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⁽¹⁾ Text with EEA relevance.

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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

**Information concerning the entry into force of the Agreement between the European Community
and the Federative Republic of Brazil on certain aspects of air services**

The Agreement between the European Community and the Federative Republic of Brazil on certain aspects of air services, signed in Brasília on 14 July 2010, entered into force on 9 October 2018, in accordance with Article 8 of the Agreement, as the last notification was deposited on 9 October 2018.

REGULATIONS

COUNCIL REGULATION (EU) 2018/1977

of 11 December 2018

opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the period 2019–2020

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 31 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Union supplies of certain fishery products currently depend on imports from third countries. In the last 21 years, the Union has become more dependent on imports to meet its consumption of fishery products. In order not to jeopardise the Union production of fishery products and to ensure an adequate supply to the Union processing industry, import duties should be reduced or suspended for a number of fishery products within tariff quotas of an appropriate volume. To guarantee a level playing field for the Union producers, the sensitivity of individual fishery products on the Union market should be taken into consideration.
- (2) Council Regulation (EU) 2015/2265 ⁽¹⁾, which was amended by Council Regulation (EU) 2016/1184 ⁽²⁾, opened and provided for the management of autonomous Union tariff quotas for certain fishery products for the period 2016–2018. Given that the period of application of Regulation (EU) 2015/2265 expires on 31 December 2018, a new Regulation providing for tariff quotas should be adopted for the period 2019–2020.
- (3) Equal and uninterrupted access to the tariff quotas provided for in this Regulation should be ensured for all Union importers, and the rates laid down for the tariff quotas should be applied without interruption to all imports of the fishery products concerned into all Member States until the tariff quotas have been used up.
- (4) Commission Implementing Regulation (EU) 2015/2447 ⁽³⁾ provides for a system of tariff-quota management which follows the chronological order of the dates of acceptance of the customs declarations for release for free circulation. The tariff quotas opened by this Regulation should be managed by the Commission and the Member States in accordance with that system.
- (5) It is important to ensure transparency, predictability and legal certainty for all stakeholders. Since the tariff quotas are intended to ensure adequate supply to the Union processing industry, minimum treatment or operation should be required for quota entitlement.
- (6) To ensure the efficiency of a common management of the tariff quotas, Member States should be permitted to draw from the tariff quota amount the necessary quantities corresponding to their actual imports. Since that method of management requires close cooperation between the Member States and the Commission, the Commission should be able to monitor the rate at which the tariff quotas are used up and should inform the Member States accordingly,

⁽¹⁾ Council Regulation (EU) 2015/2265 of 7 December 2015 opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the period 2016–2018 (OJ L 322, 8.12.2015, p. 4).

⁽²⁾ Council Regulation (EU) 2016/1184 of 18 July 2016 amending Regulation (EU) 2015/2265 opening and providing for the management of autonomous Union tariff quotas for certain fishery products for the period 2016 to 2018 (OJ L 196, 21.7.2016, p. 1).

⁽³⁾ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

HAS ADOPTED THIS REGULATION:

Article 1

Import duties on the products listed in the Annex shall be reduced or suspended within the tariff quotas at the rates, for the periods and up to the amounts indicated therein.

Article 2

The tariff quotas referred to in Article 1 of this Regulation shall be managed in accordance with Articles 49 to 54 of Regulation (EU) 2015/2447.

Article 3

The tariff quotas shall be subject to end-use customs supervision in accordance with Article 254 of Regulation (EU) No 952/2013 of the European Parliament and of the Council ⁽¹⁾.

Article 4

1. The reduction or suspension of import duties shall apply only to products intended for human consumption.
2. The tariff quotas shall not be available for those products whose processing is carried out at retail or catering level.
3. The tariff quotas shall not be available for products intended solely for one or more of the following operations:
 - cleaning, gutting, tailing, heading;
 - cutting;
 - repacking of frozen IQF (individually quick frozen) fillets;
 - sampling, sorting;
 - labelling;
 - packing;
 - chilling;
 - freezing;
 - deep freezing;
 - glazing;
 - thawing;
 - separation.
4. Notwithstanding paragraph 3, the tariff quotas shall be available for products intended for one or more of the following operations:
 - dicing;
 - cutting into rings and cutting into strips for materials under CN codes 0307 43 91, 0307 43 92, 0307 43 99;
 - filleting;
 - production of flaps;
 - cutting of frozen blocks;
 - splitting of frozen interleaved fillet blocks to obtain individual fillets;
 - slicing for materials under CN codes ex 0303 66 11, 0303 66 12, 0303 66 13, 0303 66 19, 0303 89 70, 0303 89 90;

⁽¹⁾ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

- subjecting products under CN codes 0306 16 99 (TARIC subdivisions 20 and 30), 0306 17 92 (TARIC subdivision 20), 0306 17 99 (TARIC subdivision 10), 0306 35 90 (TARIC subdivisions 12, 14, 92 and 93), 0306 36 90 (TARIC subdivisions 20 and 30), 1605 21 90 (TARIC subdivisions 45, 55 and 62) and 1605 29 00 (TARIC subdivisions 50, 55 and 60) to processing treatment by packaging gases as defined in Annex I to Regulation (EC) No 1333/2008 of the European Parliament and of the Council ⁽¹⁾;
- dividing the frozen product or subjecting the frozen product to heat treatment to enable the removal of internal waste material for materials under CN codes 0306 11 10 (TARIC subdivision 10), 0306 11 90 (TARIC subdivision 20) and 0306 31 00 (TARIC subdivision 10).

Article 5

The Commission and the customs authorities of the Member States shall cooperate closely to ensure the proper management and control of the application of this Regulation.

Article 6

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

It shall apply from 1 January 2019 to 31 December 2020.

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

Done at Brussels, 11 December 2018.

For the Council
The President
G. BLÜMEL

⁽¹⁾ Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).

ANNEX

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ⁽¹⁾	Quota duty	Quota period
09.2746	ex 0302 89 90	30	Southern red snapper (<i>Lutjanus purpur-eus</i>), fresh, chilled, for processing	1 500	0 %	1.1.2019-31.12.2020
09.2748	ex 0302 91 00 ex 0303 91 90 ex 0305 20 00	95 91 30	Hard fish roes enclosed in the ovarian membrane, fresh, chilled or frozen, salted or in brine, for processing	5 700	0 %	1.1.2019-31.12.2020
09.2750	ex 0305 20 00	35	Hard fish roes, washed, cleaned of adherent organs and simply salted or in brine, for the manufacture of caviar substitutes	1 500	0 %	1.1.2019-31.12.2020
09.2754	ex 0303 59 10	10	Anchovies (<i>Engraulis anchoita</i> and <i>Engraulis capensis</i>), frozen, for processing	500	0 %	1.1.2019-31.12.2020
09.2759	ex 0302 51 10 ex 0302 51 90 ex 0302 59 10 ex 0303 63 10 ex 0303 63 30 ex 0303 63 90 ex 0303 69 10	20 10 10 10 10 10 10	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , excluding livers and roes, fresh, chilled or frozen, for processing	95 000	0 %	1.1.2019-31.12.2020
09.2760	ex 0303 66 11 ex 0303 66 12 ex 0303 66 13 ex 0303 66 19 ex 0303 89 70 ex 0303 89 90	10 10 10 11 91 10 30	Hake (<i>Merluccius</i> spp. excluding <i>Merluccius merluccius</i> , <i>Urophycis</i> spp.), and pink cusk-eel (<i>Genypterus blacodes</i> and <i>Genypterus capensis</i>), frozen, for processing	12 000	0 %	1.1.2019-31.12.2020
09.2761	ex 0304 79 50 ex 0304 79 90 ex 0304 95 90	10 11 17 11 17	Blue grenadier (<i>Macruronus</i> spp.), frozen fillets and other frozen meat, for processing	17 500	0 %	1.1.2019-31.12.2020
09.2765	ex 0305 62 00 ex 0305 69 10	20 25 29 10	Cod (<i>Gadus morhua</i> , <i>Gadus ogac</i> , <i>Gadus macrocephalus</i>) and fish of the species <i>Boreogadus saida</i> , salted or in brine, but not dried or smoked, for processing	3 500	0 %	1.1.2019-31.12.2020

⁽¹⁾ Expressed in net weight, unless otherwise stated.

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ⁽¹⁾	Quota duty	Quota period
09.2770	ex 0305 63 00	10	Anchovies (<i>Engraulis anchoita</i>), salted or in brine, but not dried or smoked, for processing	2 500	0 %	1.1.2019-31.12.2020
09.2772	ex 0304 93 10 ex 0304 94 10 ex 0304 95 10 ex 0304 99 10	10 10 10 10	Surimi, frozen, for processing	60 000	0 %	1.1.2019-31.12.2020
09.2774	ex 0304 74 15 ex 0304 74 19 ex 0304 95 50	10 10 10 20	North Pacific hake (<i>Merluccius productus</i>) and Argentine hake (Southwest Atlantic hake) (<i>Merluccius hubbsi</i>), frozen fillets and other meat, for processing	25 000	0 %	1.1.2019-31.12.2020
09.2776	ex 0304 71 10 ex 0304 71 90 ex 0304 95 21 ex 0304 95 25	10 10 10 10	Cod (<i>Gadus morhua</i> , <i>Gadus macrocephalus</i>), frozen fillets and frozen meat, for processing	50 000	0 %	1.1.2019-31.12.2020
09.2777	ex 0303 67 00 ex 0304 75 00 ex 0304 94 90	10 10 10	Alaska pollack (<i>Theragra chalcogramma</i>), frozen, frozen fillets and other frozen meat, for processing	320 000	0 %	1.1.2019-31.12.2020
09.2778	ex 0304 83 90 ex 0304 99 99	21 65	Flatfish, frozen fillets and other fish meat (<i>Limanda aspera</i> , <i>Lepidopsetta bilineata</i> , <i>Pleuronectes quadrituberculatus</i> , <i>Limanda ferruginea</i> , <i>Lepidopsetta polyxystra</i>), for processing	10 000	0 %	1.1.2019-31.12.2020
09.2785	ex 0307 43 91 ex 0307 43 92 ex 0307 43 99	10 10 21	Pod ⁽²⁾ of squid (<i>Ommastrephes</i> spp. - excluding <i>Todarodes sagittatus</i> (synonym <i>Ommastrephes sagittatus</i>) -, <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.) and <i>Illex</i> spp., frozen, with skin and fins, for processing	28 000	0 %	1.1.2019-31.12.2020
09.2786	ex 0307 43 91 ex 0307 43 92 ex 0307 43 99	20 20 29	Squid (<i>Ommastrephes</i> spp. - excluding <i>Todarodes sagittatus</i> (synonym <i>Ommastrephes sagittatus</i>) -, <i>Nototodarus</i> spp., <i>Sepioteuthis</i> spp.) and <i>Illex</i> spp., frozen, whole or tentacles and fins, for processing	5 000	0 %	1.1.2019-31.12.2020
09.2788	ex 0302 41 00 ex 0303 51 00 ex 0304 59 50 ex 0304 99 23	10 10 10 10	Herrings (<i>Clupea harengus</i> , <i>Clupea pallasii</i>), of a weight exceeding 100 g per piece or flaps of a weight exceeding 80 g per piece, excluding livers and roes, for processing	8 000	0 %	1.10.2019-31.12.2019 1.10.2020-31.12.2020

⁽¹⁾ Expressed in net weight, unless otherwise stated.

⁽²⁾ Body of cephalopod or the squid headless and without tentacle, with skin and fins.

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ⁽¹⁾	Quota duty	Quota period
09.2790	ex 1604 14 26	10	Fillets known as 'loins' of tunas and skipjack, for processing	30 000	0 %	1.1.2019-31.12.2020
	ex 1604 14 36	10				
	ex 1604 14 46	11				
		21				
		92				
		94				
09.2794	ex 1605 21 90	45	Shrimps and prawns of the species <i>Pandalus borealis</i> , and <i>Pandalus montagui</i> , cooked and peeled, for processing	7 000	0 %	1.1.2019-31.12.2020
		62				
		50				
	ex 1605 29 00	55				
09.2798	ex 0306 16 99	20	Shrimps and prawns of the species <i>Pandalus borealis</i> and <i>Pandalus montagui</i> , in shells, fresh, chilled or frozen, for processing	4 000	0 %	1.1.2019-31.12.2020
		30				
	ex 0306 35 90	12				
		14				
		92				
		93				
09.2800	ex 1605 21 90	55	Shrimps and prawns of the species <i>Pandalus jordani</i> , cooked and peeled, for processing	3 000	0 %	1.1.2019-31.12.2020
	ex 1605 29 00	60				
09.2802	ex 0306 17 92	20	Shrimps and prawns of the species <i>Penaeus vannamei</i> and <i>Penaeus monodon</i> , whether in shell or not, fresh, chilled or frozen, not cooked, for processing	40 000	0 %	1.1.2019-31.12.2020
	ex 0306 36 90	30				
09.2824	ex 0302 52 00	10	Haddock (<i>Melanogrammus aeglefinus</i>) fresh, chilled or frozen with heads off, gilled and gutted, for processing	3 500	2,6 %	1.1.2019-31.12.2020
	ex 0303 64 00	10				
09.2826	ex 0306 17 99	10	Shrimps and prawns of the species <i>Pleoticus muelleri</i> , whether in shell or not, fresh, chilled or frozen, for processing	4 000	0 %	1.1.2019-31.12.2020
	ex 0306 36 90	20				
09.2804	ex 1605 40 00	40	Crayfish tails of the species <i>Procambarus clarkii</i> , cooked, for processing	4 000	0 %	1.1.2019-31.12.2020
09.2762	ex 0306 11 10	10	Rock lobster and other sea crawfish (<i>Palinurus</i> spp., <i>Panulirus</i> spp., <i>Jasus</i> spp.), live, chilled, frozen, for processing	200	6 %	1.1.2019-31.12.2020
	ex 0306 11 90	20				
	ex 0306 31 00	10				

⁽¹⁾ Expressed in net weight, unless otherwise stated.

Order No	CN code	TARIC code	Description	Annual amount of quota (tonnes) ⁽¹⁾	Quota duty	Quota period
09.2784 ⁽²⁾	ex 1605 10 00	21 95	Crabs of the species 'King' (<i>Paralithodes camchaticus</i>), 'Hansaki' (<i>Paralithodes brevipes</i>), 'Kegani' (<i>Erimacrus isenbecki</i>), 'Queen' and 'Snow' (<i>Chionoecetes</i> spp.), 'Red' (<i>Geryon quinque-dens</i>), 'Rough stone' (<i>Neolithodes asperrimus</i>), <i>Lithodes santolla</i> , 'Mud' (<i>Scylla serrata</i>), 'Blue' (<i>Portunus</i> spp.), simply boiled in water and shelled, whether or not frozen, in immediate packings of a net content of 2 kg or more, for processing	500	0 %	1.1.2019-31.12.2020
09.2822	ex 0303 11 00 ex 0303 12 00	20 20	Pacific Salmon, headed and gutted, frozen, of the species <i>Oncorhynchus nerka</i> (sockeye salmon (red salmon)) and <i>Oncorhynchus kisutch</i> , for processing	10 000	0 %	1.1.2019-31.12.2020

⁽¹⁾ Expressed in net weight, unless otherwise stated.

⁽²⁾ This tariff quota (09.2784) is automatically deleted starting from 1 January of the year following that in which the Free Trade Agreement between the European Union and Vietnam enters into force or is applied provisionally, whichever occurs first.

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1978**of 10 December 2018****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications ('Cidre de Bretagne'/'Cidre breton' (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined France's application for the approval of amendments to the specification for the protected geographical indication 'Cidre de Bretagne'/'Cidre breton', registered under Commission Regulation (EC) No 2446/2000 ⁽²⁾.
- (2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* ⁽³⁾ as required by Article 50(2)(a) of that Regulation.
- (3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should be approved,

HAS ADOPTED THIS REGULATION:

*Article 1*The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Cidre de Bretagne'/'Cidre breton' (PGI) are hereby approved.*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 10 December 2018.

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

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ Commission Regulation (EC) No 2446/2000 of 6 November 2000 supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the Register of protected designations of origin and protected geographical indications provided for in Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ L 281, 7.11.2000, p. 2).

⁽³⁾ OJ C 222, 26.6.2018, p. 20.

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1979**of 13 December 2018****setting the weighted average of maximum mobile termination rates across the Union and repealing
Implementing Regulation (EU) 2017/2311****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 531/2012 of the European Parliament and of the Council of 13 June 2012 on roaming on public mobile communications networks within the Union ⁽¹⁾, and in particular Article 6e(2) thereof,

Whereas:

- (1) In accordance with Regulation (EU) No 531/2012, from 15 June 2017 domestic providers should not levy any surcharge, in addition to the domestic retail price on roaming customers, in any Member State for any regulated roaming call received, where those calls are within the limits allowed by fair use policy.
- (2) Regulation (EU) No 531/2012 limits any surcharge applied for receiving regulated roaming calls to the weighted average of maximum mobile termination rates across the Union.
- (3) Commission Implementing Regulation (EU) 2017/2311 ⁽²⁾ set out the weighted average of maximum mobile termination rates across the Union to be applied in 2018 on the basis of the values of the data of 1 July 2017.
- (4) The Body of European Regulators for Electronic Communications has provided the Commission with updated information gathered from Member States' national regulatory authorities on the maximum level of mobile termination rates imposed, in accordance with Articles 7 and 16 of Directive 2002/21/EC of the European Parliament and of the Council ⁽³⁾ and Article 13 of Directive 2002/19/EC of the European Parliament and of the Council ⁽⁴⁾, in each national market for wholesale voice call termination on individual mobile networks, and on the total number of subscribers in the Member States.
- (5) Pursuant to Regulation (EU) No 531/2012, the Commission has calculated the weighted average of the maximum mobile termination rates across the Union by multiplying the maximum mobile termination rate permitted in a given Member State by the total number of subscribers in that Member State, summing that product over all Member States and then dividing the total obtained by the total number of subscribers in all Member States, on the basis of the values of the data of 1 July 2018. For non-euro Member States, the relevant exchange rate is the average for the second quarter of 2018 obtained from the European Central Bank's database.
- (6) It is therefore necessary to update the value of the weighted average of maximum mobile termination rates across the Union laid down in Implementing Regulation (EU) 2017/2311.
- (7) Implementing Regulation (EU) 2017/2311 should therefore be repealed.
- (8) Pursuant to Regulation (EU) No 531/2012 the Commission is to review the weighted average of maximum mobile termination rates across the Union annually.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Communications Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The weighted average of maximum mobile termination rates across the Union is set at EUR 0,0085 per minute.

⁽¹⁾ OJ L 172, 30.6.2012, p. 10.

⁽²⁾ Commission Implementing Regulation (EU) 2017/2311 of 13 December 2017 setting out the weighted average of maximum mobile termination rates across the Union and repealing Implementing Regulation (EU) 2016/2292 (OJ L 331, 14.12.2017, p. 39).

⁽³⁾ Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) (OJ L 108, 24.4.2002, p. 33).

⁽⁴⁾ Directive 2002/19/EC of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive) (OJ L 108, 24.4.2002, p. 7).

Article 2

Implementing Regulation (EU) 2017/2311 is repealed.

Article 3

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

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

Done at Brussels, 13 December 2018.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1980**of 13 December 2018****amending Implementing Regulation (EU) 2017/2325 as regards the terms of authorisation of preparations of lecithins liquid, lecithins hydrolysed and lecithins de-oiled as feed additives for all animal species****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) The uses of the preparations of lecithins liquid, lecithins hydrolysed and lecithins de-oiled as feed additives were authorised as feed additives for all animal species by Commission Implementing Regulation (EU) 2017/2325 ⁽²⁾.
- (3) In accordance with Article 13(3) of Regulation (EC) No 1831/2003, the applicant proposed changing the terms of authorisation of the preparations by submitting an application to align the specifications of lecithins as feed additives to the specifications set for lecithins when used as food additives and to extend the authorisation to the use of rapeseed as an additional source of lecithins hydrolysed and lecithins de-oiled. The application was accompanied by the relevant supporting data. The Commission forwarded the application to the European Food Safety Authority (hereinafter 'the Authority').
- (4) The Authority concluded in its opinion of 12 June 2018 ⁽³⁾ that all the lecithins of different botanical origin and their forms used as feed additive meet the specifications set for the use of lecithins as food additive and that the use of rapeseed as an additional source of lecithins does not modify the previous conclusions that the lecithins do not have an adverse effect on animal health, human health or the environment and that they are efficacious as emulsifier. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The assessment of the proposed modifications to the authorisation shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied.
- (6) Implementing Regulation (EU) 2017/2325 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Implementing Regulation (EU) 2017/2325 is replaced by the Annex to this Regulation.

*Article 2***Transitional measures**

1. The additives 1c322i, 1c322ii and 1c322iii and premixtures containing those additives which are produced and labelled before 2 July 2019 in accordance with the rules applicable before 2 January 2019 may continue to be placed on the market and used until the existing stocks are exhausted.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ Commission Implementing Regulation (EU) 2017/2325 of 14 December 2017 concerning the authorisation of preparations of lecithins liquid, lecithins hydrolysed and lecithins de-oiled as feed additives for all animal species and amending Implementing Regulation (EU) 2017/1007 (OJ L 333, 15.12.2017, p. 17).

⁽³⁾ EFSA Journal 2018; 16(6):5334.

2. Compound feed and feed materials containing the additives as specified in Annex I which are produced and labelled before 2 January 2020 in accordance with the rules applicable before 2 January 2019 may continue to be placed on the market and used until the existing stocks are exhausted if they are intended for food-producing animals.

3. Compound feed and feed materials containing the additives as specified in Annex I which are produced and labelled before 2 January 2021 in accordance with the rules applicable before 2 January 2019 may continue to be placed on the market and used until the existing stocks are exhausted if they are intended for non-food-producing animals.

Article 3

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

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

Done at Brussels, 13 December 2018.

For the Commission
The President
Jean-Claude JUNCKER

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg of lecithins/kg of complete feedingstuff with a moisture content of 12 %			
Category of technological additives. Functional group: emulsifiers									
1c322i	—	Lecithins	<i>Additive composition</i> Preparations of: — lecithins and hydrolysed lecithins in liquid (plastic to fluid) form; — de-oiled lecithins and de-oiled hydrolysed lecithins in solid form. <i>Characterisation of the active substance</i> Lecithins, hydrolysed lecithins, de-oiled lecithins and de-oiled hydrolysed lecithins derived from soybean, sunflower or rapeseed: CAS no. 8002-43-5; <u>Assay:</u> — Lecithins, de-oiled lecithins: not less than 60,0 % of substances insoluble in acetone; — hydrolysed lecithins and de-oiled hydrolysed lecithins: not less than 56,0 % substances insoluble in acetone. Loss on drying: not more than 2 % (105 °C, 1 hour) Toluene-insoluble matter: not more than 0,3 %	All animal species	—	—	—	In the label of feed additive and premixures the form(s) used shall be indicated	6 July 2027

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						mg of lecithins/kg of complete feedingstuff with a moisture content of 12 %			
			<u>Acid value:</u> — Lecithins, de-oiled lecithins not more than 35 mg of potassium hydroxide per gram; — hydrolysed lecithins and de-oiled hydrolysed lecithins: not more than 45 mg of potassium hydroxide per gram Peroxide value: equal to or less than 10 <i>Analytical method</i> ⁽¹⁾ For the characterisation of feed additive: Commission Regulation (EU) No 231/2012 ⁽²⁾ and the corresponding tests in the FAO JECFA monograph 'Lecithin' ⁽³⁾ ⁽⁴⁾						

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

⁽²⁾ Commission Regulation (EU) No 231/2012 of 9 March 2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council (OJ L 83, 22.3.2012, p. 1).

⁽³⁾ FAO JECFA Combined Compendium of Food Additive Specifications, 'Lecithin', Monograph No 4 (2007), http://www.fao.org/fileadmin/user_upload/jecfa_additives/docs/monograph4/additive-250-m4.pdf

⁽⁴⁾ FAO JECFA Combined Compendium for Food Additive Specifications — Analytical methods, test procedures and laboratory solutions used by and referenced in the food additive specifications, Vol. 4, <http://www.fao.org/docrep/009/a0691e/a0691e00.htm>

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1981**of 13 December 2018****renewing the approval of the active substances copper compounds, as candidates for substitution, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 24 in conjunction with Article 20(1) thereof,

Whereas:

- (1) Commission Directive 2009/37/EC ⁽²⁾ included copper compounds as active substances in Annex I to Council Directive 91/414/EEC ⁽³⁾.
- (2) Active substances included in Annex I to Directive 91/414/EEC are deemed to have been approved under Regulation (EC) No 1107/2009 and are listed in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽⁴⁾.
- (3) The approval of the active substances copper compounds, as set out in Part A of the Annex to Implementing Regulation (EU) No 540/2011, expires on 31 January 2019.
- (4) An application for the renewal of the approval of copper compounds was submitted in accordance with Article 1 of Commission Implementing Regulation (EU) No 844/2012 ⁽⁵⁾ within the time period provided for in that Article.
- (5) The applicant submitted the supplementary dossiers required in accordance with Article 6 of Implementing Regulation (EU) No 844/2012. The application was found to be complete by the rapporteur Member State.
- (6) The rapporteur Member State prepared a renewal assessment report in consultation with the co-rapporteur Member State and submitted it to the European Food Safety Authority ('the Authority') and the Commission on 16 December 2016.
- (7) The Authority communicated the renewal assessment report to the applicant and to the Member States for comments and forwarded the comments received to the Commission. The Authority also made the supplementary summary dossier available to the public.
- (8) On 20 December 2017 the Authority communicated to the Commission its conclusions ⁽⁶⁾ on whether copper compounds can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009. The Commission presented the draft renewal report for copper compounds to the Standing Committee on Plants, Animals, Food and Feed on 25 May 2018.
- (9) The applicant was given the opportunity to submit comments on the draft renewal report.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Directive 2009/37/EC of 23 April 2009 amending Council Directive 91/414/EEC to include chlormequat, copper compounds, propaquizafop, quizalofop-P, teflubenzuron and zeta-permethrin as active substances (OJ L 104, 24.4.2009, p. 23).

⁽³⁾ Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).

⁽⁶⁾ EFSA (European Food Safety Authority), 2018. Conclusion on the peer review of the pesticide risk assessment of the active substance copper compounds EFSA Journal 2018;16(1):5152.

- (10) It has been established with respect to one or more representative uses of at least one product for each of the copper compounds that the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 are satisfied. It is therefore appropriate to renew the approval of copper compounds.
- (11) The risk assessment for the renewal of the approval of copper compounds is based on a limited number of representative uses, which however do not restrict the uses for which plant protection products containing copper compounds may be authorised. It is therefore appropriate to remove the restriction for use only as fungicide and bactericide.
- (12) The Commission, however, considers that copper compounds are candidates for substitution pursuant to Article 24 of Regulation (EC) No 1107/2009. Copper compounds are persistent and toxic substances in accordance with points 3.7.2.1 and 3.7.2.3, respectively, of Annex II to Regulation (EC) No 1107/2009, given that the half-life in soil is greater than 120 days and the long-term no-observed effect concentration for aquatic organisms is less than 0,01 mg/L. Copper compounds therefore fulfil the condition set in the second indent of point 4 of Annex II to Regulation (EC) No 1107/2009.
- (13) It is therefore appropriate to renew the approval of copper compounds as candidates for substitution pursuant to Article 24 of Regulation (EC) No 1107/2009.
- (14) In accordance with Article 14(1) of Regulation (EC) No 1107/2009 in conjunction with Article 6 thereof, and, in the light of current scientific and technical knowledge, it is, however, necessary to include certain conditions and restrictions.
- (15) It is, in particular, appropriate to restrict the use of plant protection products containing copper compounds to a maximum application rate of 28 kg/ha of copper over a period of 7 years (i.e. on average 4 kg/ha/year) in order to minimise the potential accumulation in soil and the exposure for not target organisms, while taking into account agro-climatic conditions occurring periodically in Member States leading to an increase of the fungal pressure. When authorising products Member States should pay attention to certain issues and strive for the minimisation of application rates.
- (16) It is also appropriate to limit the maximum content of certain impurities of toxicological concern.
- (17) The Annex to Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (18) Commission Implementing Regulation (EU) 2018/84 ⁽¹⁾ extended the approval period of copper compounds to 31 January 2019 in order to allow the renewal process to be completed before the expiry of the approval of these substances. However, given that a decision on renewal has been taken ahead of this extended expiry date, this Regulation should apply from 1 January 2019.
- (19) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Renewal of the approval of the active substances as candidates for substitution

The approval of the active substances copper compounds, as a candidate for substitution, is renewed as set out in Annex I.

Article 2

Amendments to Implementing Regulation (EU) No 540/2011

The Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with Annex II to this Regulation.

⁽¹⁾ Commission Implementing Regulation (EU) 2018/84 of 19 January 2018 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances chlorpyrifos, chlorpyrifos-methyl, clothianidin, copper compounds, dimoxystrobin, mancozeb, mecoprop-p, metiram, oxamyl, pethoxamid, propiconazole, propineb, propyzamide, pyraclostrobin and zoxamide (OJ L 16, 20.1.2018, p. 8).

*Article 3***Entry into force and date of application**

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

It shall apply from 1 January 2019.

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

Done at Brussels, 13 December 2018.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX I

Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
Copper compounds: Copper hydroxide CAS No 20427-59-2 CIPAC No 44.305 Copper oxychloride CAS No 1332-65-6 or 1332-40-7 CIPAC No 44.602 Copper oxide CAS No 1317-39-1 CIPAC No 44.603 Bordeaux mixture CAS No 8011-63-0 CIPAC No 44.604 Tribasic copper sulphate CAS No 12527-76-3 CIPAC No 44.306	Copper (II) hydroxide Dicopper chloride trihydroxide Copper oxide Not allocated Not allocated	≥ 573 g/kg ≥ 550 g/kg ≥ 820 g/kg ≥ 245 g/kg ≥ 490 g/kg The following impurities shall not exceed the following levels: Arsenic max. 0,1 mg/g Cu Cadmium max. 0,1 mg/g Cu Lead max. 0,3 mg/g Cu Nickel max. 1 mg/g Cu Cobalt max. 3 mg/kg Mercury max. 5 mg/kg Chromium max. 100 mg/kg Antimony max. 7 mg/kg	1 January 2019	31 December 2025	Only uses resulting in a total application of maximum 28 kg of copper per hectare over a period of 7 years shall be authorised. For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council, the conclusions of the review report on copper com- pounds and in particular Appendices I and II thereto, shall be taken into ac- count. In their overall assessment Member States shall pay particular attention to: — the operator, worker and bystander safety and ensure that conditions of use prescribe the application of adequate personal protective equipment and other mitigation measures as appropriate; — the protection of water and non-target organisms. In relation to these identified risks, risk mitigation measures, such as buffer zones, shall be applied where appropriate; — the amount of active substance applied and ensure that the authorised amounts, in terms of rates and number of applications, do not exceed the minimum necessary to achieve the desired effects and do not cause any unacceptable effect on the environment taking into account back- ground levels of copper at the application site, and, where the informa- tion is available, copper input from other sources. Member States may in particular decide to set a maximum annual application rate not ex- ceeding 4 kg/ha of copper.

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.

The Annex to Implementing Regulation (EU) No 540/2011 is amended as follows:

(1) in Part A, entry 277 on copper compounds is deleted;

(2) in Part E, the following entry is added:

No.	Common Name, Identification Numbers	IUPAC Name	Purity ⁽¹⁾	Date of approval	Expiration of approval	Specific provisions
'10	Copper compounds: Copper hydroxide CAS No 20427-59-2 CIPAC No 44.305 Copper oxychloride CAS No 1332-65-6 or 1332-40-7 CIPAC No 44.602 Copper oxide CAS No 1317-39-1 CIPAC No 44.603 Bordeaux mixture CAS No 8011-63-0 CIPAC No 44.604 Tribasic copper sulphate CAS No 12527-76-3 CIPAC No 44.306	Copper (II) hydroxide Dicopper chloride trihydroxide Copper oxide Not allocated Not allocated	≥ 573 g/kg ≥ 550 g/kg ≥ 820 g/kg ≥ 245 g/kg ≥ 490 g/kg The following impurities shall not exceed the following levels: Arsenic max. 0,1 mg/g Cu Cadmium max. 0,1 mg/g Cu Lead max. 0,3 mg/g Cu Nickel max. 1 mg/g Cu Cobalt max. 3 mg/kg Mercury max. 5 mg/kg Chromium max. 100 mg/kg Antimony max. 7 mg/kg	1 January 2019	31 December 2025	Only uses resulting in a total application of maximum 28 kg of copper per hectare over a period of 7 years shall be authorised. For the implementation of the uniform principles, as referred to in Article 29(6) of Regulation (EC) No 1107/2009 of the European Parliament and of the Council, the conclusions of the review report on copper compounds and in particular Appendices I and II thereto, shall be taken into account. In their overall assessment Member States shall pay particular attention to: — the operator, worker and bystander safety and ensure that conditions of use prescribe the application of adequate personal protective equipment and other mitigation measures as appropriate; — the protection of water and non-target organisms. In relation to these identified risks, risk mitigation measures, such as buffer zones, shall be applied where appropriate; — the amount of active substance applied and ensure that the authorised amounts, in terms of rates and number of applications, do not exceed the minimum necessary to achieve the desired effects and do not cause any unacceptable effect on the environment taking into account background levels of copper at the application site, and, where the information is available, copper input from other sources. Member States may in particular decide to set a maximum annual application rate not exceeding 4 kg/ha of copper.'

⁽¹⁾ Further details on identity and specification of active substance are provided in the review report.

COMMISSION IMPLEMENTING REGULATION (EU) 2018/1982**of 13 December 2018****on the minimum selling price for skimmed milk powder for the 29th partial invitation to tender within the tendering procedure opened by Implementing Regulation (EU) 2016/2080**

THE EUROPEAN COMMISSION,

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

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

Having regard to Commission Implementing Regulation (EU) 2016/1240 of 18 May 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage ⁽²⁾, and in particular Article 32 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2016/2080 ⁽³⁾ has opened the sale of skimmed milk powder by a tendering procedure.
- (2) In the light of the tenders received for the 29th partial invitation to tender, a minimum selling price should be fixed.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

For the 29th partial invitation to tender for the selling of skimmed milk powder within the tendering procedure opened by Implementing Regulation (EU) 2016/2080, in respect of which the period during which tenders were to be submitted ended on 11 December 2018, the minimum selling price shall be 145,10 EUR/100 kg.

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, 13 December 2018.

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

*Director-General
Directorate-General for Agriculture and Rural Development*

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 206, 30.7.2016, p. 71.

⁽³⁾ Commission Implementing Regulation (EU) 2016/2080 of 25 November 2016 opening the sale of skimmed milk powder by a tendering procedure (OJ L 321, 29.11.2016, p. 45).

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2018/1983

of 26 October 2018

amending Annexes I and II to Decision 2003/467/EC as regards the declaration of certain regions of Italy as officially tuberculosis-free and officially brucellosis-free in relation to bovine herds

(notified under document C(2018) 6981)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine ⁽¹⁾, and in particular paragraph 4 of Annex A.I and paragraph 7 of Annex A.II thereto,

Whereas:

- (1) Directive 64/432/EEC applies to trade within the Union in bovine animals. It lays down the conditions whereby a region of a Member State may be declared officially tuberculosis-free or officially brucellosis-free as regards bovine herds.
- (2) Chapter 2 of Annex I to Commission Decision 2003/467/EC ⁽²⁾ lists the regions of the Member States which are declared officially tuberculosis-free as regards bovine herds.
- (3) Italy has submitted to the Commission documentation demonstrating compliance for the Province of Frosinone of the Region of Lazio with the conditions laid down in Directive 64/432/EEC for officially tuberculosis-free status as regards bovine herds. Accordingly, that province should be listed in Chapter 2 of Annex I to Decision 2003/467/EC as officially tuberculosis-free region as regards bovine herds.
- (4) Chapter 2 of Annex II to Decision 2003/467/EC lists the regions of Member States which are declared officially brucellosis-free as regards bovine herds.
- (5) Italy has submitted to the Commission documentation demonstrating compliance for the Province of Rome of the Region of Lazio with the conditions laid down in Directive 64/432/EEC for officially brucellosis-free status as regards bovine herds. As all the other provinces of the Region of Lazio have earlier been granted the officially brucellosis-free status as regards bovine herds, the entire Region of Lazio should be listed in Chapter 2 of Annex II to Decision 2003/467/EC as officially brucellosis-free region as regards bovine herds.
- (6) Annexes I and II to Decision 2003/467/EC should therefore be amended accordingly.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Annexes I and II to Decision 2003/467/EC are amended in accordance with the Annex to this Decision.

⁽¹⁾ OJ L21, 29.7.1964, p. 1977/64.

⁽²⁾ Commission Decision 2003/467/EC of 23 June 2003 establishing the official tuberculosis, brucellosis, and enzootic-bovine-leukosis-free status of certain Member States and regions of Member States as regards bovine herds (OJ L 156, 25.6.2003, p. 74).

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 26 October 2018.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

Annexes I and II to Decision 2003/467/EC are amended as follows:

(1) in Chapter 2 of Annex I, the entry for Italy is replaced by the following:

‘In Italy:

- Region Abruzzo: Province of Pescara,
- Province of Bolzano,
- Region Emilia-Romagna,
- Region Friuli-Venezia Giulia,
- Region Lazio: Provinces of Frosinone, Rieti, Viterbo,
- Region Liguria,
- Region Lombardia,
- Region Marche: Province of Ancona, Ascoli Piceno, Fermo, Pesaro-Urbino,
- Region Piemonte,
- Region Sardegna: Provinces of Cagliari, Medio-Campidano, Ogliastra, Olbia-Tempio, Oristano,
- Region Toscana,
- Province of Trento,
- Region Umbria,
- Region Veneto.’;

(2) in Chapter 2 of Annex II, the entry for Italy is replaced by the following:

‘In Italy:

- Region Abruzzo: Province of Pescara,
 - Province of Bolzano,
 - Region Emilia-Romagna,
 - Region Friuli-Venezia Giulia,
 - Region Lazio
 - Region Liguria,
 - Region Lombardia,
 - Region Marche,
 - Region Molise: Province of Campobasso,
 - Region Piemonte,
 - Region Puglia: Province of Brindisi,
 - Region Sardegna,
 - Region Toscana,
 - Province of Trento,
 - Region Umbria,
 - Region Valle d’Aosta,
 - Region Veneto.’
-

COMMISSION IMPLEMENTING DECISION (EU) 2018/1984**of 13 December 2018****on recognition of the 'KZR INiG System' for demonstrating compliance with the sustainability criteria under Directives 98/70/EC and 2009/28/EC of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 98/70/EC of the European Parliament and of the Council of 13 October 1998 relating to the quality of petrol and diesel fuels and amending Council Directive 93/12/EEC ⁽¹⁾, and in particular the second subparagraph of Article 7c(4) thereof,

Having regard to Directive 2009/28/EC of the European Parliament and of the Council of 23 April 2009 on the promotion of the use of energy from renewable sources and amending and subsequently repealing Directives 2001/77/EC and 2003/30/EC ⁽²⁾, and in particular the second subparagraph of Article 18(4) thereof,

Whereas:

- (1) Articles 7b and 7c of, and Annex IV to, Directive 98/70/EC and Articles 17 and 18 of, and Annex V to, Directive 2009/28/EC lay down similar sustainability criteria for biofuels and bioliquids, and similar procedures for verifying that biofuels and bioliquids comply with those criteria.
- (2) Where biofuels and bioliquids are to be taken into account for the purposes referred to in Article 17(1)(a), (b) and (c) of Directive 2009/28/EC, Member States should require economic operators to show that biofuels and bioliquids comply with the sustainability criteria set out in Article 17(2) to (5) of that Directive.
- (3) The Commission may decide that voluntary national or international schemes setting standards for the production of biomass products contain accurate data for the purposes of Article 17(2) of Directive 2009/28/EC, and/or demonstrate that consignments of biofuel or bioliquid comply with the sustainability criteria set out in Article 17(3), (4) and (5), and/or that no materials have been intentionally modified or discarded so that the consignment or part thereof would fall under Annex IX. Where an economic operator provides proof or data obtained in accordance with a voluntary scheme that has been recognised by the Commission, to the extent covered by the recognition decision, a Member State should not require the supplier to provide further evidence of compliance with the sustainability criteria.
- (4) The request for recognition that the 'KZR INiG System' demonstrates that consignments of biofuel comply with the sustainability criteria set out in Directives 98/70/EC and 2009/28/EC was submitted to the Commission on 11 August 2017. The scheme that is based in ul. Lubicz 25A, 31-503 Kraków, Poland, covers a wide range of feedstocks including wastes and residues and the entire chain of custody.
- (5) In assessing the 'KZR INiG System', the Commission found that it covers adequately the sustainability criteria set out in Directives 98/70/EC and 2009/28/EC, as well as applies a mass balance methodology in accordance with the requirements of Article 7c(1) of Directive 98/70/EC and Article 18(1) of Directive 2009/28/EC.
- (6) The assessment of the 'KZR INiG System' found that it meets adequate standards of reliability, transparency and independent auditing and also complies with the methodological requirements set out in Annex IV to Directive 98/70/EC and in Annex V to Directive 2009/28/EC.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Committee on the Sustainability of Biofuels and Bioliquids,

⁽¹⁾ OJ L 350, 28.12.1998, p. 58.

⁽²⁾ OJ L 140, 5.6.2009, p. 16.

HAS ADOPTED THIS DECISION:

Article 1

The 'KZR INiG System' ('the scheme'), submitted for recognition to the Commission on 11 August 2017, demonstrates that consignments of biofuels and bioliquids produced in accordance with the standards for the production of biofuels and bioliquids set in the scheme comply with the sustainability criteria laid down in Article 7b(3), (4) and (5) of Directive 98/70/EC and Article 17(3), (4) and (5) of Directive 2009/28/EC.

The scheme also contains accurate data for the purposes of Article 17(2) of Directive 2009/28/EC and Article 7b(2) of Directive 98/70/EC.

Article 2

In the event that the contents of the scheme, as submitted for recognition to the Commission on 11 August 2017, change in a way that might affect the basis of this Decision, such changes shall be notified to the Commission without delay. The Commission shall assess the notified changes with a view to establishing whether the scheme still adequately covers the sustainability criteria for which it is recognised.

Article 3

The Commission may repeal this Decision, inter alia, under the following circumstances:

- (a) if it has been clearly demonstrated that the scheme has not implemented elements considered to be important for this Decision or if severe and structural breach of those elements has taken place;
- (b) if the scheme fails to submit annual reports to the Commission pursuant to Article 7c(6) of Directive 98/70/EC and Article 18(6) of Directive 2009/28/EC;
- (c) if the scheme fails to implement standards of independent auditing specified in implementing acts referred to in the third subparagraph of Article 7c(5) of Directive 98/70/EC and the third subparagraph of Article 18(5) of Directive 2009/28/EC or improvements to other elements of the scheme considered to be important for a continued recognition.

Article 4

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

It shall apply until 3 January 2024.

Done at Brussels, 13 December 2018.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION IMPLEMENTING DECISION (EU) 2018/1985

of 13 December 2018

not approving *Willaertia magna c2c maky* as an active substance for use in biocidal products of product-type 11

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ⁽¹⁾, and in particular Article 9(1)(b) thereof,

Whereas:

- (1) The evaluating competent authority of France received on 17 March 2014 an application for the approval of the microorganism *Willaertia magna c2c maky* for use as an active substance in biocidal products of product-type 11, preservatives for liquid cooling and processing systems, as described in Annex V to Regulation (EU) No 528/2012.
- (2) The evaluating competent authority of France submitted the assessment report together with its conclusions on 15 March 2017 in accordance with Article 8(1) of Regulation (EU) No 528/2012.
- (3) The opinion of the European Chemicals Agency was formulated on 26 April 2018 by the Biocidal Products Committee, having regard to the conclusions of the evaluating competent authority ⁽²⁾.
- (4) According to that opinion, biocidal products of product-type 11 containing *Willaertia magna c2c maky* may not be expected to meet the criteria laid down in Article 19(1)(b) of Regulation (EU) No 528/2012. In particular, the scenarios evaluated in the human health risk assessment identified unacceptable risks and no safe use could be identified. Moreover, the innate efficacy of *Willaertia magna c2c maky* to control *Legionella pneumophila* was not sufficiently demonstrated.
- (5) Taking into account the opinion of the European Chemicals Agency, the Commission considers it not appropriate to approve *Willaertia magna c2c maky* for use in biocidal products of product-type 11.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DECISION:

Article 1

Willaertia magna c2c maky is not approved as an active substance for use in biocidal products of product-type 11.⁽¹⁾ OJ L 167, 27.6.2012, p. 1.⁽²⁾ Biocidal Products Committee (BPC) Opinion on the application for approval of the active substance: *Willaertia magna c2c maky*, product-type 11, ECHA/BPC/206/2018, adopted on 26 April 2018.

Article 2

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

Done at Brussels, 13 December 2018.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION IMPLEMENTING DECISION (EU) 2018/1986**of 13 December 2018****establishing specific control and inspection programmes for certain fisheries and repealing
Implementing Decisions 2012/807/EU, 2013/328/EU, 2013/305/EU and 2014/156/EU**

THE EUROPEAN COMMISSION,

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

Having regard to 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 establishes rules for the control of 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 provides, 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) In accordance with Article 95 of Regulation (EC) No 1224/2009, the Commission may, in concert with the Member States concerned, adopt specific control and inspection programmes for specific fisheries and sea basins.
- (3) Specific control and inspection programmes have been adopted by the Commission for several sea basins and have been implemented by Member States through joint deployment plans, with the European Fisheries Control Agency ('EFCA') assuring operational coordination of inspection activities in this frame.
- (4) The recent Commission REFIT evaluation ⁽²⁾ found that specific control and inspection programmes are an efficient and effective tool for improving cooperation and exchange of information among Member States.
- (5) The specific control and inspection programmes established under Commission Implementing Decisions 2012/807/EU ⁽³⁾, 2013/328/EU ⁽⁴⁾, 2013/305/EU ⁽⁵⁾ expire on 31 December 2018. Such programmes should also be provided for after that date to continue fostering cooperation and exchange of data among Member States, as well as to promote level playing field in inspection and control activities across the Union.
- (6) In order to simplify the adoption and ensure consistent implementation of the specific control and inspection programmes at Union level, those specific control and inspections programmes should be gathered in one single decision. The reporting obligation of the Member States should be revised, with the objective to align them to the new benchmarks and to reduce as much as possible the administrative burden.
- (7) In order to ensure coherence across sea basins, the specific control and inspection programme established under Commission Implementing Decision 2014/156/EU ⁽⁶⁾ should be also revised, including the benchmarks and reporting obligations.
- (8) In accordance with Article 95(2) of Regulation (EC) No 1224/2009 the specific control and inspection programmes should state the scope, objectives and priorities as well as benchmarks for inspection activities.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ COM(2017) 192 final, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM:2017:192:FIN>.

⁽³⁾ Commission Implementing Decision 2012/807/EU of 19 December 2012 establishing a specific control and inspection programme for pelagic fisheries in Western Waters of the North East Atlantic (OJ L 350, 20.12.2012, p. 99).

⁽⁴⁾ Commission Implementing Decision 2013/328/EU of 25 June 2013 establishing a specific control and inspection programme for fisheries exploiting cod, plaice and sole in the Kattegat, the North Sea, the Skagerrak, the eastern Channel, the waters west of Scotland and the Irish Sea (OJ L 175, 27.6.2013, p. 61).

⁽⁵⁾ Commission Implementing Decision 2013/305/EU of 21 June 2013 establishing a specific control and inspection programme for fisheries exploiting cod, herring, salmon and sprat in the Baltic Sea (OJ L 170, 22.6.2013, p. 66).

⁽⁶⁾ Commission Implementing Decision 2014/156/EU of 19 March 2014 establishing a specific control and inspection programme for fisheries exploiting stocks of bluefin tuna in the Eastern Atlantic and the Mediterranean, swordfish in the Mediterranean and for fisheries exploiting stocks of sardine and anchovy in the Northern Adriatic Sea (OJ L 85, 21.3.2014, p. 15).

- (9) In order to reflect recently adopted Union fisheries conservation and management measures, the scope of the specific control and inspections programmes should be extended to certain additional stocks and fisheries. The scope should also include recreational fisheries for stocks covered by Union conservation measures and fisheries managed by Regional Fisheries Management Organisations. It is also necessary to align the priorities of the specific control and inspection programmes with those of the common fisheries policy, in particular as regards the implementation of the landing obligation.
- (10) This decision should therefore cover certain fisheries in the Baltic Sea, the North Sea, the Western Waters of North Eastern Atlantic, the Eastern Atlantic, the Mediterranean Sea and the Black Sea.
- (11) Article 95(2) of Regulation (EC) No 1224/2009 provides that the specific control and inspection programme benchmarks for inspections activities are to be established on the basis of risk management. For this purpose, and in order to provide for a coherent approach to controls and inspections within a sea basin and a level playing field for fisheries of different Member States, a harmonised methodology for the risk assessment should be used. The harmonised methodology should be established by the Member States in cooperation with EFCA and should be based on possible threats of non-compliance with the rules of the common fishery policy.
- (12) Member States should communicate the results of their risk assessment to EFCA. EFCA should use this information when coordinating the risk assessment at regional level.
- (13) EFCA should establish a regional risk management strategy which shall be implemented through a joint deployment plan as defined in Article 2(c) of Council Regulation (EC) No 768/2005 ⁽¹⁾.
- (14) In accordance with Article 95(4) of Regulation (EC) No 1224/2009 Member States should adopt the necessary measures to ensure the implementation of the specific control and inspection programme, particularly as regards the required human and material resources and the periods and zones where these are to be deployed.
- (15) Joint inspection and surveillance activities between the 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 to coordinate control, inspection and surveillance activities between the competent authorities of those Member States.
- (16) The target benchmarks determining the intensity of control and inspection activities should be set for the fishing vessels in the high and very high risk fleet segments in all concerned Member States. All target benchmarks should be assessed taking into account the yearly evaluation performed by Member States. Member States should be entitled to use alternative target benchmarks expressed in terms of improved compliance levels.
- (17) Exchange of information between competent authorities of Member States and with EFCA concerning vessel monitoring system data, data from the electronic reporting system including fishing activity reports, prior notifications, landing and transshipment declarations and sales notes, inspection and surveillance data, including inspection and observer reports and infringement reports and the processing of personal data is necessary for implementation of the specific control and inspection programmes, joint deployment plans and joint inspection and surveillance activities. It should be ensured at all times and at all levels that the obligations on personal data protection laid down in Regulations (EU) 2016/679 ⁽²⁾ and (EU) 2018/1725 of the European Parliament and of the Council ⁽³⁾, and, where applicable, the provisions of the Member States transposing Directive (EU) 2016/680 of the European Parliament and of the Council ⁽⁴⁾ are respected.

⁽¹⁾ Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy (OJ L 128, 21.5.2005, p. 1).

⁽²⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁽³⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

⁽⁴⁾ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

- (18) Personal data processed for the purpose of implementing the specific control and inspection programmes should not be stored for a period exceeding 10 years. This period will allow the Member States competent authorities and EFCA to complete their duties concerning the follow-up, the reporting and evaluation of the specific control and inspection programmes. As regards the data necessary for the follow-up of inspections such as enquiries, infringements, judicial or administrative proceedings, a specific longer retention period of 20 years is necessary due to the length of such processes and the need for those data to be used until the end of such processes. In addition, where the data is used for scientific purposes and for providing scientific advice, the retention period should be extended to allow for the long-term scientific monitoring and assessment of marine biological resources.
- (19) Member States should prepare and send to the Commission yearly reports on the implementation of the specific control and inspection programmes. The Commission should use these reports to assess the implementation of the specific control and inspection programmes and to evaluate, their adequacy and effectiveness. Such assessment may serve as the basis for the review of the specific inspection and control programmes.
- (20) The measures provided for in this Decision are in accordance with the opinion of the Committee for fisheries and aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter

1. This Decision establishes specific control and inspection programmes for:
- (a) fisheries exploiting stocks or species covered by multiannual plans referred to in Articles 9 and 10 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽¹⁾ and plans adopted in accordance with Article 18 of that Regulation as well as by other Union measures adopted pursuant to Article 43(3) of the Treaty and providing for quantitative limitations and allocation of fishing opportunities;
 - (b) fisheries exploiting species under the landing obligation pursuant to Article 15 of the Regulation (EU) No 1380/2013;
 - (c) certain fisheries exploiting stocks or species subject to conservation and management measures adopted by Regional Fisheries Management Organizations,
- as set out in Annexes I to V.
2. The specific control and inspection programmes are set out in Annexes I to V and shall be implemented by the Member States referred to in those Annexes ('Member States concerned').

Article 2

Scope

The specific control and inspection programmes shall cover the following activities:

- (a) fishing activities within the meaning of Article 4(1) of Regulation (EC) No 1224/2009 in the areas referred to in Annexes I to V of this Decision ('areas concerned');
- (b) fishing related activities, including weighing, processing, marketing, transport and storage of fisheries products;
- (c) importation and indirect importation as defined in Article 2(11) and Article 2(12) of Council Regulation (EC) No 1005/2008 ⁽²⁾, for fisheries covered in Annex I;
- (d) exportation and re-exportation as defined in Article 2(13) and Article 2(14) of Regulation (EC) No 1005/2008, for fisheries covered in Annex I;
- (e) recreational fisheries as defined in Article 4(28) of Regulation (EC) No 1224/2009, when subject to Union conservation measures and when specified in the relevant Annex;

⁽¹⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

⁽²⁾ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

- (f) emergency measures pursuant to Article 108 of Regulation (EC) No 1224/2009 and Commission measures in case of a serious threat to marine biological resources in accordance with Article 12 of Regulation (EU) No 1380/2013.

Article 3

Objectives

1. The specific control and inspection programmes shall ensure a uniform and effective implementation of the conservation and control measures applicable to stocks and fisheries referred to in Annexes I to V.
2. Control and inspection activities carried out under each 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, effort regime and technical measures applied in the areas concerned;
 - (b) reporting obligations applicable to fishing activities, in particular the reliability of the information recorded and reported;
 - (c) the obligation to land all catches of species subject to the landing obligation pursuant to Regulation (EU) No 1380/2013, and the measures to reduce discarding provided for in Title IIIa of Council Regulation (EC) No 850/98 ⁽¹⁾;
 - (d) the special rules for weighing of certain pelagic species provided for in Articles 78 to 89 of Commission Implementing Regulation (EU) No 404/2011 ⁽²⁾;
 - (e) specific provisions approved by Regional Fisheries Management Organizations regarding the stocks and the areas concerned by this Decision.

Article 4

Priorities

1. The Member States concerned shall carry out control and inspection with respect to fishing activities and fishing related activities regarding the different stocks and area(s) referred to in Annexes I to V to this Decision on the basis of risk management, in accordance with Article 5(4) of Regulation (EC) No 1224/2009 and Article 98 of Implementing Regulation (EU) No 404/2011.
2. Each Member State concerned shall attribute a level of priority for control and inspections on the basis of the results of the risk assessment carried out in accordance with the procedures laid down in Article 5.
3. Each fishing vessel and/or fleet segment as referred to in Article 5(2)b shall be subject to control and inspections according to the level of priority attributed pursuant to paragraph 2, ensuring that all the stocks of the fisheries listed in Annexes I to V are adequately covered.
4. Inspections ashore of operators engaged in fishing related activities shall be conducted when relevant in relation to the step in the fishery/marketing chain and when part of the risk management strategy as referred in Article 6.

Article 5

Procedures for risk assessment and relation with joint deployment plans

1. The Member States concerned shall assess, at least once a year, risks with regard to the fisheries listed in Annexes I to V in accordance with the harmonised methodology established by the Member States in cooperation with the European Fisheries Control Agency (EFCA), and based on possible threats of non-compliance with the rules of the common fishery policy.
2. The risk assessment methodology referred to in paragraph 1 shall provide that the Member States:
 - (a) consider, using all available and relevant information, how likely a non-compliance is to happen and, if it were to happen, its potential impact(s);
 - (b) establish the level of risk by stocks, gear, area covered (referred to as 'fleet segment') and time of the year, based on likelihood and potential impact. The estimated risk level shall be expressed as 'very high', 'high', 'medium', 'low'.

⁽¹⁾ Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (OJ L 125, 27.4.1998, p. 1).

⁽²⁾ Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 establishing a Community control system for ensuring compliance with the rules of the Common Fisheries Policy (OJ L 112, 30.4.2011, p. 1).

3. In the framework of a joint deployment plan established by EFCA in accordance with Regulation (EC) No 768/2005 ('joint deployment plan') each Member State concerned shall communicate to EFCA the results of its risk assessment. The identified type of possible non-compliance (threats) with the applicable rules on the common fishery policy shall be outlined to facilitate programming the risk management strategy referred to in Article 6. Member States shall immediately communicate to EFCA any changes in the estimated level of risks.
4. EFCA shall use the information received from Member States when coordinating the risk assessment at regional level.
5. The Member States concerned shall establish a list of their vessels indicating, at least the medium-, high- and very high risk vessels. The list of vessels shall be regularly updated taking into consideration the information collected during control and inspection activities, including joint control and inspection and any relevant information provided by other Member States.
6. In cases 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 areas concerned the level of risk pursuant to paragraph 5 shall be determined by the coastal Member State in whose waters the fishing vessel is operating, unless the flag State authorities provide, in the framework of Article 8 of this Decision, the level of that risk.
7. In the framework of a joint deployment plan and for operational reasons the Member States concerned shall communicate to EFCA the list of vessels established pursuant to paragraphs 5 and 6. The identified type of threats applicable to the vessels shall be outlined to facilitate effective control and inspection activities. The Member States concerned shall immediately inform EFCA of any changes following the update of their list.

Article 6

National and regional risk management strategies

1. On the basis of the results of the risk assessments each Member State concerned shall establish at least once a year a national risk management strategy focused on ensuring compliance with the rules of the common fisheries policy. Such strategy shall encompass the identification, description and allocation of appropriate resources, control instruments and inspection means, taking into account the identified level of risks, the nature of threat of non-compliance with the rules of the common fishery policy, and the achievement of the target benchmarks.
2. EFCA, on the basis of the regional risk assessment referred to in Article 5(4) of this Decision, shall establish a regional risk management strategy, as referred to in paragraph 1 of this Article. EFCA shall coordinate and implement this regional risk management strategy through a joint deployment plan.

Article 7

Target benchmarks

1. Without prejudice to the target benchmarks defined in point 4 of Annex I to Regulation (EC) No 1224/2009 and in Article 9(1) of Regulation (EC) No 1005/2008, the target benchmarks for inspections of fishing vessels are set out in point 4 respectively of Annexes I to V to this Decision.
2. By way of derogation from paragraph 1, Member States may apply alternatively different target benchmarks, expressed in terms of improved compliance levels according to the harmonised methodology established in cooperation with the EFCA, in order to fulfil the objectives set in Article 3 of this Decision, provided that:
 - (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 Member States concerned define the control and inspection effort as well as the strategy to achieve the outcomes expected with the improved compliance levels;
 - (c) the benchmarks expressed in terms of improved compliance levels do not negatively impact objectives, priorities and risk-based procedures defined by the specific control and inspection programmes;
 - (d) the benchmarks expressed in terms of improved compliance levels are notified to the Commission at the latest one year after entry into force of this Decision and subsequently every 2 years, and this latter does not object to them within 90 days of the notification.

3. All target benchmarks shall be assessed annually on the basis of the evaluation reports referred to in Article 11(1) and, where appropriate, revised accordingly in the framework of the evaluation provided for in Article 11(6).
4. Where applicable, a joint deployment plan shall give effect to target benchmarks referred to in this Article.

Article 8

Cooperation between Member States and with third countries

1. The Member States concerned shall cooperate in the implementation of the specific control and inspection programmes.
2. Where appropriate, all other Member States shall cooperate with the Member States concerned and EFCA to achieve the objectives of the joint deployment plans.
3. The Member States concerned and EFCA may cooperate with the competent authorities of third countries for the implementation of the specific control and inspection programmes.

Article 9

Joint inspections and surveillance activities

1. For the purpose of increasing the efficiency and effectiveness of their national fisheries control systems, the Member States concerned shall where appropriate undertake joint inspection and surveillance activities on their territory and in waters under their jurisdiction and where applicable in international waters. Without prejudice to Article 5(1) of Regulation (EC) No 1224/2009, where applicable, such activities shall be carried out in the framework of joint deployment plans as 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 and Union inspectors 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) use standard procedures for inspections agreed with EFCA in the framework of a joint deployment plan;
 - (d) designate contact points as referred to in Article 80(5) of Regulation (EC) No 1224/2009, where appropriate.
3. Officials of the Member States concerned and Union inspectors may participate in joint inspection and surveillance activities.

Article 10

Exchange of data

1. For the purpose of implementing the specific control and inspection programmes, each Member State concerned shall ensure the electronic exchange with other Member States concerned and EFCA of data related to fishing activities and fishing related activities covered by the specific control and inspection programmes.

The exchange of data referred to in the first subparagraph shall be in accordance with Article 111 of Regulation (EC) No 1224/2009 and with Article 118 of and Annex XII to Implementing Regulation (EU) No 404/2011.

2. Data exchanged pursuant to paragraph 1 may include personal data. EFCA and Member States may process personal data to which they have access pursuant to paragraph 1 for the purposes of complying with their tasks and obligations under the specific control and inspection programmes. EFCA and Member States shall take, in accordance with Article 5 of Regulation (EU) 2016/679 and Article 4 of Regulation (EU) 2018/1725, measures to ensure appropriate protection of personal data.

3. Personal data contained in the information exchanged pursuant to paragraph 1 shall not be stored for a period longer than 10 years, except if such personal data is necessary to allow the follow up of an infringement, an inspection, or judicial or administrative proceedings. In this case, such personal data may be stored for 20 years. If personal data contained in the information exchanged pursuant to paragraph 1 is retained for a longer period of time, the data shall be anonymised.

4. By way of derogation from paragraph 3, personal data contained in the information exchanged pursuant to paragraph 1 may be stored for a period exceeding the periods set in paragraph 3 solely for the purpose of performing scientific research and providing scientific advice in line with Article 89 of Regulation (EU) 2016/679.
5. Member States shall process personal data collected pursuant to this Decision in accordance with Article 4(7) of Regulation (EU) 2016/679.
6. EFCA and the Member State authorities shall ensure the security of the processing of personal data that takes place pursuant to this Decision. EFCA and the Member State authorities shall cooperate on security-related tasks.
7. EFCA and Member States shall take measures to ensure appropriate protection of the confidentiality of the information received pursuant to this Decision in accordance with Article 113 of Regulation (EC) No 1224/2009.

Article 11

Information and evaluation

1. Each Member State shall, by 31 March of each year, send to the Commission and to the EFCA a report concerning the control and inspection activities carried out under the specific control and inspection programmes of the preceding calendar year.
2. The report referred to in paragraph 1 shall at least include the information listed in Annex VI.
3. The information referred to in point IV of Annex VI shall continue to be listed and be 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.
4. For fisheries referred to in Annex I, the information referred to in point IV of Annex VI shall be transmitted by electronic means to the Commission and to the EFCA by 15 September and shall be updated by 31 March of the following year.
5. 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 the reports referred to in paragraph 1 of this Article.
6. The Commission shall convene at least every two years a meeting of the Committee for fisheries and aquaculture to assess the implementation and evaluate the adequacy and effectiveness of the specific control and inspection programmes and their overall impact on compliance by fishing vessels and operators.

Article 12

Repeal and transition period

Without prejudice to the second paragraph of this Article, Implementing Decisions 2012/807/EU, 2013/328/EU, 2013/305/EU and 2014/156/EU are repealed.

However, Implementing Decisions 2012/807/EU, 2013/328/EU, 2013/305/EU and 2014/156/EU shall continue to apply for the report to be submitted by the Member States in 2019 concerning the control and inspection activities carried out in 2018.

Article 13

Entry into force

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

It shall apply from 1 January 2019.

Done at Brussels, 13 December 2018.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

DETAILS ON THE SPECIFIC CONTROL AND INSPECTION PROGRAMME FOR FISHERIES EXPLOITING ICCAT ⁽¹⁾ SPECIES IN THE EASTERN ATLANTIC AND THE MEDITERRANEAN SEA AND FOR CERTAIN DEMERSAL AND PELAGIC FISHERIES IN THE MEDITERRANEAN SEA

- (1) This specific control and inspection programme shall cover the geographical areas defined as follows:
- (a) 'Eastern Atlantic' means International Council for the Exploration of the Seas (ICES ⁽²⁾) subareas VII, VIII, IX, X as defined in Annex III to Regulation (EC) No 218/2009 and FAO ⁽³⁾ division 34.1.2;
 - (b) 'Mediterranean' means FAO subareas 37.1, 37.2 and 37.3 or geographical sub-areas 1 to 27 as defined in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council ⁽⁴⁾;
 - (c) 'Northern Adriatic' and 'Southern Adriatic' means the geographical subareas 17 and 18 as defined in Annex I to Regulation (EU) No 1343/2011;
 - (d) 'Strait of Sicily' means the geographical sub-areas 12, 13, 14, 15, and 16, as defined in Annex I to Regulation (EU) No 1343/2011;
- (2) The Member States concerned are Croatia, Cyprus, France, Greece, Italy, Malta, Portugal, Slovenia and Spain.
- (3) The following fisheries shall be considered:
- Fisheries (including recreational) exploiting stocks of bluefin tuna in the Eastern Atlantic and the Mediterranean Sea;
 - Fisheries (including recreational) exploiting Swordfish in the Mediterranean;
 - Fisheries exploiting Albacore in the Mediterranean;
 - Fisheries exploiting sardine and anchovy in the Northern and Southern Adriatic Sea;
 - Fisheries exploiting European hake and deep-water rose shrimp in the Strait of Sicily;
 - Fisheries exploiting deep-sea shrimps in the Levant and Ionian Sea;
 - Fisheries exploiting European eel of the species *Anguilla anguilla* in Union waters of the Mediterranean;
 - Fisheries exploiting species under the landing obligation pursuant to Article 15 of Regulation (EU) No 1380/2013.
- (4) Target benchmarks for inspections

The following benchmarks shall be implemented by the Member States specified in point 2 of this Annex.

- (a) Inspections activities at sea;

On a yearly basis at least 60 % of total inspections at sea (excluding aerial surveillance) shall be conducted on fishing vessels belonging to the fleet segments in the two highest risk level categories identified according to Article 5(1) and 5(2) ensuring that both these fleet segments are adequately and proportionally covered.

- (b) Inspections at landing (inspections in ports and before first sale);

On a yearly basis at least 60 % of total inspections at landing shall be conducted on fishing vessels belonging to the fleet segments in the two highest risk level categories identified according to Article 5(1) and 5(2) ensuring that both these fleet segments are adequately and proportionally covered.

⁽¹⁾ International Commission for the conservation of Atlantic Tunas

⁽²⁾ ICES (International Council for the Exploration of the Sea) zones are as defined in Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70).

⁽³⁾ 'UN Food and Agriculture Organisation'

⁽⁴⁾ Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 347, 30.12.2011, p. 44).

- (c) Inspections in traps and farming installations related to fisheries exploiting stocks of bluefin tuna in the Eastern Atlantic and the Mediterranean sea;

On a yearly basis 100 % of caging and transfer operations at traps and farm installations, including release of fish, shall be inspected.

ANNEX II

DETAILS ON THE SPECIFIC CONTROL AND INSPECTION PROGRAMME FOR CERTAIN FISHERIES IN THE BLACK SEA

- (1) This specific control and inspection programme shall cover the geographical areas defined as follows:

Union waters of 'Black Sea' where 'Black Sea' means the GFCM (General Fisheries Commission for the Mediterranean) geographical sub-area 29 as defined in Annex I to Regulation (EU) No 1343/2011;

- (2) The Member States concerned are Bulgaria and Romania.

- (3) The following fisheries shall be considered:

- Fisheries exploiting turbot in the Black Sea;
- Fisheries exploiting species under the landing obligation pursuant to Article 15 of Regulation (EU) No 1380/2013.

- (4) Target benchmarks for inspections

The following benchmarks shall be implemented by the Member States specified in point 2 of this Annex.

- (a) Inspections activities at sea;

On a yearly basis at least 60 % of total inspections at sea (excluding aerial surveillance) shall be conducted on fishing vessels belonging to the fleet segments in the two highest risk level categories identified according to Article 5(1) and 5(2) ensuring that both these fleet segments are adequately and proportionally covered.

- (b) Inspections at landing (inspections in ports and before first sale);

On a yearly basis at least 60 % of total inspections at landing shall be conducted on fishing vessels belonging to the fleet segments in the two highest risk level categories identified according to Article 5(1) and 5(2) ensuring that both these fleet segments are adequately and proportionally covered.

ANNEX III

DETAILS ON THE SPECIFIC CONTROL AND INSPECTION PROGRAMME FOR CERTAIN PELAGIC AND DEMERSAL FISHERIES IN THE BALTIC SEA

(1) This specific control and inspection programme shall cover the geographical areas defined as follows:

Union waters of the 'Baltic Sea', where 'Baltic Sea' means ICES zones IIIb, IIIc and IIId;

(2) The Member States concerned are Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Poland, and Sweden.

(3) The following fisheries shall be considered:

- Fisheries exploiting cod (including recreational fisheries in subdivisions 22-24), herring, salmon, sprat;
- Fisheries exploiting European eel of the species *Anguilla anguilla* in Union waters of the Baltic Sea;
- Fisheries exploiting species under the landing obligation pursuant to Article 15 of Regulation (EU) No 1380/2013.

(4) Target benchmarks for inspections

The following benchmarks shall be implemented by the Member States specified in point 2 of this Annex.

(a) Inspections activities at sea;

On a yearly basis at least 60 % of total inspections at sea (excluding aerial surveillance) shall be conducted on fishing vessels belonging to the fleet segments in the two highest risk level categories identified according to Article 5(1) and 5(2) ensuring that both these fleet segments are adequately and proportionally covered.

(b) Inspections at landing (inspections in ports and before first sale);

On a yearly basis at least 60 % of total inspections at landing shall be conducted on fishing vessels belonging to the fleet segments in the two highest risk level categories identified according to Article 5(1) and 5(2) ensuring that both these fleet segments are adequately and proportionally covered.

ANNEX IV

DETAILS ON THE SPECIFIC CONTROL AND INSPECTION PROGRAMME FOR CERTAIN DEMERSAL AND PELAGIC FISHERIES IN THE NORTH SEA AND IN ICES DIVISION IIa

- (1) This specific control and inspection programme shall cover the geographical areas defined as follows:
- Union waters of the 'North Sea' where North Sea means ICES zones IIIa and IV;
 - Union waters of ICES division IIa.
- (2) The Member States concerned are Belgium, Denmark, Germany, Ireland, France, the Netherlands, Sweden, and the United Kingdom.
- (3) The following fisheries shall be considered:
- Fisheries exploiting mackerel, herring, horse mackerel, blue whiting, argentine, sprat; sand eel and Norway pout; cod, haddock, whiting, saithe, Norway lobster, sole, plaice, hake, Northern prawn;
 - Fisheries exploiting European eel of the species *Anguilla anguilla*;
 - Fisheries exploiting species under the landing obligation pursuant to Article 15 of Regulation (EU) No 1380/2013.

(4) Target benchmarks for inspections

The following benchmarks shall be implemented by the Member States specified in point 2 of this Annex.

(a) Inspections activities at sea;

On a yearly basis at least 60 % of total inspections at sea (excluding aerial surveillance) shall be conducted on fishing vessels belonging to the fleet segments in the two highest risk level categories identified according to Article 5(1) and 5(2) ensuring that both these fleet segments are adequately and proportionally covered.

(b) Inspections at landing (inspections in ports and before first sale);

On a yearly basis at least 60 % of total inspections at landing shall be conducted on fishing vessels belonging to the fleet segments in the two highest risk level categories identified according to Article 5(1) and 5(2) ensuring that both these fleet segments are adequately and proportionally covered.

ANNEX V

DETAILS ON THE SPECIFIC CONTROL AND INSPECTION PROGRAMME FOR CERTAIN DEMERSAL AND PELAGIC FISHERIES IN WESTERN WATERS OF THE NORTH-EAST ATLANTIC

- (1) This specific control and inspection programme shall cover the geographical areas defined as follow:

Union waters of the 'Western waters of the North East Atlantic', where Western waters of the North East Atlantic means: ICES zones V (excluding Va and only Union waters of Vb), VI and VII, VIII, IX and X (waters around Azores), and CECAF zones ⁽¹⁾ 34.1.1, 34.1.2 and 34.2.0 (waters around Madeira and the Canary Islands).

- (2) The Member States concerned are Belgium, Denmark, Estonia, France, Germany, Ireland, Latvia, Lithuania, the Netherlands, Poland, Portugal, Spain and the United Kingdom.

- (3) The following fisheries shall be considered:

- Fisheries exploiting stocks of mackerel, herring, horse mackerel, blue whiting, boarfish, anchovy, argentine, sardine and sprat in Union waters of ICES sub-areas V, VI, VII, VIII and IX and in Union waters of CECAF 34.1.11;
- Fisheries exploiting stocks of hake which inhabits the ICES division Vb (Union waters), VIa (Union waters), ICES subarea VII and ICES divisions VIII a, b, d, e (usually referred as Northern hake stock);
- Fisheries exploiting stocks which inhabits Divisions VIIc and IXa, as delineated by the International Council for the Exploration of the Sea (usually referred as the Southern hake stock); the Norway lobster stock which inhabits ICES Division VIIc and IXa;
- Fisheries exploiting sole stock in ICES Divisions VIIa, VIIb and VIIe ⁽²⁾;
- Fisheries exploiting cod, sole, plaice in the Union waters of ICES zones VIa, VIIa and VIId;
- Fisheries exploiting European eel of the species *Anguilla anguilla* in Union waters of ICES areas VI, VII, VIII and IX;
- Fisheries exploiting species under the landing obligation pursuant to Article 15 of Regulation (EU) No 1380/2013.

- (4) Target benchmarks for inspections

The following benchmarks shall be implemented by the Member States specified in point 2 of this Annex.

- (a) Inspections activities at sea;

On a yearly basis at least 60 % of total inspections at sea (excluding aerial surveillance) shall be conducted on fishing vessels belonging to the fleet segments in the two highest risk level categories identified according to Article 5(1) and 5(2) ensuring that both these fleet segments are adequately and proportionally covered.

- (b) Inspections at landing (inspections in ports and before first sale);

On a yearly basis at least 60 % of total inspections at landing shall be conducted on fishing vessels belonging to the fleet segments in the two highest risk level categories identified according to Article 5(1) and 5(2) ensuring that both these fleet segments are adequately and proportionally covered.

⁽¹⁾ CECAF (Eastern Central Atlantic or FAO major fishing zone 34) zones are as defined in Regulation (EC) No 216/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic (OJ L 87, 31.3.2009, p. 1).

⁽²⁾ Pending the results of ongoing proposals for Regulations of the European Parliament and of the Council establishing multi-annual plans for the management of demersal fisheries in western EU waters.

ANNEX VI

CONTENT OF THE EVALUATION REPORT

Evaluation reports shall at least contain the following information:

I. General analysis of control, inspection and enforcement activities carried out

The Member States concerned shall report the following information by sea basin according to Annexes I to V:

- Results of the risk assessment, with description of risks and threats identified by the concerned Member State for the fisheries covered by the specific control and inspection programmes (providing information on the review/update process where appropriate);
- Summary table of the fleet segments identified and their risk level;
- Detailed content of the risk management strategy.

II. Detailed analysis of control, inspection and enforcement activities carried out

The Member States concerned shall report the following information by sea basin according to Annexes I to V.

Table 1

Summary data of inspections at sea

Patrol days [days]	
No of total inspections at sea	
No of total suspected serious infringements	
No of inspections at sea on fishing vessels in the highest risk fleet segment categories	
No of inspections at sea on fishing vessels in the second highest risk fleet segment categories	
No of inspections at sea on fishing vessels in others than the highest and second highest risk fleet segment categories	
No of suspected serious infringements for fishing vessels in the highest risk fleet segment categories	
No of suspected serious infringements for fishing vessels in the second highest risk fleet segment categories	
No of suspected serious infringements for fishing vessels in others than the highest and second highest risk fleet segment categories	
Total serious infringement rate (*) average [%]	
Serious infringement rate (*) for fishing vessels in the highest fleet segment risk categories [%]	
Serious infringement rate (*) for fishing vessels in the second highest fleet segment risk categories [%]	
Serious infringement rate (*) for fishing vessels in others than the highest and second highest fleet segment risk categories [%]	

(*) The infringement rate shall be intended as the ratio between the No of suspected infringement and the No inspections, expressed in %

Table 2

Summary data of surveillance at sea

Number of aerial surveillance (hours)	
No of total sightings from aerial surveillance	
No of total sightings from patrol vessels	
No of total suspected serious infringements	
No of suspected serious infringements for fishing vessels in the highest risk fleet segment categories	
No of suspected serious infringements for fishing vessels in the second highest risk fleet segment categories	
No of suspected serious infringements for fishing vessels in others than the highest and second highest risk fleet segment categories	

Table 3

Summary data of inspection activities at landing (inspections in ports and before first sale)

Inspection men/days [optional]	
No of total inspections at landing	
No of total suspected serious infringements	
No of inspections on fishing vessels in the highest risk fleet segment categories	
No of inspections on fishing vessels in the second highest risk fleet segment categories	
No of inspections on fishing vessels in others than the highest and second highest risk fleet segment categories	
No of suspected serious infringements for fishing vessels in the highest risk fleet segment categories	
No of suspected serious infringements for fishing vessels in the second highest risk fleet segment categories	
No of suspected serious infringements for fishing vessels in others than the highest and second highest risk fleet segment categories	
Serious infringement rate (*) average (total)	
Serious infringement rate (*) for fishing vessels in the highest risk fleet segment categories	
Serious infringement rate (*) for fishing vessels in the second highest risk fleet segment categories	
Serious infringement rate (*) for fishing vessels in others than the highest and second highest fleet segment risk categories [%]	

(*) The infringement rate shall be intended as the ratio between the No of suspected infringement and the No inspections, expressed in %

Table 4

Summary data of inspection activities ashore on operators (excluding the inspections in ports and before first sale reported in Table 3)

Inspection men/days ashore [optional]	
No of total inspections ashore	
No of total suspected serious infringements	
Serious infringement rate (*)	
(*) The infringement rate shall be intended as the ratio between the No of suspected infringement and the No inspections, expressed in %	

III. Control of the landing obligation

Member States shall provide specific details on the resources, instruments and means provided for the control of the landing obligation, and the results of the control.

In particular, at least the following information should be provided:

1. Total number of vessels with control observer on board;
2. Number of vessels equipped with close-circuit television CCTV;
3. Number of sea inspections carried out with last haul analysis;
4. Means of control used other than those listed in points 1 to 3, specifying which other means of control are used (e.g. aerial surveillance by aircrafts, REM, drone);
5. Total number of infringements of the landing obligation, specifying the number of those related to non-compliance with provisions in relevant discard plans.

IV. Periodical Information on detected infringements

Table 5

Format for the communication of the information to be provided according to Article 11 for each inspection with suspected infringement to be included in the report:

Element name	Code	Description and content
Identification of inspection	II	ISO alpha2 country code + 9 digits, e.g. DK201900001
Date of inspection	DA	YYYY-MM-DD
Type of inspection or control	IT	Sea, landing, transport, first sale, storage, marketing, transfer, control transfer, caging, transshipment, release, document (to be indicated)
Identification of each fishing vessel, vehicle or operator	ID	Union fleet register number and name of the fishing vessel, ICCAT registration No (if applicable) Traps or vehicle identification, and/or company name of the operator, including farm installations.
Fishing gear type	GE	Gear code based on FAO's International Standard Statistical Classification of the Fishing Gear
Type of suspected infringement	TS	Description of the infringement with indication of the provision(s) concerned. If applicable, indicate type of infringement detected, using the following codes: — For serious infringements: — Code 1 to 12 in reference to the number (left column) in the Annex XXX of Implementing Regulation (EU) No 404/2011,

Element name	Code	Description and content
		— Code '13', '14' and '15' in reference to Article 90(1)(a), (b) and (c) of the Control Regulation respectively, — Code 'a' to 'p' in reference to the Annex VIII of Regulation (EU) 2016/1627 of the European Parliament and the Council ⁽¹⁾, — For infringements that do not fall under EU regulation Code 99. Infringements related to legislation adopted by RFMOs and transposed into EU law shall be identified by the relevant provision and Regulation that has been violated.
Amount of fish concerned and related to the infringement, by species	AF	Indicate the quantities concerned of each one of the species on board or (for live BFT) in the cage (for BFT: weight and numbers).
State of play follow up	FU	Indicate state of play: PENDING, APPEAL PENDING, CONFIRMED or DISMISSED
Fine (when available)	SF	Fine in EUR
Confiscation	SC	CATCH/GEAR/OTHER 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 (when available)	SP	Number of points assigned in accordance with Article 126(1) of Implementing Regulation (EU) No 404/2011, e.g. 12;
Remarks	RM	In case of no action taken, following detection of a serious infringement, explanation why in free text.

⁽¹⁾ Regulation (EU) 2016/1627 of the European Parliament and of the Council of 14 September 2016 on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean and repealing Council Regulation (EC) No 302/2009 (OJ L 252, 16.9.2016, p. 1).

V. Analysis of target benchmarks expressed in terms of improved compliance levels

If the Member State applies alternative target benchmarks as referred to in Article 7(2) of this Decision, the following information shall be reported:

Table 6

Achievement of improved compliance levels

	Level of risk [Very high/high/medium/low]
Description of the activity threat/risk/fleet segment	— Level of the threat/risk at the beginning of the year, expressed in compliance level — Target improvement of the compliance level — Level of the threat/risk at the end of the year, expressed in compliance level — No of inspections per threat/risk — No of serious infringements detected per threat/risk, including serious infringements rate and trend (by comparison with two previous years)

	Level of risk [Very high/high/medium/low]
	— Proportion of inspections on fishing vessels/operators resulting in one or more serious infringements — <i>Ex post</i> analysis, including evaluation of the deterrent effect and explanation in case the target compliance level has not been reached

VI. Analysis of other inspection and control activities: transshipment, aerial surveillance, importation/exportation

VII. Actions such as training or information sessions designed to have an impact on compliance by fishing vessels and operators

VIII. Proposal(s) for improving effectiveness of control, inspection and enforcement activities (for each member state concerned)

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2018 OF THE EU-CTC JOINT COMMITTEE of 4 December 2018

**as regards an invitation to the United Kingdom to accede to the Convention on a common transit
procedure [2018/1987]**

THE JOINT COMMITTEE,

Having regard to the Convention of 20 May 1987 on a common transit procedure ⁽¹⁾, and in particular point (e) of Article 15(3) thereof,

Whereas:

- (1) Pursuant to point (e) of Article 15(3) of the Convention on a common transit procedure ('the Convention') the Joint Committee established by that Convention is to adopt, by decision, invitations to third countries to accede to that Convention in accordance with Article 15a.
- (2) The United Kingdom of Great Britain and Northern Ireland ('the United Kingdom') has expressed its wish to accede to the Convention as a separate Contracting Party from the date the Convention no longer applies to and in the United Kingdom.
- (3) The movement of goods with the United Kingdom would be facilitated by a common transit procedure for goods transported between the United Kingdom and the European Union, the Republic of Iceland, the former Yugoslav Republic of Macedonia, the Kingdom of Norway, the Republic of Serbia, the Swiss Confederation and the Republic of Turkey.
- (4) With a view to achieving such facilitation, it is appropriate to invite the United Kingdom to accede to the Convention.
- (5) The accession of the United Kingdom to the Convention should be effective only as from the date the Convention no longer applies to the the United Kingdom as a Member State of the European Union or, should the European Union and the United Kingdom agree on transitional arrangements whereby the Convention would apply to and in the United Kingdom, as from the date these transitional arrangements cease to apply,

HAS ADOPTED THIS DECISION:

Article 1

The United Kingdom shall be invited to accede to the Convention in accordance with Article 15a of the Convention as from the date when it is no longer a Member State of the European Union or as from the date any transitional arrangements between the European Union and the United Kingdom, whereby the Convention would apply to and in the United Kingdom, cease to apply.

Article 2

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

Done at Brussels, 4 December 2018.

For the Joint Committee
The Chairman
Philip KERMODE

⁽¹⁾ OJ L 226, 13.8.1987, p. 2.

DECISION No 2/2018 OF THE EU-CTC JOINT COMMITTEE
of 4 December 2018
amending the Convention on a common transit procedure [2018/1988]

THE EU-CTC JOINT COMMITTEE

Having regard to the Convention of 20 May 1987 on a common transit procedure ⁽¹⁾, and in particular point (a) of Article 15(3) thereof,

Whereas:

- (1) Pursuant to point (a) of Article 15(3) of the Convention on a common transit procedure ('the Convention') the Joint Committee established by that Convention is to adopt, by decision, amendments to the Appendices to the Convention.
- (2) The United Kingdom of Great Britain and Northern Ireland ('the United Kingdom') has expressed its wish to accede to the Convention as a separate Contracting Party and is to be invited to do so by the Council, acting in its capacity as the depositary of the Convention, in accordance with the Convention.
- (3) Accordingly, the guarantee forms shown as specimens in certain Annexes to Appendix III to the Convention should be modified to delete the references to the United Kingdom as a Member State of the Union and to insert the reference to the United Kingdom as a common transit country.
- (4) In order to allow the use of guarantee forms printed in accordance with the criteria in force prior to the date on which the accession of the United Kingdom to the Convention as a separate Contracting Party becomes effective, a transitional period should be established during which the printed forms, with some adaptations, may continue to be used.
- (5) The entry into force of this Decision should be subject to the accession of the United Kingdom to the Convention as a separate Contracting Party and linked to the date on which the accession of the United Kingdom as a separate Contracting Party becomes effective.
- (6) The Convention should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Appendix III to the Convention is amended as set out in the Annex to this Decision.

Article 2

The guarantee forms in Annexes C1 to C6 to Appendix III to the Convention, in the version applicable on the day before the entry into force of this Decision, may continue to be used subject to the necessary geographical adaptations for a period of one year from the date of entry into force of this Decision.

Article 3

This Decision shall enter into force subject to the accession of the United Kingdom to the Convention as a separate Contracting Party and on the date on which the accession of the United Kingdom as a separate Contracting Party becomes effective.

Done at Brussels, 4 December 2018.

For the Joint Committee
The Chairman
Philip KERMODE

⁽¹⁾ OJ L 226, 13.8.1987, p. 2.

ANNEX

Appendix III to the Convention on a common transit procedure is amended as follows:

(1) Annex C1 is replaced by the following:

‘ANNEX C1

GUARANTOR’S UNDERTAKING — INDIVIDUAL GUARANTEE**I. Undertaking by the guarantor**

1. The undersigned ⁽¹⁾

resident at ⁽²⁾

hereby jointly and severally guarantees, at the office of guarantee of

up to a maximum amount of

in favour of the European Union (comprising the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Republic of Croatia, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden) and the Republic of Iceland, the former Yugoslav Republic of Macedonia, the Kingdom of Norway, the Republic of Serbia, the Swiss Confederation, the Republic of Turkey, the United Kingdom of Great Britain and Northern Ireland ⁽³⁾, the Principality of Andorra, and the Republic of San Marino ⁽⁴⁾, any amount for which the person providing this guarantee ⁽⁵⁾:

may be or become liable to the abovementioned countries for debt in the form of duty and other charges ⁽⁶⁾ with respect to the goods described below covered by the following customs operation ⁽⁷⁾:

Goods description:

2. The undersigned undertakes to pay upon the first application in writing by the competent authorities of the countries referred to in point 1 and without being able to defer payment beyond a period of 30 days from the date of application the sums requested unless he or she or any other person concerned establishes before the expiry of that period, to the satisfaction of the customs authorities, that the special procedure other than the end-use procedure has been discharged, the customs supervision of end-use goods or the temporary storage has ended correctly or, in case of the operations other than special procedures and temporary storage, that the situation of goods has been regularised.

At the request of the undersigned and for any reasons recognized as valid, the competent authorities may defer beyond a period of 30 days from the date of application for payment the period within which he or she is obliged to pay the requested sums. The expenses incurred as a result of granting this additional period, in particular any interest, must be so calculated that the amount is equivalent to what would be charged under similar circumstances on the money market or financial market in the country concerned.

3. This undertaking shall be valid from the day of its approval by the office of guarantee. The undersigned shall remain liable for payment of any debt incurred during the customs operation covered by this undertaking and commenced before any revocation or cancellation of the guarantee took effect, even if the demand for payment is made after that date.
4. For the purpose of this undertaking, the undersigned gives his or her address for service ⁽⁸⁾ in each of the other countries referred to in point 1 as:

Country	Surname and forenames, or name of firm, and full address

The undersigned acknowledges that all correspondence and notices and any formalities or procedures relating to this undertaking addressed to or effected in writing at one of his or her addresses for services shall be accepted as duly delivered to him or her.

The undersigned acknowledges the jurisdiction of the courts of the places where he or she has an address for service.

The undersigned undertakes not to change his or her address for service or, if he or she has to change one or more of those addresses, to inform the office of guarantee in advance.

Done at on

(Signature) ⁽⁹⁾

II. Approval by the office of guarantee

Office of guarantee

.....

.....

Guarantor's undertaking approved on to cover the customs operation effected under customs declaration/temporary storage declaration

No of

..... ⁽¹⁰⁾

(Stamp and Signature)

⁽¹⁾ Surname and forename or name of firm.

⁽²⁾ Full address.

⁽³⁾ Delete the name/names of the State/States on whose territory the guarantee may not be used.

⁽⁴⁾ The references to the Principality of Andorra and the Republic of San Marino shall apply solely to Union transit operations.

⁽⁵⁾ Surname and forename, or name of firm and full address of the person providing the guarantee.

⁽⁶⁾ Applicable with respect to the charges due in connection with import or export of the goods where the guarantee is used for the placing of goods under the Union/common transit procedure or may be used in more than one Member State.

- (⁷) Enter one of the following customs operations:
- (a) temporary storage,
 - (b) Union transit procedure/common transit procedure,
 - (c) customs warehousing procedure,
 - (d) temporary admission procedure with total relief from import duty,
 - (e) inward processing procedure,
 - (f) end-use procedure,
 - (g) release for free circulation under normal customs declaration without deferred payment,
 - (h) release for free circulation under normal customs declaration with deferred payment,
 - (i) release for free circulation under a customs declaration lodged in accordance with Article 166 of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1),
 - (j) release for free circulation under a customs declaration lodged in accordance with Article 182 of Regulation (EU) No 952/2013,
 - (k) temporary admission procedure with partial relief from import duty,
 - (l) if another — indicate the other kind of operation.
- (⁸) If, in the law of the country, there is no provision for address for service, the guarantor shall appoint, in this country, an agent authorised to receive any communications addressed to him and the acknowledgement in the second subparagraph and the undertaking in the fourth subparagraph of point 4 must be made to correspond. The courts of the places in which the addresses for service of the guarantor or of his agents are situated shall have jurisdiction in disputes concerning this guarantee.
- (⁹) The person signing the document must enter the following by hand before his or her signature “Guarantee for the amount of ...” (the amount being written out in letters).
- (¹⁰) To be completed by the office where the goods were placed under the procedure or were in temporary storage.’

(2) Annex C2 is replaced by the following:

‘ANNEX C2

GUARANTOR’S UNDERTAKING — INDIVIDUAL GUARANTEE IN THE FORM OF VOUCHERS

I. Undertaking by the guarantor

1. The undersigned (¹)

.....

resident at (²)

.....

hereby jointly and severally guarantees, at the office of guarantee of

.....

in favour of the European Union (comprising the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Republic of Croatia, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden) and the Republic of Iceland, the former Yugoslav Republic of Macedonia, the Kingdom of Norway, the Republic of Serbia, the Swiss Confederation, the Republic of Turkey, the United Kingdom of Great Britain and Northern Ireland, the Principality of Andorra and the Republic of San Marino (³), any amount of the holder of the procedure for which the holder of the procedure may be or become liable to the abovementioned countries for debt in the form of duty and other charges due in connection with the import or export of the goods placed under the Union or common transit procedure, in respect of which the undersigned has undertaken to issue individual guarantee vouchers up to a maximum of EUR 10 000 per voucher.

2. The undersigned undertakes to pay upon the first application in writing by the competent authorities of the countries referred to in point 1 and without being able to defer payment beyond a period of 30 days from the date of application the sums requested, up to EUR 10 000 per individual guarantee voucher, unless he or she or any other person concerned establishes before the expiry of that period, to the satisfaction of the competent authorities, that the operation has been discharged.

At the request of the undersigned and for any reasons recognised as valid, the competent authorities may defer beyond a period of 30 days from the date of application for payment the period within which he or she is obliged to pay the requested sums. The expenses incurred as a result of granting this additional period, in particular any interest, must be so calculated that the amount is equivalent to what would be charged under similar circumstances on the money market or financial market in the country concerned.

3. This undertaking shall be valid from the day of its approval by the office of guarantee. The undersigned shall remain liable for payment of any debt incurred during the Union or common transit operation covered by this undertaking and commenced before any revocation or cancellation of the guarantee took effect, even if the demand for payment is made after that date.
4. For the purpose of this undertaking, the undersigned gives his or her address for service ⁽⁴⁾ in each of the other countries referred to in point 1 as:

Country	Surname and forenames, or name of firm, and full address

The undersigned acknowledges that all correspondence and notices and any formalities or procedures relating to this undertaking addressed to or effected in writing at one of his or her addresses for services shall be accepted as duly delivered to him or her.

The undersigned acknowledges the jurisdiction of the courts of the places where he or she has an address for service.

The undersigned undertakes not to change his or her address for service or, if he or she has to change one or more of those addresses, to inform the office of guarantee in advance.

Done at

on

.....

(Signature) ⁽⁵⁾

II. Approval by the office of guarantee

Office of guarantee

.....

.....

Guarantor's undertaking approved on.

.....

.....

(Stamp and Signature)

⁽¹⁾ Surname and forename or name of firm.

⁽²⁾ Full address.

⁽³⁾ The references to the Principality of Andorra and the Republic of San Marino shall apply solely to Union transit operations.

⁽⁴⁾ If, in the law of the country, there is no provision for address for service, the guarantor shall appoint, in this country, an agent authorised to receive any communications addressed to him and the acknowledgement in the second subparagraph and the undertaking in the fourth subparagraph of point 4 must be made to correspond. The courts of the places in which the addresses for service of the guarantor or of his agents are situated shall have jurisdiction in disputes concerning this guarantee.

⁽⁵⁾ The signature must be preceded by the following in the signatory's own handwriting: "Valid as guarantee voucher".

(3) Annex C4 is replaced by the following:

'ANNEX C4

GUARANTOR'S UNDERTAKING – COMPREHENSIVE GUARANTEE

I. Undertaking by the guarantor

1. The undersigned ⁽¹⁾

.....

.....

resident at ⁽²⁾

.....

.....

hereby jointly and severally guarantees, at the office of guarantee of

.....

up to a maximum amount of

in favour of the European Union (comprising the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden) and the Republic of Iceland, the former Yugoslav Republic of Macedonia, the Kingdom of Norway, the Republic of Serbia, the Swiss Confederation, the Republic of Turkey, the United Kingdom of Great Britain and Northern Ireland ⁽³⁾, the Principality of Andorra and the Republic of San Marino ⁽⁴⁾,

any amount for which the person providing this guarantee ⁽⁵⁾: may be or become liable to the abovementioned countries for debt in the form of duty and other charges ⁽⁶⁾ which may be or have been incurred with respect to the goods covered by the customs operations indicated in point 1a and/or point 1b.

The maximum amount of the guarantee is composed of an amount of:

.....

(a) being 100/50/30 % ⁽⁷⁾ of the part of the reference amount corresponding to an amount of customs debts and other charges which may be incurred, equivalent to the sum of the amounts listed in point 1a,

and

.....

(b) being 100/30 % ⁽⁷⁾ of the part of the reference amount corresponding to an amount of customs debts and other charges which have been incurred, equivalent to the sum of the amounts listed in point 1b.

- 1a. The amounts forming the part of the reference amount corresponding to an amount of customs debts and, where applicable, other charges which may be incurred are following for each of the purposes listed below ⁽⁸⁾:
- (a) temporary storage — ...,
 - (b) Union transit procedure/common transit procedure — ...,
 - (c) customs warehousing procedure — ...,
 - (d) temporary admission procedure with total relief from import duty — ...,
 - (e) inward processing procedure — ...,
 - (f) end-use procedure — ...
 - (g) if another – indicate the other kind of operation —
- 1b. The amounts forming the part of the reference amount corresponding to an amount of customs debts and, where applicable, other charges which have been incurred are as follows for each of the purposes listed below ⁽⁸⁾:
- (a) release for free circulation under normal customs declaration without deferred payment — ...,
 - (b) release for free circulation under normal customs declaration with deferred payment — ...,
 - (c) release for free circulation under a customs declaration lodged in accordance with Article 166 of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code — ...,
 - (d) release for free circulation under a customs declaration lodged in accordance with Article 182 of Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code — ...,
 - (e) temporary admission procedure with partial relief from import duty — ...,
 - (f) end-use procedure — ... ⁽⁹⁾,
 - (g) if another – indicate the other kind of operation —
2. The undersigned undertakes to pay upon the first application in writing by the competent authorities of the countries referred to in point 1 and without being able to defer payment beyond a period of 30 days from the date of application the sums requested up to the limit of the abovementioned maximum amount, unless he or she or any other person concerned establishes before the expiry of that period, to the satisfaction of the customs authorities, that the special procedure other than the end-use procedure has been discharged, the customs supervision of end-use goods or the temporary storage has ended correctly or, in case of the operations other than special procedures, that the situation of goods has been regularised.
- At the request of the undersigned and for any reasons recognised as valid, the competent authorities may defer beyond a period of 30 days from the date of application for payment the period within which he or she is obliged to pay the requested sums. The expenses incurred as a result of granting this additional period, in particular any interest, must be so calculated that the amount is equivalent to what would be charged under similar circumstances on the money market or financial market in the country concerned.
- This amount may not be reduced by any sums already paid under the terms of this undertaking unless the undersigned is called upon to pay a debt incurred during a customs operation commenced before the preceding demand for payment was received or within 30 days thereafter.
3. This undertaking shall be valid from the day of its approval by the office of guarantee. The undersigned shall remain liable for payment of any debt arising during the customs operation covered by this undertaking and commenced before any revocation or cancellation of the guarantee took effect, even if the demand for payment is made after that date.
4. For the purpose of this undertaking, the undersigned gives his or her address for service ⁽¹⁰⁾ in each of the other countries referred to in point 1 as:

Country	Surname and forenames, or name of firm, and full address

Country	Surname and forenames, or name of firm, and full address

The undersigned acknowledges that all correspondence and notices and any formalities or procedures relating to this undertaking addressed to or effected in writing at one of his or her addresses for services shall be accepted as duly delivered to him or her.

The undersigned acknowledges the jurisdiction of the courts of the places where he or she has an address for service.

The undersigned undertakes not to change his or her address for service or, if he or she has to change one or more of those addresses, to inform the office of guarantee in advance.

Done at

on

.....

(Signature) ⁽¹¹⁾

II. Approval by the office of guarantee

Office of guarantee

.....

Guarantor's undertaking accepted on

.....

.....

(Stamp and Signature)

⁽¹⁾ Surname and forename, or name of the firm.

⁽²⁾ Full address.

⁽³⁾ Delete the name/names of the country/countries on whose territory the guarantee may not be used.

⁽⁴⁾ The reference to the Principality of Andorra and the Republic of San Marino shall apply solely to Union transit operations.

⁽⁵⁾ Surname and forename, or name of the firm, and full address of the person providing the guarantee.

⁽⁶⁾ Applicable with respect to the other charges due in connection with the import or export of the goods where the guarantee is used for the placing of goods under the Union/common transit procedure or may be used in more than one Member State or one Contracting Party.

⁽⁷⁾ Delete what does not apply.

⁽⁸⁾ Procedures other than common transit apply solely in the Union.

⁽⁹⁾ For amounts declared in a customs declaration for the end-use procedure.

⁽¹⁰⁾ If in the law of the country, there is no provision for address for service, the guarantor shall appoint, in this country, an agent authorised to receive any communications addressed to him and the acknowledgement in the second subparagraph and the undertaking in the fourth subparagraph of point 4 must be made to correspond. The courts of the places in which the addresses for service of the guarantor or of his agents are situated shall have jurisdiction in disputes concerning this guarantee.

⁽¹¹⁾ The person signing the document must enter the following by hand before his or her signature "Guarantee for the amount of ..." (the amount being written out in letters).'

(4) In Annex C5, row 7, the words 'United Kingdom' are inserted between the words 'Turkey' and 'Andorra (*)'.

(5) In Annex C6, row 6, the words 'United Kingdom' are inserted between the words 'Turkey' and 'Andorra (*)'.

**DECISION No 1/2018 OF THE EU-CTC JOINT COMMITTEE
of 4 December 2018**

**as regards an invitation to the United Kingdom to accede to the Convention on the simplification
of formalities in trade in goods [2018/1989]**

THE JOINT COMMITTEE,

Having regard to the Convention of 20 May 1987 on the simplification of formalities in trade in goods ⁽¹⁾, and in particular Article 11(3) thereof,

Whereas:

- (1) Pursuant to Article 11(3) of the Convention on the simplification of formalities in trade in goods ('the Convention') the Joint Committee established by that Convention is to adopt, by decision, invitations to third countries to accede to that Convention.
- (2) The United Kingdom of Great Britain and Northern Ireland ('the United Kingdom') has expressed its wish to accede to the Convention as a separate Contracting Party from the date the Convention no longer applies to and in the United Kingdom.
- (3) The exchange of goods with the United Kingdom would be facilitated by a simplification of formalities which affect the trade between the United Kingdom and the European Union, the Republic of Iceland, the former Yugoslav Republic of Macedonia, the Kingdom of Norway, the Republic of Serbia, the Swiss Confederation and the Republic of Turkey.
- (4) With a view to achieving such facilitation, it is appropriate to invite the United Kingdom to accede to the Convention.
- (5) The accession of the United Kingdom to the Convention should be effective only as from the date the Convention no longer applies to the United Kingdom as a Member State of the European Union or, should the European Union and the United Kingdom agree on transitional arrangements whereby the Convention would apply to and in the United Kingdom, as from the date these transitional arrangements cease to apply,

HAS ADOPTED THIS DECISION:

Article 1

The United Kingdom shall be invited to accede to the Convention in accordance with Article 11a of the Convention as from the date when it is no longer a Member State of the European Union or as from the date any transitional arrangements between the European Union and the United Kingdom, whereby the Convention would apply to and in the United Kingdom, cease to apply.

Article 2

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

Done at Brussels, 4 December 2018.

For the Joint Committee
The Chairman
Philip KERMODE

⁽¹⁾ OJ L 134, 22.5.1987, p. 2.

