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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2019/1803

of 18 July 2019

on the signing and conclusion of the Agreement between the European Union and the Government of the Socialist Republic of Viet Nam establishing a framework for the participation of Viet Nam in European Union crisis management operations

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 37 thereof, in conjunction with Article 218(5) and (6) of the Treaty on the Functioning of the European Union,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 8 April 2019, the Council adopted a Decision authorising the opening of negotiations for an Agreement between the European Union and the Socialist Republic of Viet Nam establishing a framework for its participation in Union crisis management operations (the 'Agreement').
- (2) The High Representative of the Union for Foreign Affairs and Security Policy, in accordance with Article 37 of the Treaty on European Union, subsequently negotiated that Agreement.
- (3) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union and the Government of the Socialist Republic of Viet Nam establishing a framework for the participation of Viet Nam in European Union crisis management operations (the 'Agreement') is hereby approved on behalf of the Union.

The text of the Agreement is attached to this Decision.

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement in order to bind the Union.

Article 3

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 17(1) of the Agreement ⁽¹⁾.

Article 4

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

Done at Brussels, 18 July 2019.

For the Council
The President
T. TUPPURAINEN

⁽¹⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

AGREEMENT

between the European Union and the Government of the Socialist Republic of Viet Nam establishing a framework for the participation of Viet Nam in European Union crisis management operations

THE EUROPEAN UNION (the 'Union' or the 'EU') of the one part, and VIET NAM of the other part, hereinafter jointly referred to as the 'Parties',

Whereas:

- (1) In the framework of its Common Security and Defence Policy, the European Union may decide to undertake crisis management operations which may include the tasks set out in Articles 42(1) and 43(1) of the Treaty on European Union, as decided by the Council.
- (2) Viet Nam and the EU recognise the importance of world peace for the development of all States, and remain committed to contributing towards maintaining peace and security in their respective neighbourhood and in the broader world, based on the principles of the United Nations Charter.
- (3) Considering the commitment between the Parties to strengthening their cooperation in matters concerning security and defence, and recognising that the capabilities and abilities of Viet Nam could be used in EU crisis management operations.
- (4) Viet Nam and the EU wish to set down general conditions regarding the participation of Viet Nam in EU crisis management operations in an agreement establishing a framework for such possible future participation, rather than defining those conditions on a case-by-case basis for each operation concerned.
- (5) Such an agreement should be without prejudice to the decision-making autonomy of the Union, and should not prejudge the case-by-case nature of the decision by Viet Nam to participate in an EU crisis management operation.
- (6) The Union will decide whether third States will be invited to participate in an EU crisis management operation. Viet Nam may accept the invitation by the Union and offer its contribution. In such a case, the Union will decide on the acceptance of the proposed contribution,

HAVE AGREED AS FOLLOWS:

SECTION I

GENERAL PROVISIONS

Article 1

Decisions relating to participation

1. Following the decision of the Union to invite Viet Nam to participate in an EU crisis management operation, Viet Nam shall, in the implementation of this Agreement, communicate the decision of its competent authority regarding its participation, including its proposed contribution, to the European Union.
2. The assessment by the Union of the proposed contribution by Viet Nam shall be conducted in consultation with the latter.
3. The Union shall provide Viet Nam with an early indication of the likely contribution to the common costs of the operation as soon as possible with a view to assisting Viet Nam in the formulation of its offer.

4. The Union shall communicate the outcome of its assessment and decision on the proposed Viet Nam's contribution to Viet Nam in writing, with a view to securing the participation of Viet Nam, in accordance with the provisions of this Agreement.
5. The offer by Viet Nam pursuant to paragraph 1, and its acceptance by the EU pursuant to paragraph 4, shall constitute the basis for the application of this Agreement to each specific crisis management operation.
6. Viet Nam may, on its own initiative or at the request of the Union, and following consultations between the Parties, withdraw wholly or in part, at any time, from participation in an EU crisis management operation.

Article 2

Framework

1. Viet Nam shall associate itself with the relevant Council Decision by which the Council of the European Union decides that the Union will conduct a crisis management operation, and with any other Decision by which the Council of the European Union decides to extend an EU crisis management operation, in accordance with the provisions of this Agreement and any required implementing arrangements.
2. The contribution of Viet Nam to an EU crisis management operation shall be without prejudice to the decision-making autonomy of the Union.

Article 3

Status of personnel and forces of Viet Nam

1. The status of personnel seconded to an EU civilian crisis management operation and/or of the forces contributed to an EU military crisis management operation by Viet Nam shall be governed by the relevant agreement on the status of forces/mission, if such is concluded, or by any other arrangement between the Union and the State(s) in which the operation is conducted. Viet Nam shall be informed thereof.
2. The status of personnel contributed to headquarters or command elements located outside the State(s) in which the EU crisis management operation takes place shall be governed by arrangements between the headquarters and command elements concerned and the competent authorities of Viet Nam.
3. Without prejudice to the agreement on the status of forces/mission referred to in paragraph 1, Viet Nam shall exercise jurisdiction over its personnel participating in the EU crisis management operation. Where the forces of Viet Nam operate on board of a vessel or aircraft of a Member State of the European Union, that Member State may exercise jurisdiction subject to any existing and/or future agreements, and in accordance with its laws and regulations and with international law.
4. Viet Nam shall be responsible for answering any claims linked to the participation in an EU crisis management operation, from or concerning any of its personnel and shall be responsible for bringing any action, in particular legal or disciplinary, against any of its personnel in accordance with its laws and regulations.
5. The Parties agree to waive any and all claims, other than contractual claims, against each other for damage to, loss of, or destruction of assets owned or operated by either Party, or injury or death of personnel of either Party, arising out of the performance of their official duties in connection with activities under this Agreement, except in the case of gross negligence or wilful misconduct. Any case of gross negligence or wilful misconduct shall be settled by diplomatic means between the Parties.

6. Viet Nam undertakes to make a declaration as regards the waiver of claims against any State participating in an EU crisis management operation in which Viet Nam participates, and to do so when signing this Agreement.

7. The Union undertakes to ensure that the Member States of the European Union make a declaration as regards the waiver of claims for any future participation of Viet Nam in an EU crisis management operation, and to do so when signing this Agreement.

Article 4

Classified information

1. Viet Nam shall take appropriate measures to ensure that EU classified information is protected in accordance with the Council security rules for protecting EU classified information, contained in Council Decision 2013/488/EU ⁽¹⁾, and in accordance with further guidance issued by competent authorities, including by the EU Operation Commander concerning an EU military crisis management operation, or by the Head of Mission concerning an EU civilian crisis management operation.

2. Where the Parties conclude an agreement on security procedures for the exchange of classified information, such agreement shall apply in the context of an EU crisis management operation.

SECTION II

PROVISIONS ON PARTICIPATION IN EU CIVILIAN CRISIS MANAGEMENT OPERATIONS

Article 5

Personnel seconded to an EU civilian crisis management operation

1. Viet Nam:

(a) shall ensure that its personnel seconded to an EU civilian crisis management operation undertake their mission in accordance with:

- (i) the relevant Council Decision and its subsequent amendments as referred to in Article 2(1);
- (ii) the Operation Plan;
- (iii) any applicable implementing arrangements;
- (iv) any applicable policy for EU civilian crisis management operations,

(b) shall inform the Civilian Operation Commander in due time of any change to its contribution to the EU civilian crisis management operation.

2. Personnel seconded by Viet Nam to an EU civilian crisis management operation shall undergo a medical examination, vaccination and be certified medically fit for duty by its competent authority, and shall produce a copy of that certification.

3. Personnel seconded by Viet Nam shall carry out their duties and conduct themselves solely with the interests of the EU civilian crisis management operation in mind and adhering to the highest standards of behaviour set out in the policies applicable to EU civilian crisis management operations.

Article 6

Chain of command

1. All Viet Nam's personnel participating in an EU civilian crisis management operation shall remain under the full command of Viet Nam's authorities.

2. The EU Civilian Operation Commander shall exercise operational control over all personnel participating in an EU civilian crisis management operation. Implementing arrangements to this effect shall be entered into prior to deployment by the EU Civilian Operation Commander and Viet Nam's authorities.

⁽¹⁾ Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ EU L 274, 15.10.2013, p. 1).

3. The Civilian Operation Commander shall assume responsibility and exercise command and control of the EU civilian crisis management operation at strategic level.
4. The Head of Mission shall assume responsibility and exercise command and control of the EU civilian crisis management operation at theatre level and assume its day-to-day management.
5. Viet Nam shall have the same rights and obligations in terms of day-to-day management of the operation as the Member States of the European Union taking part in the operation, in accordance with the legal instruments referred to in Article 2(1).
6. The Head of Mission shall be responsible for disciplinary control over the personnel of the EU civilian crisis management operation. Viet Nam shall be responsible for taking any action, including legal or disciplinary, against any of its personnel in accordance with its laws, regulations and policies.
7. A National Contingent Point of Contact ('NPC') shall be appointed by Viet Nam to represent its national contingent in the operation. The NPC shall report to the Head of Mission on matters affecting the operation and shall be responsible for the day-to-day discipline of the contingent of Viet Nam.
8. The decision to end the operation shall be taken by the Union, following consultation with Viet Nam if it is still contributing to the EU civilian crisis management operation at the date of termination of the operation.

Article 7

Financial aspects

1. Without prejudice to Article 8, Viet Nam shall assume all the costs associated with its participation in an EU civilian crisis management operation apart from the running costs, as set out in the operational budget of the operation.
2. In case of death, injury, loss or damage to natural or legal persons from the State(s) in which the operation is conducted, issues of possible liability and compensation by Viet Nam shall be governed by the conditions set out in the applicable agreement on the status of mission referred to in Article 3(1) or any alternative applicable provisions.

Article 8

Contribution to the operational budget

1. Subject to paragraph 4 of this Article, including with regard to the own capabilities of Viet Nam, and following the decision of Viet Nam to participate in an EU civilian crisis management operation in accordance with Article 1(5), Viet Nam is willing to contribute to the financing of the operational budget of the EU civilian crisis management operation concerned.
2. Such contribution to the operational budget shall be calculated on the basis of either of the following formulae, whichever produces the lower amount:
 - (a) the share of the reference amount for the operational budget which is in proportion to the ratio of Viet Nam's gross national income (GNI) to the total GNIs of all States contributing to the operational budget of the operation; or
 - (b) the share of the reference amount for the operational budget which is in proportion to the ratio of the number of personnel from Viet Nam participating in the operation to the total number of personnel of all States participating in the operation.
3. Notwithstanding paragraphs 1 and 2, Viet Nam shall not make any contribution towards the financing of per diem allowances paid to personnel of the Member States of the European Union.

4. Notwithstanding paragraph 1 above, the Union shall, in principle, exempt Viet Nam from financial contributions to a particular EU civilian crisis management operation when:

(a) the Union decides that Viet Nam provides a significant contribution which is essential for this operation;

or

(b) Viet Nam has a GNI per capita which does not exceed that of any Member State of the Union.

5. Subject to paragraph 1, any arrangement on the payment of the contributions of Viet Nam to the operational budget of an EU civilian crisis management operation shall be signed between the competent authorities of the Parties and shall, inter alia, include the following provisions on:

(a) the amount of the financial contribution concerned;

(b) the arrangements for payment of the financial contribution; and

(c) the auditing procedure.

SECTION III

PROVISIONS ON PARTICIPATION IN EU MILITARY CRISIS MANAGEMENT OPERATIONS

Article 9

Participation in an EU military crisis management operation

1. Viet Nam shall ensure that its forces and personnel participating in an EU military crisis management operation undertake their mission in accordance with:

(a) the relevant Council Decision and its subsequent amendments as referred to in Article 2(1);

(b) the Operation Plan;

(c) any applicable implementing arrangements; and

(d) any applicable policy for EU military crisis management operations.

2. Viet Nam shall inform the EU Operation Commander in due time of any change to its participation in the operation.

3. Personnel seconded by Viet Nam shall carry out their duties and conduct themselves solely with the interests of the EU military crisis management operation in mind and adhering to the highest standards of behaviour set out in the policies applicable to EU military crisis management operations.

Article 10

Chain of command

1. All Viet Nam's forces and personnel participating in an EU military crisis management operation shall remain under the full command of Viet Nam's authorities.

2. The EU Operation Commander shall exercise Operational and Tactical command and/or control of all forces and personnel of States participating in an EU military crisis management operation. Implementing arrangements to that effect shall be entered into prior to deployment by the EU Operation Commander and Viet Nam's authorities.

3. Viet Nam shall have the same rights and obligations in terms of the day-to-day management of the operation as the Member States of the European Union taking part in the operation, in accordance with the legal instruments referred to in Article 2(1).

4. The EU Operation Commander may, following consultations with Viet Nam, at any time request the withdrawal of the contribution by Viet Nam.

5. A Senior Military Representative ('SMR') shall be appointed by Viet Nam to represent its national contingent in the EU military crisis management operation. The SMR shall consult with the EU Force Commander on all matters affecting the operation and shall be responsible for the day-to-day discipline of the contingent of Viet Nam.

*Article 11***Financial aspects**

1. Without prejudice to Article 12 of this Agreement, Viet Nam shall assume all the costs associated with its participation in the operation unless the costs are subject to common funding as provided for in the legal instruments referred to in Article 2(1), as well as in Council Decision (CFSP) 2015/528 ⁽²⁾.
2. In case of death, injury, loss or damage to natural or legal persons from the State(s) in which the operation is conducted, issues of possible liability and compensation by Viet Nam shall be governed by the conditions set out in the applicable agreement on the status of forces referred to in Article 3(1) or any applicable alternative provisions.

*Article 12***Contribution to the common costs**

1. Subject to paragraph 3 of this Article, including with regard to the own capabilities of Viet Nam, and following the decision of Viet Nam to participate in an EU military crisis management operation in accordance with Article 1(5), Viet Nam is willing to contribute to the financing of the common costs of the EU military crisis management operation concerned.
2. Such contribution to the common costs shall be calculated on the basis of either of the following formulae, whichever produces the lower amount:
 - (a) the share of the common costs which is in proportion to the ratio of Viet Nam's GNI to the total GNIs of all States contributing to the common costs of the operation; or
 - (b) the share of the common costs which is in proportion to the ratio of the number of personnel from Viet Nam participating in the operation to the total number of personnel of all States participating in the operation.

Where the formula under point (b) is used, and Viet Nam contributes personnel to the Operation or Force Headquarters only, the ratio used shall be that of its personnel to that of the total number of the respective headquarters personnel. In other cases, the ratio shall be that of all personnel contributed by Viet Nam to that of the total personnel of the operation.

3. Notwithstanding paragraph 1 above, the Union shall, in principle, exempt Viet Nam from financial contributions to a particular EU military crisis management operation when:
 - (a) the Union decides that Viet Nam provides a significant contribution which is essential for this operation;or
 - (b) Viet Nam has a GNI per capita which does not exceed that of any Member State of the Union.

4. Subject to paragraph 1, any arrangements for the payment of the contributions of Viet Nam to the common costs shall be concluded between the competent authorities of the Parties and shall include, inter alia, the following provisions on:
 - (a) the amount of the financial contribution concerned;
 - (b) the arrangements for payment of the financial contribution; and
 - (c) the auditing procedure.

⁽²⁾ Council Decision (CFSP) 2015/528 of 27 March 2015 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (Athena) and repealing Decision 2011/871/CFSP (OJ EU L 84, 28.3.2015, p. 39).

SECTION IV

FINAL PROVISIONS

Article 13

Arrangements to implement the Agreement

Without prejudice to Articles 8(5) and 12(4), any necessary technical and administrative arrangements in pursuance of the implementation of this Agreement shall be concluded between the competent authorities of the Parties.

Article 14

Competent authorities

For the purposes of this Agreement, the competent authorities of Viet Nam shall be the Ministry of National Defence of Viet Nam, unless the European Union is otherwise notified.

Article 15

Non-compliance

Should either Party fail to comply with its obligations under this Agreement, the other Party shall have the right to terminate this Agreement by providing one month's written notice.

Article 16

Dispute settlement

Disputes concerning the interpretation or application of this Agreement shall be settled by diplomatic means between the Parties.

Article 17

Entry into force, duration and termination

1. This Agreement shall enter into force on the first day of the first month after the Parties have notified each other of the completion of the internal legal procedures necessary for the entry into force of this Agreement.
2. This Agreement shall be reviewed upon the request of either Party.
3. This Agreement may be amended on the basis of a mutual written agreement between the Parties. The amendments shall enter into force in accordance with the procedure laid down in paragraph 1.
4. This Agreement may be denounced by either Party by written notice of denunciation given to the other Party. Such denunciation shall take effect six months after receipt of notification by the other Party.

IN WITNESS WHEREOF, the undersigned, both being duly authorised thereto by the respective Parties, have signed this Agreement.

Done at Brussels on 17 October 2019 in duplicate in the English and Vietnamese languages, both texts being equally authentic. In case of any divergence of interpretation, the English text shall prevail.

For the European Union



For the Government of the Socialist
Republic of Viet Nam



**DECLARATION BY THE MEMBER STATES OF THE EU APPLYING AN EU COUNCIL DECISION
ON AN EU CRISIS MANAGEMENT OPERATION, IN WHICH VIET NAM PARTICIPATES
REGARDING THE WAIVER OF CLAIMS REFERRED TO IN ARTICLE 3(5)**

‘The EU Member States applying an EU Council Decision on an EU crisis management operation in which Viet Nam participates will endeavour, insofar as their internal legal systems so permit, to waive as much as possible any claims against Viet Nam for injury to, or death of their personnel, or damage to, or loss of, any assets owned by them and used by the EU crisis management operation if such injury, death, damage or loss:

- was caused by personnel, contributed by Viet Nam to an EU crisis management operation, in the execution of their duties in connection with the EU crisis management operation, except in case of gross negligence or wilful misconduct; or
 - arose from the use of any assets owned by Viet Nam, provided that the assets were used in connection with the operation, and except in the case of gross negligence or wilful misconduct of personnel contributed by Viet Nam to the EU crisis management operation, using those assets.’
-

**DECLARATION BY VIET NAM REGARDING THE WAIVER OF CLAIMS AGAINST ANY STATE
PARTICIPATING IN EU CRISIS MANAGEMENT OPERATIONS, REFERRED TO IN ARTICLE 3(5)**

‘Viet Nam, having agreed to participate in an EU crisis management operation, will endeavour, insofar as its internal legal system so permits, to waive as much as possible any claims against any State participating in the EU crisis management operation for injury to, or death of its personnel, or damage to, or loss of, any assets owned by it and used by the EU crisis management operation if such injury, death, damage or loss:

- was caused by personnel in the execution of their duties in connection with the EU crisis management operation, except in case of gross negligence or wilful misconduct; or
 - arose from the use of any assets owned by States participating in the EU crisis management operation, provided that the assets were used in connection with the operation and except in the case of gross negligence or wilful misconduct of EU crisis management operation personnel using those assets.’
-

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2019/1804

of 28 October 2019

amending Implementing Regulation (EU) No 809/2014 as regards amendments of aid applications or payment claims, checks in the integrated administration and control system and the control system in relation to cross compliance

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽¹⁾, and in particular points (a) to (d) and (h) of the first subparagraph of Article 62(2), points (b) and (c) of the first subparagraph of Article 78 and Article 96(4) thereof,

Whereas:

- (1) Article 14(4) of Commission Implementing Regulation (EU) No 809/2014 ⁽²⁾ allows Member States to authorise beneficiaries of the payment for agricultural practices beneficial for the climate and the environment under Regulation (EU) No 1307/2013 of the European Parliament and of the Council ⁽³⁾ to modify their single applications with respect to the use of the agricultural parcels declared after the final date for submission of the single application, in duly justified circumstances. During the growing season beneficiaries might need to adapt the cultivation plan as regards the crop or its location. This may be due to changed weather conditions or other agricultural conditions. Beneficiaries of the payment referred to in Article 30 of Regulation (EU) No 1305/2013 of the European Parliament and of the Council ⁽⁴⁾ may be in a similar situation, particularly as regards catch crops. Therefore, it is also appropriate to allow Member States to authorise these beneficiaries to amend the single application or payment claim as regards the use of the parcels declared for the purpose of the payment referred to in Article 30 of Regulation (EU) No 1305/2013. Furthermore, this paragraph should be deleted from Article 14 of Implementing Regulation (EU) No 809/2014 and included in Article 15 thereof, since it concerns amendments to the single application or payment claim. It should also be clarified that these amendments may be done after the general deadlines for notifying amendments and that Member States may set a final deadline for their notification.
- (2) Article 15(1b) provides for the amendments of the single application or payment claim where checks by monitoring are carried out. It is appropriate to clarify that this provision refers to the possibility to amend the single application or payment claims following the provisional results of the checks by monitoring. It should also be specified what these amendments may cover.

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ Commission Implementing Regulation (EU) No 809/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the integrated administration and control system, rural development measures and cross compliance (OJ L 227, 31.7.2014, p. 69).

⁽³⁾ Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 (OJ L 347, 20.12.2013, p. 608).

⁽⁴⁾ Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347 20.12.2013, p. 487).

- (3) Article 15(2) of Implementing Regulation (EU) No 809/2014 sets out the deadline for the amendment of the single application or payment claim. Article 15(3) of that Regulation sets out the situations where the amendment of the single application or payment claim is no longer possible. These rules do not apply in case beneficiaries are subject to checks by monitoring, due to the specificities of these types of checks. It is therefore appropriate to clarify when these beneficiaries may make such amendments. Furthermore, it is appropriate to allow the competent authorities to fix the date for the notification of such amendments at the level of the aid scheme, support measure or type of operation checked by monitoring.
- (4) Member States may choose to carry out checks by monitoring for certain aid schemes, support measures, types of operation or requirements and standards relevant for cross-compliance, while maintaining the sample-based on-the-spot checks for other schemes, measures, types of operations or requirements and standards. This may lead to situations in which checks by monitoring reveal findings relevant for determining the compliance with the rules of the schemes, measures, types of operations, or standards and requirements relevant for cross-compliance, subject to the sample-based checks. It is therefore appropriate to provide rules on how to take into account those findings.
- (5) It should be clarified that the cross-notification obligation provided for in Article 27 of Implementing Regulation (EU) No 809/2014 applies as well to requirements and standards relevant for cross-compliance. Article 27 should therefore be amended accordingly.
- (6) Article 38 of Implementing Regulation (EU) No 809/2014 concerns area measurement. However, paragraph 1 of that Article refers to the possibility to limit the eligibility checks and the area measurement to a randomly selected sample of at least 50 % of the agricultural parcels for which an aid application or payment claim has been submitted. For the sake of clarity, rules regarding the verification of eligibility conditions should be deleted from Article 38 and included under Article 39.
- (7) Member States may choose to carry out checks by monitoring for certain aid schemes, or support measures or types of operation in accordance with Article 40a of Implementing Regulation (EU) No 809/2014 while maintaining the sample-based on-the-spot checks that include area measurement in Article 38 of that Regulation for other schemes, measures or operations. This may lead to situations in which an agricultural parcel measured in accordance with the sample-based on-the-spot check is different from the area established as a basis for the calculation of the aid or support where checks by monitoring are applied. Article 38 of Implementing Regulation (EU) No 809/2014 should therefore clarify which of the areas prevails in these cases.
- (8) All agricultural parcels declared by a beneficiary and selected for an on-the-spot check need to be measured according to Article 38 of Implementing Regulation (EU) No 809/2014 and their eligibility conditions verified according to Article 39 of the same Regulation. This includes agricultural parcels of permanent grassland or permanent pasture of large size used in common by several beneficiaries, which may entail a heavy workload for the competent authorities. In order to contain the workload while maintaining an appropriate level of protection of the Union Funds, it is appropriate to provide for the possibility to substitute the measurements and checks of eligibility criteria, commitments and other obligations with checks based on the ortho-images used for the regular updates of the land parcel identification system and lay down the conditions under which the competent authorities may use this possibility.
- (9) When the verification of eligibility of the agricultural parcels during the on-the-spot checks of rural development measures is limited to a randomly selected sample of at least 50 % of the agricultural parcels for which a payment claim has been submitted, it may occur that some of the eligibility criteria, commitments and other obligations are not adequately checked. It is therefore appropriate to provide for, in Article 39 of Implementing Regulation (EU) No 809/2014, the selection of an additional risk based sample that allows for the checking of such eligibility criteria, commitment or other obligations.
- (10) A key aim of checks by monitoring is to support beneficiaries in fulfilling the eligibility criteria, commitments and other obligations and allow them to remedy the issues revealed. For this purpose, it is important to clarify the obligation of the competent authorities to communicate with beneficiaries in a timely manner, in particular on the warning alerts and the provisional results of the automated analysis of a time-series of satellite data. Therefore, point (d) of the first subparagraph of Article 40a(1) of Implementing Regulation (EU) No 809/2014 should set out key principles regarding the communication of provisional results of the checks by monitoring by the competent authorities.

- (11) The second subparagraph of Article 40a(1) of Implementing Regulation (EU) No 809/2014 refers to physical inspections. It is important to clarify that these physical inspections do not imply area measurement unless it is necessary to conclude on the eligibility of the aid or support requested.
- (12) Where competent authorities carry out sample-based on-the-spot checks in accordance with Article 38 and Article 39 of Implementing Regulation (EU) No 809/2014, they may limit the checks to a randomly selected sample of at least 50 % of the agricultural parcels for which an aid application or payment claim has been submitted. It is appropriate to allow the same level of flexibility where, in accordance with point (c) of the first subparagraph of Article 40a(1), checks by monitoring require a sample-based control of beneficiaries' agricultural parcels concerned by non-monitorable criteria.
- (13) The automated procedure used in the framework of checks by monitoring may reveal findings that are relevant for determining eligibility for area-based schemes, area-based measures or requirements and standards relevant for cross-compliance not checked by monitoring. In order to enable the competent authorities to adapt smoothly to the increasing use of checks by monitoring, it is appropriate to allow those authorities certain flexibility in the application of the requirement that all relevant information at their disposal has to be taken into account for the purpose of determining the fulfilment of eligibility criteria, commitments and other obligations as well as the requirements and standards relevant for cross-compliance. Such flexibility should be limited in time so as to ensure equal treatment of farmers. Article 40a should therefore be amended accordingly. Furthermore, where such flexibility is used, competent authorities should take into account the relevant findings for the selection of the risk-based part of the control sample of the schemes, measures or types of operation as well as cross-compliance in the following claim year. Article 34(2) and (3), and Article 69(1) of Implementing Regulation (EU) No 809/2014 should therefore be amended accordingly.
- (14) Article 40b obliges Member States to notify the Commission about their decision to start carrying out checks by monitoring including certain data. In order to ensure that key information is included in the notification, which may evolve as competent authorities in the Member States extend the application of checks by monitoring, the Commission should provide Member States with a template for the notifications every year by 1 November. It is therefore appropriate to modify the first paragraph of Article 40b accordingly. It is also appropriate to delete the second paragraph of Article 40b since it referred only to claim year 2018 and is therefore obsolete.
- (15) Article 40a of Implementing Regulation (EU) No 809/2014 sets out the legal framework for the substitution of area-related on-the-spot checks with checks by monitoring based on Copernicus Sentinels data or other data of at least equivalent value. These data could also be relevant for the determination of the compliance with certain requirements and standards relevant for cross-compliance. With a view to reducing the burden of controls and to maximising the investment needed by the competent authorities to substitute the current on-the-spot checks method with checks by monitoring, a legal framework should therefore be provided to set out the conditions under which checks by monitoring can substitute on-the-spot checks in relation to cross-compliance.
- (16) It is appropriate to set a minimum control rate in order to ensure that the checks on requirements and standards relevant for cross-compliance are satisfactory in circumstances where data provided by Copernicus Sentinels satellites are not relevant. Physical inspections in the field should only be necessary if evidence collected using new technologies such as geo-tagged photos and Unmanned Aircraft Systems or relevant documentary evidence does not lead to a conclusive result or if the competent authorities anticipate that none of these types of evidence will be effective in checking the requirements and standards that cannot be monitored.
- (17) Checks by monitoring could also support beneficiaries in respecting the requirements and standards relevant for cross-compliance. This can be achieved by requiring national authorities to set up appropriate tools for communicating the provisional results of the checks by monitoring on cross-compliance requirements and standards to the beneficiaries in a timely manner and providing the possibility for the beneficiary to address or remedy the situation before the conclusions are drawn in the control report. This possibility should be without prejudice to the early warning system in Article 99(2) of Regulation (EU) No 1306/2013.
- (18) For the purposes of monitoring the implementation of checks by monitoring for cross-compliance, a notification obligation for Member States should be provided.

- (19) Implementing Regulation (EU) No 809/2014 should therefore be amended accordingly.
- (20) The flexibility introduced by the new paragraph 4 of Article 40a and by Article 70a(3) of Implementing Regulation (EU) No 809/2014, should apply as of 1 January 2019 in order to fulfil its purpose since it is precisely when Member States start applying checks by monitoring and using the new technology associated to these checks that they may be confronted with difficulties to comply with the requirement to take all relevant information into account for the purpose of determining the fulfilment of eligibility criteria, commitments and other obligations as well as the requirements and standards relevant for cross-compliance.
- (21) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Direct Payments and the Rural Development Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 809/2014 is amended as follows:

- (1) in Article 14, paragraph 4 is deleted.
- (2) Article 15 is replaced by the following:

'Article 15

Amendments to the single application or payment claim

1. After the final date of submission of the single application or payment claim, individual agricultural parcels or individual payment entitlements may be added or adjusted in the single application or payment claim provided that the requirements under the direct payment schemes or rural development measures concerned are respected.

Changes regarding the use of direct payment scheme or rural development measure in respect of individual agricultural parcels or in respect of payment entitlements already declared in the single application may be made under the same conditions.

Where the amendments referred to in the first and second subparagraphs have a bearing on any supporting documents or contracts to be submitted, such documents or contracts may be amended accordingly.

1a. Where a beneficiary has been notified of the results of the preliminary checks as referred to in Article 11(4), that beneficiary may amend the single application or payment claim in order to include all necessary corrections with respect to individual parcels in accordance with the results of those cross-checks where they indicated a potential non-compliance.

1b. Where checks by monitoring are carried out in accordance with Article 40a, and the competent authorities have communicated the provisional results at parcel level referred to in point (d) of Article 40a(1), beneficiaries may amend the single application or payment claim regarding adjustment or use of individual agricultural parcels checked by monitoring, provided that the requirements under the direct payment schemes or rural development measures concerned are respected. Individual payment entitlements may be added in cases where the amendment of the single application or payment claim leads to an increase of area declared.

2. Amendments made in accordance with the first and second subparagraphs of paragraph 1 shall be notified to the competent authority by 31 May of the year concerned, except in the case of Estonia, Latvia, Lithuania, Finland and Sweden, where they shall be notified by 15 June of the year concerned.

By way of derogation from the first subparagraph, Member States may set an earlier final date for the notification of such amendments. That date shall however not be earlier than 15 calendar days after the final date for submitting the single application or payment claim fixed in accordance with Article 13(1).

By way of derogation from the first and second subparagraphs, Member States may authorise the beneficiary to amend at a later date, in duly justified circumstances, the single application or payment claim as regards the use of the agricultural parcels declared for the purpose of the payment for agricultural practices beneficial for the climate and the environment in accordance with Chapter 3 of Title III of Regulation (EU) No 1307/2013 or the Natura 2000 and Water Framework Directive payment in accordance with Article 30 of Regulation (EU) No 1305/2013 provided that this does not put the beneficiary in a more favourable position with regard to the fulfilment of the obligations based on the initial application. In this case, Member States may decide to set a final date for the notification of these amendments to the competent authority.

Such notifications shall be made in writing or via the geo-spatial aid application form.

2a. Amendments following the preliminary checks made in accordance with paragraph 1a shall be notified to the competent authority at the latest nine calendar days after the final date for notification of the results of the preliminary checks referred to in Article 11(4) to the beneficiary.

Such notifications shall be made in writing or via the geo-spatial aid application form.

2b. Amendments following the communication of provisional results at parcel level referred to in point (d) of Article 40a(1) made in accordance with paragraph 1b shall be notified to the competent authority by the date fixed by that competent authority at the level of the aid scheme or support measure or type of operation. The date shall be at least 15 calendar days before the date when the payment of the first instalment or the advances is to be made in accordance with Article 75 of Regulation (EU) No 1306/2013.

Such notifications shall be made in writing or via the geo-spatial aid application form.

3. Where the competent authority has already informed the beneficiary of any case of non-compliance in the single application or payment claim or where it has given notice to the beneficiary of its intention to carry out an on-the-spot check or where an on-the-spot check reveals any non-compliance, amendments in accordance with paragraph 1 shall not be authorised in respect of the agricultural parcels affected by the non-compliance.

For the purposes of the first subparagraph, the obligation provided in point (d) of Article 40a(1) shall not be considered as a notice to the beneficiary of a competent authority's intention to carry out an on-the-spot check.'

(3) in Article 27, the second paragraph is replaced by the following:

'Member States shall ensure that all relevant findings made in the framework of the checks on compliance with the eligibility criteria, commitments and other obligations in respect of the schemes listed in Annex I to Regulation (EU) No 1307/2013, requirements and standards relevant for cross-compliance, and/or support under rural development measures in the scope of the integrated system are cross-notified to the relevant competent authority in charge of granting the corresponding payment. Member States shall also ensure that public or private certification authorities referred to in Article 38 of Delegated Regulation (EU) No 639/2014 notify the competent authority in charge of granting the payment for agricultural practices beneficial for the climate and the environment of any finding relevant for the correct granting of such payment to beneficiaries who opted for fulfilling their obligations through the equivalence by certification.';

(4) Article 34 is amended as follows:

(a) in paragraph 2, the following fourth subparagraph is added:

'Where the competent authority decides to apply the option provided for in Article 40a(4) or in Article 70a(3), findings revealed by checks by monitoring in the previous claim year shall be taken into account in the risk analysis referred to in point (d) of the second subparagraph.';

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

'For the purposes of Articles 32 and 33, between 20 % and 25 % of the minimum number of beneficiaries to be subject to on-the-spot checks and, where Article 32(2a) applies, 100 % of the collectives and between 20 % and 25 % of the commitments to be subject to on-the-spot checks shall be selected randomly. The remaining number of beneficiaries and commitments to be subject to on-the-spot checks shall be selected on the basis of a risk analysis. Where the competent authority decides to apply the option provided for in Article 40a(4) or in Article 70a(3), findings revealed by checks by monitoring in the previous claim year shall be taken into account in the risk analysis.';

(5) Article 38 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. The actual area measurement of the agricultural parcel as part of an on-the-spot check may be limited to a randomly selected sample of at least 50 % of the agricultural parcels for which an aid application or payment claim has been submitted under the area-related aid schemes or rural development measures. When this sample check reveals any non-compliance, all agricultural parcels shall be measured or conclusions from the sample shall be extrapolated.';

(b) the following paragraphs 9 and 10 are inserted:

'9. Where the eligible area measured in accordance with paragraphs 1 to 8 is different from the area established as a basis for the calculation of the aid or support where checks by monitoring are applied in accordance with Article 40a, the area measured in accordance with paragraphs 1 to 8 of this Article shall prevail.

10. In the specific case of agricultural parcels of permanent grassland or permanent pastures used in common by several beneficiaries, the actual measurement may be substituted by checks based on the ortho-images used for the update of the identification system for agricultural parcels referred to in Article 70 of Regulation (EU) No 1306/2013 provided that those checks are carried out on all such parcels within a period of maximum three years and the competent authority can demonstrate effective operational procedures complying with the rules laid down in Article 7 of this Regulation and effects the recoveries appropriately.’.

(6) Article 39 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. The verification of the eligibility criteria, commitments and other obligations of the agricultural parcels as part of an on-the-spot check may be limited to a randomly selected sample of at least 50 % of the agricultural parcels for which an aid application or payment claim has been submitted under the area-related aid schemes or rural development measures.

However, for rural development measures, when some eligibility criteria, commitments or other obligations of the agricultural parcels cannot be adequately checked when limiting the checks to a randomly selected sample in accordance with the first subparagraph, an additional risk based sample allowing the checking of these criteria, commitments or obligations shall be selected.

When the randomly selected sample or the risk based sample reveal any non-compliance, all agricultural parcels shall be subject to the verification of the eligibility criteria, commitments and other obligations or conclusions from the sample shall be extrapolated.

The eligibility of agricultural parcels shall be verified by any appropriate means, including evidence provided by the beneficiary at the request of the competent authority. That verification shall also include a verification of the crop, where appropriate. To that end, additional proof shall be requested where necessary.’;

(b) paragraph 4 is replaced by the following:

‘4. In the specific case of agricultural parcels of permanent grassland or permanent pastures used in common by several beneficiaries, the verification of the eligibility criteria, commitments and other obligations may be substituted by checks based on the ortho-images used for the update of the identification system for agricultural parcels referred to in Article 70 of Regulation (EU) No 1306/2013 provided that those checks are carried out on all such parcels within a period of maximum three years and the competent authority can demonstrate effective operational procedures complying with the rules laid down in Article 7 of this Regulation and effects the recoveries appropriately.’.

(7) Article 40a is amended as follows:

(a) paragraph 1 is amended as follows:

(i) point (d) of the first subparagraph is replaced by the following:

‘(d) inform beneficiaries about the decision to carry out checks by monitoring and set up appropriate tools to communicate with beneficiaries on at least provisional results at parcel level of the procedure set up in accordance with point (a) of this subparagraph, warning alerts and evidence requested for the purposes of points (b) and (c). Competent authorities shall ensure timely communication with the beneficiaries to support them in fulfilling the eligibility criteria, commitments and other obligations and allow the beneficiaries to address or remedy the situation before the conclusions are drawn in the control report referred to in Article 41.’;

(ii) the second subparagraph is replaced by the following:

‘For the purposes of points (b) and (c) of the first subparagraph, physical inspections in the field shall be carried out when relevant evidence, including evidence provided by the beneficiary at the request of the competent authority, does not allow to conclude on the eligibility of the aid or support requested. Physical inspections in the field may be limited to checks of eligibility criteria, commitments and other obligations that are relevant to conclude on the eligibility of the aid or support requested. These physical inspections shall include area measurement only where necessary to conclude on the compliance with these eligibility criteria, commitments or other obligations.’;

(iii) the following third subparagraph is added:

‘For the purposes of point (c) of the first subparagraph, checks of eligibility criteria, commitments and other obligations which cannot be monitored by Copernicus Sentinels satellite data or other data with at least equivalent value may be limited to a sample of at least 50 % of the agricultural parcels declared by a beneficiary. The competent authority may select this sample randomly or on the basis of other criteria. Where the sample of agricultural parcels is selected randomly and the checks reveal any non-compliance, the competent authority shall extrapolate the conclusions from the sample or shall check all agricultural parcels. Where the sample is selected on the basis of other criteria and the checks reveal any non-compliance, the competent authority shall check all agricultural parcels.’;

(b) the following paragraph 4 is added:

‘4. Where the procedure referred to in point (a) of paragraph 1 reveals findings relevant for direct payment schemes, rural development measures and requirements and/or standards not checked by monitoring, competent authorities may decide to take into account those findings only in respect of beneficiaries selected in accordance with Articles 30, 31, 32 and 68 for on-the-spot checks of direct payment schemes, rural development measures and requirements and/or standards not checked by monitoring. The derogation shall be limited to the three years following the 1st of January of the calendar year in which the competent authority started carrying out checks by monitoring.’.

(8) Article 40b is amended as follows:

(a) the first paragraph is replaced by the following:

‘Member States shall notify the Commission by 1 December of the calendar year preceding the calendar year in which they start carrying out checks by monitoring of their decision to opt for checks by monitoring and indicate the schemes or measures or types of operations and, where relevant, areas of such schemes or measures subject to checks by monitoring and the criteria used to select them. The Commission shall provide by 1 November of each calendar year a template for the submission of the notifications detailing the elements to be included in such notification.’;

(b) the second paragraph is deleted.

(9) in Article 41(2), the third subparagraph is replaced by the following:

‘Where the on-the-spot check is carried out by means of remote sensing in accordance with Article 40 or by means of monitoring in accordance with Article 40a, the Member States may decide not to give the beneficiary the opportunity to sign the control report if no non-compliance is revealed during the check by remote-sensing or by monitoring. If any non-compliance is revealed as a consequence of such checks or by monitoring, the opportunity to sign the report shall be given before the competent authority draws its conclusions from the findings with regard to any resulting reductions, refusals, withdrawals or administrative penalties. Where checks by monitoring are applied, this obligation shall be considered fulfilled if beneficiaries are notified of non-compliances through the tools set up to communicate with beneficiaries in accordance with point (d) of Article 40a(1) and beneficiaries are given the opportunity to contest the non-compliances before the competent authority draws its conclusions from the findings with regard to any resulting reductions, refusals, withdrawals or administrative penalties.’.

(10) in Article 69(1) the first subparagraph is replaced by the following:

‘The selection of the sample of farms to be checked in accordance with Article 68 shall be based, where applicable, on a risk analysis according to the applicable legislation, or on a risk analysis appropriate to the requirements or standards. That risk analysis may be based on the level of an individual farm or on the level of categories of farms or geographical zones. Where the competent authority decides to apply the option provided for in Article 40a(4) or in Article 70a(3) of this Regulation, findings revealed by checks by monitoring in the previous claim year shall be taken into account in the risk analysis.’.

(11) in Article 70 the following paragraph 4 is inserted:

‘4. Competent authorities may carry out checks of the requirements and standards relevant for cross-compliance by means of checks by monitoring carried out in accordance with Article 70a of this Regulation.’.

(12) the following Articles 70a and 70b are inserted:

Article 70a

Checks by monitoring

1. Competent authorities may carry out checks by monitoring. Where they elect to do so, they shall:
 - (a) set up a procedure of regular and systematic observation, tracking and assessment of all the requirements and standards relevant for cross-compliance which can be monitored by Copernicus Sentinels satellite data or other data with at least equivalent value, over a period of time that allows to conclude on the compliance with the requirements and standards;
 - (b) carry out, where necessary, and in order to conclude on the determination of the compliance with the requirements and standards, appropriate follow-up activities;
 - (c) carry out checks for 1 % of the beneficiaries concerned by requirements and standards relevant for cross-compliance which cannot be monitored by Copernicus Sentinels satellite data or other data with at least equivalent value, and are relevant to conclude on the compliance with the requirements and standards. Between 20 % and 25 % of the 1 % of the beneficiaries shall be selected randomly. The remaining beneficiaries shall be selected on the basis of a risk analysis;
 - (d) inform beneficiaries about the decision to carry out checks by monitoring and set up appropriate tools to communicate with beneficiaries on at least provisional results at parcel level of the procedure set up in accordance with point (a) of this paragraph, warning alerts and evidence requested for the purposes of points (b) and (c). Competent authorities shall ensure timely communication with the beneficiaries to support them in complying with the requirements and standards and, without prejudice to the early warning system in Article 99 (2) of Regulation (EU) No 1306/2013, allow the beneficiary to address or remedy the situation before the conclusions are drawn in the control report referred to in Article 72, but not later than one month following the communication of the provisional results.

For the purposes of points (b) and (c), physical inspections in the field shall be carried out when relevant evidence, including evidence provided by the beneficiary at the request of the competent authority, does not allow to conclude on the compliance with the requirements and standards relevant for cross-compliance subject to the checks by monitoring. Physical inspections in the field may be limited to checks of requirements and standards that are relevant to conclude on the compliance with the requirements and standards relevant for cross-compliance subject to the checks by monitoring.

2. Where the competent authority carries out checks by monitoring in accordance with paragraph 1, can demonstrate effective operational procedures complying with the rules laid down in Articles 7 and 29, and has proven the quality of the identification system for agricultural parcels as assessed in accordance with Article 6 of Delegated Regulation (EU) No 640/2014, Articles 25, 68, 69 and 71 of this Regulation do not apply.

3. Where the procedure referred to in point (a) of paragraph 1 reveals findings relevant for direct payment schemes, rural development measures and requirements and/or standards not checked by monitoring, competent authorities may decide to take into account those findings only in respect of beneficiaries selected in accordance with Articles 30, 31, 32 and 68 for on-the-spot checks of direct payment schemes, rural development measures and requirements and/or standards not checked by monitoring. The derogation shall be limited to the three years following the 1st of January of the calendar year in which the competent authority started carrying out checks by monitoring.

Article 70b

Notifications

Member States shall notify the Commission by 1 December of the calendar year preceding the calendar year in which they start carrying out checks by monitoring of their decision to opt for checks by monitoring in accordance with Article 70a.

(13) Article 72 is amended as follows:

(a) in paragraph 1, the following fourth subparagraph is added:

‘Where checks by monitoring are carried out in accordance with Article 70a, points (a)(ii) and (iii) of the second subparagraph of this paragraph shall not apply. The control report shall indicate the results of the checks by monitoring at parcel level.’;

(b) paragraph 2 is replaced by the following:

‘2. Paragraph 1 shall apply regardless whether the beneficiary in question was selected for the on-the-spot check in accordance with Article 69, checked on the spot pursuant to the legislation applicable to the acts and standards in accordance with Article 68(2), checked by monitoring in accordance with Article 70a, or as a follow-up of non-compliance brought to the attention of the competent control authority in any other way.’;

(c) in paragraph 3, the first subparagraph is replaced by the following:

‘The beneficiary shall be informed of any determined non-compliance within three months after the date of the on-the-spot check. When checks by monitoring are carried out in accordance with Article 70a, the beneficiary shall be informed of any determined non-compliance within three months after the expiry of the time period granted to the beneficiary to address or remedy the situation in accordance with Article 70a(1)(d).’;

(d) in paragraph 4, the first subparagraph is replaced by the following:

‘Without prejudice to any particular provisions contained in the legislation applicable to the requirements and standards, the control report shall be finalised within one month after the on-the-spot check. When checks by monitoring are carried out in accordance with Article 70a, the control report shall be finalised within one month after the expiry of the time period granted to the beneficiary to address or remedy the situation in accordance with Article 70a(1)(d). However, that period may be extended to three months under duly justified circumstances, in particular if chemical or physical analysis so requires.’.

Article 2

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

The following points of Article 1 shall apply as from 1 January 2019:

(a) point (7)(b);

(b) point (12) as regards Article 70a(3) of Implementing Regulation (EU) No 809/2014.

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

Done at Brussels, 28 October 2019.

For the Commission

The President

Jean-Claude JUNCKER

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2019/1805

of 28 October 2019

amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States

(notified under document C(2019) 7807)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary checks applicable in intra-Union trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽³⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Commission Implementing Decision 2014/709/EU ⁽⁴⁾ lays down animal health control measures in relation to African swine fever in certain Member States, where there have been confirmed cases of that disease in domestic or feral pigs (the Member States concerned). The Annex to that Implementing Decision demarcates and lists certain areas of the Member States concerned in Parts I to IV thereof, differentiated by the level of risk based on the epidemiological situation as regards that disease. The Annex to Implementing Decision 2014/709/EU has been amended several times to take account of changes in the epidemiological situation in the Union as regards African swine fever that need to be reflected in that Annex. The Annex to Implementing Decision 2014/709/EU was last amended by Commission Implementing Decision (EU) 2019/1679 ⁽⁵⁾, following instances of African swine fever in Bulgaria and Hungary.
- (2) Council Directive 2002/60/EC ⁽⁶⁾ lays down the minimum Union measures to be taken for the control of African swine fever. In particular, Article 9 of Directive 2002/60/EC provides for the establishment of a protection and a surveillance zone when African swine fever has been officially confirmed in pigs on a holding, and Articles 10 and 11 of that Directive lay down the measures to be taken in the protection and surveillance zones in order to prevent the spread of that disease. Recent experience has shown that the measures laid down in Directive 2002/60/EC are effective in controlling the spread of that disease, and in particular the measures providing for the cleaning and disinfecting of infected holdings and other measures related to the eradication of that disease.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ OJ L 18, 23.1.2003, p. 11.

⁽⁴⁾ Commission Implementing Decision 2014/709/EU of 9 October 2014 concerning animal health control measures relating to African swine fever in certain Member States and repealing Implementing Decision 2014/178/EU (OJ L 295, 11.10.2014, p. 63).

⁽⁵⁾ Commission Implementing Decision (EU) 2019/1679 of 4 October 2019 amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States (OJ L 257, 8.10.2019, p. 25).

⁽⁶⁾ Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever (OJ L 192, 20.7.2002, p. 27).

- (3) Taking into account the effectiveness of the measures being applied in Latvia in accordance with Directive 2002/60/EC, and in particular those laid down in Article 10(4)(b) and Article 10(5) thereof, and in line with the risk mitigation measures for African swine fever set out in the Terrestrial Animal Health Code of the World Organisation for Animal Health, certain areas in the counties of Aizputes and Durbes in Latvia currently listed in Part III of the Annex to Implementing Decision 2014/709/EU should now be listed in Part II of that Annex, in view of the expiry of the period of three months from the date of the final cleaning and disinfection of the infected holding and due to the absence of African swine fever outbreaks in those areas for the past three months. Given that Part III of the Annex to Implementing Decision 2014/709/EU lists the areas where the epidemiological situation is still evolving and very dynamic, when any amendments are made to areas listed in that Part, particular consideration must always be given to the effect on the surrounding areas.
- (4) In addition, since the date of adoption of Implementing Decision (EU) 2019/1679, there have been further cases of African swine fever in domestic and feral pigs in Hungary, Slovakia, Romania, Latvia and Poland. Following these recent cases of that disease, and taking into account the current epidemiological situation in the Union, regionalisation in these five Member States has been reassessed and updated. In addition, the risk management measures in place also have been reassessed and updated. These changes need to be reflected in the Annex to Implementing Decision 2014/709/EU.
- (5) In October 2019, two cases of African swine fever in feral pigs were observed in the counties of Jász-Nagykun-Szolnok and Hajdú-Bihar in Hungary in areas currently listed in Part II of the Annex to Implementing Decision 2014/709/EU, located in close proximity to areas listed in Part I of the Annex thereto. These cases of African swine fever constitute an increased level of risk which should be reflected in that Annex. Accordingly, those areas of Hungary listed in Part I of the Annex to Implementing Decision 2014/709/EU that are in close proximity to areas listed in Part II affected by those recent cases of African swine fever should now be listed in Part II of that Annex instead of in Part I thereof.
- (6) In October 2019, one case of African swine fever in a feral pig was observed in the district of Trebišov in Slovakia in an area currently listed in Part III of the Annex to Implementing Decision 2014/709/EU, located in close proximity to an area listed in Part I of the Annex thereto. This case of African swine fever in a feral pig constitutes an increased level of risk which should be reflected in that Annex. Accordingly, this area of Slovakia listed in Part I of the Annex to Implementing Decision 2014/709/EU that is in close proximity to an area listed in Part III affected by this recent case of African swine fever should now be listed in Part II of that Annex instead of in Part I thereof.
- (7) In October 2019, four outbreaks of African swine fever in domestic pigs were observed in the counties of Neamț and Sibiu in Romania in areas currently listed in Part I of the Annex to Implementing Decision 2014/709/EU. These outbreaks of African swine fever in domestic pigs constitute an increased level of risk which should be reflected in that Annex. Accordingly, these areas of Romania affected by African swine fever should be listed in Part III of the Annex to Implementing Decision 2014/709/EU instead of in Part I thereof.
- (8) In October 2019, one outbreak of African swine fever in domestic pigs was observed in the district of białostocki in Poland in an area currently listed in Part II of the Annex to Implementing Decision 2014/709/EU. This outbreak of African swine fever in domestic pigs constitutes an increased level of risk which should be reflected in that Annex. Accordingly, this area of Poland affected by African swine fever should be listed in Part III of the Annex to Implementing Decision 2014/709/EU instead of in Part II thereof.
- (9) In October 2019, one case of African swine fever in a feral pig was observed in the district of olsztyński in Poland in an area currently listed in Part I of the Annex to Implementing Decision 2014/709/EU. This case of African swine fever in a feral pig constitutes an increased level of risk which should be reflected in that Annex. Accordingly, this area of Poland affected by African swine fever should be listed in Part II of the Annex to Implementing Decision 2014/709/EU instead of in Part I thereof.

- (10) In October 2019, one case of African swine fever in a feral pig was observed in the county of Aizputes in Latvia in an area currently listed in Part III of the Annex to Implementing Decision 2014/709/EU, located in close proximity to an area listed in Part I of the Annex thereto. This case of African swine fever in a feral pig constitutes an increased level of risk which should be reflected in that Annex. Accordingly, this area of Latvia listed in Part I of the Annex to Implementing Decision 2014/709/EU that is in close proximity to an area listed in Part III affected by this recent case of African swine fever should now be listed in Part II of that Annex instead of in Part I thereof.
- (11) In order to take account of recent developments in the epidemiological evolution of African swine fever in the Union, and in order to combat the risks associated with the spread of that disease in a proactive manner, new high-risk areas of a sufficient size should be demarcated for Latvia, Hungary, Slovakia, Romania and Poland and duly listed in Parts I, II and III of the Annex to Implementing Decision 2014/709/EU. The Annex to Implementing Decision 2014/709/EU should therefore be amended accordingly.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision 2014/709/EU is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 28 October 2019.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

The Annex to Implementing Decision 2014/709/EU is replaced by the following:

'ANNEX

PART I

1. Belgium

The following areas in Belgium:

in Luxembourg province:

- the area is delimited clockwise by:
- Frontière avec la France,
- Rue Mersinhat,
- La N818jusque son intersection avec la N83,
- La N83 jusque son intersection avec la N884,
- La N884 jusque son intersection avec la N824,
- La N824 jusque son intersection avec Le Routeux,
- Le Routeux,
- Rue d'Orgéo,
- Rue de la Vierre,
- Rue du Bout-d'en-Bas,
- Rue Sous l'Eglise,
- Rue Notre-Dame,
- Rue du Centre,
- La N845 jusque son intersection avec la N85,
- La N85 jusque son intersection avec la N40,
- La N40 jusque son intersection avec la N802,
- La N802 jusque son intersection avec la N825,
- La N825 jusque son intersection avec la E25-E411,
- La E25-E411jusque son intersection avec la N40,
- N40: Burnaimont, Rue de Luxembourg, Rue Ranci, Rue de la Chapelle,
- Rue du Tombois,
- Rue Du Pierroy,
- Rue Saint-Orban,
- Rue Saint-Aubain,
- Rue des Cottages,
- Rue de Relune,
- Rue de Rulune,
- Route de l'Ermitage,
- N87: Route de Habay,
- Chemin des Ecoliers,
- Le Routy,
- Rue Burgknapp,
- Rue de la Halte,
- Rue du Centre,
- Rue de l'Eglise,

- Rue du Marquisat,
- Rue de la Carrière,
- Rue de la Lorraine,
- Rue du Beynert,
- Millewée,
- Rue du Tram,
- Millewée,
- N4: Route de Bastogne, Avenue de Longwy, Route de Luxembourg,
- Frontière avec le Grand-Duché de Luxembourg,
- Frontière avec la France,
- La N87 jusque son intersection avec la N871 au niveau de Rouvroy,
- La N871 jusque son intersection avec la N88,
- La N88 jusque son intersection avec la rue Baillet Latour,
- La rue Baillet Latour jusque son intersection avec la N811,
- La N811 jusque son intersection avec la N88,
- La N88 jusque son intersection avec la N883 au niveau d'Aubange,
- La N883 jusque son intersection avec la N81 au niveau d'Aubange,
- La N81 jusque son intersection avec la E25-E411,
- La E25-E411 jusque son intersection avec la N40,
- La N40 jusque son intersection avec la rue du Fet,
- Rue du Fet,
- Rue de l'Accord jusque son intersection avec la rue de la Gaume,
- Rue de la Gaume jusque son intersection avec la rue des Bruyères,
- Rue des Bruyères,
- Rue de Neufchâteau,
- Rue de la Motte,
- La N894 jusque son intersection avec la N85,
- La N85 jusque son intersection avec la frontière avec la France.

2. Estonia

The following areas in Estonia:

- Hiiu maakond.

3. Hungary

The following areas in Hungary:

- Békés megye 950150, 950250, 950350, 950450, 950550, 950650, 950660, 950750, 950850, 950860, 950950, 950960, 950970, 951050, 951150, 951250, 951260, 951350, 951450, 951460, 951550, 951650, 951750, 951950, 952050, 952250, 952350, 952450, 952550, 952650, 952750, 952850, 953270, 953350, 953450, 953510, 956250, 956350, 956450, 956550, 956650 és 956750 kódszámú vadgazdálkodási egységeinek teljes területe,
- Bács-Kiskun megye 601650, 601750, 601850, 601950, 602050, 603250, 603750 és 603850 kódszámú vadgazdálkodási egységeinek teljes területe,
- Budapest: 1 kódszámú, vadgazdálkodási tevékenységre nem alkalmas területe,
- Csongrád megye 800150, 800160, 800250, 802220, 802260, 802310 és 802450 kódszámú vadgazdálkodási egységeinek teljes területe,
- Fejér megye 403150, 403160, 403260, 404250, 404550, 404560, 404650, 404750, 405450, 405550, 405650, 405750, 405850, 406450, 406550, 406650 és 407050 kódszámú vadgazdálkodási egységeinek teljes területe,

- Hajdú-Bihar megye 900750, 901250, 901260, 901270, 901350, 901551, 901560, 901570, 901580, 901590, 901650, 901660, 902450, 902550, 902650, 902660, 902670, 902750, 903650, 903750, 903850, 903950, 903960, 904050, 904060, 904150, 904250, 904350, 904950, 904960, 905050, 905060, 905070, 905080, 905150, 905250 és 905260 kódszámú vadgazdálkodási egységeinek teljes területe,
- Heves megye 702550, 703360, 704150, 704250, 704350, 704450, 704550, 704650, 704750, és 705350 kódszámú vadgazdálkodási egységeinek teljes területe,
- Jász-Nagykun-Szolnok megye 750150, 750160, 750250, 750260, 750350, 750450, 750460, 751250, 751260, 754450, 754550, 754560, 754570, 754650, 754750, 754950, 755050, 755150, 755250, 755350 és 755450 kódszámú vadgazdálkodási egységeinek teljes területe,
- Komárom-Esztergom megye 252460, 252850, 252860, 252950, 252960, 253050, 253150, 253250, 253350 és 253450 kódszámú vadgazdálkodási egységeinek teljes területe,
- Nógrád megye 552010, 552150, 552250, 552350, 552450, 552460, 552520, 552550, 552610, 552620, 552710, 552850, 552860, 552950, 552970, 553050, 553110, 553250, 553260, 553350, 553650, 553750, 553850, 553910 és 554050 kódszámú vadgazdálkodási egységeinek teljes területe,
- Pest megye 570150, 570250, 570350, 570450, 570550, 570650, 570750, 570850, 571050, 571150, 571250, 571350, 571550, 571610, 571750, 571760, 572150, 572250, 572350, 572550, 572650, 572750, 572850, 572950, 573150, 573350, 573360, 573450, 573850, 574150, 574350, 574360, 574550, 574650, 574750, 574950, 575050, 575150, 575250, 575350, 575950, 576050, 576150, 576250, 576350, 576450, 576950, 577050, 577150, 577250, 577350, 577450, 577950, 578850, 578950, 579250, 579550, 579650, 579750, 580050 és 580450 kódszámú vadgazdálkodási egységeinek teljes területe,
- Szabolcs-Szatmár-Bereg megye 851950, 852350, 852450, 852550, 852750, 853560, 853650, 853751, 853850, 853950, 853960, 854050, 854150, 854250, 854350, 855350, 855450, 855550, 855650, 855660 és 855850 kódszámú vadgazdálkodási egységeinek teljes területe.

4. Latvia

The following areas in Latvia:

- Alsungas novads,
- Kuldīgas novada Gudenieku pagasts,
- Pāvilostas novads,
- Stopiņu novada daļa, kas atrodas uz rietumiem no autoceļa V36, P4 un P5, Acones ielas, Daugulupes ielas un Daugulupītes,
- Ventspils novada Jūrkalnes pagasts,
- Grobiņas novads,
- Rucavas novada Dunikas pagasts.

5. Lithuania

The following areas in Lithuania:

- Klaipėdos rajono savivaldybės: Agluonėnų, Priekulės, Veiviržėnų, Judrėnų, Endriejavo ir Vėžaičių seniūnijos,
- Plungės rajono savivaldybės: Alsėdžių, Babrungo, Kulių, Nausodžio, Paukštakių, Platelių, Plungės miesto, Šateikių ir Žemaičių Kalvarijos seniūnijos,
- Skuodo rajono savivaldybė,

6. Poland

The following areas in Poland:

w województwie warmińsko-mazurskim:

- gminy Wielbark i Rozogi w powiecie szczycieńskim,
- gminy Janowiec Kościelny, Janowo i Kozłowo w powiecie nidzickim,
- powiat działdowski,
- gminy Łukta, Miłomłyn, Dąbrówno, Grunwald i Ostróda z miastem Ostróda w powiecie ostródzkim,
- gminy Kisielice, Susz, Iława z miastem Iława, Lubawa z miastem Lubawa, w powiecie iławskim,

w województwie podlaskim:

- gmina Rudka, część gminy Brańsk położona na północ od linii od linii wyznaczonej przez drogę nr 66 biegnącą od wschodniej granicy gminy do granicy miasta Brańsk i miasto Brańsk w powiecie bielskim,
- część gminy Poświętne położona na zachód od linii wyznaczonej przez drogę nr 681 w powiecie białostockim,
- gminy Kulesze Kościelne, Nowe Piekuty, Szepietowo, Wysokie Mazowieckie z miastem Wysokie Mazowieckie, Czyżew w powiecie wysokomazowieckim,
- gminy Miastkowo, Nowogród, Śniadowo i Zbójna w powiecie łomżyńskim,
- powiat zambrowski,

w województwie mazowieckim:

- powiat ostrołęcki,
- powiat miejski Ostrołęka,
- gminy Bielsk, Brudzeń Duży, Drobin, Gąbin, Łąck, Nowy Duninów, Radzanowo, Słupno i Stara Biaław powiecie płońskim,
- powiat miejski Płock,
- powiat sierpecki,
- powiat żuromiński,
- gminy Andrzejewo, Brok, Małkinia Górna, Stary Lubotyń, Szulborze Wielkie, Wąsewo, Zaręby Kościelne i Ostrów Mazowiecka z miastem Ostrów Mazowiecka w powiecie ostrowskim,
- gminy Dzierzgowo, Lipowiec Kościelny, miasto Mława, Radzanów, Szreńsk, Szydłowo i Wieczfnia Kościelna, w powiecie mławskim,
- powiat przasnyski,
- powiat makowski,
- gminy Gzy, Obryte, Zatory, Pułtusk i część gminy Winnica położona na wschód od linii wyznaczonej przez drogę łączącą miejscowości Bielany, Winnica i Pokrzywnica w powiecie pułtuskim,
- gminy Brańszczyk, Długosiodło, Rząśnik, Wyszaków, Zabrodzie i część gminy Somianka położona na północ od linii wyznaczonej przez drogę nr 62 w powiecie wyszkowskim,
- gminy Puszcza Mariańska, Wiskitki i miasto Żyrardów w powiecie żyrardowskim,
- gminy Błędów, Nowe Miasto nad Pilicą i Mogielnica w powiecie grójeckim,
- gminy Stara Błotnica, Wyśmierzyce i Radzanów w powiecie białobrzeskim,
- gminy Iłża, Jedlińsk, Kowala, Przytyk, Skaryszew, Wierzbica, Wolanów i Zakrzew w powiecie radomskim,
- powiat miejski Radom,
- powiat szydłowiecki,
- powiat przysuski,
- gmina Kazanów w powiecie zwoleńskim,
- gminy Ciepiałów, Chotcza, Lipsko, Rzecznów i Sienno w powiecie lipskim,
- powiat gostyniński,

w województwie lubelskim:

- gminy Bełżyce, Borzechów, Niedrzwica Duża, Konopnica i Wojciechów w powiecie lubelskim,
- gminy Kraśnik z miastem Kraśnik, Szastarka, Trzydnik Duży, Wilkołaz, Zakrzówek i część gminy Urzędów położona na wschód od linii wyznaczonej przez drogę nr 833 w powiecie kraśnickim,
- gminy Batorz, Godziszów, Janów Lubelski, Modliborzyce i Potok Wielki w powiecie janowskim,
- gmina Potok Górny w powiecie biłgorajskim,

w województwie podkarpackim:

- gminy Wielkie Oczy i Lubaczów z miastem Lubaczów w powiecie lubaczowskim,
- gminy Laszki, Wiązownica, Radymno z miastem Radymno i gmina wiejska Jarosław w powiecie jarosławskim,

- gminy Bojanów, Pysznica, Zaleszany i miasto Stalowa Wola w powiecie stalowowolskim,
- powiat tarnobrzeski,
- gmina Sieniawa i Tryńcza w powiecie przeworskim,
- powiat leżajski,
- powiat niżański,

w województwie świętokrzyskim:

- gminy Lipnik, Opatów, Wojciechowice, Sadowie i część gminy Ożarów położona na południe od linii wyznaczonej przez drogę nr 74 w powiecie opatowskim,
- powiat sandomierski,
- gmina Brody w powiecie starachowickim,
- powiat ostrowiecki,

w województwie łódzkim:

- gminy Kocierzew Południowy, Kiernoż, Chąsno, część gminy wiejskiej Łowicz położona na północ od linii wyznaczonej przez drogę nr 92 i Nieborów w powiecie łowickim,
- gminy Biała Rawska, Regnów i Sadkowiec w powiecie rawskim,
- gminy Bolimów, Kowiesy, Nowy Kawęczyn i Skierniewice w powiecie skierniewickim,
- powiat miejski Skierniewice,

w województwie pomorskim:

- powiat nowodworski,
- gminy Lichnowy, Miłoradz, Nowy Staw, Malbork z miastem Malbork w powiecie malborskim,
- gminy Mikołajki Pomorskie, Stary Targ i Sztum w powiecie sztumskim,
- powiat gdański,
- Miasto Gdańsk,
- powiat tczewski,
- powiat kwidzyński.

7. Romania

The following areas in Romania:

- Județul Cluj,
- Județul Harghita,
- Județul Suceava,
- Județul Mureș.

8. Slovakia

The following areas in Slovakia:

- the whole district of Vranov nad Topľou,
- the whole district of Humenné,
- the whole district of Snina,
- the whole district of Sobrance,
- the whole district of Košice-mesto,
- in the district of Michalovce, the whole municipalities of Tušice, Moravany, Pozdišovce, Michalovce, Zalužice, Lúčky, Závadka, Hnojné, Poruba pod Vihorlatom, Jovsa, Kusín, Klokočov, Kaluža, Vinné, Trnava pri Laborci, Oreské, Staré, Zbudza, Petrovce nad Laborcom, Lesné, Suché, Rakovec nad Ondavou, Nacina Ves, Voľa, Pusté Čemerné and Strážske,
- in the district of Košice - okolie, the whole municipalities not included in Part II.

PART II

1. Belgium

The following areas in Belgium:

in Luxembourg province:

- the area is delimited clockwise by:
- La frontière avec la France au niveau de Florenville,
- La N85 jusque son intersection avec la N894 au niveau de Florenville,
- La N894 jusque son intersection avec la rue de la Motte,
- La rue de la Motte jusque son intersection avec la rue de Neufchâteau,
- La rue de Neufchâteau,
- La rue des Bruyères jusque son intersection avec la rue de la Gaume,
- La rue de la Gaume jusque son intersection avec la rue de l'Accord,
- La rue de l'Accord,
- La rue du Fet,
- La N40 jusque son intersection avec la E25-E411,
- La E25-E411 jusque son intersection avec la N81 au niveau de Weyler,
- La N81 jusque son intersection avec la N883 au niveau d'Aubange,
- La N883 jusque son intersection avec la N88 au niveau d'Aubange,
- La N88 jusque son intersection avec la N811,
- La N811 jusque son intersection avec la rue Baillet Latour,
- La rue Baillet Latour jusque son intersection avec la N88,
- La N88 jusque son intersection avec la N871,
- La N871 jusque son intersection avec la N87 au niveau de Rouvroy,
- La N87 jusque son intersection avec la frontière avec la France.

2. Bulgaria

The following areas in Bulgaria:

- the whole region of Haskovo,
- the whole region of Yambol,
- the whole region of Sliven,
- the whole region of Stara Zagora,
- the whole region of Gabrovo,
- the whole region of Pernik,
- the whole region of Kyustendil,
- the whole region of Dobrich,
- the whole region of Plovdiv,
- the whole region of Pazardzhik,
- the whole region of Smolyan,
- the whole region of Burgas excluding the areas in Part III,
- the whole region of Veliko Tarnovo excluding the areas in Part III,
- the whole region of Shumen excluding the areas in Part III,
- the whole region of Varna excluding the areas in Part III.

3. Estonia

The following areas in Estonia:

- Eesti Vabariik (välja arvatud Hiiu maakond).

4. Hungary

The following areas in Hungary:

- Borsod-Abaúj-Zemplén megye 650100, 650200, 650300, 650400, 650500, 650600, 650700, 650800, 650900, 651000, 651100, 651200, 651300, 651400, 651500, 651610, 651700, 651801, 651802, 651803, 651900, 652000, 652100, 652200, 652300, 652601, 652602, 652603, 652700, 652900, 653000, 653100, 653200, 653300, 653401, 653403, 653500, 653600, 653700, 653800, 653900, 654000, 654201, 654202, 654301, 654302, 654400, 654501, 654502, 654600, 654700, 654800, 654900, 655000, 655100, 655200, 655300, 655400, 655500, 655600, 655700, 655800, 655901, 655902, 656000, 656100, 656200, 656300, 656400, 656600, 656701, 656702, 656800, 656900, 657010, 657100, 657300, 657400, 657500, 657600, 657700, 657800, 657900, 658000, 658100, 658201, 658202, 658310, 658401, 658402, 658403, 658404, 658500, 658600, 658700, 658801, 658802, 658901, 658902, 659000, 659100, 659210, 659220, 659300, 659400, 659500, 659601, 659602, 659701, 659800, 659901, 660000, 660100, 660200, 660400, 660501, 660502, 660600 és 660800, valamint 652400, 652500 és 652800 kódszámú vadgazdálkodási egységeinek teljes területe,
- Hajdú-Bihar megye 900150, 900250, 900350, 900450, 900550, 900650, 900660, 900670, 901850, 900850, 900860, 900930, 900950, 901050, 901150, 901450, 901750, 901950, 902050, 902150, 902250, 902350, 902850, 902860, 902950, 902960, 903050, 903150, 903250, 903350, 903360, 903370, 903450, 903550, 904450, 904460, 904550 és 904650, 904750, 904760, 904850, 904860, 905350, 905360, 905450 és 905550 kódszámú vadgazdálkodási egységeinek teljes területe,
- Heves megye 700150, 700250, 700260, 700350, 700450, 700460, 700550, 700650, 700750, 700850, 700860, 700950, 701050, 701111, 701150, 701250, 701350, 701550, 701560, 701650, 701750, 701850, 701950, 702050, 702150, 702250, 702260, 702350, 702450, 702750, 702850, 702950, 703050, 703150, 703250, 703350, 703370, 703450, 703550, 703610, 703750, 703850, 703950, 704050, 704850, 704950, 705050, 705150, 705250, 705450, 705510 és 705610 kódszámú vadgazdálkodási egységeinek teljes területe,
- Jász-Nagykun-Szolnok megye 750550, 750650, 750750, 750850, 750970, 750980, 751050, 751150, 751160, 751350, 751360, 751450, 751460, 751470, 751550, 751650, 751750, 751850, 751950, 752150, 752250, 752350, 752450, 752460, 752550, 752560, 752650, 752750, 752850, 752950, 753060, 753070, 753150, 753250, 753310, 753450, 753550, 753650, 753660, 753750, 753850, 753950, 753960, 754050, 754150, 754250, 754360, 754370, 754850, 755550, 755650 és 755750 kódszámú vadgazdálkodási egységeinek teljes területe,
- Nógrád megye 550110, 550120, 550130, 550210, 550310, 550320, 550450, 550460, 550510, 550610, 550710, 550810, 550950, 551010, 551150, 551160, 551250, 551350, 551360, 551450, 551460, 551550, 551650, 551710, 551810, 551821, 552360 és 552960 kódszámú vadgazdálkodási egységeinek teljes területe,
- Pest megye 570950, 571850, 571950, 572050, 573550, 573650, 574250 és 580150 kódszámú vadgazdálkodási egységeinek teljes területe,
- Szabolcs-Szatmár-Bereg megye 850950, 851050, 851150, 851250, 851350, 851450, 851550, 851560, 851650, 851660, 851751, 851752, 852850, 852860, 852950, 852960, 853050, 853150, 853160, 853250, 853260, 853350, 853360, 853450, 853550, 854450, 854550, 854560, 854650, 854660, 854750, 854850, 854860, 854870, 854950, 855050, 855150, 855250, 855460, 855750, 855950, 855960, 856051, 856150, 856250, 856260, 856350, 856360, 856450, 856550, 856650, 856750, 856760, 856850, 856950, 857050, 857150, 857350, 857450, 857650, valamint 850150, 850250, 850260, 850350, 850450, 850550, 852050, 852150, 852250, 857550, 850650, 850850, 851851 és 851852 kódszámú vadgazdálkodási egységeinek teljes területe.

5. Latvia

The following areas in Latvia:

- Ādažu novads,
- Aizputes novads,
- Aglonas novads,
- Aizkraukles novads,
- Aknīstes novads,
- Alojas novads,
- Alūksnes novads,
- Amatas novads,

- Apes novads,
- Auces novads,
- Babītes novads,
- Baldones novads,
- Baltinavas novads,
- Balvu novads,
- Bauskas novads,
- Beverīnas novads,
- Brocēnu novads,
- Burtnieku novads,
- Carnikavas novads,
- Cēsu novads,
- Cesvaines novads,
- Ciblas novads,
- Dagdas novads,
- Daugavpils novads,
- Dobeles novads,
- Dundagas novads,
- Durbes novads,
- Engures novads,
- Ērgļu novads,
- Garkalnes novads,
- Gulbenes novads,
- Iecavas novads,
- Ikšķiles novads,
- Ilūkstes novads,
- Inčukalna novads,
- Jaunjelgavas novads,
- Jaunpiebalgas novads,
- Jaunpils novads,
- Jēkabpils novads,
- Jelgavas novads,
- Kandavas novads,
- Kārsavas novads,
- Ķeguma novads,
- Ķekavas novads,
- Kocēnu novads,
- Kokneses novads,
- Krāslavas novads,
- Krimuldas novads,
- Krustpils novads,
- Kuldīgas novada Ēdoles, Īvandes, Padures, Rendas, Kables, Rumbas, Kurmāles, Pelču, Snēpeles, Turlavas, Laidu un Vārmes pagasts, Kuldīgas pilsēta,
- Lielvārdes novads,

- Līgatnes novads,
- Limbažu novads,
- Līvānu novads,
- Lubānas novads,
- Ludzas novads,
- Madonas novads,
- Mālpils novads,
- Mārupes novads,
- Mazsalacas novads,
- Mērsraga novads,
- Naukšēnu novads,
- Neretas novads,
- Ogres novads,
- Olaines novads,
- Ozolnieku novads,
- Pārgaujas novads,
- Pļaviņu novads,
- Preiļu novads,
- Priekules novads,
- Priekuļu novads,
- Raunas novads,
- republikas pilsēta Daugavpils,
- republikas pilsēta Jelgava,
- republikas pilsēta Jēkabpils,
- republikas pilsēta Jūrmala,
- republikas pilsēta Rēzekne,
- republikas pilsēta Valmiera,
- Rēzeknes novads,
- Riebiņu novads,
- Rojas novads,
- Ropažu novads,
- Rugāju novads,
- Rundāles novads,
- Rūjienas novads,
- Salacgrīvas novads,
- Salas novads,
- Salaspils novads,
- Saldus novads,
- Saulkrastu novads,
- Sējas novads,
- Siguldas novads,
- Skrīveru novads,
- Skrundas novads,
- Smiltenes novads,

- Stopiņu novada daļa, kas atrodas uz austrumiem no autoceļa V36, P4 un P5, Acones ielas, Dauguļupes ielas un Dauguļupītes,
- Strenču novads,
- Talsu novads,
- Tērvetes novads,
- Tukuma novads,
- Vaiņodes novads,
- Valkas novads,
- Varakļānu novads,
- Vārkavas novads,
- Vecpiebalgas novads,
- Vecumnieku novads,
- Ventspils novada Ances, Tārgales, Popes, Vārves, Užavas, Piltenes, Puzes, Ziru, Ugāles, Usmas un Zlēku pagasts, Piltenes pilsēta,
- Viesītes novads,
- Viļakas novads,
- Viļānu novads,
- Zilupes novads.

6. Lithuania

The following areas in Lithuania:

- Alytaus miesto savivaldybė,
- Alytaus rajono savivaldybė: Alytaus, Alovės, Butrimonių, Daugų, Nemunaičio, Pivašiūnų, Punios, Raitininkų seniūnijos,
- Anykščių rajono savivaldybė,
- Akmenės rajono savivaldybė: Ventos ir Papilės seniūnijos,
- Biržų miesto savivaldybė,
- Biržų rajono savivaldybė,
- Druskininkų savivaldybė,
- Elektrėnų savivaldybė,
- Ignalinos rajono savivaldybė,
- Jonavos rajono savivaldybė,
- Joniškio rajono savivaldybė: Kepalių, Kriukų, Saugėlaukio ir Satkūnų seniūnijos,
- Jurbarko rajono savivaldybė,
- Kaišiadorių rajono savivaldybė,
- Kalvarijos savivaldybė: Akmenynų, Liubavo, Kalvarijos seniūnijos dalis į pietus nuo kelio Nr. 131 ir į pietus nuo kelio Nr. 200 ir Sangrūdų seniūnijos,
- Kauno miesto savivaldybė,
- Kauno rajono savivaldybė: Domeikavos, Garliavos, Garliavos apylinkių, Karmėlavos, Lapių, Linksmakalnio, Neveronių, Rokų, Samylų, Taurakiemio, Vandžiogalos ir Vilkijos seniūnijos, Babtų seniūnijos dalis į rytus nuo kelio A1, Užliedžių seniūnijos dalis į rytus nuo kelio A1 ir Vilkijos apylinkių seniūnijos dalis į vakarus nuo kelio Nr. 1907,
- Kelmės rajono savivaldybė, Kėdainių rajono savivaldybė,
- Kupiškio rajono savivaldybė,
- Lazdijų rajono savivaldybė: Būdviečio, Kapčiamieščio, Kučiūnų ir Noragėlių seniūnijos,
- Marijampolės savivaldybė: Degučių, Mokolų ir Narto seniūnijos,
- Mažeikių rajono savivaldybė: Šerkšnėnų, Sedos ir Židikų seniūnijos,
- Molėtų rajono savivaldybė,

- Pagėgių savivaldybė,
- Pakruojo rajono savivaldybė,
- Panevėžio rajono savivaldybė,
- Panevėžio miesto savivaldybė,
- Pasvalio rajono savivaldybė,
- Radviliškio rajono savivaldybė,
- Rietavo savivaldybė,
- Prienų rajono savivaldybė: Stakliškių ir Veiverių seniūnijos,
- Plungės rajono savivaldybė: Žlibinų ir Stalgėnų seniūnijos,
- Raseinių rajono savivaldybė,
- Rokiškio rajono savivaldybė,
- Šakių rajono savivaldybė: Barzdų, Griškabūdžio, Kidulių, Kudirkos Naumiesčio, Lekėčių, Sintautų, Slavikų, Sudargo, Žvirgždaičių seniūnijos ir Kriūkų seniūnijos dalis į rytus nuo kelio Nr. 3804, Lukšių seniūnijos dalis į rytus nuo kelio Nr. 3804, Šakių seniūnijos dalis į pietus nuo kelio Nr. 140 ir į pietvakarius nuo kelio Nr. 137,
- Šalčininkų rajono savivaldybė,
- Šiaulių miesto savivaldybė,
- Šiaulių rajono savivaldybė: Šiaulių kaimiškoji seniūnija,
- Šilutės rajono savivaldybė,
- Širvintų rajono savivaldybė,
- Šilalės rajono savivaldybė,
- Švenčionių rajono savivaldybė,
- Tauragės rajono savivaldybė,
- Telšių rajono savivaldybė,
- Trakų rajono savivaldybė,
- Ukmergės rajono savivaldybė,
- Utenos rajono savivaldybė,
- Varėnos rajono savivaldybė,
- Vilniaus miesto savivaldybė,
- Vilniaus rajono savivaldybė,
- Vilkaviškio rajono savivaldybė: Bartninkų, Gražiškių, Keturvalakių, Kybartų, Klausūčių, Pajevonio, Šeimenos, Vilkaviškio miesto, Virbalio, Vištyčio seniūnijos,
- Visagino savivaldybė,
- Zarasų rajono savivaldybė.

7. Poland

The following areas in Poland:

w województwie warmińsko-mazurskim:

- gminy Kalinowo, Prostki i gmina wiejska Elk w powiecie elckim,
- gminy Elbląg, Gronowo Elbląskie, Milejewo, Młynary, Markusy, Rychliki i Tolkmicko w powiecie elbląskim,
- powiat miejski Elbląg,
- powiat gołdapski,
- gmina Wieliczki w powiecie oleckim,
- powiat piski,
- gmina Górowo Iławeckie z miastem Górowo Iławeckie w powiecie bartoszyckim,
- gminy Biskupiec, Gietrzwałd, Jonkowo, Purda, Stawiguda, Świątki, Olsztynek i miasto Olsztyn oraz część gminy Barczewo położona na południe od linii wyznaczonej przez linię kolejową w powiecie olsztyńskim,

- gmina Miłakowo, część gminy Małdyty położona na południowy – zachód od linii wyznaczonej przez linię kolejową biegnącą od Olsztyna do Elbląga i część gminy Morąg położona na południe od linii wyznaczonej przez linię kolejową biegnącą od Olsztyna do Elbląga w powiecie ostródzkim,
- część gminy Ryn położona na południe od linii wyznaczonej przez linię kolejową łączącą miejscowości Giżycko i Kętrzyn w powiecie giżyckim,
- gminy Braniewo i miasto Braniewo, Frombork, Lelkowo, Pieniężno, Płoskinia oraz część gminy Wilczęta położona na północ od linii wyznaczonej przez drogę nr 509 w powiecie braniewskim,
- gmina Reszel, część gminy Kętrzyn położona na południe od linii kolejowej łączącej miejscowości Giżycko i Kętrzyn biegnącej do granicy miasta Kętrzyn, na zachód od linii wyznaczonej przez drogę nr 591 biegnącą od miasta Kętrzyn do północnej granicy gminy oraz na zachód i na południe od zachodniej i południowej granicy miasta Kętrzyn, miasto Kętrzyn i część gminy Korsze położona na południe od linii wyznaczonej przez drogę biegnącą od wschodniej granicy łączącą miejscowości Kreliekijmy i Sątoczno i na wschód od linii wyznaczonej przez drogę łączącą miejscowości Sątoczno, Sajna Wielka biegnącą do skrzyżowania z drogą nr 590 w miejscowości Glitajny, a następnie na wschód od drogi nr 590 do skrzyżowania z drogą nr 592 i na południe od linii wyznaczonej przez drogę nr 592 biegnącą od zachodniej granicy gminy do skrzyżowania z drogą nr 590 w powiecie kętrzyńskim,
- gminy Lubomino i Orneta w powiecie lidzbarskim,
- gmina Nidzica w powiecie nidzickim,
- gminy Dźwierzuty, Jedwabno, Pasym, Szczytno i miasto Szczytno i Świętajno w powiecie szczywieńskim,
- powiat mrągowski,
- gmina Zalewo w powiecie iławskim,

w województwie podlaskim:

- część gminy Brańsk położona na południe od linii od linii wyznaczonej przez drogę nr 66 biegnącą od wschodniej granicy gminy do granicy miasta Brańsk i część gminy Boćki położona na zachód od linii wyznaczonej przez drogę nr 19 w powiecie bielskim,
- powiat grajewski,
- powiat moniecki,
- powiat sejneński,
- gminy Łomża, Piątnica, Jedwabne, Przytuły i Wiznaw powiecie łomżyńskim,
- powiat miejski Łomża,
- gminy Dziadkowice, Grodzisk, Mielnik, Nurzec-Stacja i Siemiatycze z miastem Siemiatycze w powiecie siemiatyckim,
- gminy Białowieża, Czyże, Narew, Narewka, Hajnówka z miastem Hajnówka i część gminy Dubicze Cerkiewne położona na północny wschód od linii wyznaczonej przez drogę nr 1654B w powiecie hajnowskim,
- gminy Klukowo, Kobylin-Borzymy i Sokoły w powiecie wysokomazowieckim,
- powiat kolneński z miastem Kolno,
- gminy Czarna Białostocka, Dobrzyniewo Duże, Gródek, Michałowo, Supraśl, Tykocin, Wasilków, Zabłudów, Zawady i Choroszcz w powiecie białostockim,
- powiat suwalski,
- powiat miejski Suwałki,
- powiat augustowski,
- powiat sokółski,
- powiat miejski Białystok,

w województwie mazowieckim:

- powiat siedlecki,
- powiat miejski Siedlce,
- gminy Bielany, Ceranów, Kosów Lacki, Repki i gmina wiejska Sokołów Podlaski w powiecie sokołowskim,
- powiat węgrowski,
- powiat łosicki,

- gminy Grudusk, Opinogóra Górna, Gołymín-Ośrodek i część gminy Glinojec położona na zachód od linii wyznaczonej przez drogę nr 7 w powiecie ciechanowskim,
 - powiat sochaczewski,
 - gminy Policzna, Przylęk, Tczów i Zwoleń w powiecie zwoleńskim,
 - gminy Garbatka – Letnisko, Gniewosów i Sieciechów w powiecie kozienickim,
 - gmina Solec nad Wisłą w powiecie lipskim,
 - gminy Gózd, Jastrzębia, Jedlnia Letnisko i Pionki z miastem Pionki w powiecie radomskim,
 - gminy Bodzanów, Bulkowo, Staroźreby i Słubice w powiecie płońskim,
 - powiat nowodworski,
 - powiat płoński,
 - gminy Pokrzywnica, Świercze i część gminy Winnica położona na zachód od linii wyznaczonej przez drogę łączącą miejscowości Bielany, Winnica i Pokrzywnica w powiecie pułuskim,
 - powiat wołomiński,
 - część gminy Somianka położona na południe od linii wyznaczonej przez drogę nr 62 w powiecie wyszkowskim,
 - gminy Borowie, Garwolin z miastem Garwolin, Górzno, Miastków Kościelny, Parysów, Pilawa, Trojanów, Żelechów, część gminy Wilga położona na północ od linii wyznaczonej przez rzekę Wilga biegnącą od wschodniej granicy gminy do ujścia do rzeki Wisły w powiecie garwolińskim,
 - gmina Boguty – Pianki w powiecie ostrowskim,
 - gminy Stupsk, Wiśniewo i część gminy Strzegowo położona na zachód od linii wyznaczonej przez drogę nr 7 w powiecie mławskim,
 - powiat otwocki,
 - powiat warszawski zachodni,
 - powiat legionowski,
 - powiat piaseczyński,
 - powiat pruszkowski,
 - gminy Belsk Duży, Goszczyn, Chynów, Grójec, Jasieniec, Pniewy i Warka w powiecie grójeckim,
 - powiat grodziski,
 - gminy Mszczonów i Radziejowice w powiecie żyrardowskim,
 - gminy Białobrzegi i Promna w powiecie białobrzeskim,
 - powiat miejski Warszawa,
- w województwie lubelskim:
- powiat bialski,
 - powiat miejski Biała Podlaska,
 - gminy Aleksandrów, Biłgoraj z miastem Biłgoraj, Biszczka, Józefów, Księżpol, Łukowa, Obsza i Tarnogród część gminy Frampol położona na południe od linii wyznaczonej przez drogę nr 74, część gminy Goraj położona na zachód od linii wyznaczonej przez drogę nr 835, część gminy Terespol położona na południe od linii wyznaczonej przez drogę nr 858, część gminy Turobin położona na zachód od linii wyznaczonej przez drogę nr 835 w powiecie biłgorajskim,
 - gminy Chrzanów i Dzwola w powiecie janowskim,
 - powiat puławski,
 - powiat rycki,
 - gminy Stoczek Łukowski z miastem Stoczek Łukowski, Wola Mysłowska, Trzebieszów, Stanin, gmina wiejska Łuków i miasto Łuków w powiecie łukowskim,
 - gminy Bychawa, Jabłonna, Krzczonów, Garbów Strzyżewice, Wysokie i Zakrzew w powiecie lubelskim,
 - gminy Rybczewice i Piaski w powiecie świdnickim,
 - gmina Fajslawice, część gminy Żółkiewka położona na północ od linii wyznaczonej przez drogę nr 842 i część gminy Łopiennik Górny położona na zachód od linii wyznaczonej przez drogę nr 17 w powiecie krasnostawskim,
 - powiat hrubieszowski,

- gminy Krynice, Rachanie, Tarnawatka, Łaszczów, Telatyn, Tyszowce i Ulhówek w powiecie tomaszowskim,
 - część gminy Wojsławice położona na zachód od linii wyznaczonej przez drogę biegnącą od północnej granicy gminy przez miejscowość Wojsławice do południowej granicy gminy w powiecie chełmskim,
 - gmina Adamów, Miączyn, Sitno, Komarów-Osada, Krasnobród, Łabunie, Zamość, Grabowiec, część gminy Zwierzyniec położona na południowy-wschód od linii wyznaczonej przez drogę nr 858 i część gminy Skierbieszów położona na wschód od linii wyznaczonej przez drogę nr 843 w powiecie zamojskim,
 - powiat miejski Zamość,
 - gminy Annopol, Dzierzkowice, Gościeradów i część gminy Urzędów położona na zachód od linii wyznaczonej przez drogę nr 833 w powiecie kraśnickim,
 - powiat opolski,
- w województwie podkarpackim:
- gminy Radomyśl nad Sanem i Zaklików w powiecie stalowowolskim,
 - gminy Horyniec-Zdrój, Cieszanów, Oleszyce i Stary Dzików w powiecie lubaczowskim,
 - gmina Adamówka w powiecie przeworskim,
- w województwie pomorskim:
- gminy Dzierżgoń i Stary Dzierżgoń w powiecie sztumskim,
 - gmina Stare Pole w powiecie malborskim,
- w województwie świętokrzyskim:
- gmina Tarłów i część gminy Ożarów położona na północ od linii wyznaczonej przez drogę nr 74 w powiecie opatowskim.

8. Slovakia

The following areas in Slovakia:

- in the district of Košice – okolie, the whole municipalities of Ďurkov, Kaľša, Košický Klečenov, Nový Salaš, Rákoš, Ruskov, Skároš, Slančík, Slanec, Slanská Huta, Slanské Nové Mesto, Svinica and Trstené pri Hornáde.

9. Romania

The following areas in Romania:

- Restul județului Maramureș care nu a fost inclus în Partea III cu următoarele comune:
 - Comuna Vișeu de Sus,
 - Comuna Moisei,
 - Comuna Borșa,
 - Comuna Oarța de Jos,
 - Comuna Suciul de Sus,
 - Comuna Coroieni,
 - Comuna Târgu Lăpuș,
 - Comuna Vima Mică,
 - Comuna Boiu Mare,
 - Comuna Valea Chioarului,
 - Comuna Ulmeni,
 - Comuna Băsești,
 - Localitatea Baia Mare,
 - Comuna Tăuții Magherăuș,
 - Comuna Cicărlău,
 - Comuna Seini,
 - Comuna Ardușat,
 - Comuna Farcasa,

- Comuna Salsig,
- Comuna Asuaju de Sus,
- Comuna Băița de sub Codru,
- Comuna Bicz,
- Comuna Grosi,
- Comuna Recea,
- Comuna Baia Sprie,
- Comuna Sisesti,
- Comuna Cernesti,
- Copalnic Mănăstur,
- Comuna Dumbrăvița,
- Comuna Cupseni,
- Comuna Șomcuța Mare,
- Comuna Sacaleșeni,
- Comuna Remetea Chioarului,
- Comuna Mireșu Mare,
- Comuna Ariniș,
- Județul Bistrița-Năsăud.

PART III

1. Bulgaria

The following areas in Bulgaria:

- the whole region of Kardzhali,
- the whole region of Blagoevgrad,
- the whole region of Montana,
- the whole region of Ruse,
- the whole region of Razgrad,
- the whole region of Silistra,
- the whole region of Pleven,
- the whole region of Vratza,
- the whole region of Vidin,
- the whole region of Targovishte,
- the whole region of Lovech,
- the whole region of Sofia city,
- the whole region of Sofia Province,
- in the region of Shumen:
 - in the municipality of Shumen:
 - Salmanovo,
 - Radko Dimitrivo,
 - Vetrishite,
 - Kostena reka,
 - Vehtovo,
 - Ivanski,

- Kladenets,
- Drumevo,
- the whole municipality of Smyadovo,
- the whole municipality of Veliki Preslav,
- the whole municipality of Varbitsa,
- in the region of Varna:
 - the whole municipality of Dalgopol,
 - the whole municipality of Provadiya,
- in the region of Veliko Tarnovo:
 - the whole municipality of Svishtov,
 - the whole municipality of Pavlikeni,
 - the whole municipality of Polski Trambesh,
 - the whole municipality of Strajitsa,
- in Burgas region:
 - the whole municipality of Burgas,
 - the whole municipality of Kameno,
 - the whole municipality of Malko Tarnovo,
 - the whole municipality of Primorsko,
 - the whole municipality of Sozopol,
 - the whole municipality of Sredets,
 - the whole municipality of Tsarevo,
 - the whole municipality of Sungurlare,
 - the whole municipality of Ruen,
 - the whole municipality of Aytos.

2. Lithuania

The following areas in Lithuania:

- Akmenės rajono savivaldybė: Akmenės, Kruopių, Naujosios Akmenės kaimiškoji ir Naujosios Akmenės miesto seniūnijos,
- Alytaus rajono savivaldybė: Simno, Krokialaukio ir Miroslavo seniūnijos,
- Birštono savivaldybė,
- Joniškio rajono savivaldybė: Gaižaičių, Gataucių, Joniškio, Rudiškių, Skaistgirio, Žagarės seniūnijos,
- Kalvarijos savivaldybė: Kalvarijos seniūnijos dalis į šiaurę nuo kelio Nr. 131 ir į šiaurę nuo kelio Nr. 200,
- Kauno rajono savivaldybė: Akademijos, Alšėnų, Batniavos, Čekiškės, Ežerėlio, Kačerginės, Kulautuvos, Raudondvario, Ringaudų ir Zapyškio seniūnijos, Babtų seniūnijos dalis į vakarus nuo kelio A1, Užliedžių seniūnijos dalis į vakarus nuo kelio A1 ir Vilkijos apylinkių seniūnijos dalis į rytus nuo kelio Nr. 1907,
- Kazlų Rudos savivaldybė: Antanavo, Kazlų Rudos, Jankų ir Plutiškių seniūnijos,
- Lazdijų rajono savivaldybė: Krosnos, Lazdijų miesto, Lazdijų, Seirijų, Šeštokų, Šventežerio ir Veisiejų seniūnijos,
- Marijampolės savivaldybė: Gudelių, Igliaukos, Liudvinavo, Marijampolės, Sasnavos ir Šunskų seniūnijos,
- Mažeikių rajono savivaldybės: Laižuvos, Mažeikių apylinkės, Mažeikių, Reivyčių, Tirkšlių ir Viekšnių seniūnijos,
- Prienų rajono savivaldybė: Ašmintos, Balbieriškio, Išlaužo, Jiezno, Naujosios Ūtos, Pakuonio, Prienų ir Šilavotos seniūnijos,
- Šakių rajono savivaldybė: Gelgaudiškio ir Plokščių seniūnijos ir Kriūkų seniūnijos dalis į vakarus nuo kelio Nr. 3804, Lukšių seniūnijos dalis į vakarus nuo kelio Nr. 3804, Šakių seniūnijos dalis į šiaurę nuo kelio Nr. 140 ir į šiaurės rytus nuo kelio Nr. 137,
- Šiaulių rajono savivaldybės: Bubių, Ginkūnų, Gruzdžių, Kairių, Kuršėnų kaimiškoji, Kuršėnų miesto, Kužių, Meškuičių, Raudėnų ir Šakynos seniūnijos,

- Šakių rajono savivaldybė: Gelgaudiškio ir Plokščių seniūnijos ir Kriūkų seniūnijos dalis į vakarus nuo kelio Nr. 3804, Lukšių seniūnijos dalis į vakarus nuo kelio Nr. 3804, Šakių seniūnijos dalis į šiaurę nuo kelio Nr. 140 ir į šiaurės rytus nuo kelio Nr. 137,
- Vilkaviškio rajono savivaldybės: Gižų ir Pilviškių seniūnijos.

3. Poland

The following areas in Poland:

w województwie warmińsko-mazurskim:

- Gminy Bisztynek, Sępólń i Bartoszyce z miastem Bartoszyce w powiecie bartoszyckim,
- gminy Kiwity i Lidzbark Warmiński z miastem Lidzbark Warmiński w powiecie lidzbarskim,
- gminy Srokowo, Barciany, część gminy Kętrzyn położona na północ od linii kolejowej łączącej miejscowości Giżycko i Kętrzyn biegnącej do granicy miasta Kętrzyn oraz na wschód od linii wyznaczonej przez drogę nr 591 biegnącą od miasta Kętrzyn do północnej granicy gminy i część gminy Korsze położona na północ od linii wyznaczonej przez drogę biegnącą od wschodniej granicy łączącą miejscowości Krelikiejmy i Sątoczno i na zachód od linii wyznaczonej przez drogę łączącą miejscowości Sątoczno, Sajna Wielka biegnącą do skrzyżowania z drogą nr 590 w miejscowości Glitajny, a następnie na zachód od drogi nr 590 do skrzyżowania z drogą nr 592 i na północ od linii wyznaczonej przez drogę nr 592 biegnącą od zachodniej granicy gminy do skrzyżowania z drogą nr 590 w powiecie kętrzyńskim,
- gmina Stare Juchy w powiecie elckim,
- część gminy Wilczęta położona na południe od linii wyznaczonej przez drogę nr 509 w powiecie braniewskim,
- część gminy Morąg położona na północ od linii wyznaczonej przez linię kolejową biegnącą od Olsztyna do Elbląga, część gminy Małdyty położona na północny – wschód od linii wyznaczonej przez linię kolejową biegnącą od Olsztyna do Elbląga w powiecie ostródzkim,
- gminy Godkowo i Pasłęk w powiecie elbląskim,
- gminy Kowale Oleckie, Olecko i Świętajno w powiecie oleckim,
- powiat węgorzewski,
- gminy Kruklanki, Wydminy, Miłki, Giżycko z miastem Giżycko i część gminy Ryn położona na północ od linii kolejowej łączącej miejscowości Giżycko i Kętrzyn w powiecie giżyckim,
- gminy Jeziorany, Kolno, Dywity, Dobrze Miasto i część gminy Barczewo położona na północ od linii wyznaczonej przez linię kolejową w powiecie olsztyńskim,

w województwie podlaskim:

- gminy Orla, Wyszki, Bielsk Podlaski z miastem Bielsk Podlaski i część gminy Boćki położona na wschód od linii wyznaczonej przez drogę nr 19 w powiecie bielskim,
- gminy Łapy, Juchnowiec Kościelny, Suraz, Turośń Kościelna, część gminy Poświętne położona na wschód od linii wyznaczonej przez drogę nr 681 w powiecie białostockim,
- gminy Kleszczele, Czeremcha i część gminy Dubicze Cerkiewne położona na południowy zachód od linii wyznaczonej przez drogę nr 1654B w powiecie hajnowskim,
- gminy Perlejewo, Drohiczyn i Milejczyce w powiecie siemiatyckim,
- gmina Ciechanowiec w powiecie wysokomazowieckim,

w województwie mazowieckim:

- gminy Łaskarzew z miastem Łaskarzew, Maciejowice, Sobolew i część gminy Wilga położona na południe od linii wyznaczonej przez rzekę Wilga biegnącą od wschodniej granicy gminy do ujścia dorzeczki Wisły w powiecie garwolińskim,
- powiat miński,
- gminy Jabłonna Lacka, Sabnie i Sterdyń w powiecie sokołowskim,
- gminy Ojrzeń, Sońsk, Regimin, Ciechanów z miastem Ciechanów i część gminy Gliniojeck położona na wschód od linii wyznaczonej przez drogę nr 7 w powiecie ciechanowskim,
- część gminy Strzegowo położona na wschód od linii wyznaczonej przez drogę nr 7 w powiecie mławskim,
- gmina Nur w powiecie ostrowskim,
- gminy Grabów nad Pilicą, Magnuszew, Głowaczów, Kozienice w powiecie kozienickim,
- gmina Stromiec w powiecie białobrzeskim,

- gminy Czerwińsk nad Wisłą i Naruszewo w powiecie płońskim,
 - gminy Wyszogród i Mała Wieś w powiecie płońskim,
- w województwie lubelskim:
- gminy Bełżec, Jarczów, Lubycza Królewska, Susiec, Tomaszów Lubelski i miasto Tomaszów Lubelski w powiecie tomaszowskim,
 - gminy Białopole, Dubienka, Chełm, Leśniowice, Wierzbica, Sawin, Ruda Huta, Dorohusk, Kamień, Rejowiec, Rejowiec Fabryczny z miastem Rejowiec Fabryczny, Siedliszcze, Żmudź i część gminy Wojsławice położona na wschód od linii wyznaczonej przez drogę biegnącą od północnej granicy gminy do miejscowości Wojsławice do południowej granicy gminy w powiecie chełmskim,
 - powiat miejski Chełm,
 - gminy Izbica, Gorzków, Rudnik, Kraśniczyn, Krasnystaw z miastem Krasnystaw, Siennica Różana i część gminy Łopiennik Górny położona na wschód od linii wyznaczonej przez drogę nr 17, część gminy Żółkiewka położona na południe od linii wyznaczonej przez drogę nr 842 w powiecie krasnostawskim,
 - gmina Stary Zamość, Radeczna, Szczepieszyn, Sułów, Nielisz, część gminy Skierbieszów położona na zachód od linii wyznaczonej przez drogę nr 843, część gminy Zwierzyniec położona na północny-zachód od linii wyznaczonej przez drogę nr 858 powiecie zamojskim,
 - część gminy Frampol położona na północ od linii wyznaczonej przez drogę nr 74, część gminy Goraj położona na wschód od linii wyznaczonej przez drogę nr 835, część gminy Terespol położona na północ od linii wyznaczonej przez drogę nr 858, część gminy Turobin położona na wschód od linii wyznaczonej przez drogę nr 835 w powiecie biłgorajskim,
 - gminy Hanna, Hańsk, Wola Uhruska, Urszulín, Stary Brus, Wiryki i gmina wiejska Włodawa w powiecie włodawskim,
 - powiat łęczyński,
 - gmina Trawniki w powiecie świdnickim,
 - gminy Adamów, Krzywda, Serokomla, Wojcieszków w powiecie łukowskim,
 - powiat parczewski,
 - powiat radzyński,
 - powiat lubartowski,
 - gminy Głusk, Jastków, Niemce i Wólka w powiecie lubelskim,
 - gminy Mełgiew i miasto Świdnik w powiecie świdnickim,
 - powiat miejski Lublin,
- w województwie podkarpackim:
- gmina Narol w powiecie lubaczowskim.

4. Romania

The following areas in Romania:

- Zona oraşului Bucureşti,
- Judeţul Constanţa,
- Judeţul Satu Mare,
- Judeţul Tulcea,
- Judeţul Bacău,
- Judeţul Bihor,
- Judeţul Brăila,
- Judeţul Buzău,
- Judeţul Călăraşi,
- Judeţul Dâmboviţa,
- Judeţul Galaţi,
- Judeţul Giurgiu,
- Judeţul Ialomiţa,

- Județul Ilfov,
- Județul Prahova,
- Județul Sălaj,
- Județul Vaslui,
- Județul Vrancea,
- Județul Teleorman,
- Partea din județul Maramureș cu următoarele delimitări:
 - Comuna Petrova,
 - Comuna Bistra,
 - Comuna Repedea,
 - Comuna Poienile de sub Munte,
 - Comuna Vișeu e Jos,
 - Comuna Ruscova,
 - Comuna Leordina,
 - Comuna Rozavlea,
 - Comuna Strâmtura,
 - Comuna Bârsana,
 - Comuna Rona de Sus,
 - Comuna Rona de Jos,
 - Comuna Bocicoiu Mare,
 - Comuna Sighetu Marmației,
 - Comuna Sarasau,
 - Comuna Câmpulung la Tisa,
 - Comuna Săpânța,
 - Comuna Remeti,
 - Comuna Giulești,
 - Comuna Ocna Șugata,
 - Comuna Desești,
 - Comuna Budești,
 - Comuna Băiuț,
 - Comuna Căvnic,
 - Comuna Lăpuș,
 - Comuna Dragomirești,
 - Comuna Ieud,
 - Comuna Săliștea de Sus,
 - Comuna Săcel,
 - Comuna Călinești,
 - Comuna Vadu Izei,
 - Comuna Botiza,
 - Comuna Bogdan Vodă,
 - Localitatea Groșii Țibileșului, comuna Suci de Sus,
 - Localitatea Vișeu de Mijloc, comuna Vișeu de Sus,
 - Localitatea Vișeu de Sus, comuna Vișeu de Sus.

- Județul Mehedinți,
- Județul Gorj,
- Județul Argeș,
- Județul Olt,
- Județul Dolj,
- Județul Arad,
- Județul Timiș,
- Județul Covasna,
- Județul Brașov,
- Județul Botoșani,
- Județul Vâlcea,
- Județul Iași,
- Județul Hunedoara,
- Județul Alba,
- Județul Sibiu,
- Județul Caraș-Severin,
- Județul Neamț.

5. Slovakia

The following areas in Slovakia:

- the whole district of Trebisov,
- in the district of Michalovce, the whole municipalities of the district not already included in Part I.

PART IV

Italy

The following areas in Italy:

- tutto il territorio della Sardegna.'
-

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2019 OF THE EU-REPUBLIC OF MOLDOVA ASSOCIATION COMMITTEE MEETING IN TRADE CONFIGURATION

of 4 October 2019

concerning the update of Annex XXVIII-B (Rules applicable to telecommunication services) to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States of the one part, and the Republic of Moldova, of the other part [2019/1806]

THE ASSOCIATION COMMITTEE,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, signed in Brussels on 27 June 2014, and in particular Articles 102, 240, 436, 438 and 449 thereof,

Whereas:

- (1) The Association Agreement between the European Union and the European Atomic Energy Community and their Member States of the one part, and the Republic of Moldova, of the other part ('the Agreement'), entered into force on 1 July 2016.
- (2) Articles 102 and 240 of the Agreement provide that the Republic of Moldova is to carry out approximation of its legislation to the EU acts and international instruments ('Union *acquis*') referred to in Annex XXVIII-B (Rules applicable to telecommunication services) to the Agreement ('Annex XXVIII-B').
- (3) The Union *acquis* referred to in Annex XXVIII-B has evolved since the conclusion of negotiations of the Agreement in June 2013. In particular, the Union adopted the following acts that implement, amend, supplement or replace the acts listed in Annex XXVIII-B:
 - (i) Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union ⁽¹⁾;
 - (ii) Commission Implementing Decision 2014/276/EU of 2 May 2014 amending Decision 2008/411/EC on the harmonisation of the 3 400-3 800 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community ⁽²⁾;
 - (iii) Commission Implementing Decision 2013/752/EU of 11 December 2013 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices and repealing Decision 2005/928/EC ⁽³⁾;
 - (iv) Commission Implementing Decision 2014/641/EU of 1 September 2014 on harmonised technical conditions of radio spectrum use by wireless audio programme making and special events equipment in the Union ⁽⁴⁾;
 - (v) Commission Implementing Decision 2014/702/EU of 7 October 2014 amending Decision 2007/131/EC on allowing the use of the radio spectrum for equipment using ultra-wideband technology in a harmonised manner in the Community ⁽⁵⁾;

⁽¹⁾ OJ L 310, 26.11.2015, p. 1.

⁽²⁾ OJ L 139, 14.5.2014, p. 18.

⁽³⁾ OJ L 334, 13.12.2013, p. 17.

⁽⁴⁾ OJ L 263, 3.9.2014, p. 29.

⁽⁵⁾ OJ L 293, 9.10.2014, p. 48.

- (vi) Commission Implementing Decision (EU) 2016/339 of 8 March 2016 on the harmonisation of the 2 010-2 025 MHz frequency band for portable or mobile wireless video links and cordless cameras used for programme making and special events ⁽⁶⁾;
- (vii) Commission Implementing Decision (EU) 2015/750 of 8 May 2015 on the harmonisation of the 1 452-1 492 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Union ⁽⁷⁾;
- (viii) Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC ⁽⁸⁾;
- (ix) Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC ⁽⁹⁾;
- (x) Commission Implementing Regulation No (EU) 2015/806 of 22 May 2015 laying down specifications relating to the form of the EU trust mark for qualified trust services ⁽¹⁰⁾;
- (xi) Commission Implementing Decision (EU) 2015/1505 of 8 September 2015 laying down technical specifications and formats relating to trusted lists pursuant to Article 22(5) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market ⁽¹¹⁾;
- (xii) Commission Implementing Decision (EU) 2015/1506 of 8 September 2015 laying down specifications relating to formats of advanced electronic signatures and advanced seals to be recognised by public sector bodies pursuant to Articles 27(5) and 37(5) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market ⁽¹²⁾;
- (xiii) Commission Implementing Decision (EU) 2016/650 of 25 April 2016 laying down standards for the security assessment of qualified signature and seal creation devices pursuant to Articles 30(3) and 39(2) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market ⁽¹³⁾;
- (xiv) Commission Decision 2010/267/EU of 6 May 2010 on harmonised technical conditions of use in the 790-862 MHz frequency band for terrestrial systems capable of providing electronic communications services in the European Union ⁽¹⁴⁾; Commission Implementing Decision 2011/251/EU of 18 April 2011 amending Decision 2009/766/EC on the harmonisation of the 900 MHz and 1 800 MHz frequency bands for terrestrial systems capable of providing pan-European electronic communications services in the Community ⁽¹⁵⁾; Commission Decision 2009/766/EC of 16 October 2009 on the harmonisation of the 900 MHz and 1 800 MHz frequency bands for terrestrial systems capable of providing pan-European electronic communications services in the Community ⁽¹⁶⁾, as amended by Implementing Decision 2011/251/EU;
- (xv) Commission Implementing Decision 2012/688/EU of 5 November 2012 on the harmonisation of the frequency bands 1 920-1 980 MHz and 2 110-2 170 MHz for terrestrial systems capable of providing electronic communications services in the Union ⁽¹⁷⁾;
- (xvi) Commission Decision 2008/477/EC of 13 June 2008 on the harmonisation of the 2 500-2 690 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community; ⁽¹⁸⁾

⁽⁶⁾ OJ L 63, 10.3.2016, p. 5.

⁽⁷⁾ OJ L 119, 12.5.2015, p. 27.

⁽⁸⁾ OJ L 153, 22.5.2014, p. 62.

⁽⁹⁾ OJ L 257, 28.8.2014, p. 73.

⁽¹⁰⁾ OJ L 128, 23.5.2015, p. 13.

⁽¹¹⁾ OJ L 235, 9.9.2015, p. 26.

⁽¹²⁾ OJ L 235, 9.9.2015, p. 37.

⁽¹³⁾ OJ L 109, 26.4.2016, p. 40.

⁽¹⁴⁾ OJ L 117, 11.5.2010, p. 95.

⁽¹⁵⁾ OJ L 106, 27.4.2011, p. 9.

⁽¹⁶⁾ OJ L 274, 20.10.2009, p. 32.

⁽¹⁷⁾ OJ L 307, 7.11.2012, p. 84.

⁽¹⁸⁾ OJ L 163, 24.6.2008, p. 37.

- (xvii) Commission Decision 2008/411/EC of 21 May 2008 on the harmonisation of the 3 400-3 800 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community ⁽¹⁹⁾;
- (xviii) Commission Decision 2008/671/EC of 5 August 2008 on the harmonised use of radio spectrum in the 5 875-5 905 MHz frequency band for safety-related applications of Intelligent Transport Systems (ITS) ⁽²⁰⁾;
- (xix) Commission Decision 2007/344/EC of 16 May 2007 on harmonised availability of information regarding spectrum use within the Community ⁽²¹⁾;
- (xx) Commission Decision 2007/90/EC of 12 February 2007 amending Decision 2005/513/EC on the harmonised use of radio spectrum in the 5 GHz frequency band for the implementation of Wireless Access Systems including Radio Local Area Networks (WAS/RLANs) ⁽²²⁾;
- (xxi) Commission Decision 2005/513/EC of 11 July 2005 on the harmonised use of radio spectrum in the 5 GHz frequency band for the implementation of Wireless Access Systems including Radio Local Area Networks (WAS/RLANs) ⁽²³⁾;
- (xxii) Commission Implementing Decision 2011/829/EU of 8 December 2011 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices ⁽²⁴⁾;
- (xxiii) Commission Decision 2010/368/EU of 30 June 2010 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices ⁽²⁵⁾;
- (xxiv) Commission Decision 2009/381/EC of 13 May 2009 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices ⁽²⁶⁾;
- (xxv) Commission Decision 2008/432/EC of 23 May 2008 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices ⁽²⁷⁾;
- (xxvi) Commission Decision 2006/771/EC of 9 November 2006 on harmonisation of the radio spectrum for use by short-range devices ⁽²⁸⁾;
- (xxvii) Commission Decision 2010/166/EU of 19 March 2010 on harmonised conditions of use of radio spectrum for mobile communication services on board vessels (MCV services) in the European Union ⁽²⁹⁾;
- (xxviii) Commission Decision 2006/804/EC of 23 November 2006 on harmonisation of the radio spectrum for radio frequency identification (RFID) devices operating in the ultra-high frequency (UHF) band ⁽³⁰⁾;
- (xxix) Commission Implementing Decision 2011/485/EU of 29 July 2011 amending Decision 2005/50/EC on the harmonisation of the 24 GHz range radio spectrum band for the time-limited use by automotive short-range radar equipment in the Community ⁽³¹⁾;
- (xxx) Commission Decision 2005/50/EC of 17 January 2005 on the harmonisation of the 24 GHz range radio spectrum band for the time-limited use by automotive short-range radar equipment in the Community ⁽³²⁾;
- (xxxi) Commission Decision 2004/545/EC of 8 July 2004 on the harmonisation of radio spectrum in the 79 GHz range for the use of automotive short-range radar equipment in the Community ⁽³³⁾;

⁽¹⁹⁾ OJ L 144, 4.6.2008, p. 77.

⁽²⁰⁾ OJ L 220, 15.8.2008, p. 24.

⁽²¹⁾ OJ L 129, 17.5.2007, p. 67.

⁽²²⁾ OJ L 41, 13.2.2007, p. 10.

⁽²³⁾ OJ L 187, 19.7.2005, p. 22.

⁽²⁴⁾ OJ L 329, 13.12.2011, p. 10.

⁽²⁵⁾ OJ L 166, 1.7.2010, p. 33.

⁽²⁶⁾ OJ L 119, 14.5.2009, p. 32.

⁽²⁷⁾ OJ L 151, 11.6.2008, p. 49.

⁽²⁸⁾ OJ L 312, 11.11.2006, p. 66.

⁽²⁹⁾ OJ L 72, 20.3.2010, p. 38.

⁽³⁰⁾ OJ L 329, 25.11.2006, p. 64.

⁽³¹⁾ OJ L 198, 30.7.2011, p. 71.

⁽³²⁾ OJ L 21, 25.1.2005, p. 15.

⁽³³⁾ OJ L 241, 13.7.2004, p. 66.

- (xxxii) Commission Decision 2009/343/EC of 21 April 2009 amending Decision 2007/131/EC on allowing the use of the radio spectrum for equipment using ultra-wideband technology in a harmonised manner in the Community ⁽³⁴⁾;
- (xxxiii) Commission Decision 2007/131/EC of 21 February 2007 on allowing the use of the radio spectrum for equipment using ultra-wideband technology in a harmonised manner in the Community ⁽³⁵⁾;
- (xxxiv) Commission Decision 2007/98/EC of 14 February 2007 on the harmonised use of radio spectrum in the 2 GHz frequency bands for the implementation of systems providing mobile satellite services ⁽³⁶⁾;
- (xxxv) Commission Implementing Decision 2013/654/EU of 12 November 2013 amending Commission Decision 2008/294/EC to include additional access technologies and frequency bands for mobile communications services on aircraft (MCA services) ⁽³⁷⁾;
- (xxxvi) Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information ⁽³⁸⁾.
- (4) The Republic of Moldova continues the process of approximating its legislation to the Union *acquis*, in accordance with the timelines and priorities set out in Annex XXVIII-B. In order to ensure proper approximation of the legislation of the Republic of Moldova to the Union *acquis*, the acts listed under recital 3 should be added to the list set out in Annex XXVIII-B, and certain deadlines should be amended to take into account the progress already made to date by the Republic of Moldova in the process of that approximation, in accordance with Article 449 of the Agreement.
- (5) Article 436(3) of the Agreement provides that the EU-Republic of Moldova Association Council ('the Association Council') is to have the power to update or amend the Annexes to the Agreement.
- (6) Pursuant to Article 438(2) of the Agreement, the Association Council may delegate to the Association Committee any of its powers, including the power to take binding decisions.
- (7) By Decision No 3/2014 ⁽³⁹⁾ the Association Council delegated the power to update or amend the Annexes to the Agreement which relate, inter alia, to Chapter 6 (Establishment, trade in services and electronic commerce) of Title V (Trade and Trade-related Matters) of the Agreement to the Association Committee meeting in Trade configuration, to the extent that there are no specific provisions in Chapter 6 relating to the update or the amendment of those Annexes. There are no specific provisions in Chapter 6 relating to the update or the amendment of the Annexes.
- (8) Annex XXVIII-B should therefore be updated accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex XXVIII-B (Rules applicable to telecommunication services) to the Agreement is replaced by the Annex to this Decision.

Article 2

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

⁽³⁴⁾ OJ L 105, 25.4.2009, p. 9.

⁽³⁵⁾ OJ L 55, 23.2.2007, p. 33.

⁽³⁶⁾ OJ L 43, 15.2.2007, p. 32.

⁽³⁷⁾ OJ L 303, 14.11.2013, p. 48.

⁽³⁸⁾ OJ L 175, 27.6.2013, p. 1.

⁽³⁹⁾ Decision No 3/2014 of the EU-Republic of Moldova Association Council of 16 December 2014 on the delegation of certain powers by the Association Council to the Association Committee in Trade configuration (OJ L 110, 29.4.2015, p. 40).

Done at Chişinău, 4 October 2019.

For the Association Committee in Trade Configuration

I. COSTACHI
The Chair

A. FERNÁNDEZ DÍEZ C. CEBAN
Secretaries

ANNEX

'ANNEX XXVIII-B

RULES APPLICABLE TO TELECOMMUNICATION SERVICES

The Republic of Moldova undertakes to gradually approximate its legislation to the following EU acts and international instruments within the stipulated timeframes.

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), as amended by Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009

The following provisions of Directive 2002/21/EC shall apply:

- strengthening the independence and administrative capacity of the national regulator in the field of electronic communications;
- establishing public consultation procedures for new regulatory measures;
- establishing effective mechanisms for appeal against the decisions of the national regulator in the field of electronic communications; and
- defining the relevant product and service markets in the electronic communications sector that are susceptible to *ex ante* regulation and analysing those markets with a view to determining whether significant market power (SMP) exists on them.

Timetable: those provisions of Directive 2002/21/EC shall be implemented within one and a half years of the entry into force of this Agreement.

Directive 2002/20/EC of the European Parliament and of the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive), as amended by Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009

The following provisions of Directive 2002/20/EC shall apply:

- implementing a regulation providing for general authorisations and restricting the need for individual licences to specific, duly justified cases.

Timetable: those provisions of Directive 2002/20/EC shall be implemented within two years of the entry into force of this Agreement.

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), as amended by Directive 2009/140/EC of the European Parliament and of the Council

Based on the market analysis carried out in accordance with the Framework Directive, the national regulator in the field of electronic communications shall impose on operators found to have significant market power (SMP) on the relevant markets appropriate regulatory obligations with regard to:

- access to, and use of, specific network facilities;
- price controls on access and interconnection charges, including obligations for cost-orientation; and
- transparency, non-discrimination and accounting separation.

Timetable: those provisions of Directive 2002/19/EC shall be implemented within one and a half years of the entry into force of this Agreement.

Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services (Universal Service Directive), as amended by Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 and Regulation (EU) 2015/2120 of the European Parliament and of the Council

The following provisions of Directive 2002/22/EC shall apply:

- implementing regulation on Universal Service obligations (USO), including the establishment of mechanisms for costing and financing; and
- ensuring the respect of users' interests and rights, in particular by introducing number portability and the single European Emergency Call number 112.

Timetable: those provisions of Directive 2002/22/EC shall be implemented within three years of the entry into force of this Agreement.

Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union

Timetable: the provisions of Regulation (EU) 2015/2120 shall be implemented within four years of the entry into force of this Agreement.

Commission Directive 2002/77/EC of 16 September 2002 on competition in the markets for electronic communications networks and services

Timetable: the measures resulting from the operation of Directive 2002/77/EC shall be implemented within one and a half years of the entry into force of this Agreement.

Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications), as amended by Directive 2009/136/EC of the European Parliament and of the Council

The following provisions of Directive 2002/58/EC shall apply:

- implementing regulation to ensure protection of fundamental rights and freedoms, in particular the right to privacy, with respect to the processing of personal data in the electronic communication sector and ensuring the free movement of such data and of electronic communication equipment and services.

Timetable: those provision of Directive 2002/58/EC shall be implemented within three years of the entry into force of this Agreement.

Decision No 676/2002/EC of th European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision)

The following provisions of Decision No 676/2002/EC shall apply:

- adopting a policy and regulation ensuring the harmonised availability and efficient use of the radio spectrum.

Timetable: the measures resulting from the operation of Decision No 676/2002/EC shall be implemented within two years of the entry into force of this Agreement.

Commission Decision 2010/267/EU of 6 May 2010 on harmonised technical conditions of use in the 790-862 MHz frequency band for terrestrial systems capable of providing electronic communications services in the European Union

Timetable: the provisions of Decision 2010/267/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Implementing Decision 2011/251/EU of 18 April 2011 amending Commission Decision 2009/766/EC on the harmonisation of the 900 MHz and 1 800 MHz frequency bands for terrestrial systems capable of providing pan-European electronic communications services in the Community

Timetable: the provisions of Implementing Decision 2011/251/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2009/766/EC of 16 October 2009 on the harmonisation of the 900 MHz and 1 800 MHz frequency bands for terrestrial systems capable of providing pan-European electronic communications services in the Community, as amended by Commission Implementing Decision 2011/251/EU

Timetable: the provisions of Decision 2009/766/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Implementing Decision 2012/688/EU of 5 November 2012 on the harmonisation of the frequency bands 1 920-1 980 MHz and 2 110-2 170 MHz for terrestrial systems capable of providing electronic communications services in the Union

Timetable: the provisions of Implementing Decision 2012/688/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2008/477/EC of 13 June 2008 on the harmonisation of the 2 500-2 690 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community

Timetable: the provisions of Decision 2008/477/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Implementing Decision 2014/276/EU of 2 May 2014 amending Decision 2008/411/EC on the harmonisation of the 3 400-3 800 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community

Timetable: the provisions of Implementing Decision 2014/276/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2008/411/EC of 21 May 2008 on the harmonisation of the 3 400-3 800 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Community, as amended by Commission Implementing Decision 2014/276/EU

Timetable: the provisions of Decision 2008/411/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2008/671/EC of 5 August 2008 on the harmonised use of radio spectrum in the 5 875-5 905 MHz frequency band for safety-related applications of Intelligent Transport Systems (ITS)

Timetable: the provisions of Decision 2008/671/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2007/344/EC of 16 May 2007 on harmonised availability of information regarding spectrum use within the Community

Timetable: the provisions of Decision 2007/344/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2007/90/EC of 12 February 2007 amending Decision 2005/513/EC on the harmonised use of radio spectrum in the 5 GHz frequency band for the implementation of Wireless Access Systems including Radio Local Area Networks (WAS/RLANs)

Timetable: the provisions of Decision 2007/90/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2005/513/EC of 11 July 2005 on the harmonised use of radio spectrum in the 5 GHz frequency band for the implementation of Wireless Access Systems including Radio Local Area Networks (WAS/RLANs), as amended by Commission Decision 2007/90/EC

Timetable: the provisions of Decision 2005/513/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Implementing Decision 2013/752/EU of 11 December 2013 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices and repealing Decision 2005/928/EC

Timetable: the provisions of Implementing Decision 2013/752/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2011/829/EU of 8 December 2011 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices

Timetable: the provisions of Implementing Decision 2011/829/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2010/368/EU of 30 June 2010 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices

Timetable: the provisions of Decision 2010/368/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2009/381/EC of 13 May 2009 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices

Timetable: the provisions of Decision 2009/381/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2008/432/EC of 23 May 2008 amending Decision 2006/771/EC on harmonisation of the radio spectrum for use by short-range devices

Timetable: the provisions of Decision 2008/432/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2006/771/EC of 9 November 2006 on harmonisation of the radio spectrum for use by short-range devices, as amended by Commission Implementing Decision 2013/752/EU, Commission Implementing Decision 2011/829/EU, Commission Decision 2010/368/EU, Commission Decision 2009/381/EC and Commission Decision 2008/432/EC

Timetable: the provisions of Decision 2006/771/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2010/166/EU of 19 March 2010 on harmonised conditions of use of radio spectrum for mobile communication services on board vessels (MCV services) in the European Union

Timetable: the provisions of Decision 2010/166/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Implementing Decision 2014/641/EU of 1 September 2014 on harmonised technical conditions of radio spectrum use by wireless audio programme making and special events equipment in the Union

Timetable: the provisions of Implementing Decision 2014/641/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2006/804/EC of 23 November 2006 on harmonisation of the radio spectrum for radio frequency identification (RFID) devices operating in the ultra-high frequency (UHF) band

Timetable: the provisions of Decision 2006/804/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2011/485/EU of 29 July 2011 amending Decision 2005/50/EC on the harmonisation of the 24 GHz range radio spectrum band for the time-limited use by automotive short-range radar equipment in the Community

Timetable: the provisions of Implementing Decision 2011/485/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2005/50/EC of 17 January 2005 on the harmonisation of the 24 GHz range radio spectrum band for the time-limited use by automotive short-range radar equipment in the Community, as amended by Commission Implementing Decision 2011/485/EU

Timetable: the provisions of Decision 2005/50/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2004/545/EC of 8 July 2004 on the harmonisation of radio spectrum in the 79 GHz range for the use of automotive short-range radar equipment in the Community

Timetable: the provisions of Decision 2004/545/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Implementing Decision 2014/702/EU of 7 October 2014 amending Decision 2007/131/EC on allowing the use of the radio spectrum for equipment using ultra-wideband technology in a harmonised manner in the Community

Timetable: the provisions of Implementing Decision 2014/702/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2009/343/EC of 21 April 2009 amending Decision 2007/131/EC on allowing the use of the radio spectrum for equipment using ultra-wideband technology in a harmonised manner in the Community

Timetable: the provisions of Decision 2009/343/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2007/131/EC of 21 February 2007 on allowing the use of the radio spectrum for equipment using ultra-wideband technology in a harmonised manner in the Community, as amended by Commission Implementing Decision 2014/702/EU and Commission Decision 2009/343/EC

Timetable: the provisions of Decision 2007/131/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2007/98/EC of 14 February 2007 on the harmonised use of radio spectrum in the 2 GHz frequency bands for the implementation of systems providing mobile satellite services

Timetable: the provisions of Decision 2007/98/EC shall be implemented within three years of the entry into force of this Agreement.

Commission Implementing Decision (EU) 2016/339 of 8 March 2016 on the harmonisation of the 2 010-2 025 MHz frequency band for portable or mobile wireless video links and cordless cameras used for programme making and special events

Timetable: the provisions of Implementing Decision (EU) 2016/339 shall be implemented within five years of the entry into force of this Agreement.

Commission Implementing Decision (EU) 2015/750 of 8 May 2015 on the harmonisation of the 1 452-1 492 MHz frequency band for terrestrial systems capable of providing electronic communications services in the Union

Timetable: the provisions of Implementing Decision (EU) 2015/750 shall be implemented within three years of the entry into force of this Agreement.

Commission Implementing Decision 2013/654/EU of 12 November 2013 amending Decision 2008/294/EC to include additional access technologies and frequency bands for mobile communications services on aircraft (MCA services)

Timetable: the provisions of Implementing Decision 2013/654/EU shall be implemented within three years of the entry into force of this Agreement.

Commission Decision 2008/294/EC of 7 April 2008 on harmonised conditions of spectrum use for the operation of mobile communication services on aircraft (MCA services) in the Community, as amended by Commission Implementing Decision 2013/654/EU

Timetable: the measures resulting from the operation of Decision 2008/294/EC shall be implemented within two years of the entry into force of this Agreement.

Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC

Timetable: the provisions of Directive 2014/53/EU shall be implemented within four years of the entry into force of this Agreement.

Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce)

The following provisions of Directive 2000/31/EC shall apply:

- enhancing development of e-commerce;
- removing barriers to the cross-border provision of information society services;
- providing legal security to providers of information society services; and
- harmonising limitations to liability of service providers acting as intermediaries when providing mere conduit, caching or hosting, stipulating no general obligation to monitor.

Timetable: those provisions of Directive 2000/31/EC shall be implemented within three years of the entry into force of this Agreement.

Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information, as amended by Directive 2013/37/EU of the European Parliament and of the Council

Timetable: the provisions of Directive 2003/98/EC shall be implemented within two years of the entry into force of this Agreement.

Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information

Timetable: the provisions of Directive 2013/37/EU shall be implemented within three years of the entry into force of this Agreement.

Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC

Timetable: the provisions of Regulation (EU) No 910/2014 shall be implemented within six years of the entry into force of this Agreement.

Commission Implementing Regulation (EU) 2015/806 of 22 May 2015 laying down specifications relating to the form of the EU trust mark for qualified trust services

Timetable: the provisions of Implementing Regulation (EU) 2015/806 shall be implemented within six years of the entry into force of this Agreement.

Commission Implementing Decision (EU) 2015/1505 of 8 September 2015 laying down technical specifications and formats relating to trusted lists pursuant to Article 22(5) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market

Timetable: the provisions of Implementing Decision (EU) 2015/1505 shall be implemented within six years of the entry into force of this Agreement.

Commission Implementing Decision (EU) 2015/1506 of 8 September 2015 laying down specifications relating to formats of advanced electronic signatures and advanced seals to be recognised by public sector bodies pursuant to Articles 27(5) and 37(5) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market

Timetable: the provisions of Implementing Decision (EU) 2015/1506 shall be implemented within six years of the entry into force of this Agreement.

Commission Implementing Decision (EU) 2016/650 of 25 April 2016 laying down standards for the security assessment of qualified signature and seal creation devices pursuant to Articles 30(3) and 39(2) of Regulation (EU) No 910/2014 of the European Parliament and of the Council on electronic identification and trust services for electronic transactions in the internal market

Timetable: the provisions of Implementing Decision (EU) 2016/650 shall be implemented within three years of the entry into force of this Agreement.'

**DECISION NO 2/2019 OF THE EU-REPUBLIC OF MOLDOVA ASSOCIATION COMMITTEE
MEETING IN TRADE CONFIGURATION**

of 4 October 2019

**concerning the update of Annex XXVIII-D (Rules applicable to international maritime transport) to the
Association Agreement between the European Union and the European Atomic Energy Community
and their Member States of the one part, and the Republic of Moldova, of the other part 2019/1807**

THE ASSOCIATION COMMITTEE,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part, signed in Brussels on 27 June 2014, and in particular Articles 85, 253, 436, 438 and 449 thereof,

Whereas:

- (1) The Association Agreement between the European Union and the European Atomic Energy Community and their Member States of the one part, and the Republic of Moldova, of the other part ('the Agreement') entered into force on 1 July 2016.
- (2) Articles 85 and 253 of the Agreement provide that the Republic of Moldova is to carry out approximation of its legislation to the EU acts and international instruments ('the Union *acquis*') referred to in Annex XXVIII-D (Rules applicable to international maritime transport) to the Agreement ('Annex XXVIII-D').
- (3) The Union *acquis* referred to in Annex XXVIII-D has evolved since the conclusion of negotiations of the Agreement in June 2013. In particular, the Union adopted the following acts that implement, amend, supplement or replace the acts referred to in Annex XXVIII-D:
 - (i) Commission Implementing Directive 2014/111/EU of 17 December 2014 amending Directive 2009/15/EC with regard to the adoption by the International Maritime Organization (IMO) of certain Codes and related amendments to certain conventions and protocols⁽¹⁾;
 - (ii) Commission Implementing Regulation (EU) No 1355/2014 of 17 December 2014 amending Regulation (EC) No 391/2009 with regard to the adoption by the International Maritime Organization (IMO) of certain Codes and related amendments to certain conventions and protocols⁽²⁾;
 - (iii) Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC⁽³⁾;
 - (iv) Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC⁽⁴⁾;
 - (v) Commission Directive 2014/100/EU of 28 October 2014 amending Directive 2002/59/EC of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system⁽⁵⁾;
 - (vi) Commission Directive (EU) 2016/844 of 27 May 2016 amending Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships⁽⁶⁾ and Corrigendum to Commission Directive (EU) 2016/844 of 27 May 2016 amending Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships⁽⁶⁾;

⁽¹⁾ OJ L 365, 19.12.2014, p. 82.

⁽²⁾ OJ L 257, 28.8.2014, p. 146.

⁽³⁾ OJ L 123, 19.5.2015, p. 55.

⁽⁴⁾ OJ L 308, 29.10.2014, p. 82.

⁽⁵⁾ OJ L 141, 28.5.2016, p. 51.

⁽⁶⁾ OJ L 193, 19.7.2016, p. 117.

- (vii) Commission Directive (EU) 2015/2087 of 18 November 2015 amending Annex II to Directive 2000/59/EC of the European Parliament and of the Council on port reception facilities for ship-generated waste and cargo residues ⁽⁷⁾;
- (viii) Directive 2013/38/EU of the European Parliament and of the Council of 12 August 2013 amending Directive 2009/16/EC on port State control ⁽⁸⁾;
- (ix) Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC ⁽⁹⁾;
- (x) Commission Regulation (EU) No 428/2010 of 20 May 2010 implementing Article 14 of Directive 2009/16/EC of the European Parliament and of the Council as regards expanded inspections of ships ⁽¹⁰⁾;
- (xi) Commission Regulation (EU) No 801/2010 of 13 September 2010 implementing Article 10(3) of Directive 2009/16/EC of the European Parliament and of the Council as regards the flag State criteria ⁽¹¹⁾;
- (xii) Commission Regulation (EU) No 802/2010 of 13 September 2010 implementing Article 10(3) and Article 27 of Directive 2009/16/EC of the European Parliament and of the Council as regards company performance, as amended by Commission Implementing Regulation (EU) No 1205/2012 ⁽¹²⁾;
- (xiii) Directive 2009/17/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system ⁽¹³⁾;
- (xiv) Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council ⁽¹⁴⁾;
- (xv) Commission Directive 2011/15/EU of 23 February 2011 amending Directive 2002/59/EC of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system ⁽¹⁵⁾;
- (xvi) Commission Regulation (EU) No 1286/2011 of 9 December 2011 adopting a common methodology for investigating marine casualties and incidents developed pursuant to Article 5(4) of Directive 2009/18/EC of the European Parliament and of the Council ⁽¹⁶⁾;
- (xvii) Commission Regulation (EC) No 540/2008 of 16 June 2008 amending Annex II to Regulation (EC) No 336/2006 of the European Parliament and of the Council on the implementation of the International Safety Management (ISM) Code within the Community, as regards format of forms ⁽¹⁷⁾;
- (xviii) Commission Directive 2010/36/EU of 1 June 2010 amending Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships ⁽¹⁸⁾;
- (xix) Commission Directive 2005/12/EC of 18 February 2005 amending Annexes I and II to Directive 2003/25/EC of the European Parliament and of the Council on specific stability requirements for ro-ro passenger ships ⁽¹⁹⁾;

⁽⁷⁾ OJ L 302, 19.11.2015, p. 99.

⁽⁸⁾ OJ L 218, 14.8.2013, p. 1.

⁽⁹⁾ OJ L 330, 10.12.2013, p. 1.

⁽¹⁰⁾ OJ L 125, 21.5.2010, p. 2.

⁽¹¹⁾ OJ L 241, 14.9.2010, p. 1.

⁽¹²⁾ OJ L 241, 14.9.2010, p. 4.

⁽¹³⁾ OJ L 131, 28.5.2009, p. 101.

⁽¹⁴⁾ OJ L 131, 28.5.2009, p. 114.

⁽¹⁵⁾ OJ L 49, 24.2.2011, p. 33.

⁽¹⁶⁾ OJ L 328, 10.12.2011, p. 36.

⁽¹⁷⁾ OJ L 157, 17.6.2008, p. 15.

⁽¹⁸⁾ OJ L 162, 29.6.2010, p. 1.

⁽¹⁹⁾ OJ L 48, 19.2.2005, p. 19.

- (xx) Regulation (EU) No 530/2012 of the European Parliament and of the Council of 13 June 2012 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers ⁽²⁰⁾;
 - (xxi) Directive 2012/35/EU of the European Parliament and of the Council of 21 November 2012 amending Directive 2008/106/EC on the minimum level of training of seafarers ⁽²¹⁾;
 - (xxii) Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 amending the Directives on maritime safety and the prevention of pollution from ships ⁽²²⁾;
 - (xxiii) Commission Directive 2007/71/EC of 13 December 2007 amending Annex II of Directive 2000/59/EC of the European Parliament and of the Council on port reception facilities for ship-generated waste and cargo residues ⁽²³⁾;
 - (xxiv) Commission Regulation (EC) No 536/2008 of 13 June 2008 giving effect to Article 6(3) and Article 7 of Regulation (EC) No 782/2003 of the European Parliament and of the Council on the prohibition of organotin compounds on ships and amending that Regulation ⁽²⁴⁾;
 - (xxv) Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Association (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC ⁽²⁵⁾.
- (4) The Republic of Moldova continues the process of approximating its legislation to the Union *acquis*, in accordance with the timelines and priorities set out in Annex XXVIII-D. In order to ensure proper approximation of the legislation of the Republic of Moldova to the Union *acquis*, the acts listed under recital (3) should be added to the list set out in Annex XXVIII-D, and certain deadlines should be amended to take into account the progress already made to date by the Republic of Moldova in the process of approximation to the Union *acquis*, in accordance with Article 449 of the Agreement.
- (5) Article 436(3) of the Agreement provides that the EU-Republic of Moldova Association Council ('the Association Council') shall have the power to update or amend the Annexes to the Agreement.
- (6) Pursuant to Article 438(2) of the Agreement, the Association Council may delegate to the Association Committee any of its powers, including the power to take binding decisions.
- (7) By Decision No 3/2014 ⁽²⁶⁾ the Association Council delegated the power to update or amend the Annexes to the Agreement which relate, inter alia, to Chapter 6 (Establishment, trade in services and electronic commerce) of Title V (Trade and Trade-related Matters) of the Agreement to the Association Committee meeting in Trade configuration, to the extent that there are no specific provisions in Chapter 6 relating to the update or the amendment of those Annexes. There are no specific provisions in Chapter 6 relating to the update or the amendment of the Annexes.
- (8) Annex XXVIII-D should therefore be updated accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex XXVIII-D (Rules applicable to international maritime transport) to the Agreement is replaced by the Annex to this Decision.

⁽²⁰⁾ OJ L 172, 30.6.2012, p. 3.

⁽²¹⁾ OJ L 343, 14.12.2012, p. 78.

⁽²²⁾ OJ L 324, 29.11.2002, p. 53.

⁽²³⁾ OJ L 329, 14.12.2007, p. 33.

⁽²⁴⁾ OJ L 156, 14.6.2008, p. 10.

⁽²⁵⁾ OJ L 124, 20.5.2009, p. 30.

⁽²⁶⁾ Decision No 3/2014 of the EU-Republic of Moldova Association Council of 16 December 2014 on the delegation of certain powers by the Association Council to the Association Committee in Trade configuration (OJ L 110, 29.4.2015, p. 40).

Article 2

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

Done at Chişinău, 4 October 2019.

For the Association Committee in Trade Configuration

I. COSTACHI
The Chair

A. FERNÁNDEZ DÍEZ C. CEBAN
Secretaries

ANNEX

‘ANNEX XXVIII-D

RULES APPLICABLE TO INTERNATIONAL MARITIME TRANSPORT

The Republic of Moldova undertakes to gradually approximate its legislation to the following EU acts and international instruments within the stipulated timeframes.

Maritime safety — Flag state/classification societies

Commission Implementing Directive 2014/111/EU of 17 December 2014 amending Directive 2009/15/EC with regard to the adoption by the International Maritime Organization (IMO) of certain Codes and related amendments to certain conventions and protocols

Timetable: the provisions of Implementing Directive 2014/111/EU shall be implemented within five years of the entry into force of this Agreement.

Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations, as amended by Commission Implementing Directive 2014/111/EU

Timetable: the provisions of Directive 2009/15/EC shall be implemented within five years of the entry into force of this Agreement.

Commission Implementing Regulation (EU) No 1355/2014 of 17 December 2014 amending Regulation (EC) No 391/2009 with regard to the adoption by the International Maritime Organization (IMO) of certain Codes and related amendments to certain conventions and protocols

Timetable: the provisions of Implementing Regulation (EU) No 1355/2014 shall be implemented within five years of the entry into force of this Agreement.

Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations, as amended by Commission Implementing Regulation (EU) No 1355/2014

Timetable: the provisions of Regulation (EC) No 391/2009 shall be implemented within five years of the entry into force of this Agreement.

Flag State

Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements

Timetable: the provisions of Directive 2009/21/EC shall be implemented within five years of the entry into force of this Agreement.

Port State Control

Directive 2013/38/EU of the European Parliament and of the Council of 12 August 2013 amending Directive 2009/16/EC on port State control

Timetable: the provisions of Directive 2013/38/EU shall be implemented within five years of the entry into force of this Agreement.

Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC

Timetable: the provisions of Regulation (EU) 2015/757 shall be implemented within five years of the entry into force of this Agreement.

Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC

Timetable: the provisions of Regulation (EU) No 1257/2013 shall be implemented within five years of the entry into force of this Agreement.

Commission Regulation (EU) No 428/2010 of 20 May 2010 implementing Article 14 of Directive 2009/16/EC of the European Parliament and of the Council as regards expanded inspections of ships

Timetable: the provisions of Regulation (EU) No 428/2010 shall be implemented within five years of the entry into force of this Agreement.

Commission Regulation (EU) No 801/2010 of 13 September 2010 implementing Article 10(3) of Directive 2009/16/EC of the European Parliament and of the Council as regards the flag State criteria

Timetable: the provisions of Regulation (EU) No 801/2010 shall be implemented within five years of the entry into force of this Agreement.

Commission Regulation (EU) No 802/2010 of 13 September 2010 implementing Article 10(3) and Article 27 of Directive 2009/16/EC of the European Parliament and of the Council as regards company performance amended by Commission Implementing Regulation (EU) No 1205/2012

Timetable: the provisions of Regulation (EU) No 802/2010 shall be implemented within five years of the entry into force of this Agreement.

Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control, as amended by Directive 2013/38/EU of the European Parliament and of the Council, Regulation (EU) 2015/757 of the European Parliament and of the Council and Regulation (EU) No 1257/2013 of the European Parliament and of the Council and as implemented by Commission Regulation (EU) No 428/2010, Commission Regulation (EU) No 801/2010 and Commission Regulation (EU) No 802/2010

Timetable: the provisions of Directive 2009/16/EC shall be implemented within five years of the entry into force of this Agreement.

Vessel Traffic Monitoring

Directive 2009/17/EC of the European Parliament and of the Council of 23 April 2009 amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system

Timetable: the provisions of Directive 2009/17/EC shall be implemented within four years of the entry into force of this Agreement.

Commission Directive 2011/15/EU of 23 February 2011 amending Directive 2002/59/EC of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system

Timetable: the provisions of Directive 2011/15/EU shall be implemented within four years of the entry into force of this Agreement.

Commission Directive 2014/100/EU of 28 October 2014 amending Directive 2002/59/EC of the European Parliament and of the Council establishing a Community vessel traffic monitoring and information system

Timetable: the provisions of Directive 2014/100/EU shall be implemented within four years of the entry into force of this Agreement.

Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC, as amended by Directive 2009/17/EC of the European Parliament and of the Council, Commission Directive 2011/15/EU and Commission Directive 2014/100/EU

Timetable: the provisions of Directive 2002/59/EC shall be implemented within four years of the entry into force of this Agreement.

Accident Investigation

Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services, as amended by Directive 2009/18/EC of the European Parliament and of the Council

Timetable: the provisions of Directive 1999/35/EC shall be implemented within four years of the entry into force of this Agreement.

Commission Regulation (EU) No 1286/2011 of 9 December 2011 adopting a common methodology for investigating marine casualties and incidents developed pursuant to Article 5(4) of Directive 2009/18/EC of the European Parliament and of the Council

Timetable: the provisions of Regulation (EU) No 1286/2011 shall be implemented within four years of the entry into force of this Agreement.

Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council

Timetable: the provisions of Directive 2009/18/EC shall be implemented within four years of the entry into force of this Agreement.

Liability of carriers of passengers

Regulation (EC) No 392/2009 of the European Parliament and of the Council of 23 April 2009 on the liability of carriers of passengers by sea in the event of accidents

Timetable: the provisions of Regulation (EC) No 392/2009 shall be implemented within three years of the entry into force of this Agreement.

Commission Regulation (EC) No 540/2008 of 16 June 2008 amending Annex II to Regulation (EC) No 336/2006 of the European Parliament and of the Council on the implementation of the International Safety Management (ISM) Code within the Community, as regards format of forms

Timetable: the provisions of Regulation (EC) No 540/2008 shall be implemented within five years of the entry into force of this Agreement.

Regulation (EC) No 336/2006 of the European Parliament and of the Council of 15 February 2006 on the implementation of the International Safety Management Code within the Community and repealing Council Regulation (EC) No 3051/95, as amended by Commission Regulation (EC) No 540/2008

Timetable: the provisions of Regulation (EC) No 336/2006 shall be implemented within two years of the entry into force of this Agreement.

Technical and operational rules

Marine equipment

Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC

Timetable: the provisions of Directive 2014/90/EU shall be implemented within five years of the entry into force of this Agreement.

Passenger ships

Commission Directive 2010/36/EU of 1 June 2010 amending Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships

Timetable: the provisions of Directive 2010/36/EU shall be implemented within five years of the entry into force of this Agreement.

Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships, as amended by Commission Directive 2010/36/EU and Commission Directive (EU) 2016/844

Timetable: the provisions of Directive 2009/45/EC shall be implemented within five years of the entry into force of this Agreement.

Commission Directive (EU) 2016/844 of 27 May 2016 amending Directive 2009/45/EC of the European Parliament and of the Council on safety rules and standards for passenger ships

Timetable: the provisions of Directive (EU) 2016/844 shall be implemented within five years of the entry into force of this Agreement.

Council Directive 1999/35/EC of 29 April 1999 on a system of mandatory surveys for the safe operation of regular ro-ro ferry and high-speed passenger craft services

Timetable: the provisions of Directive 1999/35/EC shall be implemented within four years of the entry into force of this Agreement.

Commission Directive 2005/12/EC of 18 February 2005 amending Annexes I and II to Directive 2003/25/EC of the European Parliament and of the Council on specific stability requirements for ro-ro passenger ships

Timetable: the provisions of Directive 2005/12/EC shall be implemented within five years of the entry into force of this Agreement.

Directive 2003/25/EC of the European Parliament and of the Council of 14 April 2003 on specific stability requirements for ro-ro passenger ships, as amended by Commission Directive 2005/12/EC

Timetable: the provisions of Directive 2003/25/EC shall be implemented within five years of the entry into force of this Agreement.

Oil tankers

Regulation (EU) No 530/2012 of the European Parliament and of the Council of 13 June 2012 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers

Timetable: the provisions of Regulation (EU) No 530/2012 shall be implemented within four years of the entry into force of this Agreement.

Bulk carriers

Directive 2001/96/EC of the European Parliament and of the Council of 4 December 2001 establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers

Timetable: the provisions of Directive 2001/96/EC shall be implemented within three years of the entry into force of this Agreement.

Crew

Directive 2012/35/EU of the European Parliament and of the Council of 21 November 2012 amending Directive 2008/106/EC on the minimum level of training of seafarers

Timetable: the provisions of Directive 2012/35/EU shall be implemented within four years of the entry into force of this Agreement.

Directive 2008/106/EC of the European Parliament and of the Council of 19 November 2008 on the minimum level of training of seafarers, as amended by Directive 2012/35/EU of the European Parliament and of the Council

Timetable: the provisions Directive 2008/106/EC shall be implemented within four years of the entry into force of this Agreement.

Environment

Commission Directive 2007/71/EC of 13 December 2007 amending Annex II of Directive 2000/59/EC of the European Parliament and of the Council on port reception facilities for ship-generated waste and cargo residues

Timetable: the provisions of Directive 2007/71/EC shall be implemented within five years of the entry into force of this Agreement.

Commission Directive (EU) 2015/2087 of 18 November 2015 amending Annex II to Directive 2000/59/EC of the European Parliament and of the Council on port reception facilities for ship-generated waste and cargo residues

Timetable: the provisions of Directive (EU) 2015/2087 shall be implemented within five years of the entry into force of this Agreement.

Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues, as amended by Commission Directive 2007/71/EC and Commission Directive (EU) 2015/2087

Timetable: the provisions of Directive 2000/59/EC shall be implemented within five years of the entry into force of this Agreement.

Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 amending the Directives on maritime safety and the prevention of pollution from ships

Timetable: the provisions of Directive 2002/84/EC shall be implemented within five years of the entry into force of this Agreement.

Commission Regulation (EC) No 536/2008 of 13 June 2008 giving effect to Article 6(3) and Article 7 of Regulation (EC) No 782/2003 of the European Parliament and of the Council on the prohibition of organotin compounds on ships and amending that Regulation

Timetable: the provisions of Regulation (EC) No 536/2008 shall be implemented within four years of the entry into force of this Agreement.

Regulation (EC) No 782/2003 of the European Parliament and of the Council of 14 April 2003 on the prohibition of organotin compounds on ships, as amended by Commission Regulation (EC) No 536/2008

Timetable: the provisions of Regulation (EC) No 782/2003 shall be implemented within four years of the entry into force of this Agreement.

Technical conditions

Directive 2010/65/EU of the European Parliament and of the Council of 20 October 2010 on reporting formalities for ships arriving in and/or departing from ports of the Member States and repealing Directive 2002/6/EC

Timetable: the provisions of Directive 2010/65/EU shall be implemented within three years of the entry into force of this Agreement.

Social conditions

Council Directive 92/29/EEC of 31 March 1992 on the minimum safety and health requirements for improved medical treatment on board vessels

Timetable: the provisions of Directive 92/29/EEC shall be implemented within three years of the entry into force of this Agreement.

Council Directive 1999/63/EC of 21 June 1999 concerning the Agreement on the organisation of working time of seafarers concluded by the European Community Shipowners' Association (ECSA) and the Federation of Transport Workers' Unions in the European Union (FST) — Annex: European Agreement on the organisation of working time of seafarers and amended by Council Directive 2009/13/EC

Timetable: the provisions of Directive 1999/63/EC shall be implemented within four years of the entry into force of this Agreement.

Council Directive 2009/13/EC of 16 February 2009 implementing the Agreement concluded by the European Community Shipowners' Association (ECSA) and the European Transport Workers' Federation (ETF) on the Maritime Labour Convention, 2006, and amending Directive 1999/63/EC

Timetable: the provisions of Directive 2009/13/EC shall be implemented within four years of the entry into force of this Agreement.

Directive 1999/95/EC of the European Parliament and of the Council of 13 December 1999 concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports

Timetable: the provisions of Directive 1999/95/EC shall be implemented within three years of the entry into force of this Agreement.

Maritime security

Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security

Timetable: the provisions of Directive 2005/65/EC, except those concerning Commission inspections, shall be implemented within two years of the entry into force of this Agreement.

Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security

Timetable: the provisions of Regulation (EC) No 725/2004, except those concerning Commission inspections, shall be implemented within two years of the entry into force of this Agreement.'

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