall agree on the corresponding adjustment of the financial contribution where the redistribution of fishing opportunities so warrants.

Article 6

New fishing opportunities and experimental fisheries

1. Should EU vessels be interested in fishing activities which are not indicated in Article 1, the European Union shall consult the Republic of Côte d'Ivoire in order to seek authorisation for these new activities. In the course of these consultations, the parties shall take account of the relevant scientific opinions, in particular opinions issued by regional fisheries organisations such as the Fishery Committee for the Eastern Central Atlantic (CECAF). Where appropriate, the Parties shall agree on the conditions applicable to these new fishing opportunities and on the implementation of multiannual management plans. They shall, if necessary, make amendments to this Protocol and to the Annex hereto.

2. Following the consultations laid down in Article 4(4), the Parties may authorise exploratory fishing surveys in the Ivorian

fishing zone to test the technical feasibility and the economic viability of new fisheries.

2.1 To this end, the European Union shall communicate to the Ivorian authorities the applications for exploratory fishing licences on the basis of a technical file indicating:

- the technical characteristics of the vessel;
- the vessel's officers' level of expertise in the relevant fishery;
- the proposal for the technical parameters of the trip (length, gear, exploration regions, etc.).

2.2 The exploratory fishing trips shall have a maximum duration of six months. They shall be subject to the payment of a fee set by the Ivorian authorities.

2.3 A scientific observer from the flag State and an observer chosen by the Ivorian authorities shall be present on board throughout the duration of the trip.

2.4 The catches consistent with and obtained during the exploratory trip remain the property of the vessel owner.

2.5 The detailed results of the trip shall be sent to the Joint Committee and the Joint Scientific Committee for analysis.

Article 7

Applicable provisions of national law

1. The activities of EU fishing vessels operating in Ivorian waters shall be governed by the applicable law in the Republic of Côte d'Ivoire, unless otherwise provided in the Agreement and this Protocol.

2. The Ivorian authorities shall immediately inform the European Union of any change or any new legislation relating to the fishing sector.

3. The European Union shall inform the Ivorian authorities of any change or any new legislation relating to the fishing activities of the European Union distant-water fleet.

Article 8

Suspension of the implementation of the Protocol

1. The implementation of this Protocol may be suspended at the initiative of one of the two Parties after consultation within the Joint Committee, if one or more of the following conditions apply:

- (a) unusual circumstances, as defined in Article 2(h) of the Fisheries Partnership Agreement, preventing fishing activities in the Ivorian fishing zone;
- (b) significant changes in the formulation or implementation of the fisheries policy of either one of the Parties affecting the relevant provisions of this Protocol;
- (c) activation of the consultation mechanisms laid down in Article 96 of the Cotonou Agreement owing to one of the essential and fundamental elements of human rights and democratic principles as provided for in Article 9 of the Cotonou Agreement;

(d) non-payment of the financial contribution provided for in Article 2(2)(a) by the European Union, for reasons other than those provided for in Article 9 of this Protocol;

(e) a serious and unresolved dispute between the two parties on the application or the interpretation of this Protocol;

2. Where the application of the Protocol is suspended for reasons other than those given in paragraph 1(c) above, it shall require the Party concerned to notify its intention in writing at least three months before the date on which suspension is due to take effect. Suspension of the Protocol for the reasons given in paragraph 1(c) shall apply immediately after the suspension decision has been taken.

3. In the event of suspension, the Parties shall continue to consult with a view to finding an amicable settlement to their dispute. Where such settlement is reached, application of the Protocol shall resume and the amount of the financial contribution shall be reduced proportionately and *pro rata temporis* according to the period during which application of the Protocol has been suspended.

Article 9

Suspension and review of the payment of the financial contribution

1. The financial contribution as referred to in Article 2(2)(a) and (b) may be revised or suspended after consultation within the Joint Committee if one or more of the following conditions are met:

(a) unusual circumstances, as defined in Article 2(h) of the Fisheries Partnership Agreement, preventing fishing activities in the Ivorian fishing zone;

(b) significant changes in the formulation or implementation of the fisheries policy of either one of the Parties affecting the relevant provisions of this Protocol;

(c) activation of the consultation mechanisms laid down in Article 96 of the Cotonou Agreement owing to a violation of one of the essential and fundamental elements of human rights and democratic principles as provided for in Article 9 of the Cotonou Agreement;

2. The European Union may revise or suspend, partially or totally, the payment of the specific financial contribution provided for in Article 2(2)(b) of this Protocol in the event of failure to implement this financial contribution or if the results obtained are inconsistent with the programming, following an evaluation carried out by the Joint Committee.

3. Payment of the financial contribution shall resume after consultation and agreement of the two Parties as soon as the situation prior to the events referred to in paragraph 1 has been re-established, or if the results of the financial implementation referred to in paragraph 2 so warrant. Nevertheless, the specific

financial contribution provided for in Article 2(2)(b) may not be paid out beyond a period of six months after the Protocol expires.

4. The fishing authorisations granted to EU vessels may be suspended at the same time as the suspension of the payment of the financial contribution under Article 2(2)(a). If resumed, the validity of these fishing authorisations shall be extended for a period equal to the period of suspension of fishing activities.

5. Save as provided for in paragraph 1 of this article, if the European Union omits to make the payment laid down in Article 2(2)(a), the Ivorian authorities shall officially inform the European Union of the non-payment. The latter shall perform the appropriate checks and, where necessary, transmit the payment within no more than 60 working days of the date of receipt of the official request;

If no payment has been made by this deadline, without proper justification, the Ivorian authorities shall be entitled to suspend application of the Protocol in accordance with the provisions set out in Article 8. Application of the Protocol shall resume as soon as the payment concerned has been made.

Article 10

Electronic communication

1. The Republic of Côte d'Ivoire and the European Union undertake to install as soon as possible the computer systems required for the electronic exchange of all the information and documents related to the implementation of the Agreement.

2. The electronic form of a document will be considered equivalent to the paper version in every respect.

3. The Republic of Côte d'Ivoire and the EU shall inform each other of any malfunction of a computer system as soon as possible. The information and documents related to the implementation of the Agreement shall then be automatically replaced by their paper version as specified in the Annex.

Article 11

Confidentiality of data

The Republic of Côte d'Ivoire and the European Union shall undertake that all nominative data relating to EU vessels and their fishing activities obtained within the framework of the Agreement will, at all times, be processed strictly in accordance with the principles of confidentiality and data protection.

Article 12

Termination

1. In the event of termination of the Protocol, the Party concerned shall notify the other Party in writing of its intention to terminate the Protocol at least six (6) months before the date on which such termination would take effect.

2. Dispatch of the notification, as referred to in the previous paragraph, shall open consultations between the Parties.

*Article 13***Provisional application**

This Protocol shall apply provisionally as from 1 July 2013.

*Article 14***Entry into force**

This Protocol shall enter into force on the date on which the parties notify each other of the completion of the procedures necessary for this purpose.

For the European Union

For the Republic of Côte d'Ivoire

ANNEX

Conditions governing fishing activities by European Union vessels in the Ivorian fishing zone

CHAPTER I

GENERAL PROVISIONS

1. Designation of competent authority

For the purposes of this Annex and unless otherwise specified hereinafter, any reference to the European Union (EU) or to the Republic of Côte d'Ivoire as a competent authority shall mean:

- for the EU: the European Commission, where applicable via the EU delegation in Côte d'Ivoire;
- for the Republic of Côte d'Ivoire: the Minister for Fisheries.

2. Fishing zone

EU vessels may carry out fishing activities in waters beyond 12 nautical miles from the base lines subject to the provisions of point 3 below.

3. Zones closed to shipping and to fishing

When issuing the fishing licence, the Ministry responsible for fisheries in the Republic of Côte d'Ivoire shall inform vessel owners of the boundaries of the area in which shipping and fishing is prohibited when issuing the fishing licence. The EU delegation shall also be informed.

4. Bank account

The Republic of Côte d'Ivoire shall notify the EU before the entry into force of the Protocol of the details of the bank account into which the financial sums payable by EU vessels under the Agreement should be paid. The associated bank transfer costs shall be borne by the vessel owners.

CHAPTER II

APPLICATION AND ISSUE FORMALITIES FOR FISHING AUTHORISATIONS

For the purposes of applying the provisions of this Annex, the term 'licence' shall be equivalent to the term 'fishing authorisation', as laid down in European legislation.

1. Conditions for obtaining a fishing licence – eligible vessels

Only eligible vessels may obtain a licence to fish in the Ivorian fishing zone. To do so, they must be entered in the register of EU fishing vessels.

For a vessel to be eligible, neither the owner, the master nor the vessel itself must be prohibited from fishing in Côte d'Ivoire. They must be in order vis-à-vis the Ivorian authorities insofar as they must have fulfilled all prior obligations arising from their fishing activities in Côte d'Ivoire under fisheries agreements concluded with the EU.

2. Licence applications

The relevant EU authorities shall submit (by electronic means) or by any other expeditious method, to the Ministry responsible for fisheries in Côte d'Ivoire, an application for each vessel wishing to fish or assist in fishing activities under the Agreement at least 30 working days before the date of commencement of the period of validity requested.

Applications shall be submitted to the Ministry responsible for fisheries on a form drawn up in accordance with the specimen in Appendix I.

All licence applications shall be accompanied by the following documents:

- proof of payment of the flat-rate advance for the period of validity of the licence,
- one colour photograph of the vessel (side view), additional boats used for fishing and additional out-of-water equipment for detecting fish,
- an illustration and detailed description of the fishing gear used,

For the renewal of a licence under the Protocol in force for a vessel whose technical specifications have not been modified, the renewal application shall be accompanied only by proof of payment of the fee.

3. Flat-rate fee

The fee shall be paid into the account specified by the Ivorian authorities in accordance with Article 1(4) of this Annex.

The fees shall include all national and local charges, with the exception of port taxes and service charges.

4. Provisional list of vessels authorised to fish

Once it has received the fishing authorisation applications and notification of payment of the advance, Côte d'Ivoire shall draw up the provisional list of applicant vessels. This list shall be sent without delay to the national body responsible for supervising fishing, and to the EU.

The EU shall forward a copy of the provisional list to the vessel owner or to the consignee. If the EU offices are closed, Côte d'Ivoire may send the provisional list directly to the vessel owner or their consignee. Vessels shall be authorised to fish as soon as they are included on the provisional list. Vessels must keep a copy of the provisional list on board until their fishing authorisation is issued.

5. Issue of licences

Licences for all vessels shall be issued to vessel owners or their representatives via the Delegation of the European Union to Côte d'Ivoire, within 21 working days of receipt of all the documents referred to in point 2 above by the Ministry responsible for fisheries in Côte d'Ivoire.

Licences shall be valid for one year and are renewable. They shall be issued for the period from 1 July to 30 June of the following year.

6. List of vessels authorised to fish

Once the licence is issued, the Republic of Côte d'Ivoire shall immediately draw up the final list of vessels authorised to fish in the Ivorian zone. This list shall be sent immediately to the national body responsible for monitoring fishing and to the EU and shall replace the provisional list referred to above.

7. Licence transfer

Licences shall be issued for a specific vessel and shall not be transferable. However, at the request of the EU and where force majeure is proven, e.g. in the event of the loss or prolonged immobilisation of a vessel due to a serious technical failure, the licence of the initial vessel shall be replaced by a new licence for another vessel of the same fishing category, as referred to in Article 1 of the Protocol, with no further fee due. In this case, the calculation of the catch levels to determine whether an additional payment should be made shall take account of the sum of the total catches of the two vessels.

The owner of the first vessel, or his or her representative, shall return the cancelled licence to the Ministry responsible for fisheries in Côte d'Ivoire via the EU Delegation.

The new licence shall take effect on the day that the vessel's owner returns the cancelled licence to the Ministry responsible for fisheries in Côte d'Ivoire. The EU Delegation to Côte d'Ivoire shall be informed of the licence transfer.

8. Keeping a licence on board

The licence must be held on board at all times. Vessels shall, however, be authorised to fish as soon as they are included on the provisional list mentioned in paragraph 4 of this Chapter.

CHAPTER III

LICENCE CONDITIONS — FEES AND ADVANCE PAYMENTS

1. The fee shall be EUR 35 per tonne caught within the Ivorian fishing zone in the case of tuna seiners and surface longliners.
2. Licences shall be issued once the following standard amounts have been paid to the competent national authorities:
 - EUR 5 390 per tuna seiner, equivalent to the fees due for 154 tonnes per year,
 - EUR 1 960 per surface longliner, equivalent to the fees due for 56 tonnes per year.
3. Member States shall inform the European Commission not later than 15 June each year of the tonnages caught during the past year, as confirmed by the scientific institutes referred to in point 6 below.

4. The final statement of the fees due for year n shall be drawn up by the European Commission by 31 July of year n + 1 at the latest on the basis of the catch declarations made by each vessel owner and confirmed by the competent scientific institutes.
5. This statement shall be sent simultaneously to the Ministry responsible for fisheries in Côte d'Ivoire and to the vessel owners via the Member States.
6. Where the final statement is greater than the flat-rate fee paid to obtain the fishing authorisation, the vessel owner shall pay the outstanding balance to the Republic of Côte d'Ivoire within 45 days unless he/she contests the payment.
7. However, if the amount of the final statement is lower than the advance referred to in point 2 of this Section, the resulting balance shall not be reimbursable to the vessel owner.

CHAPTER IV

CATCH REPORTING ARRANGEMENTS

1. Fishing log

The master of an EU vessel fishing under the Agreement shall keep a fishing logbook, for which the model for each category of fishing is included in Appendix 3 of this Annex.

The fishing logbook shall be completed by the master for each day the vessel is present in the Ivorian fishing zone.

Each day the master shall record in the fishing logbook the quantity of each species, identified by its FAO alpha 3 code, caught and kept on board, expressed in kilograms of live weight or, where necessary, the number of individual fish. For each main species, the master shall also mention the bad catch. Where applicable, the master shall also record each day in the fishing logbook the quantities of each species thrown back into the sea, expressed in kilograms of live weight or, where necessary, the number of individual fish.

The fishing logbook shall be filled in legibly, in block capitals, and signed by the master.

The master shall be responsible for the accuracy of the data recorded in the fishing logbook.

2. Catch reporting

The master shall notify the vessel's catch by submitting its fishing logbooks for the period of its presence in the Ivorian fishing zone to the Ministry responsible for fisheries. He shall send a copy to the Centre de Recherche Océanologique de Côte d'Ivoire (Ivorian Oceanology Research Centre – CRO) and to one of the following scientific institutes:

- (i) Institut de recherche pour le développement (IRD);
- (ii) Instituto Español de Oceanografía (IEO);
- (iii) INIAP (Instituto Nacional de investigação agrícola e das Pescas).

The fishing logbooks shall be transmitted in one of the following ways:

- (i) when passing through an Ivorian port, the original of each fishing logbook shall be submitted to the local representative of Côte d'Ivoire, who shall forward it to the Ivorian authorities who shall confirm receipt thereof in writing;
- (ii) when leaving the Ivorian fishing zone without first passing through an Ivorian port, the fishing logbook shall be sent within a period of 30 days after leaving the Ivorian fishing zone by one of the following means:
 - (a) preferably by e-mail.
 - (b) by post,
 - (c) or by fax:

Vessels shall be informed of the fax and telephone numbers and e-mail address when the fishing licence is issued. Côte d'Ivoire shall immediately inform the vessels concerned and the EU of any change to the e-mail address, telephone number or transmission frequency.

Where the provisions set out in this Chapter are not complied with, the Ivorian Government reserves the right to suspend the licence of the offending vessel until formalities have been completed and to apply to the vessel owner the penalty laid down in current Ivorian legislation. The European Union and the flag Member State shall be informed thereof.

3. Transition to an electronic system

Both parties indicate their shared willingness to ensure a transition to an electronic system for declaring catches based on the technical characteristics laid down in Appendix 5. The parties agree to determine together the terms of this transition within the Joint Committee with the aim of the system becoming operational on 31 December 2014.

CHAPTER V

SIGNING-ON OF SEAMEN

1. EU vessel owners shall employ ACP nationals, subject to the following conditions and limits:

- for the fleet of tuna seiners, at least 20 % of the seamen signed on during the tuna-fishing season in the fishing zone of the third country shall be of ACP origin.
- for the fleet of surface longliners, at least 20 % of the seamen signed on during the fishing season in the fishing zone of the third country shall be of ACP origin.

2. Vessel owners shall endeavour to take on board Ivorian seamen first.

3. The International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work shall apply as of right to seamen signed on by EU vessels. This concerns in particular the freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.

4. The employment contracts of ACP seamen shall be drawn up between the vessel owners' representative(s) and the seamen and/or their trade unions or representatives; a copy of these contracts shall be given to the signatories. These contracts shall guarantee the seamen the social security cover applicable to them, including life assurance and sickness and accident insurance.

5. The wages of the ACP seamen shall be paid by the vessel owners. They shall be set by mutual agreement between the vessel owners or their representatives and the seamen and/or their trade unions or representatives. However, the wage conditions granted to ACP seamen shall not be lower than those applied to crews from their respective countries and shall under no circumstances be below ILO standards.

6. All seamen employed on board EU vessels shall report to the master of the vessel designated on the day before their proposed embarkation date. Where a seaman fails to report at the date and time agreed for embarkation, vessel owners shall be automatically absolved of their obligation to take the seaman on board.

7. Vessel owners shall transmit on an annual basis information on seamen signed on. This information shall include the number of seamen who are nationals:

- of the European Union
- of an ACP country, distinguishing Ivorians from other ACP nationalities
- a non-ACP and a non-EU country.

CHAPTER VI

TECHNICAL MEASURES

The technical measures applicable to the vessels holding a fishing licence, relating to the zone, fishing gear and additional catch, shall be defined in the technical sheet contained in Appendix 2 to this Annex.

Vessels shall comply with the measures and recommendations adopted by ICCAT in the region regarding fishing gear and the technical specifications thereof and all other technical measures applicable to their fishing activities.

CHAPTER VII

OBSERVERS

1. Vessels authorised to fish in Ivorian waters under the Agreement shall take on board observers appointed by the competent regional fisheries organisation (RFO) on the terms set out below.

1.1. At the request of the competent authority, EU vessels shall take on board an observer designated by the authority in order to check catches made in Ivorian waters.

1.2. The competent authority shall draw up a list of vessels designated to take an observer on board and a list of the appointed observers. These lists shall be kept up to date. They shall be forwarded to the European Union as soon as they have been drawn up and every quarter thereafter where they have been updated.

- 1.3. The competent authority shall inform the vessel owners concerned, or their representatives, of the name of the observer appointed to be taken on board their vessel at the time the licence is issued, or no later than 15 days before the observer's planned embarkation date.
2. The time spent on board by the observer shall be one fishing trip. However, at the express request of the competent Ivorian authorities, this embarkation may be spread over several trips according to the average duration of trip for a particular vessel. This request shall be made by the competent authority when the name of the observer appointed to board the vessel in question is notified.
3. The conditions under which the observer is taken on board shall be agreed between the vessel owner or his/her representative and the competent authority.
4. The observers shall be taken on board at a port chosen by the vessel owner at the beginning of the first voyage in Ivorian waters after notification of the list of designated vessels.
5. Within two weeks and giving ten days' notice, the vessel owners concerned shall make known at which ports in the subregion and on what dates they intend to take observers on board.
6. If the observer is taken on board in a country outside the subregion, his/her travel costs shall be borne by the vessel owner. If a vessel with a regional observer on board leaves the regional fishing zone, all measures shall be taken to ensure the observer's return as soon as possible at the expense of the vessel owner.
7. If the observer is not present at the time and place agreed or within the twelve hours following the time agreed, the vessel owner is automatically absolved of their obligation to take the observer on board.
8. The observers shall be treated as officers. When the vessel is operating in Ivorian waters, he or she shall carry out the following tasks:
 - 8.1. observe the fishing activities of the vessels;
 - 8.2. verify the position of vessels engaged in fishing operations;
 - 8.3. perform biological sampling in the context of scientific programmes;
 - 8.4. note the fishing gear used;
 - 8.5. verify the catch data for Ivorian waters recorded in the logbook;
 - 8.6. verify the percentages of by-catches and estimate the quantity of discards of species of marketable fish;
 - 8.7. report fishing data, including the quantity of catches and by-catches on board, to their competent authority by any appropriate means.
9. The master shall do everything in his/her power to ensure the physical safety and welfare of the observer during the performance of his/her duties.
10. The observers shall be offered every facility needed to carry out their duties. The master shall give him/her access to the means of communication needed for the discharge of their duties, to documents directly concerned with the vessel's fishing activities, including in particular the logbook and the navigation log, and to those parts of the vessel necessary to facilitate the exercise of their tasks.
11. While on board, the observer shall:
 - 11.1. take all appropriate steps to ensure that the conditions of their boarding and presence on the vessel neither interrupt nor hamper fishing operations;
 - 11.2. respect the material and equipment on board and the confidentiality of all documents belonging to the said vessel.
12. At the end of the observation period and before leaving the vessel, the observer shall draw up an activity report to be transmitted to the competent authorities, with a copy to the European Union. He/she shall sign it in the presence of the master, who may add or cause to be added to it any observations considered relevant, followed by the master's signature. A copy of the report shall be handed to the master when the scientific observer is put ashore.
13. Vessel owners shall bear the cost of accommodating observers in the same conditions as the officers, within the confines of the practical possibilities offered by the vessel.

14. The salary and social contributions of the observer shall be borne by the competent authorities.
15. The two Parties shall consult each other, and interested third parties, as soon as possible as regards the definition of a system of regional observers and the choice of the competent regional fisheries organisation. Pending the implementation of a system of regional observers, vessels authorised to fish in the Ivorian fishing zone under the Agreement shall take on board, instead of regional observers, observers designated by the competent the Ivorian authorities in accordance with the rules set out above.

CHAPTER VIII

CONTROL AND INSPECTION

1. Entering and leaving the zone
- 1.1. At least three hours in advance EU vessels shall notify the competent Ivorian authorities responsible for fisheries control of their intention to enter or leave the Ivorian fishing zone.

When notifying its entry or exit, the vessel shall notify in particular:

- (i) the date, time and point of passage scheduled;
 - (ii) the quantity of each species held on board, as identified by its FAO alpha 3 code and expressed in kilograms of live weight or, if necessary, the number of individual fish;
 - (iii) the nature and presentation of the product.
- 1.2. This information should preferably be communicated by e-mail or, failing that, by fax. The Republic of Côte d'Ivoire shall confirm receipt thereof immediately by return e-mail or fax.
 - 1.3. Vessels found to be fishing without having informed the competent Côte d'Ivoire authority shall be regarded as vessels in breach of the rules.
2. Inspection procedures
- 2.1. Masters of EU fishing vessels engaged in fishing activities in Ivorian waters shall allow and facilitate boarding and the discharge of their duties by any Ivorian official responsible for the inspection and control of fishing activities.
- 2.2. These officials shall not remain on board for longer than is necessary for the discharge of their duties.
- 2.3. At the end of each inspection, the Ivorian inspectors shall draw up an inspection report. The master of the EU vessel has the right to include his comments in the inspection report. The inspection report shall be signed by the inspector drawing up the report and the master of the EU vessel. The signature of the inspection report by the master shall be without prejudice to the vessel owner's right of defence in respect of an infringement. If the master refuses to sign this document, he shall specify the reasons for doing so in writing and the inspector shall write "refusal to sign" on it. The Ivorian inspectors shall issue a copy of the inspection report to the master of the EU vessel before leaving.
- 2.4. Masters of EU fishing vessels engaged in landing or transshipment operations in an Ivorian port shall allow and facilitate the inspection of such operations by duly mandated Ivorian inspectors, who are recognisable as such. Once the inspection and control has been completed, a certificate shall be issued to the master of the vessel.
- 2.5. Côte d'Ivoire may authorise the EU to take part in inspections as an observer.

- 3. Transshipment

- 3.1. All EU vessels wishing to tranship catches in Ivorian waters shall do so in or off Ivorian ports.
- 3.2. The owners of such vessels must notify the following information to the competent Ivorian authorities at least 24 hours in advance:
 - the names of the transshipping fishing vessels,
 - the names, IMO numbers and flag of the cargo vessels,
 - the tonnage by species to be transhipped,
 - the day and place of transshipment.

- 3.3. Transshipment shall be considered as an exit from the Ivorian fishing zone. Masters of vessels must submit their catch declarations to the competent Ivorian authorities and state whether they intend to continue fishing or leave Ivorian fishing zone.
- 3.4. Any transshipment of catches not covered above shall be prohibited in Ivorian fishing zone. Any person infringing this provision shall be liable to the penalties provided for by Ivorian law.

CHAPTER IX

SATELLITE-BASED VESSEL MONITORING SYSTEM (VMS)

1. Vessel position messages – VMS system

Whilst they are in the Ivorian zone, EU vessels holding a licence must be equipped with a satellite monitoring system (Vessel Monitoring System – VMS) to enable automatic and continuous communication of their position, at all times, to the fishing control centre (Fisheries Monitoring Centre – FMC) of their flag State.

Each position message must contain:

- (a) the vessel identification,
- (b) the most recent geographical position of the vessel (longitude, latitude), with a position error of less than 500 metres, and with a confidence interval of 99 %;
- (c) the date and time the position is recorded;
- (d) the speed and the course of the vessel;

Each position message must be configured in accordance with the format included in Appendix 4 to this Annex. The first position recorded after entry into the Ivorian zone shall be identified by the code 'ENT'. All subsequent positions shall be identified by the code 'POS', with the exception of the first position recorded after departure from the Ivorian zone, which shall be identified by the code 'EXI'.

The FMC of the flag State shall ensure the automatic processing and, if necessary, the electronic transmission of the position messages. The position messages shall be recorded in a secure manner and kept for a period of three years.

2. Transmission by the vessel in the event of breakdown of the VMS system

The master shall ensure at all times that the VMS system of his vessel is fully operational and that the position messages are correctly transmitted to the FMC of the flag State.

In the event of breakdown, the VMS system of the vessel shall be repaired or replaced within one month. After that period, the vessel shall no longer be authorised to fish in the Ivorian fishing zone.

Vessels fishing in the Ivorian fishing zone with a defective VMS system must communicate their position messages by e-mail, radio or fax to the FMC of the flag State, at least every four hours, and must provide all the compulsory information detailed in paragraph 1.

3. Secure communication of position messages to the Republic of Côte d'Ivoire

The FMC of the flag State shall automatically send the position messages of the vessels concerned to the Ivorian FMC. The FMC of the flag State and the Ivorian FMC shall exchange their contact e-mail addresses and inform each other immediately of any change to these addresses.

The transmission of position messages between the FMCs of the flag State and Côte d'Ivoire shall be carried out electronically using a secure communication system.

The Ivorian FMC shall inform the FMC of the flag State and the EU of any interruption in the receiving of consecutive position messages from a vessel holding a licence, where the vessel concerned has not notified its departure from the fishing zone.

4. Malfunction of the communication system

The Republic of Côte d'Ivoire shall ensure the compatibility of its electronic equipment with that of the FMC of the flag State and inform the EU immediately of any malfunction as regards the communication and receiving of position messages with a view to finding a technical solution as soon as possible. The Joint Committee shall deal with any possible dispute arising.

The master shall be considered to be responsible for any proven manipulation of a vessel's VMS system aimed at disturbing its operation or falsifying its position messages. Any infringements shall be subject to the penalties provided for by the Ivorian legislation in force.

5. Revision of the frequency of position messages

On the basis of documentary evidence proving an infringement, the Republic of Côte d'Ivoire may ask the FMC of the flag State, copying in the EU, to reduce the interval for sending position messages from a vessel to every thirty minutes for a set period of investigation. That documentary evidence must be sent immediately by the Republic of Côte d'Ivoire to the flag State FMC and the EU. The FMC of the flag State shall immediately send the position messages to Côte d'Ivoire at the new frequency.

When the period of investigation ends, the Republic of Côte d'Ivoire shall immediately inform the FMC of the flag State and the EU and subsequently inform them of any follow-up.

CHAPTER X

INFRINGEMENTS

1. Handling of infringements

Any infringement committed by an EU vessel holding a licence in accordance with the provisions of this Annex must be mentioned in an inspection report. This report shall be sent to the EU and the flag State within seven working days.

2. Detention of a vessel – information meeting

Any EU vessel having committed an infringement may be forced to cease its fishing activity and, where the vessel is at sea, to return to an Ivorian port.

The Republic of Côte d'Ivoire shall notify the EU within 24 hours of any detention of an EU vessel holding a licence. This notification shall be accompanied by documentary evidence of the infringement.

Before taking any measure against the vessel, the master, the crew or the cargo, with the exception of measures aimed at protecting evidence, the Republic of Côte d'Ivoire shall organise, at the request of the EU, within one working day of notification of the detention of the vessel, an information meeting to clarify the facts which have led to the vessel being detained and to explain what further action may be taken. A representative of the flag State of the vessel may attend this information meeting.

3. Penalties for infringements - compromise procedure

The penalty for the infringement shall be set by the Republic of Côte d'Ivoire according to the provisions of the national legislation in force.

Where settling the infringement involves legal proceedings, before these are launched, and provided that the infringement does not involve a criminal act, a compromise procedure shall be undertaken between the Republic of Côte d'Ivoire and the vessel owner or his/her representative in order to determine the terms and level of the sanction. A representative of the flag State of the vessel and of the EU may participate in this compromise procedure. The compromise procedure shall finish at the latest three days after the notification of the detention of the vessel.

4. Legal proceedings – bank security

If the compromise procedure fails and the infringement is brought before the competent court, the owner of the vessel which committed the infringement shall deposit a bank security at a bank designated by the Republic of Côte d'Ivoire, the amount of which, as set by the Republic Côte d'Ivoire, covers the costs linked to the detention of the vessel, the estimated fine and any compensation. The bank security may not be recovered until the legal proceedings have been concluded.

The bank security shall be released and returned to the vessel owner without delay after the judgment has been given:

- (a) in full, if no penalty has been imposed;
- (b) for the amount of the remaining balance, if the penalty is a fine which is lower than the amount of the bank security.

The Republic of Côte d'Ivoire shall inform the EU of the outcome of the legal proceedings within seven working days of the judgement being given.

5. release of the vessel and the crew

The vessel and its crew shall be authorised to leave the port:

- once the obligations arising under the amicable settlement have been fulfilled, or
 - once the bank security has been lodged.
- _____

Appendices

1. Licence application form
 2. Data sheet
 3. ICCAT logbook
 4. Format of VMS position message
 5. Electronic reporting of fishing operations (ERS)
- _____

Appendix 1

Licence application formCÔTE D'IVOIRE - EUROPEAN UNION FISHERIES AGREEMENT
FISHING LICENCE APPLICATION FORM

I - APPLICANT

1. Name of vessel owner: Nationality:
2. Name of the vessel owner's association or agent:
3. Address of the vessel owner's association or agent:
.....
4. Telephone: Fax:
5. Name of master: Nationality:

II – VESSEL AND IDENTIFICATION

1. Vessel name:
2. Flag State:
3. Previous flag, if any:
4. Date on which current flag was acquired:
5. External registration number:
6. Port of registry: MMSI:
7. Year and place of construction:
8. Radio call sign: Call frequency:
9. Hull construction material: Steel ☐ Wood ☐ Polyester ☐ Other ☐

III - TECHNICAL CHARACTERISTICS AND EQUIPMENT

1. Overall length: Width:
 2. Tonnage (expressed in GT London):
 3. Horse power of main engine: Make: Type:
 4. Vessel Type: Fishing category:
 5. Gear types:
 6. Fishing zones: Target species:
 7. Crew complement:
 8. Method of preservation on board: Cooling ☐ Refrigeration ☐ Mixed ☐ Freezing ☐
 9. Freezing capacity in tonnes/24 hours:
 10. Hold capacity: Number:
- Done at Brussels,
- Name of Applicant

Appendix 2

Technical sheet

FREEZER TUNA SEINERS AND LONGLINERS

1. Fishing zone:

Beyond 12 nautical miles from the base lines.

2. Authorised gear

Seine

Surface longliners

3. Prohibited species:

In accordance with the Convention on Migratory Species (CMS) and with the ICCAT resolutions, fishing for the basking shark (*Cetorhinus maximus*), white shark (*Carcharodon carcharias*), bigeye thresher shark (*Alopias superciliosus*), hammerhead sharks in the *Sphyrnidae* family (with the exception of the bonnethead shark), oceanic whitetip shark (*Carcharhinus longimanus*) and the silky shark (*Carcharhinus falciformis*) is prohibited. Fishing for the sandtiger shark (*Carcharias taurus*) and the tope shark (*Galeorhinus galeus*) is prohibited.

The two Parties shall consult within the Joint Committee to update this list on the basis of scientific recommendations.

4. Authorised tonnage/fees

4.1. Additional fee per tonne caught	EUR 35 per tonne
4.2. Annual flat-rate fee:	EUR 5 390 for 154 tonnes per seiner EUR 1 960 for 56 tonnes per surface longliner
4.3. Number of vessels authorised to fish	28 seiners 10 longliners

Appendix 3

Fishing logbook

WICCAT LOGBOOK FOR TUNA FISHERY

ICCAT LOGBOOK FOR TUNA FISHERY										Longline Live bait Purse seine Trawl Outros (Others)	
Vessel name:		Gross tonnage:		Month		Day		Year		Port	
Flag country:		Capacity — (MT):		Vessel DEPARTED:							
Registration No:		Master:									
Vessel owner:		No of crew:		Vessel RETURNED:							
Address:		Reporting date:									
		(Reported by):		No of days at sea:		No of fishing days:		No of sets made:		Trip number:	

[illegible]

Notes

- Notes
- | | | |
|---|--|--|
| 1 | — Use one sheet per month and one line per day. | |
| 2 | — At the end of each trip, forward a copy of the log to your correspondent or to the ICCAT, Calle Corazón de María, 8, 28002 Madrid, Spain | |
| 3 | — 'Day' refers to the day you set the line. | |
| 4 | — Fishing area refers to the position of the vessel. Round off minutes and record degree of latitude and longitude. Be sure to record N/S and E/W. | |
| 5 | — The last line (landing weight) should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded. | |
| 6 | — All information reported herein will be kept strictly confidential. | |

Appendix 4

Format of VMS position message

COMMUNICATION OF VMS MESSAGES TO CÔTE D'IVOIRE POSITION REPORT

Data Element	Field code	Mandatory or optional?	Remarks
Start record	SR	O	System detail; indicates start of record
Address destination	AD	O	Message detail; destination Party Alfa-3 ISO country code
Source	FR	O	Message detail; destination Party Alfa-3 ISO country code
Number	RN	F	Message detail; serial number of the record for the relevant year
Type of message	TM	O	Message detail; message type: 'ENT', 'POS' or 'EXI'
Name of the vessel	NA	F	Name of the vessel
External registration number	XR	F	Vessel detail; the side number of the vessel
Radio call sign	RC	O	Vessel detail; international radio call sign of the vessel
EU Fleet Register Number	IR	F	Vessel detail; Unique Party vessel number Unique Party vessel number as Alfa-3 ISO flag country code followed by number
Latitude	LT	O	Position detail; position $\pm$ 99.999 (WGS-84)
Longitude	LG	O	Position detail; position $\pm$ 999.999 (WGS-84)
Speed	SP	O	Position detail; Vessel speed in tenths of knots
Course	CO	O	Position detail; vessel course 360° scale
Date	DA	O	Position detail; UTC date of position (YYYYMMDD)
Time	TI	O	Position detail; UTC time of position (HHMM)
End record	ER	O	System detail; indicates end of record

Format details

Each data transmission is structured as follows:

- a double slash (//) and the characters 'SR' indicate the start of a message;
- a double slash (//) and field code indicates the start of a data element,
- a single slash (/) separates the field code and the data,
- a space separates pairs of data,
- the characters 'ER' and a double slash (//) indicate the end of a record.

Appendix 5

Electronic reporting of fishing operations

Electronic recording and reporting systems

1. Every EU vessel fishing under this Protocol must be equipped with a working electronic recording and reporting system, hereinafter referred to as an ERS system (ERS - Electronic Reporting System), capable of recording and transmitting the data on the fishing activities, throughout the period the vessel is present in Ivorian waters. An EU vessel that is not equipped with an ERS system, or whose ERS system is not working, is not authorised to begin a fishing operation in Ivorian waters.
2. The flag State and Côte d'Ivoire shall both ensure that their national fisheries monitoring centres (FMCs) are equipped with the necessary IT equipment and software for automatically transmitting the ERS data in the XML format available on http://ec.europa.eu/cfp/control/codes/index_en.htm and saving the ERS data for at least three years. Any amendment or update of the format must be identified and dated and enter into force after a 6-month period.
3. The ERS data shall be transmitted using the electronic means of communication operated by the European Commission on behalf of the EU.
4. The Parties shall ensure that the ERS data are registered sequentially.
5. The flag Member State and Côte d'Ivoire shall ensure that their FMCs exchange the relevant names, e-mail addresses and telephone and fax numbers. Any later changes to this data shall be communicated without delay.

Transmission of ERS data

6. All EU vessels fishing under this Protocol:
 - (a) shall keep an electronic logbook for each day they are in Ivorian waters. Each species shall be identified by its FAO alpha 3 code, in kilograms of live weight or, if necessary, the number of individual fish;
 - (b) shall communicate the quantities held on board for each of the species identified on the fishing authorisation, on each entry into and departure from Ivorian waters, the provisions of Chapter VII notwithstanding;
 - (c) shall record the catches made in Ivorian waters by species and for each haul, identifying the quantities caught and the discarded catches. For the species identified on the fishing authorisation, the master must also indicate the absence of catches;
 - (d) shall record by species the quantities transhipped or unloaded, notwithstanding the provisions of Chapter V;
 - (e) shall send the ERS data electronically to the FMC of its flag State before 23:59 UTC.
7. The master is responsible for the accuracy of the ERS data recorded and sent.
8. The flag State shall ensure that its FMC sends the ERS data to the Ivorian FMC immediately in accordance with the procedures and format indicated in paragraph 2.
9. The Ivorian FMC:
 - (a) shall process all the ERS data in a confidential manner;
 - (b) shall send the ERS data to the FMC of the vessel's flag State within 48 hours of each transhipment and/or unloading operation.

Technical failure

10. The flag State of an EU vessel shall ensure that the master, the owner, or his representative, is informed immediately of any technical failure of the ERS system installed on his vessel.
11. In the event of a technical failure of the ERS system, the master or the owner shall ensure that the ERS system is repaired or replaced within a period of one month of the breakdown.
12. Every EU vessel fishing with a defective ERS system shall send the ERS data to the FMC of its flag State before 23:59 UTC by any other available electronic means of communication.

Non-receipt of ERS data

13. The Ivorian FMC shall notify the FMC of the competent flag State and the EU without delay of any interruption in the transmission of ERS data from an EU vessel fishing under this Protocol.

14. Following receipt of this notification, the FMC of the flag State shall immediately identify the reasons for which the ERS data could not be sent and take the appropriate measures to resolve the problem. The FMC of the flag State shall immediately inform the Ivorian FMC and the EU of the causes identified and the corresponding corrective measures.
 15. The missing ERS data shall be sent by the FMC of the flag State to the Ivorian FMC without delay.
 16. In the event of the Ivorian FMC not working, the EU shall send Côte d'Ivoire the aggregate ERS data of the EU vessels which had been fishing in its waters, on a monthly basis.
-

REGULATIONS

COUNCIL REGULATION (EU) No 591/2013

of 29 May 2013

on the allocation of the fishing opportunities under the Protocol setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Republic of Côte d'Ivoire (2013-18)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 17 March 2008, the Council adopted Regulation (EC) No 242/2008 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Republic of Côte d'Ivoire ⁽¹⁾ (hereinafter the 'Partnership Agreement').
- (2) A new Protocol to the Partnership Agreement was initialled on 9 January 2013 (hereinafter the 'new Protocol'). The new Protocol grants Union vessels fishing opportunities in waters in which the Republic of Côte d'Ivoire exercises its sovereignty or jurisdiction as regards fishing.
- (3) On 29 May 2013, the Council adopted Decision 2013/303/EU ⁽²⁾ on the signing and provisional application of the new Protocol.
- (4) The method for allocating the fishing opportunities among the Member States should be defined for the period during which the new Protocol applies.
- (5) Under Article 10(1) of Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters ⁽³⁾ if the number of fishing authorisations or the amount of fishing opportunities allocated to the Union under an agreement are not fully utilised, the Commission shall inform the Member States concerned. The absence of a reply within the deadlines, to be set by the Council upon the

conclusion of the Fisheries Partnership Agreement, shall be considered as confirmation that the vessels of the Member State concerned are not making full use of their fishing opportunities in the given period. The deadline should therefore be set.

- (6) To ensure Union vessels can continue their fishing activities, the new Protocol provides for its application by the parties on a provisional basis as from 1 July 2013. It should therefore be established that this Regulation is to apply as from the same date,

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing opportunities provided for under the Protocol setting out the fishing opportunities and financial contribution provided for in the Agreement between the European Union and the Republic of Côte d'Ivoire (2013-18) (hereinafter the 'new Protocol') shall be allocated between the Member States as follows:

Type of vessel	Member State	Fishing opportunities
Freezer tuna seiners	Spain	16
	France	12
Surface longliners	Spain	7
	Portugal	3

2. Regulation (EC) No 1006/2008 shall apply without prejudice to the Partnership Agreement.

3. If applications for fishing authorisations from the Member States referred to in paragraph 1 do not cover all fishing opportunities set by the new Protocol, the Commission shall consider applications for fishing authorisations from any other Member State pursuant to Article 10 of Regulation (EC) No 1006/2008.

⁽¹⁾ OJ L 75, 18.3.2008, p. 51.

⁽²⁾ See page 1 of this Official Journal.

⁽³⁾ OJ L 286, 29.10.2008, p. 33.

4. The time limit within which the Member States must confirm that they are not fully exhausting the fishing opportunities granted to them under the Agreement, as provided by Article 10(1) of Regulation (EC) No 1006/2008, is set at 10 working days as from the date on which the Commission informs them that the fishing opportunities have not been fully utilised.

Article 2

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

It shall apply as from 1 July 2013.

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

Done at Brussels, 29 May 2013.

For the Council
The President
R. BRUTON

COMMISSION IMPLEMENTING REGULATION (EU) No 592/2013**of 21 June 2013****concerning the technical format for the transmission of European statistics on permanent crops
pursuant to Regulation (EU) No 1337/2011 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

HAS ADOPTED THIS REGULATION:

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

Having regard to Regulation (EU) No 1337/2011 of the European Parliament and of the Council of 13 December 2011 concerning European statistics on permanent crops ⁽¹⁾, and in particular Article 8(2) thereof,

Whereas:

- (1) Regulation (EU) No 1337/2011 constitutes the framework for the production of comparable European statistics on permanent crops.
- (2) The data structure for the transmission of statistical data on fruit and olive plantations and the exchange standard should be specified.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Agricultural Statistics,

Article 1

Member States shall send the statistical data on fruit and olive plantations referred to in Annex I to Regulation (EU) No 1337/2011, using the statistical data and metadata exchange (SDMX) standard. The data shall be provided to Eurostat through the single entry point to allow the Commission (Eurostat) to retrieve the data by electronic means.

Article 2

The data structure for sending statistical data on fruit and olive plantations to the Commission (Eurostat) shall be as specified in the Annex.

Article 3

The data shall be reported for all single compulsory variables and aggregates.

Article 4

The data shall be reported in hectares (ha).

Article 5

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, 21 June 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 347, 30.12.2011, p. 7.

ANNEX

Data structure for the transmission of statistical data on fruit and olive plantations

Information to be included in the transmission files:

*Table 1***List of fields**

Number	Field	Remarks
1	Region	NUTS 1 codes as defined according to Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003, on the establishment of a common classification of territorial units for statistics (NUTS), OJ L 154, 21.6.2003, p. 1.
2	Year	Reference Year for the data (e.g. 2012, 2017, ...)
3	Variety group	Codes are presented in Table 2
4	Plantation density	Codes are presented in Table 3
5	Plantation age	Codes are presented in Table 4
6	Observation value	In hectares (ha)
7	Observation status	Standard code list
8	Observation Confidentiality	Standard code list

Table 2

Code list for variety group (classes in bold are compulsory)

Level 1	Level 2 Code and class name	Level 3 Code and class name	Level 4 Code and class name
APD	Dessert apple trees		
	APD_BKP	Boskoop rouge	
	APD_BRB	Braeburn	
	APD_COO	Cox Orange	
	APD_CRP	Cripps Pink	
	APD_ELR	Elstar	
	APD_FUJ	Fuji	
	APD_GAL	Gala	
	APD_GOD	Golden Delicious	
	APD_GRS	Granny Smith	
	APD_IDR	Idared	
	APD_JON	Jonagold/Jonagored	
	APD_MOD	Morgenduft	
	APD_RED	Red Delicious	
	APD_RBC	Reinette blanche du Canada	
	APD_SHP	Shampion	
	APD_LOB	Lobo	
	APD_PIN	Pinova	
	APD_OTH	Other dessert apples	
API	Apple trees for industrial processing		
PED	Dessert pear trees		
	PED_CFR	Conference	

Level 1	Level 2 Code and class name		Level 3 Code and class name		Level 4 Code and class name	
	PED_WIL	William				
	PED_ABT	Abate				
	PED_ROC	Rocha				
	PED_COE	Coscia-Ercolini				
	PED_GYT	Guyot				
	PED_BLQ	Blanquilla				
	PED_DCN	Decana				
	PED_KAS	Kaiser				
	PED_OTH	Other dessert pears				
PEI	Pear trees for industrial processing					
PCD	Dessert peach trees					
	PCD_PEA	Peaches other than nectarines and peaches for processing				
		PCD_PEAY	Yellow flesh peaches			
			PCD_PEAY_VE	Very early yellow flesh peaches (harvest until 15 June)		
			PCD_PEAY_E	Early yellow flesh peaches (harvest between 16 June and 15 July)		
			PCD_PEAY_M	Medium-early yellow flesh peaches (harvest between 16 July and 15 August)		
			PCD_PEAY_L	Late yellow flesh peaches (harvest after 15 August)		
		PCD_PEAW	White flesh peaches			
			PCD_PEAW_VE	Very early white flesh peaches (harvest until 15 June)		
			PCD_PEAW_E	Early white flesh peaches (harvest between 16 June and 15 July)		
			PCD_PEAW_M	Medium-early white flesh peaches (harvest between 16 July and 15 August)		
			PCD_PEAW_L	Late white flesh peaches (harvest after 15 August)		
		PCD_Pead	Doughnut peaches			

Level 1	Level 2 Code and class name		Level 3 Code and class name		Level 4 Code and class name		
	PCD_NEC	Nectarines					
			PCD_NECY	Yellow flesh nectarines			
				PCD_NECY_VE	Very early yellow flesh nectarines (harvest until 15 June)		
				PCD_NECY_E	Early yellow flesh nectarines (harvest between 16 June and 15 July)		
				PCD_NECY_M	Medium-early yellow flesh nectarines (harvest between 16 July and 15 August)		
				PCD_NECY_L	Late yellow flesh nectarines (harvest after 15 August)		
			PCD_NECW	White flesh nectarines			
				PCD_NECW_VE	Very early white flesh nectarines (harvest until 15 June)		
				PCD_NECW_E	Early white flesh nectarines (harvest between 16 June and 15 July)		
				PCD_NECW_M	Medium-early white flesh nectarines (harvest between 16 July and 15 August)		
				PCD_NECW_L	Late white flesh nectarines (harvest after 15 August)		
PCI	Peach trees for industrial processing (including group of Pavie)						
APC	Apricot trees						
	APC_VE	Very early apricots (harvest until 31 May)					
	APC_E	Early apricots (harvest between 1 and 30 June)					
	APC_M	Medium-early apricots (harvest between 1 and 31 July)					
	APC_L	Late apricots (harvest after 1 August)					
ORA	Orange trees						
	ORA_NVL	Navel					
			ORA_NVL_E	Early Navel (harvest between October and January)			
			ORA_NVL_M	Medium-early Navel (harvest between December and March)			
			ORA_NVL_L	Late Navel (harvest between January and May)			
	ORA_BLC	Blancas					

Level 1	Level 2 Code and class name		Level 3 Code and class name	Level 4 Code and class name
			ORA_BLC_E	Early Blancas (harvest between December and March)
			ORA_BLC_L	Late Blancas (harvest between March and May)
	ORA_SGU	Sanguine		
	ORA_OTH	Other oranges		
SCF	Small citrus fruit			
	SCF_STM	Satsumas		
			SCF_STM_VE	Extra-early satsumas (harvest between September and November)
			SCF_STM_OTH	Other satsumas (harvest between October and December)
	SCF_CLM	Clementines		
			SCF_CLM_E	Early clementines (harvest between September and December)
			SCF_CLM_M	Medium-early clementines (harvest between November and January)
			SCF_CLM_L	Late clementines (harvest between January and March)
	SCF_OTH	Other small citrus including hybrids		
LEM	Lemon trees			
	LEM_WI	Winter lemon varieties: harvest between October and April		
	LEM_SU	Summer lemon varieties: harvest between February and September		
OLI	Olive trees			
GRV	Table grape vines			
	GRV_W	White table grape vines		
			GRV_WSDL	Seedless white table grape vines
			GRV_WNML	Normal white table grape vines
	GRV_R	Red table grape vines		
			GRV_RSDL	Seedless red table grape vines
			GRV_RNML	Normal red table grape vines

Level 1	Level 2 Code and class name	Level 3 Code and class name	Level 4 Code and class name
AP_PE	Apple and pear trees		
PC_APC	Peach, nectarine and apricot trees		
ORA_SCF_LEM	Orange, small citrus fruit and lemon trees		

Table 3

Plantation density

Code	Density class	Remark
LT140	Less than 140 trees per hectare	Olive trees
140-399	From 140 to 399 trees per hectare	Olive trees
LT250	Less than 250 trees per hectare	Orange, small citrus and lemon trees
250-499	From 250 to 499 trees per hectare	Orange, small citrus and lemon trees
LT400	Less than 400 trees per hectare	Apple and pear trees
400-1599	From 400 to 1 599 trees per hectare	Apple and pear trees
GE400	400 trees per hectare or more	Olive trees
500-749	From 500 to 749 trees per hectare	Orange, small citrus and lemon trees
LT600	Less than 600 trees per hectare	Peach, nectarines and apricot trees
600-1199	From 600 to 1 199 trees per hectare	Peach, nectarines and apricot trees
GE750	750 trees per hectare or more	Orange, small citrus and lemon trees
LT1000	Less than 1 000 trees per hectare	Table grape vines
1000-1499	From 1 000 to 1 499 trees per hectare	Table grape vines
GE1200	1 200 trees per hectare or more	Peach, nectarines and apricot trees
GE1500	1 500 trees per hectare or more	Table grape vines
1600-3199	From 1 600 to 3 199 trees per hectare	Apple and pear trees
GE3200	3 200 trees per hectare or more	Apple and pear trees

Table 4

Plantation age

Code	Age class	Remark
Y_LT3	Less than 3 years	Table grape vines
Y3-9	From 3 to 9 years	Table grape vines
Y_LT5	Less than 5 years	Apple and pear trees, Peach, nectarines and apricot trees Orange, small citrus and lemon trees Olive trees
Y5-11	From 5 to 11 years	Olive trees
Y5-14	From 5 to 14 years	Apple and pear trees, Peach, nectarines and apricot trees Orange, small citrus and lemon trees
Y10-19	From 10 to 19 years	Table grape vines
Y12-49	From 12 to 49 years	Olive trees
Y15-24	From 15 to 24 years	Apple and pear trees, Orange, small citrus and lemon trees

Code	Age class	Remark
Y_GE15	15 years or over	Peach, nectarines and apricot trees
Y_GE20	20 years or over	Table grape vines
Y_GE25	25 years or over	Apple and pear trees, Orange, small citrus and lemon trees
Y_GE50	50 years or over	Olive trees

COMMISSION IMPLEMENTING REGULATION (EU) No 593/2013**of 21 June 2013****opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat****(recast)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽¹⁾, and in particular Article 1(1) thereof,

Whereas:

- (1) Commission Regulation (EC) No 810/2008 of 11 August 2008 opening and providing for the administration of tariff quotas for high-quality fresh, chilled and frozen beef and for frozen buffalo meat ⁽²⁾ has been substantially amended several times ⁽³⁾. Since further amendments are to be made, that Regulation should be recast in the interests of clarity.
- (2) The Union has undertaken, pursuant to the Agreement on agriculture concluded under the Uruguay Round of multilateral trade negotiations ⁽⁴⁾, to open tariff quotas for high-quality beef and frozen buffalo meat. Those quotas should be opened on a multiannual basis and detailed rules should be adopted for their application for 12-month periods starting on 1 July.
- (3) The exporting third countries have undertaken to issue certificates of authenticity guaranteeing the origin of the products. The form and layout of the certificates and the procedures for using them should be specified. Certificates of authenticity should be issued by authorities in third countries affording all the necessary guarantees to ensure that the arrangements concerned are properly applied.
- (4) The quota in question should be managed using import licences. To this end, rules should be laid down on submission of applications and the information to be given on applications and licences, by way of derogation, if necessary, from certain provisions of Commission Regulation (EC) No 376/2008 of 23 April 2008 laying down common detailed rules for the application of the system of import and export licences and advance fixing certificates for agricultural products ⁽⁵⁾, and of

Commission Regulation (EC) No 382/2008 of 21 April 2008 on rules of application for import and export licences in the beef and veal sector ⁽⁶⁾.

- (5) Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences ⁽⁷⁾ lays down detailed provisions on applications for import licences, the status of applicants and the issue of licences. That Regulation limits the period of validity of licences to the last day of the import tariff quota period. The provisions of Regulation (EC) No 1301/2006 should apply to import licences issued for the quota in question, without prejudice to additional conditions laid down in this Regulation.
- (6) In order to ensure proper management of the imports of meat, provision should be made, where relevant, for import licences to be issued subject to verification, in particular of entries on certificates of authenticity.
- (7) Experience has shown that importers do not always inform the competent authorities which issued the import licences of the quantity and origin of the beef imported under the quota in question. This information is important for the assessment of the market situation. A security should therefore be introduced to ensure that importers comply with this requirement.
- (8) Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands ⁽⁸⁾ lays down common rules for notifying information and documents by the competent authorities of the Member States to the Commission. Those rules cover in particular the obligation for the Member States to use the information systems made available by the Commission and the validation of the access rights of the authorities or individuals authorised to send notifications. In addition, that Regulation sets common principles applying to the information systems so that they guarantee the authenticity, integrity and legibility over time of the documents and provides for personal data protection.

⁽¹⁾ OJ L 146, 20.6.1996, p. 1.

⁽²⁾ OJ L 219, 14.8.2008, p. 3.

⁽³⁾ See Annex IV.

⁽⁴⁾ OJ L 336, 23.12.1994, p. 22.

⁽⁵⁾ OJ L 114, 26.4.2008, p. 3.

⁽⁶⁾ OJ L 115, 29.4.2008, p. 10.

⁽⁷⁾ OJ L 238, 1.9.2006, p. 13.

⁽⁸⁾ OJ L 228, 1.9.2009, p. 3.

- (9) Pursuant to Regulation (EC) No 792/2009, the obligation to use the information systems in accordance with that Regulation has to be provided for in the Regulations establishing a specific notification obligation.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

1. The following tariff quotas are opened every year for the period from 1 July one year to 30 June the year after, hereinafter called 'import tariff quota period':

- (a) 66 750 tonnes for high quality fresh, chilled or frozen meat of bovine animals covered by CN codes 0201 and 0202 and for products covered by CN codes 0206 10 95 and 0206 29 91. For the import periods 2012/2013, 2013/2014 and 2014/2015 the total amount is 67 250 tonnes;
- (b) 2 250 tonnes for frozen boneless buffalo meat covered by CN code 0202 30 90, expressed in weight of boneless meat, originating in Australia. This quota carries order number 09.4001;
- (c) 200 tonnes for 'boneless buffalo meat, fresh, chilled or frozen' covered by CN code 0201 30 00 and CN code 0202 30 90, expressed in weight of boneless meat, originating in Argentina. This quota carries order number 09.4004.

2. For the purposes of this Regulation, 'frozen meat' means meat with an internal temperature of – 12 °C or lower when it enters the customs territory of the Union.

3. The *ad valorem* customs duty under the quotas referred to in paragraph 1 shall be 20 %.

Article 2

The tariff quota for fresh, chilled and frozen beef provided for in point (a) of Article 1(1) shall be allocated as follows:

- (a) 29 500 tonnes of boneless beef covered by CN codes 0201 30 00 and 0206 10 95 and meeting the following definition:

'Selected beef cuts obtained from steers, young steers or heifers having been exclusively fed through pasture grazing since their weaning. The steer carcasses shall be classified as "JJ", "J", "U" or "U2", young steer and heifer carcasses shall be classified as "AA", "A", or "B" according to the official beef classification established by the Secretariat of Agriculture, Livestock, Fisheries and Food in Argentina (Secretaría de Agricultura, Ganadería, PESCA y Alimentos — SAGPyA)'.

However, for the import periods 2012/2013, 2013/2014 and 2014/2015 the total amount is 30 000 tonnes.

The cuts shall be labelled in accordance with Article 13 of Regulation (EC) No 1760/2000 of the European Parliament and of the Council ⁽¹⁾.

The indication 'High Quality Beef' may be added to the information on the label.

This quota carries order number 09.4450.

- (b) 7 150 tonnes product weight for meat covered by CN codes 0201 20 90, 0201 30 00, 0202 20 90, 0202 30, 0206 10 95 and 0206 29 91 and meeting the following definition:

'Selected cuts obtained from steer or heifer carcasses which have been classified under one of the following official categories "Y", "YS", "YG", "YGS", "YP" and "YPS" as defined by AUS-MEAT Australia. Beef colour must conform to AUS-MEAT meat colour reference standards 1 B to 4, fat colour to AUS-MEAT fat colour reference standards 0 to 4 and fat depth (measured at the P8 site) to AUS-MEAT fat classes 2 to 5'.

The cuts shall be labelled in accordance with Article 13 of Regulation (EC) No 1760/2000.

The indication 'High Quality Beef' may be added to the information on the label.

This quota carries order number 09.4451.

- (c) 6 300 tonnes of boneless beef covered by CN codes 0201 30 00 and 0206 10 95 and meeting the following definition:

'Selected beef cuts obtained from steers (novillo) or heifers (vaquillona) as defined in the official carcass classification of bovine meat established by the National Institute of Meat of Uruguay (Instituto Nacional de Carnes — INAC). The eligible animals for production of High Quality Beef have been exclusively fed through pasture grazing since their weaning. The carcasses shall be classified as "I", "N" or "A", with fat cover "1", "2" or "3" in accordance with the above mentioned classification'.

The cuts shall be labelled in accordance with Article 13 of Regulation (EC) No 1760/2000.

The indication 'High Quality Beef' may be added to the information on the label.

This quota carries order number 09.4452.

- (d) 10 000 tonnes of boneless beef covered by CN codes 0201 30 00, 0202 30 90, 0206 10 95 and 0206 29 91 and meeting the following definition:

'Selected cuts obtained from steers or heifers having been exclusively fed with pasture grass since their weaning. The carcasses shall be classified as "B" with fat cover "2" or "3" according to the official beef carcass classification established by the Ministry of Agriculture, Livestock and Supply in Brazil (Ministério da Agricultura, Pecuária e Abastecimento)'.

⁽¹⁾ OJ L 204, 11.8.2000, p. 1.

The cuts shall be labelled in accordance with Article 13 of Regulation (EC) No 1760/2000.

The indication 'High Quality Beef' may be added to the information on the label.

This quota carries order number 09.4453.

- (e) 1 300 tonnes product weight for meat covered by CN codes 0201 20 90, 0201 30 00, 0202 20 90, 0202 30, 0206 10 95 and 0206 29 91 and meeting the following definition:

'Selected beef cuts derived from exclusively pasture grazed steers or heifers, the carcasses of which have a dressed weight of not more than 370 kilograms. The carcasses shall be classified as "A", "L", "P", "T" or "F", be trimmed to a fat depth of "P" or lower and have a muscling classification of 1 or 2 according to the carcass classification system administered by the New Zealand Meat Board'.

This quota carries order number 09.4454.

- (f) 11 500 tonnes product weight for meat falling within CN codes 0201, 0202, 0206 10 95 and 0206 29 91, and meeting the following definition:

'Carcasses or any cuts obtained from bovine animals not over 30 months of age which have been fed for 100 days or more on nutritionally balanced, high-energy-content rations containing not less than 70 % grain and comprising at least 20 pounds total feed per day. Beef graded "choice" or "prime" according to USDA (United States Department of Agriculture) standards automatically meets the above definition. Meat graded "Canada A", "Canada AA", "Canada AAA", "Canada Choice" and "Canada Prime", "A1", "A2", "A3" and "A4", according to the Canadian Food Inspection Agency — Government of Canada, corresponds to this definition'.

This quota carries order number 09.4002.

- (g) 1 000 tonnes of boneless meat falling within CN codes 0201 30 00 and 0202 30 90 and meeting the following definition:

'fillet (lomo), striploin and/or Cube roll (lomo), rump (rabadilla), topside (carnaza negra) obtained from selected crossbred animals with less than 50 % of breeds of the zebú type and having been exclusively fed with pasture grass or hay. The slaughtered animals must be steers or heifers falling under category "V" of the VACUNO carcass-grading system producing carcasses not exceeding 260 kg'.

The cuts shall be labelled in accordance with Article 13 of Regulation (EC) No 1760/2000.

The indication 'High Quality Beef' may be added to the information on the label.

This quota carries order number 09.4455.

Article 3

1. Imports of the quantities set out in Article 2(f) shall be subject to presentation, on release for free circulation, of:

(a) an import licence issued in accordance with Articles 4 and 5, and

(b) a certificate of authenticity issued in accordance with Article 6.

2. For imports of the quantity set out in Article 2(f), the import tariff quota period shall be divided into 12 subperiods of one month each. The quantity available each subperiod shall correspond to one twelfth of the total quantity.

Article 4

In order to obtain import licences as referred to in Article 3 the following conditions shall be complied with:

(a) section 8 of licence applications and licences must show the country of origin and the mention 'yes' shall be marked by a cross. Licences shall be subject to the obligation to import from the country in question;

(b) section 20 of licence applications and licences must contain one of the entries listed in Annex I.

Article 5

1. Licence applications as referred to in Article 4 may be lodged solely during the first five days of each month of each import tariff quota period.

Notwithstanding Article 5(1) of Regulation (EC) No 382/2008, applications may cover, for the same quota order number, one or several of the products covered by the CN codes or groups of CN codes listed in Annex I to that Regulation. In case applications cover several CN codes, the respective quantity applied for per CN code or group of CN codes shall be specified. In all cases, all the CN codes shall be indicated in section 16 and their description in section 15 of licence applications and licences.

2. At the latest on the 10th day of the month in which applications are submitted, Member States shall notify the Commission of the total quantity per country of origin covered by applications.

3. Import licences shall be issued as from the 17th and no later than the 21st of the month in which the applications were submitted. Each licence issued shall specify per CN code or group of CN codes the quantity concerned.

Article 6

1. Certificates of authenticity shall be made out in one original and not less than one copy in accordance with the model in Annex II.

The forms shall measure approximately 210 × 297 mm and the paper shall weigh not less than 40 g/m².

2. The forms shall be printed and completed in one of the official languages of the Union; they may also be printed and completed in the official language or one of the official languages of the exporting country.

The relevant definition in Article 2 applying to the meat originating in the exporting country shall be shown on the reverse of the form.

3. Certificates of authenticity shall bear an individual serial number allocated by the issuing authorities referred to in Article 7. The copies shall bear the same serial number as the original.

4. The original and copies thereof may be typed or handwritten. In the latter case, they shall be completed in black ink and in block capitals.

5. Certificates of authenticity shall be valid only if they are duly completed and endorsed in accordance with the instructions in Annexes II and III by an issuing authority listed in Annex III.

6. Certificates of authenticity shall be considered to have been duly endorsed if they state the date and place of issue and if they bear the stamp of the issuing authority and the signature of the person or persons empowered to sign them.

The stamp may be replaced by a printed seal on the original of the certificate of authenticity and any copies thereof.

Article 7

1. The issuing authorities listed in Annex III shall:

- (a) be recognised as such by the exporting country;
- (b) undertake to verify entries on certificates of authenticity;
- (c) undertake to forward to the Commission each Wednesday any information enabling the entries on certificates of authenticity to be verified.

2. The list set out in Annex III may be revised by the Commission where any issuing authority is no longer recognised, where it fails to fulfil any of the obligations incumbent on it or where a new issuing authority is designated.

Article 8

1. Imports of the quantities set out in Article 1(1)(b) and (c) and in Article 2(a) to (e) and (g) shall be subject to presentation, on release for free circulation, of import licences issued in accordance with Article 4(a) and (b) and paragraph 2 of this Article.

2. The original of the certificate of authenticity drawn up in accordance with Articles 6 and 7 plus a copy thereof shall be presented to the competent authority together with the application for the first import licence relating to the certificate of authenticity.

Certificates of authenticity may be used for the issuing of more than one import licence for quantities not exceeding that shown on the certificate. Where more than one licence is issued in respect of a certificate, the competent authority shall endorse the certificate of authenticity to show the quantity attributed.

The competent authorities may issue import licences only after they are satisfied that all the information on the certificate of

authenticity corresponds to that received each week from the Commission on the subject. The licences shall be issued immediately thereafter.

3. Notwithstanding the first and the third subparagraphs of paragraph 2, and subject to compliance with paragraphs 4, 5 and 6, the competent authorities may issue import licences when:

- (a) the original of the certificate of authenticity has been presented but the relevant information from the Commission has not yet been received; or
- (b) the original of the certificate of authenticity has not been presented; or
- (c) the original of the certificate of authenticity has been presented and the relevant information from the Commission has been received but certain data are not in conformity.

4. In the cases referred to in paragraph 3, notwithstanding point (a) of Article 5(3) of Regulation (EC) No 382/2008, the security to be lodged for import licences shall be equal to the amount corresponding, for the products in question, to the full customs duty under the Common Customs Tariff applicable on the day on which the application for the import licence is submitted.

After having received the original of the certificate of authenticity and the Commission information on the certificate in question and after having checked that this data is in conformity, the Member States shall release this security on condition that the security referred to in point (a) of Article 5(3) of Regulation (EC) No 382/2008 has been lodged for the same import licence.

5. The presentation to the competent authority of the original of the conforming authenticity certificate before expiry of the period of validity of the import licence concerned shall constitute a primary requirement within the meaning of Article 19 of Commission Implementing Regulation (EU) No 282/2012⁽¹⁾ for the security referred to in the first subparagraph of paragraph 4.

6. The amounts of the security referred to in the first subparagraph of paragraph 4 not released shall be forfeited and retained as customs duties.

Article 9

Certificates of authenticity and import licences shall be valid for three months from their dates of issue. The term of validity of the certificates of authenticity shall, however, expire at the latest on 30 June following the date of issue.

Article 10

For quantities referred to in Article 2(f) of this Regulation, the provisions of Regulation (EC) No 1301/2006, Regulation (EC) No 376/2008 and Regulation (EC) No 382/2008 shall apply, save as otherwise provided for in this Regulation.

⁽¹⁾ OJ L 92, 30.3.2012, p. 4.

For quantities referred to in Article 1(1)(b) and (c) and in Article 2(a) to (e) and (g) of this Regulation, the provisions of Regulation (EC) No 376/2008, Regulation (EC) No 382/2008 and Chapter III of Regulation (EC) No 1301/2006 shall apply, save as otherwise provided for in this Regulation.

Article 11

1. By way of derogation from the second subparagraph of Article 11(1) of Regulation (EC) No 1301/2006, Member States shall notify to the Commission:

- (a) no later than the 10th day of each month, for the import tariff quotas with the order numbers 09.4450, 09.4451, 09.4452, 09.4453, 09.4454, 09.4002 and 09.4455, the quantities of products, including nil returns, for which import licences were issued in the previous month;
- (b) no later than 31 August following the end of each import tariff quota period, for the import tariff quota with the order numbers 09.4001 and 09.4004, the quantities of products, including nil returns, for which import licenses were issued in the previous import tariff quota period;
- (c) the quantities of products, including nil returns, covered by unused or partly used import licences and corresponding to the difference between the quantities entered on the back of the import licences and the quantities for which they were issued:
 - (i) together with the notifications referred to in Article 5(2) of this Regulation regarding the applications submitted for the last subperiod of the import tariff quota period;

- (ii) no later than 31 October following the end of each import tariff quota period.

2. Member States shall notify the Commission of the details of the quantities of products put into free circulation in accordance with Article 4 of Regulation (EC) No 1301/2006.

3. For the notifications referred to in paragraphs 1 and 2, the quantities shall be expressed in kilograms product weight, per country of origin and per product category as indicated in Annex V to Regulation (EC) No 382/2008.

The notifications regarding the quantities referred to in Article 1(1)(b) and (c) and in Article 2(a) to (e) and (g) of this Regulation shall be made in accordance with Regulation (EC) No 792/2009.

Article 12

Regulation (EC) No 810/2008 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex V.

Article 13

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, 21 June 2013.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Entries referred to in article 4(b)

- *In Bulgarian:* Говеждо/телешко месо с високо качество (Регламент за изпълнение (ЕС) № 593/2013)
 - *In Spanish:* Carne de vacuno de alta calidad [Reglamento de Ejecución (UE) n° 593/2013]
 - *In Czech:* Vysoce jakostní hovězí/telecí maso (Prováděcí nařízení (EU) č. 593/2013)
 - *In Danish:* Oksekød af høj kvalitet (Gennemførelsesforordning (EU) nr. 593/2013)
 - *In German:* Qualitätsrindfleisch (Durchführungsverordnung (EU) Nr. 593/2013)
 - *In Estonian:* Kõrgekvaliteediline veiseliha/vasikaliha (Rakendusmäärus (EL) nr 593/2013)
 - *In Greek:* Βόειο κρέας εκλεκτής ποιότητας [Εκτελεστικός κανονισμός (ΕΕ) αριθ. 593/2013]
 - *In English:* High-quality beef/veal (Implementing Regulation (EU) No 593/2013)
 - *In French:* Viande bovine de haute qualité [Règlement d'exécution (UE) n° 593/2013]
 - *In Italian:* Carni bovine di alta qualità [Regolamento di esecuzione (UE) n. 593/2013]
 - *In Latvian:* Augstas kvalitātes liellopu/teļa gaļa (Īstenošanas regula (ES) Nr. 593/2013)
 - *In Lithuanian:* Aukštos kokybės jautiena/veršiena (Įgyvendinimo reglamentas (ES) Nr. 593/2013)
 - *In Hungarian:* Kiváló minőségű marha-/borjúhús (593/2013/EU végrehajtási rendelet)
 - *In Maltese:* Kwalita għolja ta' ċanga/vitella (Regolament ta' Implimentazzjoni (UE) Nru 593/2013)
 - *In Dutch:* Rundvlees van hoge kwaliteit (Uitvoeringsverordening (EU) nr. 593/2013)
 - *In Polish:* Wołowina/cielęcina wysokiej jakości (Rozporządzenie wykonawcze (UE) nr 593/2013)
 - *In Portuguese:* Carne de bovino de alta qualidade [Regulamento de Execução (UE) n.º 593/2013]
 - *In Romanian:* Carne de vită/vițel de calitate superioară [Regulamentul de punere în aplicare (UE) nr. 593/2013]
 - *In Slovak:* Vysoko kvalitné hovädzie/teľacie mäso (Vykonávacie nariadenie (EÚ) č. 593/2013)
 - *In Slovene:* Visokokakovostno goveje/telečje meso (Izvedbena uredba (EU) št. 593/2013)
 - *In Finnish:* Korkealaatuista naudanlihaa (Täytäntöönpanoasetus (EU) N:o 593/2013)
 - *In Swedish:* Nötkött av hög kvalitet (Genomförandeförordning (EU) nr 593/2013)
-

ANNEX II

1. Exporter (name and address):	2. Certificate No:	ORIGINAL	
	3. Issuing authority:		
4. Consignee (name and address):			
	5. CERTIFICATE OF AUTHENTICITY BEAF AND VEAL Implementing Regulation (EU) No 593/2013		
6. Means of transport:			
7. Marks, numbers, number and kind of packages; description of goods:	8. Gross weight (kg)	9. Net weight (kg)	
10. Net weight (in words):			
11. CERTIFICATION BY THE ISSUING AUTHORITY I hereby certify that the beef described in this certificate complies with the specification shown overleaf. (a) for high-quality beef ⁽¹⁾ (b) for buffalo meat ⁽¹⁾ Place: Date: Signature and stamp (or printed seal) To be completed either by typewriter or hand in block capitals.			
⁽¹⁾ Delete as appropriate.			

Definition**High quality beef originating in ...**

(appropriate definition)

or Buffalo meat originating in Australia**or Buffalo meat originating in Argentina**

ANNEX III

LIST OF AUTHORITIES IN EXPORTING COUNTRIES EMPOWERED TO ISSUE CERTIFICATES OF AUTHENTICITY

- MINISTERIO DE ECONOMÍA Y FINANZAS PÚBLICAS
for meat originating in Argentina:
 - (a) meeting the definition in point (c) of Article 1(1);
 - (b) meeting the definition in Article 2(a).
 - DEPARTMENT OF AGRICULTURE, FISHERIES AND FORESTRY — AUSTRALIA
for meat originating in Australia:
 - (a) meeting the definition in point (b) of Article 1(1);
 - (b) meeting the definition in Article 2(b).
 - INSTITUTO NACIONAL DE CARNES (INAC)
for meat originating in Uruguay and meeting the definition in Article 2(c).
 - DEPARTAMENTO NACIONAL DE INSPECÇÃO DE PRODUTOS DE ORIGEM ANIMAL (DIPOA)
for meat originating in Brazil and meeting the definition in Article 2(d).
 - NEW ZEALAND MEAT BOARD
for meat originating in New Zealand, meeting the definition in Article 2(e).
 - FOOD SAFETY AND INSPECTION SERVICE (FSIS) OF THE UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)
for meat originating in the United States of America and meeting the definition in Article 2(f).
 - CANADIAN FOOD INSPECTION AGENCY — GOVERNMENT OF CANADA/AGENCE CANADIENNE D'INSPECTION DES ALIMENTS — GOUVERNEMENT DU CANADA
for meat originating in Canada, and meeting the definition in Article 2(f).
 - SERVICIO NACIONAL DE CALIDAD Y SALUD ANIMAL, DIRECCIÓN GENERAL DE CALIDAD E INOCUIDAD DE PRODUCTOS DE ORIGEN ANIMAL
for meat originating in Paraguay and meeting the definition in Article 2(g).
-

ANNEX IV

Repealed Regulation with list of the successive amendments thereto

Commission Regulation (EC) No 810/2008
(OJ L 219, 14.8.2008, p. 3)

Commission Regulation (EC) No 1136/2008
(OJ L 307, 18.11.2008, p. 3)

Commission Regulation (EC) No 539/2009
(OJ L 160, 23.6.2009, p. 3) Article 2 only

Commission Regulation (EC) No 868/2009
(OJ L 248, 22.9.2009, p. 21) Article 2 only

Commission Regulation (EC) No 883/2009
(OJ L 254, 26.9.2009, p. 9)

Commission Implementing Regulation (EU) No 653/2011
(OJ L 179, 7.7.2011, p. 1) Article 3 only

Commission Implementing Regulation (EU) No 1257/2011
(OJ L 320, 3.12.2011, p. 12)

Commission Implementing Regulation (EU) No 1212/2012
(OJ L 348, 18.12.2012, p. 7) Article 5 only

ANNEX V

Correlation table

Regulation (EC) No 810/2008	This Regulation
Article 1(1), first subparagraph	Article 1(1)
Article 1(1), second subparagraph	—
Article 1(2) and (3)	Article 1(2) and (3)
Articles 2 to 13	Articles 2 to 13
Annex I	Annex II
Annex II	Annex III
Annex III	Annex I
Annex VII	—
Annex VIII	—
—	Annex IV
—	Annex V

COMMISSION IMPLEMENTING REGULATION (EU) No 594/2013**of 21 June 2013****amending Implementing Regulation (EU) No 543/2011 as regards marketing standards in the fruit and vegetables sector and correcting that Implementing Regulation**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾, and in particular point (a) of the first paragraph of Article 121 and Article 127 in conjunction with Article 4 thereof,

Whereas:

- (1) Regulation (EC) No 1234/2007 and Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾ provide for marketing standards for fruit and vegetables.
- (2) Certain fruit and vegetable products may have a size or other features that do not conform to the applicable marketing standards, due to their special organoleptic characteristics or for other reasons. A traditional cultivation and local consumption may nonetheless be well-established in respect of those products. To ensure that products which are deemed to be fit for consumption by local communities but which do not conform to the Union marketing standards are not prevented from being marketed locally, those products can be exempted from the Union marketing standards by a Commission Decision taken at the request of the Member State concerned. It is appropriate to clarify that such products may be sold by the retail trade of that Member State, and exceptionally even outside the region concerned.
- (3) Third countries of which the conformity checks have been approved under Article 15 of Implementing Regulation (EU) No 543/2011 are allowed to adopt conformity certificates in respect of compliance with specific marketing standards. In order to facilitate trade and to reduce the administrative burden, those third countries should be allowed to issue certificates of conformity for all fruit and vegetables.
- (4) During the E-coli crisis in 2011 it became apparent that it is not always possible to identify the producers of lots of fruit and vegetables. For the purpose of traceability, the general marketing standard needs to be amended so as to allow a better identification of producers.
- (5) In 2011 the Working Party on Agricultural Quality Standards of the United Nations Economic Commission for Europe (UN/ECE) revised the UN/ECE standards on apples and pears. In order to avoid unnecessary barriers to trade, the specific standards for apples and pears provided for in Implementing Regulation (EU) No 543/2011 should be aligned with the new UN/ECE standards. At the same time it is appropriate to remedy some inconsistencies and imperfections in the marketing standards for peaches and nectarines and those for citrus fruit.
- (6) Certain mandarins other than satsumas and clementines that are currently grown, in particular Mandarins and Minneolas, are edible at a lower sugar/acid ratio than the one which has been laid down in Implementing Regulation (EU) No 543/2011, aligning the Union marketing standard to the UN/ECE standard. To give producers time to adapt to the UN/ECE standard by replanting rootstocks, a lower sugar/acid ratio should temporarily be allowed.
- (7) Israel is a third country of which the conformity checks have been approved under Article 15 of Implementing Regulation (EU) No 543/2011. Israel may therefore issue conformity certificates. For the sake of market transparency and in accordance with public international law, it should be clarified that the territorial coverage of the certificates is limited to the territory of the State of Israel excluding the territories under Israeli administration since June 1967, namely the Golan Heights, the Gaza Strip, East Jerusalem and the rest of the West Bank.
- (8) In order to ensure a correct application of Implementing Regulation (EU) No 543/2011, some obvious errors relating to references and dates should be corrected.
- (9) Implementing Regulation (EU) No 543/2011 should therefore be amended and corrected accordingly.
- (10) In order to allow Member States, traders and packers to prepare for the new provisions introduced in relation to the marketing standards, this Regulation should apply as from 1 October 2013. However, since the correction of obvious errors should have a retroactive effect which duly respects the legitimate expectations of those concerned, the corrections of Implementing Regulation (EU) No 543/2011 should apply as from the date of entry into force of that Implementing Regulation.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Implementing Regulation (EU) No 543/2011

Implementing Regulation (EU) No 543/2011 is amended as follows:

(1) In Article 4(1), point (c) is replaced by the following:

"(c) products recognised in a Commission Decision taken at the request of a Member State in accordance with the procedure referred to in Article 195(2) of Regulation (EC) No 1234/2007 as products of a given region which are sold by the retail trade of that region or, in exceptional and duly justified cases, of that Member State, in case of well established traditional local consumption;"

(2) In Article 15, paragraph 1 is replaced by the following:

"1. At the request of a third country, the Commission may, in accordance with the procedure referred to in Article 195(2) of Regulation (EC) No 1234/2007, approve checks on conformity to marketing standards carried out by that third country prior to import into the Union."

(3) Annex I is amended in accordance with Annex I to this Regulation.

(4) Annex IV is replaced by the text in Annex II to this Regulation.

Article 2

Correction of Implementing Regulation (EU) No 543/2011

Implementing Regulation (EU) No 543/2011 is corrected as follows:

(1) In Article 12(5), the dates "30 June 2009" and "1 July 2009" are replaced by "21 June 2011" and "22 June 2011" respectively;

(2) In Article 26(4), "paragraph 3" is replaced by "paragraph 2";

(3) In the second subparagraph of Article 126(2), "Article 96(1)" is replaced by "Article 96(2)".

Article 3

Entry into force and application

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

It shall apply from 1 October 2013. However, Article 2 shall apply from 22 June 2011.

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

Done at Brussels, 21 June 2013.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Annex I to Implementing Regulation (EU) No 543/2011 is amended as follows:

(1) In Part A (General marketing standard), point 4 is replaced by the following:

"4. Marking

A. Identification

The name and the address of the packer and/or the dispatcher.

This mention may be replaced:

- for all packages with the exception of pre-packages, by the officially issued or accepted code mark representing the packer and/or the dispatcher, indicated in close connection with the reference 'Packer and/or Dispatcher' (or equivalent abbreviations);
- for pre-packages only, by the name and the address of a seller established within the Union indicated in close connection with the mention 'Packed for:' or an equivalent mention. In this case, the labelling shall also include a code representing the packer and/or the dispatcher. The seller shall give all information deemed necessary by the inspection body as to the meaning of this code.

B. Origin

Full name of the country of origin (*). For products originating in a Member State this shall be in the language of the country of origin or any other language understandable by the consumers of the country of destination. For other products, this shall be in any language understandable by the consumers of the country of destination.

(*) The full or commonly used name shall be indicated."

(2) Part B (Specific marketing standards) is amended as follows:

(a) Part 1 (marketing standard for apples) is amended as follows:

(i) in Section VI, point B is replaced by the following:

"B. Nature of produce

- 'Apples' if the contents are not visible from the outside.
- Name of the variety. In the case of a mixture of apples of distinctly different varieties, names of the different varieties.
- The name of the variety can be replaced by a synonym. The name of the mutant or a trade name (*) can only be given in addition to the variety or the synonym.

(*) A trade name can be a trade mark for which protection has been sought or obtained or any other commercial denomination."

(ii) the Appendix is replaced by the text in the Appendix to this Annex;

(b) Part 2 (marketing standard for citrus fruit) is amended as follows:

(i) point B (maturity requirements) of Section II (provisions concerning quality) is amended as follows:

- in the second paragraph, the second indent, relating to "minimum total soluble solids content", is deleted;
- in the table, the third column, relating to "minimum sugar content (°Brix)", is deleted;
- in the table, in the row relating to "other mandarin varieties and their hybrids", in the fourth column, relating to "minimum sugar/acid ratio", the following footnote is added:

"For the varieties Mandarina and Minneola the minimum sugar/acid ratio is 6.0:1 until the end of the marketing year commencing 1 January 2023."

(ii) in point D (commercial specifications) of Section VI (provisions concerning marking), the second sub-indent of the second indent is replaced by the following:

"— Size code(s) followed, optionally, by a minimum and maximum size or count;"

(c) Part 5 (marketing standard for peaches and nectarines) is amended as follows:

(i) in point C (classification) of Section II (provisions concerning quality), the words "The following slight skin defects" in point (ii) Class I and the words "The following skin defects" in point (iii) Class II are replaced by "The following slight defects" and "The following defects" respectively;

(ii) in Section III (provisions concerning sizing), the words "(if sized)" are deleted;

(d) Part 6 (marketing standard for pears) is amended as follows:

(i) point B (nature of produce) of Section VI (provisions concerning marking) is replaced by the following:

"B. Nature of produce

— 'Pears' if the contents of the package are not visible from the outside.

— Name of the variety. In the case of a mixture of pears of distinctly different varieties, names of the different varieties.

— The name of the variety can be replaced by a synonym. A trade name (*) can only be given in addition to the variety or the synonym.

(*) A trade name can be a trade mark for which protection has been sought or obtained or any other commercial denomination."

(ii) the non-exhaustive list of large-fruited and summer pear varieties in the appendix is amended as follows:

— the second paragraph of the introductory part is replaced by the following:

"Some of the varieties listed in the following may be marketed under names for which trade mark protection has been sought or obtained in one or more countries. The first and second columns of the table hereunder do not intend to include such trade names. References to known trade marks have been included in the third column for information only."

— in the third column of the table, the word "trade names" is replaced by "trade marks";

(e) In Part 9 (marketing standard for table grapes), the appendix is deleted.

Appendix to Annex I

Appendix

Non-exhaustive list of apple varieties

Fruits of varieties that are not part of the list must be graded according to their varietal characteristics.

Varieties	Mutant	Synonyms	Colour group	Russetting
African Red			B	
Akane		Tohoku 3, Primerouge	B	
Alborz Seedling			C	
Aldas			B	
Alice			B	
Alkmene		Early Windsor	C	
Alro			B	
Alwa			B	
Amasya			B	
Angold			C	
Antej		Antei	B	
Apollo		Beauty of Blackmoor	C	
Arkcharm		Arkansas No 18, A 18	C	
Arlet			B	R
Aroma			C	
	Mutants of Aroma e.g		C	
	Amorosa		C	
Auksis			B	
Beacon			A	
Belfort		Pella	B	
Belle de Boskoop				R
	Mutants of Belle de Boskoop e.g			R
	Boskoop rouge	Red Boskoop Roter Boskoop		R
Belle fleur double				
Belorusskoje Malinovoje		Belorusskoe Malinovie, Byelo- russkoe Malinovie	B	

Varieties	Mutant	Synonyms	Colour group	Russetting
Berlepsch		Freiherr von Berlepsch	C	
	Mutants of Berlepsch e.g.		C	
	Berlepsch rouge	Red Berlepsch, Roter Berlepsch	C	
Blushed Golden				
Bogatir		Bogatyry		
Bohemia			B	
Braeburn			B	
	Mutants of Braeburn e.g.		B	
	Hidala		B	
	Joburn		B	
	Lochbuie Red Braeburn		B	
	Mahana Red		B	
	Mariri Red		B	
	Redfield		B	
	Royal Braeburn		B	
Bramley's Seedling		Bramley, Triomphe de Kiel		
Brettacher Sämling				
Calville Groupe des				
Cardinal			B	
Carola		Kalco	C	
Caudle			B	
Charden				
Charles Ross				
Civni			B	
Coop 38				
Coromandel Red		Corodel	A	
Cortland			B	
Cox's Orange Pippin		Cox orange	C	R
	Mutants of Cox's Orange Pippin e.g.		C	R
	Cherry Cox		C	R

Varieties	Mutant	Synonyms	Colour group	Russetting
Crimson Bramley				
Cripps Pink			C	
	Mutants of Cripps Pink e.g.		C	
	Pink Rose		C	
	Rosy Glow		C	
	Ruby Pink		C	
Cripps Red			C (*)	
Dalinbel			B	R
Delblush				
Delcorf			C	
	Mutants of Delcorf e.g.		C	
	Dalili		C	
	Monidel		C	
Delgollune			B	
Delicious ordinaire		Ordinary Delicious	B	
Deljeni				
Delikates			B	
Delor			C	
Discovery			C	
Doč Melbi		Doch Melbi	C	
Dunn's Seedling				R
Dykman's Zoet			C	
Egremont Russet				R
Elan				
Elise		Red Delight	A	
Ellison's orange		Ellison	C	

Varieties	Mutant	Synonyms	Colour group	Russetting
Elstar			C	
	Mutants of Elstar e.g.		C	
	Bel-El		C	
	Daliest		C	
	Daliter		C	
	Elshof		C	
	Elstar Armhold		C	
	Elstar Reinhardt		C	
	Goedhof		C	
	Red Elstar		C	
	Valstar		C	
Empire			A	
Falstaff			C	
Fiesta		Red Pippin	C	
Florina			B	
Forele			B	
Fortune				R
Fuji			B	
	Mutants of Fuji e.g.		B	
	Fuji Brak		B	
Gala			C	
	Mutants of Gala e.g.		C	
	Annaglo		C	
	Baigent		C	
	Galaxy		C	
	Mitchgla		C	
	Obrogala		C	
	Regala		C	

Varieties	Mutant	Synonyms	Colour group	Russetting
	Regal Prince		C	
	Tenroy		C	
Garcia				
Gloster			B	
Goldbohemia				
Golden Delicious				
	Mutants of Golden Delicious e.g.			
Golden Russet				R
Goldstar				
Granny Smith				
Gradigold				
Gravensteiner		Gravenstein		
	Mutants of Gravensteiner e.g.			
	Gravenstein rouge	Red Gravenstein, Roter Gravensteiner		
Greensleeves				
Holsteiner Cox		Holstein		R
	Mutants of Holsteiner Cox e.g.			R
	Holstein rouge	Red Holstein, Roter Holsteiner Cox		R
Honeycrisp			C	
Honeygold				
Horneburger				
Howgate Wonder		Manga		
Idared			B	
Iedzēnu			B	
Ilga			B	
Ingrid Marie			B	R
Iron			C	

Varieties	Mutant	Synonyms	Colour group	Russetting
Isbranica		Izbranica	C	
Jacob Fisher				
Jacques Lebel				
Jamba			C	
James Grieve				
	Mutants of James Grieve e.g.			
	James Grieve rouge	Red James Grieve		
Jarka			C	
Jerseymac			B	
Jester				
Jonagold			C	
	Mutants of Jonagold e.g.		C	
	Crowngold		C	
	Daligo		C	
	Daliguy	Jonasty	C	
	Dalijean	Jonamel	C	
	Decosta		C	
	Jomar		C	
	Jomured	Van de Poel	C	
	Jonabel		C	
	Jonabres		C	
	Jonagold Boerekamp		C	
	Jonagold 2000	Excel	C	
	Jonagored Supra		C	
	Jonaveld		C	
	King Jonagold		C	
	New Jonagold	Fukushima	C	
	Novajo	Veulemanns	C	
	Primo		C	

Varieties	Mutant	Synonyms	Colour group	Russetting
	Red Jonaprince		C	
	Romagold	Surkijn	C	
	Rubinstar		C	
	Schneica	Jonica	C	
	Wilmuta		C	
Jonalord			C	
Jonathan			B	
Julia			B	
Jupiter				
Karmijn de Sonnaville			C	R
Katja		Katy	B	
Kent				R
Kidd's orange red			C	R
Kim			B	
Koit			C	
Koričnoje Novoje		Korichnoe Novoe, Korichnevoe Novoe	C	
Kovaļenkovskoje			B	
Krameri Tuvion			B	
Kulikovskoje			B	
Lady Williams			B	
Lane's Prince Albert				
Laxton's Superb			C	R
Ligol			B	
Lobo			B	
Lodel			A	
Lord Lambourne			C	
Maigold			B	
McIntosh			B	

Varieties	Mutant	Synonyms	Colour group	Russetting
Meelis			B	
Melba			C	
Melodie			B	
Melrose			C	
Meridian			C	
Moonglo			C	
Morgenduft		Imperatore	B	
Mountain Cove				
Mutsu		Crispin		
Noris			B	
Normanda			C	
Nueva Europa			C	
Nueva Orleans			B	
Odin			B	
Ontario			B	
Orlik			B	
Orlovskoje Polosatoje			C	
Ozark Gold				
Paula Red			B	
Pero de Cirio				
Piglos			B	
Pikant			B	
Pikkolo			C	
Pilot			C	
Pimona			C	
Pinova			C	
Pirella			B	
Piros			C	
Prima			B	

Varieties	Mutant	Synonyms	Colour group	Russetting
Rafzubin			C	
	Mutants of Rafzubin, e.g.		C	
	Rafzubex		C	
Rajka			B	
Rambour d'hiver				
Rambour Franc			B	
Reanda			B	
Rebella			C	
Red Delicious			A	
	Mutants of Red Delicious e.g.		A	
	Campsur		A	
	Erovan		A	
	Fortuna Delicious		A	
	Otago		A	
	Red King		A	
	Red Spur		A	
	Red York		A	
	Richared		A	
	Royal Red		A	
	Shotwell Delicious		A	
	Stark Delicious		A	
	Starking		A	
	Starkrimson		A	
	Starkspur		A	
	Topred		A	
	Trumdor		A	
	Well Spur		A	
Red Dougherty			A	
Redkroft			A	

Varieties	Mutant	Synonyms	Colour group	Russetting
Regal			A	
Regina			B	
Reglindis			C	
Reine des Reinettes		Gold Parmoné, Goldparmäne	C	
Reineta Encarnada			B	
Reinette Rouge du Canada			B	
Reinette d'Orléans				
Reinette Blanche du Canada		Reinette du Canada, Canada Blanc, Kanadarenette, Renetta del Canada		R
Reinette de France				
Reinette de Landsberg				
Reinette grise du Canada		Graue Kanadarenette		R
Relinda			C	
Remo			B	
Renora			B	
Resi			B	
Resista				
Retina			B	
Rewena			B	
Roja de Benezama		Verruga, Roja del Valle, Clavelina	A	
Rome Beauty		Belle de Rome, Rome	B	
	Mutants of Rome Beauty e.g.		B	
	Red Rome		B	
Rosana			B	
Royal Beauty			A	
Rubin (Czech cultivar)			C	
Rubin (Kazakhstan cultivar)			B	

Varieties	Mutant	Synonyms	Colour group	Russetting
Rubinola			B	
Rudens Svītrainais		Osennee Polosatoe, Rudeninis Dryzuotasis, Rudens Svītrotais, Streifling, Streifling Herbst, Sügisjoonik, Syysjuovikas and numerous others	C	
Saltanat			B	
Sciearly			A	
Scifresh			B	
Sciglo			A	
Sciray		GS48	A	
Scired			A	R
Sciros			A	
Selena			B	
Shampion			B	
Sidrunkollane Talioun				
Sinap Orlovskij				
Snygold		Earlygold		
Sommerregent			C	
Spartan			A	
Splendour			A	
St. Edmunds Pippin				R
Stark's Earliest			C	
Štaris		Staris	A	
Sturmer Pippin				R
Summerred			B	
Sügisdessert			C	
Sunrise			A	
Sunset				R
Suntan				R
Sweet Caroline			C	

Varieties	Mutant	Synonyms	Colour group	Russetting
Talvenauding			B	R
Tellisaare			B	
Tiina		Tina	C	
Topaz			B	
Tydeman's Early Worcester		Tydeman's Early	B	
Veteran			B	
Vista Bella		Bellavista	B	
Wealthy			B	
Worcester Pearmain			B	
York			B	
Zailijskoje		Zailiyskoe	B	
Žigulovskoje		Zhigulovskoe	C	

(*) With minimum 20% for Class I and Class II.'

ANNEX II

‘ANNEX IV

**THIRD COUNTRIES WHERE THE CONFORMITY CHECKS HAVE BEEN APPROVED UNDER ARTICLE 15
AND THE PRODUCTS CONCERNED**

Country	Products
Switzerland	Fresh fruit and vegetables other than citrus fruit
Morocco	Fresh fruit and vegetables
South Africa	Fresh fruit and vegetables
Israel (*)	Fresh fruit and vegetables
India	Fresh fruit and vegetables
New Zealand	Apples, pears and kiwi fruit
Senegal	Fresh fruit and vegetables
Kenya	Fresh fruit and vegetables
Turkey	Fresh fruit and vegetables

(*) The Commission's approval under Article 15 is given to fruit and vegetables originating within the State of Israel, excluding the territories under Israeli administration since June 1967, namely the Golan Heights, the Gaza Strip, East Jerusalem and the rest of the West Bank.'

COMMISSION IMPLEMENTING REGULATION (EU) No 595/2013**of 21 June 2013****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multi-lateral trade negotiations, the criteria whereby the

Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed 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, 21 June 2013.

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

*Jerzy PLEWA
Director-General for Agriculture and
Rural Development*

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

Standard import values for determining the entry price of certain fruit and vegetables

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MK	45,1
	TR	98,7
	ZZ	71,9
0707 00 05	MK	27,7
	TR	121,6
	ZZ	74,7
0709 93 10	MA	102,6
	TR	139,8
	ZZ	121,2
0805 50 10	AR	101,1
	BR	96,4
	TR	78,7
	ZA	115,2
	ZZ	97,9
0808 10 80	AR	164,3
	BR	117,4
	CL	136,4
	CN	71,6
	NZ	142,7
	US	156,1
	UY	165,4
	ZA	125,6
	ZZ	134,9
0809 10 00	IL	342,4
	TR	224,4
	ZZ	283,4
0809 29 00	TR	353,7
	US	660,1
	ZZ	506,9
0809 30	TR	179,1
	ZZ	179,1
0809 40 05	CL	149,0
	IL	308,9
	ZA	116,8
	ZZ	191,6

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COUNCIL DECISION

of 10 June 2013

Authorising the European Commission to participate, on behalf of the EU, in the negotiations for an international Convention of the Council of Europe to combat the manipulation of sports results with the exception of matters related to cooperation in criminal matters and police cooperation

(2013/304/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 50, 56, 165, and 218(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) Negotiations should be opened on the preparation of an international Convention of the Council of Europe to combat the manipulation of sports results.
- (2) The negotiation process is based on the decision CM/Del/Dec/1145/8.1 of the Committee of Ministers of the Council of Europe dated 13 June 2012, following Resolution No 1 adopted by the 12th Council of Europe Conference of Ministers responsible for Sport which indicates that the scope of the draft instrument and its provisions should be based on Recommendation CM/Rec(2011)10, and on the feasibility study MSL12 (2012) 4 rev3.
- (3) The aim of the negotiating process is to present the Committee of Ministers of the Council of Europe with a draft Convention which, depending on the Committee of Ministers' decision, will be finalised as a Convention and submitted to the Parliamentary Assembly of the Council of Europe for opinion, or referred to EPAS to be finalised as a non-binding legal instrument.
- (4) Certain provisions of the draft international Convention of the Council of Europe to combat the manipulation of sports results concern judicial cooperation in criminal matters and police cooperation and therefore fall within

the scope of Title V of Part Three of the TFEU. A separate Decision relating to those provisions will be adopted in parallel to this Decision.

- (5) As the negotiations will cover matters which fall partly within the Union's competence and partly within the Member States competence, the Union should participate in these negotiations together with its Member States. Member States may therefore attend negotiations and negotiate on matters falling within their competence.
- (6) In the case that the EU decides to join the future Convention, the legal nature of the Convention and distribution of the powers between the Member States and the Union will be determined separately at the end of the negotiations on the basis of an analysis of the precise scope of the coverage of the individual provisions,

HAS ADOPTED THIS DECISION:

Article 1

The Commission is hereby authorised to negotiate, on behalf of the European Union, on the matters falling within the Union's competence an international Convention of the Council of Europe to combat the manipulation of sports results with the exception of matters related to cooperation in criminal matters and police cooperation, as set out in the negotiating directives annexed to this Decision.

Article 2

The negotiating directives are set out in the Annex.

Article 3

Pursuant to Article 1 the negotiations shall be conducted in consultation with the Council Working Party on Sport, reinforced by experts from other Council Working Parties as appropriate.

Article 4

This Decision is addressed to the Commission.

Done at Luxembourg, 10 June 2013.

For the Council

The President

L. VARADKAR

ANNEX

Directives for the negotiation of an international Convention of the Council of Europe to combat the manipulation of sports results with the exception of matters related to cooperation in criminal matters and police cooperation

The future Convention will aim at creating an international legal framework for the prevention of and fight against the manipulation of sports results, notably match-fixing; the objective of the Convention should be to enhance international cooperation in this context and to set up a monitoring mechanism to ensure that the provisions laid down in the Convention are followed-up in an effective way.

The provisions of the future Convention may concern the following competency areas of the Union:

1. Promotion of fairness and openness in sporting competitions and cooperation between bodies responsible for sports, and by protecting the physical and moral integrity of sportsmen and sportswomen.
2. Internal Market freedoms (freedom to provide services and right of establishment) insofar as they relate to the relevant provisions on match-fixing and sports betting in the draft Convention.
3. Data Protection in relation to the above areas.

In relation to these areas, the European Union, represented by the Commission, will participate in the negotiations with the following objectives, taking account of the latest developments of the *acquis*, while respecting the division of competences:

1. To take into account EU policy in the field of the promotion of fairness and openness in sporting competitions and cooperation between bodies responsible for sports, and the protection of the physical and moral integrity of sport or sportspeople through the protection of the integrity of sport against the manipulation of sports results, in particular:
 - (a) the Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, on a European Union Work Plan for Sport for 2011-2014 ⁽¹⁾;
 - (b) Council conclusions on combating match-fixing ⁽²⁾.

The EU competence in the area of sport is a supporting competence which, in accordance with Article 165(4), first indent, TFEU, excludes any harmonisation of the laws and regulations of the Member States.

2. To ensure that the provisions of the future Convention:

- are not incompatible with the EU rules concerning the right of establishment and free movement of services, as an area of shared competence, in relation to gambling and betting, with reference to the Treaty on the Functioning of the European Union, and in particular Articles 49 and 56 thereof as interpreted by the European Court of Justice, and to ensure that the relevant provisions of the future Convention do not hinder the exercise of these freedoms,
- address sports betting only in so far as it directly relates to the manipulation of sports results,
- do not aim to or do not effectively result in the harmonisation of the regulation of betting services without such rules having first been adopted by the Union.

EU policy as defined in the Council conclusions on the framework for gambling and betting in the EU Member States of 10 December 2010 should be taken into account during the negotiations.

3. To ensure that the provisions of the future Convention are not incompatible with the rules adopted by the Union in the field of Data Protection, as an area of shared competence, in particular:
 - (a) Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁽³⁾;
 - (b) Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters ⁽⁴⁾.

⁽¹⁾ OJ C 162, 1.6.2011, p. 1.

⁽²⁾ OJ C 378, 23.12.2011, p. 1.

⁽³⁾ OJ L 281, 23.11.1995, p. 31.

⁽⁴⁾ OJ L 350, 30.12.2008, p. 60.

The Commission shall consult before and report after each negotiating and/or drafting session at the Council of Europe to the Council Working Party as referred to in Article 3.

Pursuant to the principle of sincere cooperation, the Union and the Member States shall, in full mutual respect, assist each other in the context of the negotiations on this Convention.

The Commission shall ensure that the future Convention allows for the application of higher standards stipulated in EU instruments as regards relations between the EU Member States.

COMMISSION IMPLEMENTING DECISION

of 21 June 2013

establishing a specific control and inspection programme for fisheries exploiting cod, herring, salmon and sprat in the Baltic Sea

(2013/305/EU)

THE EUROPEAN COMMISSION,

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

Having regard to the Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ⁽¹⁾, and in particular Article 95 thereof,

Whereas:

- (1) Regulation (EC) No 1224/2009 applies to all activities covered by the common fisheries policy carried out on the territory of Member States or in Union waters or by Union fishing vessels or, without prejudice to the primary responsibility of the flag Member State, by nationals of Member States, and lays down in particular that Member States shall ensure that control, inspection and enforcement are carried out on a non-discriminatory basis as regards sectors, vessels or persons, and on the basis of risk management.
- (2) Council Regulation (EC) No 1098/2007 of 18 September 2007 establishing a multiannual plan for the cod stocks in the Baltic Sea and the fisheries exploiting those stocks, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 779/97 ⁽²⁾ lays down the conditions for the sustainable exploitation of cod.
- (3) Article 95 of Regulation (EC) No 1224/2009 foresees the possibility for the Commission to determine, in concert with the Member States concerned, the fisheries which are to be subject to a specific control and inspection

programme. Such a specific control and inspection programme has to state the objectives, priorities and procedures as well as benchmarks for inspection activities to be established on the basis of risk management and to be revised periodically after an analysis of the achieved results. Member States concerned are obliged to adopt the necessary measures to ensure the implementation of the specific control and inspection programme, particularly as regards required human and material resources and the periods and zones where these are to be deployed.

- (4) Article 95(2) of Regulation (EC) No 1224/2009 provides that the specific control and inspection programme states benchmarks for inspections activities that are to be established on the basis of risk management. For this purpose, it is appropriate to lay down common risk assessment and management criteria for checking, inspection and verification activities in order to allow timely risk analyses and global assessments of relevant control and inspection information. The common criteria aim at ensuring a harmonised approach to inspection and verification in all Member States and establishing a level playing field for all operators.
- (5) The specific control and inspection programme should be established for the period from 1 January 2013 to 31 December 2018 and should be implemented by Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland and Sweden.
- (6) Article 98(1) and (3) of Commission Implementing Regulation (EU) No 404/2011 ⁽³⁾ foresees that, without prejudice to provisions contained in multiannual plans, competent authorities of Member States have to adopt a risk-based approach for the selection of targets for inspection, using all available information and, subject to a risk-based control and enforcement strategy, carry out the necessary inspection activities in an objective way in order to prevent the retention on board, transshipment, landing, processing, transport, storage, marketing and stocking of fishery products originating from activities that are not in compliance with the rules of the common fisheries policy.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ OJ L 248, 22.9.2007, p. 1.

⁽³⁾ OJ L 112, 30.4.2011, p. 1.

- (7) The European Fisheries Control Agency set up by Council Regulation (EC) No 768/2005⁽¹⁾ (hereafter referred to as 'EFCA') has to coordinate the implementation of the specific control and inspection programme through a joint deployment plan, which gives effect to the objectives, priorities, procedures and benchmarks for inspection activities determined in the specific control and inspection programme, and identifies the means of control and inspection which could be pooled by each Member State concerned. Relations between procedures defined by the specific control and inspection programme and those defined by the joint deployment plan, should therefore be clarified.
- (8) In order to harmonise the control and inspection procedures of the fishing activities on Baltic cod, herring, salmon and sprat, and to ensure the success of the multiannual plan for the stock of Baltic Sea cod, it is appropriate to draw up common rules for the control and inspection activities to be carried out by the competent authorities of the Member States concerned, including mutual access to relevant data. To that end, target benchmarks should determine the intensity of control and inspection activities.
- (9) Joint inspection and surveillance activities between Member States concerned should be carried out, where applicable, in accordance with joint deployment plans established by the EFCA so as to enhance uniformity of control, inspection and surveillance practices and help develop the coordination of control, inspection and surveillance activities between the competent authorities of those Member States.
- (10) The results obtained through the application of the specific control and inspection programme should be assessed by means of annual evaluation reports to be communicated by each Member State concerned to the Commission and to the EFCA.
- (11) The measures provided for in this Decision have been established in concert with the Member States concerned.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Decision establishes a specific control and inspection programme applicable to fisheries exploiting cod, herring, salmon and sprat in the Baltic Sea.

⁽¹⁾ OJ L 128, 21.5.2005, p. 1.

Article 2

Scope

1. The specific control and inspection programme shall in particular cover the following activities:
 - (a) fishing activities within the meaning of Article 4(1) of Regulation (EC) No 1224/2009 in the Baltic Sea; and
 - (b) fishing related activities, including the weighing, processing, marketing, transport and storage of fisheries products.
2. The specific control and inspection programme shall apply until 31 December 2018.
3. The specific control and inspection programme shall be implemented by Denmark, Germany, Estonia, Latvia, Lithuania, Poland, Finland and Sweden (hereafter referred to as 'Member States concerned').

CHAPTER II

OBJECTIVES, PRIORITIES, PROCEDURES AND BENCHMARKS

Article 3

Objectives

1. The specific control and inspection programme shall ensure the uniform and effective implementation of conservation and control measures applicable to stocks referred to in Article 1.
2. Control and inspection activities carried out under the specific control and inspection programme shall in particular aim at ensuring compliance with the following provisions:
 - (a) fishing opportunities management and any specific conditions associated therewith, including the monitoring of quota uptake and effort regime in the Baltic Sea;
 - (b) reporting obligations applicable to fishing activities, in particular the reliability of the information recorded and reported;
 - (c) provisions on the high grading ban and obligation to land all catches subject to a quota.

Article 4

Priorities

1. Member States concerned shall carry out control and inspection activities with respect to fishing activities by fishing vessels and fishing related activities by other operators on the basis of a risk management strategy, in conformity with Article 4(18) of Regulation (EC) No 1224/2009 and Article 98 of Implementing Regulation (EU) No 404/2011.

2. Each fishing vessel, group of fishing vessels, fishing gear category, operator and/or fishing related activity, for each stock referred to in Article 1, shall be subject to control and inspections according to the level of priority attributed pursuant to paragraph 3.

3. Each Member State concerned shall attribute the level of priority on the basis of the results of the risk assessment carried out in accordance with the procedures laid down in Article 5.

Article 5

Procedures for risk assessment

1. This Article shall apply to Member States concerned and, for the sole purposes of application of paragraph 4, to all other Member States.

2. Member States shall assess risks with regard to the stocks and area(s) covered, on the basis of the table set out in Annex I.

3. The risk assessment by each Member State shall consider, on the basis of past experience and using all available and relevant information, how likely a non-compliance is to happen and, if it were to happen, the potential consequence(s). By combining these elements, each Member State shall estimate a level of risk ('very low', 'low', 'medium', 'high' or 'very high') for each category for inspection referred to in Article 4(2).

4. In case where a fishing vessel flying the flag of a Member State which is not a Member State concerned, or a third country fishing vessel, operates in the area(s) referred to in Article 1, it shall be attributed a level of risk in accordance with paragraph 3. In the absence of information and unless its flag authorities provide, in the framework of Article 9, the results of their own risk assessment performed according to Article 4(2) and to paragraph 3 leading to a different risk level, it shall be considered as a 'very high' risk level fishing vessel.

Article 6

Risk management strategy

1. On the basis of its risk assessment, each Member State concerned shall define a risk management strategy focused on ensuring compliance. Such strategy shall encompass the identification, description and allocation of appropriate cost-effective control instruments and inspection means, in relation to the nature and the estimated level of each risk, and the achievement of target benchmarks.

2. The risk management strategy referred to in paragraph 1 shall be coordinated at regional level through a joint deployment plan as defined in Article 2(c) of Regulation (EC) No 768/2005.

Article 7

Relation with joint deployment plans procedures

1. In the framework of a joint deployment plan, where applicable, each Member State concerned shall communicate to the

EFCA the results of its risk assessment carried out in accordance with Article 5(3) and, in particular, a list of estimated levels of risk with corresponding targets for inspection.

2. Where appropriate, the risk levels and targets lists referred to in paragraph 1 shall be updated by using information collected during joint inspection and surveillance activities. The EFCA shall be informed immediately following completion of each update.

3. The EFCA shall use information received from Member States concerned to coordinate the risk management strategy at regional level, in accordance with Article 6(2).

Article 8

Target benchmarks

1. Without prejudice to target benchmarks defined in Annex I to Regulation (EC) No 1224/2009 and in Article 9(1) of Council Regulation (EC) No 1005/2008⁽¹⁾, the target benchmarks at Union level for 'high' and 'very high' risk level fishing vessels and/or other operators are set out in Annex II.

2. The target benchmarks for 'very low', 'low' and 'medium' risk level fishing vessels and/or other operators shall be determined by Member States concerned through the national control action programmes referred to in Article 46 of Regulation (EC) No 1224/2009 and the national measures referred to in Article 95(4) of Regulation (EC) No 1224/2009.

3. By way of derogation from paragraphs 1 and 2, Member States may apply alternatively different target benchmarks, expressed in terms of improved compliance levels, provided that:

(a) a detailed analysis of the fishing activities or fishing related activities and enforcement related issues justifies the need for setting target benchmarks in the form of improved compliance levels;

(b) the benchmarks expressed in terms of improved compliance levels are notified to the Commission, and this latter does not object to them within 90 days, are not discriminatory, and do not affect objectives, priorities and risk-based procedures defined by the specific control and inspection programme.

4. All target benchmarks shall be assessed annually on the basis of the evaluation reports referred to in Article 13(1) and, where appropriate, be revised accordingly in the framework of the evaluation referred to in Article 13(4).

5. Where applicable, a joint deployment plan shall give effect to target benchmarks referred to in this Article.

⁽¹⁾ OJ L 286, 29.10.2008, p. 1.

CHAPTER III

IMPLEMENTATION

Article 9

Cooperation between Member States and with third countries

1. Member States concerned shall cooperate in the implementation of the specific control and inspection programme.
2. Where appropriate, all other Member States shall cooperate with the Member States concerned.
3. Member States may cooperate with the competent authorities of third countries for the implementation of the specific control and inspection programme.

Article 10

Joint inspection and surveillance activities

1. For the purpose of increasing the efficiency and effectiveness of their national fisheries control systems, Member States concerned shall undertake joint inspection and surveillance activities in waters under their jurisdiction and, where appropriate, on their territory. Where applicable, such activities shall be carried out in the framework of joint deployment plans referred to in Article 9(1) of Regulation (EC) No 768/2005.
2. For the purpose of joint inspection and surveillance activities, each Member State concerned shall:
 - (a) ensure that officials from other Member States concerned are invited to participate in joint inspection and surveillance activities;
 - (b) establish joint operational procedures applicable to their surveillance crafts;
 - (c) designate contact points referred to in Article 80(5) of Regulation (EC) No 1224/2009, where appropriate.
3. Officials and Union inspectors may participate in joint inspection and surveillance activities.

Article 11

Exchange of data

1. For the purpose of implementing the specific control and inspection programme, each Member State concerned shall ensure the direct electronic exchange of data referred to in Article 111 of Regulation (EC) No 1224/2009 and Annex XII to Implementing Regulation (EU) No 404/2011 with other concerned Member States and the EFCA.
2. Data referred to in paragraph 1 shall be related to fishing activities and fishing related activities carried out in the area(s) covered by the specific control and inspection programme.

Article 12

Information

1. Pending the full implementation of Title XII, Chapter III of Regulation (EC) No 1224/2009, and in accordance with the

format set out in Annex III to this Decision, each Member State concerned shall communicate by electronic means to the Commission and to the EFCA, by 31 January after each calendar year, the following information concerning the preceding year:

- (a) the identification, date and type of each control and/or inspection operation carried out during the preceding year;
- (b) the identification of each fishing vessel (Union fleet register number), vehicle and/or operator (company name) subject to a control and/or inspection;
- (c) where appropriate, the type of fishing gear inspected; and
- (d) in case where one or several serious infringements were detected:
 - (i) the type(s) of serious infringement(s);
 - (ii) the state of play concerning the follow-up of serious infringement(s) (e.g. case under investigation, pending, under appeal); and
 - (iii) the sanction(s) imposed as follow-up of serious infringement(s): level of fines, value of forfeited fish and/or gear, points assigned in accordance with Article 126(1) of Implementing Regulation (EU) No 404/2011 and/or other type of sanctions.

2. Information referred to in paragraph 1 shall be communicated for each control and/or inspection and shall continue to be listed and updated in each report until the action is concluded under the laws of the Member State concerned. Where no action is taken following the detection of a serious infringement, an explanation shall be included.

Article 13

Evaluation

1. Each Member State concerned shall, by 31 March of the year following the relevant calendar year, send to the Commission and the EFCA an evaluation report concerning the effectiveness of the control and inspection activities carried out under this specific control and inspection programme.
2. The evaluation report referred to in paragraph 1 shall at least include the information listed in Annex IV. Member States concerned may also include in their evaluation report other actions such as training or information sessions designed to have an impact on compliance by fishing vessels and other operators.
3. The EFCA, for its annual assessment of the effectiveness of joint deployment plans referred to in Article 14 of Regulation (EC) No 768/2005, shall take into consideration evaluation reports referred to in paragraph 1.
4. The Commission shall convene once a year a meeting of the Committee for fisheries and aquaculture to evaluate the suitability, adequacy and effectiveness of the specific control and inspection programme and its overall impact on compliance by fishing vessels and other operators, on the basis of evaluation reports referred to in paragraph 1. Target benchmarks set out in Annex II may be reviewed accordingly.

*Article 14***Entry into force**

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

Done at Brussels, 21 June 2013.

For the Commission

The President

José Manuel BARROSO

ANNEX I

PROCEDURES FOR RISK ASSESSMENT

Each fishing vessel, group of fishing vessels, fishing gear category, operator and/or fishing related activity, in different stocks and area(s) referred to in Article 1, shall be subject to control and inspections according to the level of priority attributed. The level of priority shall be attributed depending on the results of the risk assessment carried out by each Member State concerned, or by any other Member State for the sole purposes of application of Article 5(4), on the basis of the following procedure:

Risk description [depending on the risk/ fishery/area and data available]	Indicator [depending on the risk/ fishery/area and data available]	Step in the fishery/mar- keting chain (when and where does the risk appear)	Points to be considered [depending on the risk/ fishery/area and data available]	Occurrence in the fishery (*)	Potential consequence(s) (*)	Level of risk (*)
[Note: risks identified by Member States should be in line with objectives defined in Article 3]			Levels of catches/landings distributed by fishing vessels, stocks and gears, Availability of quota to fishing vessels, distributed by fishing vessels, stocks and gears, Use of standardised boxes, Level and fluctuation of market price for the landed fisheries products (first sale), Number of inspections previously carried out and number of detected infringements for the fishing vessel and/or other operator concerned, Background and/or potential danger, of fraud linked to port/location/area and metier, Any other relevant information or intelligence.	<i>Frequent/ Medium/ Seldom cases/or Not significant</i>	<i>Serious/Signifi- cant/Accept- able/or Marginal</i>	<i>very low/low/ medium/high/or very high</i>

(*) Note: to be assessed by Member States. The risk assessment shall consider, on the basis of past experience and using all available information, how likely a non-compliance is to happen and, if it were to happen, the potential consequence.

ANNEX II

TARGET BENCHMARKS

1. Level of inspections at sea (including aerial surveillance, where applicable)

On a yearly basis, the following target benchmarks ⁽¹⁾ shall be reached for the inspections at sea of fishing vessels engaged in the fishery of cod, herring, salmon and sprat in the area, in the case that inspections at sea are relevant in relation to the step in the fishery chain and are part of the risk management strategy:

Benchmarks per year (*)	Level of estimated risk for fishing vessels in accordance with Article 5(2)	
	high	very high
Fishery	Inspection at sea of at least 2,5 % of fishing trips by 'high risk' level fishing vessels targeting the fishery in question	Inspection at sea of at least 5 % of fishing trips by 'very high risk' level fishing vessels targeting the fishery in question

(*) Expressed in a % of fishing trips in the area by high/very high risk fishing vessels/per year.

2. Level of inspections ashore (including document based controls and inspections in ports or at first sale)

On a yearly basis, the following target benchmarks ⁽²⁾ shall be reached for the inspections ashore (including document based controls and inspections in ports or at first sale) of fishing vessels and other operators engaged in the fishery of cod, herring, salmon and sprat in the area, in the case that inspections ashore are relevant in relation to the step in the fishery/marketing chain and are part of the risk management strategy.

Benchmarks per year (*)	Level of risk for fishing vessels and/or other operators (first buyer)	
	high	very high
Fishery	Inspection in port of at least 10 % of overall landed quantities by 'high risk' level fishing vessels	Inspection in port of at least 15 % of overall landed quantities by 'very high risk' level fishing vessels

(*) Expressed in a % of quantities landed by high/very high risk fishing vessels/per year.

Inspections made after landing or transshipment shall in particular be used as a complementary cross-checking mechanism to verify the reliability of the information recorded and reported on catches and landings.

⁽¹⁾ For vessels spending less than 24 hours at sea per fishing trip, and according to the risk management strategy, the target benchmarks may be reduced by half.

⁽²⁾ For vessels landing less than 10 tonnes per landing, and according to the risk management strategy, the target benchmarks may be reduced by half.

ANNEX III

PERIODICAL INFORMATION ON THE IMPLEMENTATION OF THE SPECIFIC CONTROL AND INSPECTION PROGRAMME

Format for the communication of the information to be provided according to Article 12 for each inspection to be included in the report:

Element name	Code	Description and content
Identification of inspection	II	ISO alpha2 country code + 9 digits, e.g. DK201200000
Date of inspection	DA	YYYY-MM-DD
Type of inspection or control	IT	Sea, shore, transport, document (to be indicated)
Identification of each fishing vessel, vehicle or operator	ID	Union fleet register number of the fishing vessel, vehicle identification and/or company name of the operator
Fishing gear type	GE	Gear code based on FAO's International Standard Statistical Classification of the Fishing Gear
Serious infringement	SI	Y = yes, N = no
Type of serious infringement detected	TS	Indicate type of serious infringement detected, in reference to the number (left column) in the Annex XXX to Implementing Regulation (EU) No 404/2011. In addition, the serious infringements referred to in Article 90(1)(a), (b) and (c) of the Control Regulation shall be respectively identified by the numbers '13', '14' and '15'.
State of play follow up	FU	Indicate state of play: PENDING, APPEAL or CLOSED
Fine	SF	Fine in EUR, e.g. 500
Confiscation	SC	CATCH/GEAR for physical confiscation. Amount confiscated in case of value of catch/gear in EUR, e.g. 10 000.
Other	SO	In case of withdrawal of license/authorisation, indicate LI or AU + number of days, e.g. AU30
Points	SP	Number of points assigned, e.g. 12
Remarks	RM	In case of no action taken following detection of a serious infringement, explanation why in free text

ANNEX IV

CONTENT OF EVALUATION REPORTS

Evaluation reports shall at least contain the following information:

I. General analysis of control, inspection and enforcement activities carried out (for each Member State concerned)

- Description of risks identified by the concerned Member State and detailed content of its risk management strategy, including a description of the review and revision process.
- Comparison of type of control and inspection tools used and number of inspection means committed/number of means provided in the execution of the specific control and inspection programme, including duration and areas of deployment.
- Comparison of type of control and inspection tools used and number of control activities and inspections carried out (complete on the basis of information sent in accordance with Annex III)/number of serious infringements detected and, where possible, analysis on the motives for committing such infringements.
- Sanctions imposed for serious infringements (complete on the basis on information sent in accordance with Annex III).
- Analysis of other actions (distinct from control, inspection and enforcement activities, e.g. training or information sessions) designed to have an impact on compliance by fishing vessels and/or other operators [EXAMPLE: number of selective gear improvements deployed, numbers of cod/juvenile samples, etc.].

II. Detailed analysis of control, inspection and enforcement activities carried out (for each Member State concerned)

1. Analysis of inspection activities at sea (including aerial surveillance, where appropriate), in particular:
 - comparison of patrol vessels provided/committed,
 - serious infringements rate at sea,
 - proportion of inspections at sea on fishing vessels with a 'very low', 'low', or 'medium' level of risk resulting in one or more serious infringement,
 - proportion of inspections at sea on fishing vessels with a 'high' or 'very high' level of risk resulting in one or more serious infringement,
 - type and level of sanctions/evaluation of the deterrent effect.
2. Analysis of ashore inspection activities (including document based controls and inspections in ports or at first sale, or transshipments), in particular:
 - comparison of ashore-based inspection units provided/committed,
 - ashore serious infringements rate,
 - proportion of inspections ashore on fishing vessels and/or operators with a 'very low', 'low', or 'medium' level of risk resulting in one or more serious infringement,
 - proportion of inspections ashore on fishing vessels and/or operators with a 'high' or 'very high' level of risk resulting in one or more serious infringement,
 - type and level of sanctions/evaluation of the deterrent effect.
3. Analysis of target benchmarks expressed in terms of compliance levels (where applicable), in particular:
 - comparison of inspection means provided/committed,
 - serious infringement rate and trend (by comparison with 2 previous years),
 - proportion of inspections on fishing vessels/operators resulting in one or more serious infringements,

— type and level of sanctions/evaluation of the deterrent effect.

4. Analysis of other inspection and control activities: transshipment, aerial surveillance, importation/exportation, etc., as well as other actions such as training or information sessions designed to have an impact on compliance by fishing vessels and other operators

III. Proposal(s) for improving effectiveness of control, inspection and enforcement activities carried out (for each Member State concerned)

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