ISSN 1977-0677

Official Journal of the European Union

L 95

English edition

Legislation

Volume 57

29 March 2014

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(Continued overleaf)

Price: EUR 4

[1] Text with EEA relevance

EN

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

The titles of all other acts are printed in bold type and preceded by an asterisk.

DECISIONS

EN

[1] Text with EEA relevance

(Continued on inside back cover)

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 322/2014

of 28 March 2014

imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety [1], and in particular Article 53(1)(b)(ii) thereof,

Whereas:

(1) Article 53 of Regulation (EC) No 178/2002 provides for the possibility to adopt appropriate Union emergency measures for food and feed imported from a third country in order to protect public health, animal health or the environment, where the risk cannot be contained satisfactorily by means of measures taken by the Member States individually.

(2) Following the accident at the Fukushima nuclear power station on 11 March 2011, the Commission was informed that radionuclide levels in certain food products originating in Japan exceeded the action levels in food applicable in Japan. Such contamination may constitute a threat to public and animal health in the Union and therefore Commission Implementing Regulation (EU) No 297/2011 [2] was adopted. That Regulation was replaced by Commission Implementing Regulation (EU) No 961/2011 [3] which was later replaced by Commission Implementing Regulation (EU) No 284/2012 [4]. The latter was replaced by Commission Implementing Regulation (EU) No 996/2012 [5].

(3) Implementing Regulation (EU) No 996/2012 has been amended to take into account the development of the situation. Since Implementing Regulation (EU) No 996/2012 only applies until 31 March 2014 and in order to take into account the further development of the situation, it is appropriate to adopt a new Regulation.

(4) The existing measures have been reviewed taking into account more than 85 000 occurrence data on radioactivity in feed and food other than beef and more than 232 000 occurrence data on radioactivity in beef, provided by the Japanese authorities concerning the third growing season after the accident.

[1] OJ L 31, 1.2.2002, p. 1.

[2] Commission Implementing Regulation (EU) No 297/2011 of 25 March 2011 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station (OJ L 80, 26.3.2011, p. 5).

[3] Commission Implementing Regulation (EU) No 961/2011 of 27 September 2011 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station and repealing Regulation (EU) No 297/2011 (OJ L 252, 28.9.2011, p. 10).

[4] Commission Implementing Regulation (EU) No 284/2012 of 29 March 2012 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station and repealing Implementing Regulation (EU) No 961/2011 (OJ L 92, 30.3.2012, p. 16).

[5] Commission Implementing Regulation (EU) No 996/2012 of 26 October 2012 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station and repealing Implementing Regulation (EU) No 284/2012 (OJ L 299, 27.10.2012, p. 31).

(5) Since non-compliant or significant levels of radioactivity continue to be found in feed and food originating in the prefecture of Fukushima, it is appropriate to maintain the existing requirement of sampling and analysis before export to the Union for all feed and food originating in that prefecture. However, the general exemptions, such as for alcoholic beverages and personal consignments, should continue to apply in relation to such feed and food.

(6) The data submitted by the Japanese authorities provide evidence that it is no longer necessary to require the sampling and analysis of feed and food originating in the prefectures of Tokyo and Kanagawa regarding the presence of radioactivity before export to the Union. On the other hand as a consequence of the finding of non-compliance in certain edible wild plants originating from the prefectures Akita, Yamagata and Nagano, it is appropriate to require sampling and analysis of those edible wild plants originating from those prefectures.

(7) As regards the prefectures of Gunma, Ibaraki, Tochigi, Miyagi, Saitama, Iwate and Chiba, it is currently required to sample and analyse mushrooms, tea, fishery products, certain edible wild plants, certain vegetables, certain fruits, rice and soybeans and the processed and derived products thereof, before export to the Union. The same requirements apply to compound foodstuffs containing more than 50 % of those products. The occurrence data for the third growing season provide evidence that for a significant number of those feed and food commodities, it is appropriate to no longer require sampling and analysis before export to the Union.

(8) The occurrence data from the third growing season provide evidence that it is appropriate to maintain the requirement for sampling and analysis before export to the Union for mushrooms originating from Shizuoka, Yamanashi, Nagano, Niigata and Aomori.

(9) It is appropriate to present the provisions of this Regulation in a manner that prefectures of which the same feed and food has to be sampled and analysed before export to the Union are grouped together, in order to facilitate the application of this Regulation.

(10) Tea from the third growing season has not been found to be contaminated by radioactivity. It is therefore appropriate to no longer require sampling and analysis of tea, originating from prefectures other than Fukushima, before export to the Union. In the prefecture Fukushima, tea is only produced in small quantities and destined for local consumption and not for export. In the very unlikely case that tea from Fukushima is exported to the Union, the Japanese authorities have provided guarantees that the relevant consignments would be sampled and analysed and accompanied by the declaration providing evidence that the consignment has been sampled and analysed and has been found in compliance with the applicable maximum levels. Consignments of tea originating from prefectures other than Fukushima should normally be accompanied by a declaration stating that the tea is originating from a prefecture other than Fukushima. Given that tea from those prefectures is regularly exported to the Union, this constitutes a considerable administrative burden. Taking into account that tea has not been found contaminated during the third growing season after the accident, the unlikely case that tea is exported from Fukushima and the guarantees provided by the Japanese authorities, it is appropriate to no longer require a declaration of origin for tea originating from prefectures other than Fukushima, in order to reduce the administrative burden.

(11) The controls performed at import show that the special conditions provided for by Union law are correctly implemented by the Japanese authorities and non-compliance has not occurred for more than two years. Therefore, it is appropriate to further reduce the frequency of controls at import.

(12) It is appropriate to foresee a next review of the provisions when the results of sampling and analysis on the presence of radioactivity of feed and food of the fourth growing season after the accident will be available, i.e. by 31 March 2015.

(13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation applies to feed and food within the meaning of Article 1(2) of Council Regulation (Euratom) No 3954/87 [1] (hereinafter 'the products') originating in or consigned from Japan, with the exclusion of:

(a) products which left Japan before 28 March 2011;

(b) products which have been harvested and/or processed before 11 March 2011;

(c) alcoholic beverages falling within CN codes 2203 to 2208;

[1] Council Regulation (Euratom) No 3954/87 laying down maximum permitted levels of radioactive contamination of foodstuffs and of feedingstuffs following a nuclear accident or any other case of radiological emergency (OJ L 371, 30.12.1987, p. 11).

(d) personal consignments of feed and food of animal origin which are covered by Article 2 of Commission Regulation (EC) No 206/2009 [1];

(e) personal consignments of feed and food other than of animal origin which are non-commercial and destined to a natural person for personal consumption and use only. In case of doubt, the burden of proof lies with the recipient of the consignment.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

(a) 'transitional measures provided in the Japanese legislation' means the transitional measures adopted by the Japanese authorities on 24 February 2012 as regards the maximum levels for the sum of caesium-134 and caesium-137 as set out in Annex III;

(b) 'consignment' means a quantity of any of the feed or food falling within the scope of this Regulation of the same class or description, covered by the same document(s), conveyed by the same means of transport and coming from the same prefecture(s) of Japan, within the limits set in the declaration referred to in Article 5.

Article 3

Import into the Union

Products may only be imported into the Union if they comply with this Regulation.

Article 4

Maximum levels of caesium-134 and caesium-137

1. Products, except those appearing in Annex III, shall comply with the maximum level for the sum of caesium-134 and caesium-137 as set out in Annex II.

2. Products appearing in Annex III shall comply with the maximum level for radioactive caesium set out in that Annex.

Article 5

Declaration

1. Each consignment of products, with the exception of tea falling within CN codes 0902, 2101 20 and 2202 90 10 originating from prefectures other than Fukushima, shall be accompanied by a valid declaration drawn up and signed in accordance with Article 6.

2. The declaration referred to in paragraph 1 shall:

(a) attest that the products comply with the legislation in force in Japan; and

(b) specify whether the products are falling or not under the transitional measures provided for in the Japanese legislation.

3. The declaration referred to in paragraph 1 shall furthermore certify that:

(a) the product has been harvested and/or processed before 11 March 2011; or

(b) the product, other than mushrooms, koshiabura, bamboo shoot, Aralia sprout, and bracken originating in the prefectures Akita, Yamagata and Nagano and other than mushrooms originating in the prefectures Yamanashi, Shizuoka, Niigata and Aomori, originates in and is consigned from a prefecture other than Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Saitama, Chiba and Iwate; or

(c) the product originates in and is consigned from Gunma, Ibaraki, Tochigi, Miyagi, Saitama, Chiba and Iwate but is not listed in Annex IV to this Regulation; or

(d) the product is consigned from Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Saitama, Chiba, Iwate, Akita, Yamagata, Nagano, Yamanashi, Shizuoka, Niigata and Aomori prefectures, but does not originate in one of those prefectures and has not been exposed to radioactivity during transiting; or

(e) where the product is mushrooms, koshiabura, bamboo shoot, Aralia sprout and bracken originating in the prefectures Akita, Yamagata and Nagano or mushrooms originating in the prefectures Yamanashi, Shizuoka, Niigata and Aomori, or a derived product thereof or a compound feed or food containing more than 50 % of those products, the product is accompanied by an analytical report containing the results of sampling and analysis; or

(f) where the product, listed in Annex IV to this Regulation, originates in Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Saitama, Chiba and Iwate prefectures, or is a derived product thereof or a compound feed or food containing more than 50 % of those products, the product is accompanied by an analytical report containing the results of sampling and analysis. The list of products in Annex IV is without prejudice to the requirements of Regulation (EC) No 258/97 of the European Parliament and of the Council [2]; or

[1] Commission Regulation (EC) No 206/2009 of 5 March 2009 on the introduction into the Community of personal consignments of products of animal origin and amending Regulation (EC) No 136/2004 (OJ L 77, 24.3.2009, p. 1).

[2] Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients (OJ L 43, 14.2.1997, p. 1).

(g) where the origin of the product or of the ingredients present at more than 50 % is unknown, the product is accompanied by an analytical report containing the results of sampling and analysis.

4. Products caught or harvested in the coastal waters of the prefectures referred to in point (f) of paragraph 3 shall be covered by the declaration referred to therein, irrespective of where such products are landed.

Article 6

Drawing up and signing of the declaration

1. The declaration referred to in Article 5 shall be drawn up in accordance with the model set out in Annex I.

2. For the products referred to in the points (a) to (d) of Article 5(3), the declaration shall be signed by an authorised representative of the competent Japanese authority or by an authorised representative of an instance authorised by the competent Japanese authority under the authority and supervision of the competent Japanese authority.

3. For the products referred to in the points (e) to (g) of Article 5(3), the declaration shall be signed by an authorised representative of the competent Japanese authority and shall be accompanied by an analytical report containing the results of sampling and analysis.

Article 7

Identification

Each consignment of products shall be identified by means of a code which shall be indicated on the declaration referred to in Article 5(1), on the analytical report referred to in Article 6(3), on the sanitary certificate and on any commercial documents accompanying the consignment.

Article 8

Border inspection posts and designated point of entry

Consignments of products, except those falling within the scope of Council Directive 97/78/EC [1] which are to be introduced into the Union via a border inspection post, shall be introduced into the Union through a designated point of entry within the meaning of point (b) of Article 3 of Commission Regulation (EC) No 669/2009 [2] (hereinafter 'the designated point of entry').

Article 9

Prior notification

1. Feed and food business operators or their representatives shall give prior notification of the arrival of each consignment of products, with the exception of tea originating from prefectures other than Fukushima, at least two working days prior to the physical arrival of the consignment to the competent authorities at the border inspection post or at the designated point of entry.

2. For the purpose of prior notification, they shall complete Part I of the common entry document (CED), referred to in point (a) of Article 3 of Regulation (EC) No 669/2009 and transmit that document to the competent authority at the designated point of entry or border inspection post, at least two working days prior to the physical arrival of the consignment.

For the completion of the CED in application of this Regulation, food business operators shall take into account the notes for guidance for the CED laid down in Annex II to Regulation (EC) No 669/2009.

Article 10

Official controls

1. The competent authorities of the border inspection post or designated point of entry shall carry out:

(a) documentary checks on all consignments of products and for which it is required to be accompanied by the declaration referred to in Article 5;

(b) random identity checks and random physical checks, including laboratory analysis on the presence of caesium-134 and caesium-137. The analytical result has to be available within a maximum of five working days.

2. In case the result of the laboratory analysis provides evidence that the guarantees provided in the declaration are false, the declaration is considered not to be valid and the consignment of feed and food does not comply with this Regulation.

Article 11

Costs

All costs resulting from the official controls referred to in Article 10 and any measures taken following non-compliance shall be borne by the feed and food business operators.

Article 12

Release for free circulation

The release for free circulation of consignments shall be subject to the presentation (physically or electronically) by the feed or food business operator or their representative to the custom authorities of a CED duly completed by the competent authority once all official controls have been carried out. The custom authorities shall only release the consignment for free circulation if a favourable decision by the competent authority is indicated in box II.14 and signed in box II.21 of the CED.

[1] Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.1.1998, p. 9).

[2] Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC (OJ L 194, 25.7.2009, p. 11).

Article 13

Non-compliant products

Products which do not comply with this Regulation shall not be placed on the market. Such products shall be safely disposed of or returned to Japan.

Article 14

Reports

Member States shall inform the Commission every three months through the Rapid Alert System for Food and Feed (RASFF) of all analytical results obtained. That report shall be submitted during the month following each quarter.

Article 15

Review

This Regulation shall be reviewed before 31 March 2015.

Article 16

Transitional provision

By way of derogation from Article 3, products may be imported into the Union under the following conditions:

(a) they comply with Implementing Regulation (EU) No 996/2012; and

(b) they left Japan before the entry into force of this Regulation or they left Japan after the entry into force of this Regulation but before 1 May 2014 and they are accompanied by a declaration in accordance with Implementing Regulation (EU) No 996/2012 which was issued before 1 April 2014.

Article 17

Entry into force and date of application

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

It shall apply from 1 April 2014.

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

Done at Brussels, 28 March 2014.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Declaration for the import into the Union of

..... (Product and country of origin)

Batch identification Code ..... **Declaration Number** .....

In accordance with Commission Implementing Regulation (EU) No 322/2014 imposing special conditions governing the import of feed and food originating in or consigned from Japan following the accident at the Fukushima nuclear power station the .....
.....
(authorised representative referred to in paragraphs 2 or 3 of Article 6 of Implementing Regulation (EU) No 322/2014)

DECLARES that the .....
..... (products referred to in Article 1)
of this consignment composed of: .....
.....
..... (description of consignment, product, number and type of packages, gross or net weight)
embarked at .....
..... (embarkation place)
on ..... (date of embarkation)
by ..... (identification of transporter)
going to ..... (place and country of destination)
which comes from the establishment .....
..... (name and address of establishment)

is compliant with the legislation in force in Japan as regards the maximum levels for the sum of caesium-134 and caesium-137.

DECLARES that the consignment concerns feed or food

☐ **not falling under the transitional measures** provided in the Japanese legislation (see Annex III to Implementing Regulation (EU) No 322/2014) as regards the maximum level for the sum of caesium-134 and caesium-137

☐ **falling under the transitional measures** provided in the Japanese legislation (see Annex III to Implementing Regulation (EU) No 322/2014) as regards the maximum level for the sum of caesium-134 and caesium-137

DECLARES that the consignment concerns:

☐ feed or food that has been harvested and/or processed before 11 March 2011;

☐ feed or food that originates in and is consigned from a prefecture other than Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Saitama, Chiba and Iwate, other than mushrooms, koshiabura, bamboo shoot, Aralia sprout and bracken originating in the prefectures Akita, Yamagata and Nagano and other than mushrooms originating in the prefectures Yamanashi, Shizuoka, Niigata and Aomori;

☐ feed and food that is consigned from Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Saitama, Chiba, Iwate, Akita, Yamagata, Nagano, Yamanashi, Shizuoka, Niigata and Aomori prefectures, but does not originate in one of those prefectures and has not been exposed to radioactivity during transiting;

☐ feed and food not listed in Annex IV to Implementing Regulation (EU) No 322/2014, that originates in and is consigned from Gunma, Ibaraki, Tochigi, Miyagi, Saitama, Chiba and Iwate;

☐ koshiabura, bamboo shoot, bracken, Aralia sprout or mushrooms or a compound feed or food containing more than 50 % of those products, originating in Akita, Yamagata or Nagano prefecture, and has been sampled on ..... (date), subjected to laboratory analysis on ..... (date) in the ..... (name of laboratory), to determine the level of the radionuclides, caesium-134 and caesium-137. The analytical report is attached;

☐ mushrooms or a compound feed or food containing more than 50 % of those products, originating in Yamanashi, Shizuoka, Niigata or Aomori prefecture, and has been sampled on ..... (date), subjected to laboratory analysis on ..... (date) in the ..... (name of laboratory), to determine the level of the radionuclides, caesium-134 and caesium-137. The analytical report is attached;

☐ feed and food listed in Annex IV to Implementing Regulation (EU) No 322/2014 or a compound feed or food containing more than 50 % of those products, originating in Fukushima, Gunma, Ibaraki, Tochigi, Miyagi, Saitama, Chiba and Iwate prefectures, and has been sampled on ..... (date), subjected to laboratory analysis on ..... (date) in the ..... (name of laboratory), to determine the level of the radionuclides, caesium-134 and caesium-137. The analytical report is attached;

☐ feed and food of unknown origin or containing more than 50 % of (an) ingredient(s) of unknown origin and has been sampled on ..... (date), subjected to laboratory analysis on ..... (date) in the ..... (name of laboratory), to determine the level of the radionuclides, caesium-134 and caesium-137. The analytical report is attached.

Done at ..... on .....

Stamp and signature of the
authorised representative referred to in
Article 6(2) or (3) of Implementing
Regulation (EU) No 322/2014

ANNEX II

Maximum levels for food [1] (Bq/kg) as provided for in the Japanese legislation

	Foods for infants and young children	Milk and milk-based drinks	Other food, with the exception of - mineral water and similar drinks - tea brewed from unfermented leaves	Mineral water and similar drinks and tea brewed from unfermented leaves
Sum of caesium-134 and caesium-137	50 [1]	50 [1]	100 [1]	10 [1]

[1] In order to ensure consistency with maximum levels currently applied in Japan, these values replace on a provisional basis the values laid down in Council Regulation (Euratom) No 3954/87.

Maximum levels for feed [2] (Bq/kg) as provided for in the Japanese legislation

	Feed intended for cattle and horses	Feed intended for pigs	Feed intended for poultry	Feed for Fish [1]
Sum of caesium-134 and caesium-137	100 [2]	80 [2]	160 [2]	40 [2]

[1] With the exemption of feed for ornamental fish.
[2] In order to ensure consistency with maximum levels currently applied in Japan, this value replaces on a provisional basis the value laid down in Commission Regulation (Euratom) No 770/90 of 29 March 1990 laying down maximum permitted levels of radioactive contamination of feedingstuffs following a nuclear accident or any other case of radiological emergency (OJ L 83, 30.3.1990, p. 78).

[1] For dried products that are intended to be consumed in a reconstituted state, the maximum level applies to the reconstituted product as ready for consumption.
For dried mushrooms a reconstitution factor of 5 is of application.
For tea, the maximum level applies to the infusion brewed from tea leaves. The processing factor for dried tea is 50, and therefore a maximum level of 500 Bq/kg on dried tea leaves ensures that the level in the brewed tea does not exceed the maximum level of 10 Bq/kg.
[2] Maximum level is relative to a feed with a moisture content of 12 %.

ANNEX III

Transitional measures provided for in Japanese legislation and of application for this Regulation

(a) Milk and dairy products, mineral water and similar drinks that are manufactured and/or processed before 31 March 2012 shall not contain more than 200 Bq/kg of radioactive caesium.

Other foods that are manufactured and/or processed before 31 March 2012 shall not contain more than 500 Bq/kg of radioactive caesium, except:

— products made from rice,

— soybean and products made from soybean.

(b) Products made from rice that are manufactured, and/or processed before 30 September 2012 shall not contain more than 500 Bq/kg of radioactive caesium.

(c) Soybean harvested and placed on the market before 31 December 2012 shall not contain more than 500 Bq/kg of radioactive caesium.

(d) Products made from soybean that are manufactured and/or processed before 31 December 2012 shall not contain more than 500 Bq/kg of radioactive caesium.

ANNEX IV

Feed and food for which a sampling and analysis regarding the presence of caesium 134 and caesium-137 are required before export to the Union

(a) products originating in the prefecture Fukushima:

— all products, taking into account the exemptions provided for in Article 1 of this Regulation;

(b) products originating in the prefectures Akita, Yamagata and Nagano:

— mushrooms and derived products thereof falling within CN codes 0709 51, 0709 59, 0710 80 61, 0710 80 69, 0711 51 00, 0711 59, 0712 31, 0712 32, 0712 33, 0712 39, 2003 10, 2003 90 and 2005 99 80,

— sprouts of *Aralia* sp. and derived products thereof falling within CN codes 0709 99, 0710 80, 0711 90 and 0712 90,

— bamboo shoot (*Phyllostacys pubescens*) and derived products thereof falling within CN codes 0709 99, 0710 80, 0711 90, 0712 90, 2004 90 and 2005 91,

— bracken (*Pteridium aquilinum*) and derived products thereof falling within CN codes 0709 99, 0710 80, 0711 90 and 0712 90,

— koshiabura (shoot of *Eleuterococcus sciadophylloides*) and derived products thereof falling within CN codes 0709 99, 0710 80, 0711 90 and 0712 90;

(c) products originating in the prefectures Yamanashi, Shizuoka, Niigata or Aomori:

— mushrooms and derived products thereof falling within CN codes 0709 51, 0709 59, 0710 80 61, 0710 80 69, 0711 51 00, 0711 59, 0712 31, 0712 32, 0712 33, 0712 39, 2003 10, 2003 90 and 2005 99 80;

(d) products originating in the prefectures Gunma, Ibaraki, Tochigi, Miyagi, Saitama, Chiba or Iwate:

— mushrooms and derived products thereof falling within CN codes 0709 51, 0709 59, 0710 80 61, 0710 80 69, 0711 51 00, 0711 59, 0712 31, 0712 32, 0712 33, 0712 39, 2003 10, 2003 90 and 2005 99 80,

— fish and fishery products falling within CN codes 0302, 0303, 0304, 0305, 0306, 0307, 0308, 1504 10, 1504 20, 1604 and 1605 with the exception of scallops falling within CN codes 0307 21, 0307 29 and 1605 52 00,

— rice and derived products thereof falling within CN codes 1006, 1102 90 50, 1103 19 50, 1103 20 50, 1104 19 91, 1104 19 99, 1104 29 17, 1104 29 30, 1104 29 59, 1104 29 89, 1104 30 90, 1901, 1904 10 30, 1904 20 95, 1904 90 10 and 1905 90,

— soybeans and derived products thereof falling within CN codes 1201 90, 1208 10, 1507,

— sprouts of *Aralia* sp. and derived products thereof falling within CN codes 0709 99, 0710 80, 0711 90 and 0712 90,

— bamboo shoot (*Phyllostacys pubescens)* and derived products thereof falling within CN codes 0709 99, 0710 80, 0711 90, 0712 90, 2004 90 and 2005 91,

— bracken (*Pteridium aquilinum)* and derived products thereof falling within CN codes 0709 99, 0710 80, 0711 90 and 0712 90,

— Japanese royal fern (*Osmunda japonica*) and derived products thereof falling within CN codes 0709 99, 0710 80, 0711 90 and 0712 90,

— koshiabura (shoot of *Eleuterococcus sciadophylloides*) and derived products thereof falling within CN codes 0709 99, 0710 80, 0711 90 and 0712 90,

— ostrich fern (*Matteuccia struthioptheris*) and derived products thereof falling within CN codes 0709 99, 0710 80, 0711 90 and 0712 90,

— uwabamisou (*Elatostoma umbellatum var. majus*) and derived products thereof falling within CN codes 0709 99, 0710 80, 0711 90 and 0712 90,

— buckwheat and derived products thereof falling within CN codes 1008 10 00, 1102 90 90, 1103 19 90, 1103 20 90, 1104 19 99, 1104 29 17, 1104 29 30, 1104 29 59, 1104 29 89, 1104 30 90, 1901, 1904 10 90, 1904 20 99, 1904 90 80 and 1905 90;

(e) compound products containing more than 50 % of the products listed under points (a) to (d) of this Annex.

COMMISSION IMPLEMENTING REGULATION (EU) No 323/2014

of 28 March 2014

amending Annexes I and II to Regulation (EC) No 669/2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ([1]), and in particular Article 15(5) thereof,

Whereas:

(1) Commission Regulation (EC) No 669/2009 ([2]) lays down rules concerning the increased level of official controls to be carried out on imports of feed and food of non-animal origin listed in Annex I thereto ('the list'), at the points of entry into the territories referred to in Annex I to Regulation (EC) No 882/2004.

(2) Article 2 of Regulation (EC) No 669/2009 provides that the list is to be reviewed on a regular basis, and at least quarterly, taking into account at least the sources of information referred to in that Article.

(3) The occurrence and relevance of food incidents notified through the Rapid Alert System for Food and Feed, the findings of missions to third countries carried out by the Food and Veterinary Office, as well as the quarterly reports on consignments of feed and food of non-animal origin submitted by Member States to the Commission in accordance with Article 15 of Regulation (EC) No 669/2009 indicate that the list should be amended.

(4) In particular, for consignments of betel leaves originating from India and Thailand, enzymes originating from India, groundnuts and derived products originating from Sudan and vine leaves originating from Turkey the relevant sources of information indicate the emergence of new risks warranting the introduction of an increased level of official controls. Entries concerning those consignments should therefore be included in the list.

(5) In addition, the list should be amended by deleting the entries for commodities for which the available information indicates an overall satisfactory degree of compliance with the relevant safety requirements provided for in Union legislation and for which an increased level of official controls is therefore no longer justified. The entry in the list concerning dried noodles from China should therefore be deleted.

(6) The Commission was also advised by the Member States of the need to specify that the entries for imports of herbs from Morocco, Thailand and Viet Nam, okra from Viet Nam and peppers from Thailand and Viet Nam also cover chilled commodities. In the interests of clarity of Union legislation, it is also necessary to make a precision in the list regarding the entries for imports of oranges and strawberries from Egypt and peas and beans from Kenya.

(7) Moreover, modifications are needed in Annex II to Regulation (EC) No 669/2009, in particular in order to reflect the provisions on onward transportation set out in Article 8 of that Regulation in the common entry document. Further technical modifications are also needed to the Notes for Guidance for the common entry document.

(8) In order to ensure consistency and clarity, it is appropriate to replace Annexes I and II to Regulation (EC) No 669/2009.

(9) Regulation (EC) No 669/2009 should therefore be amended accordingly.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

([1]) OJ L 165, 30.4.2004, p. 1.

([2]) Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC (OJ L 194, 25.7.2009, p. 11).

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and II to Regulation (EC) No 669/2009 are replaced by the text set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 April 2014.

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

Done at Brussels, 28 March 2014.

For the Commission
The President
José Manuel BARROSO

ANNEX

'ANNEX I

Feed and food of non-animal origin subject to an increased level of official controls at the designated point of entry

Feed and food (intended use)	CN code (1)	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Dried grapes (vine fruit) *(Food)*	0806 20		Afghanistan (AF)	Ochratoxin A	50
— Groundnuts (peanuts), in shell — Groundnuts (peanuts), shelled — Peanut butter — Groundnuts (peanuts), otherwise prepared or preserved *(Feed and food)*	— 1202 41 00 — 1202 42 00 — 2008 11 10 — 2008 11 91; 2008 11 96; 2008 11 98		Brazil (BR)	Aflatoxins	10
Strawberries (frozen) *(Food)*	0811 10		China (CN)	Norovirus and hepatitis A	5
Brassica oleracea (other edible Brassica, "Chinese Broccoli") (2) *(Food - fresh or chilled)*	ex 0704 90 90	40	China (CN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (3)	20
Pomelos *(Food - fresh)*	ex 0805 40 00	31; 39	China (CN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (4)	20
Tea, whether or not flavoured *(Food)*	0902		China (CN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (5)	10
— Aubergines — Bitter melon *(Momordica charantia)* *(Food - fresh, chilled or frozen vegetables)*	— 0709 30 00; ex 0710 80 95 — ex 0709 99 90; ex 0710 80 95	72 70 70	Dominican Republic (DO)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (6)	10
— Yardlong beans *(Vigna unguiculata* spp. *sesquipedalis)* — Peppers (sweet and other than sweet) (*Capsicum* spp.) *(Food - fresh, chilled or frozen vegetables)*	— ex 0708 20 00; ex 0710 22 00 — 0709 60 10; ex 0709 60 99 — 0710 80 51; ex 0710 80 59	10 10 20 20	Dominican Republic (DO)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (6)	20

Feed and food (intended use)	CN code (1)	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Oranges (fresh or dried) — Strawberries (fresh) *(Food)*	— 0805 10 20; 0805 10 80 — 0810 10 00		Egypt (EG)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (7)	10
Peppers (sweet and other than sweet) (*Capsicum* spp.) *(Food - fresh, chilled or frozen)*	0709 60 10; ex 0709 60 99; 0710 80 51; ex 0710 80 59	20 20	Egypt (EG)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (8)	10
Betel leaves (*Piper betle* L.) *(Food)*	ex 1404 90 00	10	India (IN)	Salmonella (9)	10
— *Capsicum annuum*, whole — *Capsicum annuum*, crushed or ground — Dried fruit of the genus *Capsicum*, whole, other than sweet peppers *(Capsicum annuum)* — Curry (chilli products) — Nutmeg *(Myristica fragrans)* *(Food - dried spices)*	— 0904 21 10 — ex 0904 22 00 — 0904 21 90 — 0910 91 05 — 0908 11 00; 0908 12 00	10	India (IN)	Aflatoxins	10
Enzymes;prepared enzymes *(Feed and food)*	3507		India (IN)	Chloramphenicol	50
— Nutmeg *(Myristica fragrans)* *(Food - dried spices)*	— 0908 11 00; 0908 12 00		Indonesia (ID)	Aflatoxins	20
— Peas with pods (unshelled) — Beans with pods (unshelled) *(Food - fresh or chilled)*	— ex 0708 10 00 — ex 0708 20 00	40 40	Kenya (KE)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (10)	10
Mint *(Food - fresh or chilled herb)*	ex 1211 90 86	30	Morocco (MA)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (11)	10
Dried beans *(Food)*	0713 39 00		Nigeria (NG)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (12)	50

Feed and food (intended use)	CN code (1)	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Watermelon *(Egusi, Citrullus lanatus)* seeds and derived products *(Food)*	ex 1207 70 00; ex 1106 30 90; ex 2008 99 99	10 30 50	Sierra Leone (SL)	Aflatoxins	50
— Groundnuts (peanuts), in shell — Groundnuts (peanuts), shelled — Peanut butter — Groundnuts (peanuts), otherwise prepared or preserved *(Feed and food)*	— 1202 41 00 — 1202 42 00 — 2008 11 10 — 2008 11 91; 2008 11 96; 2008 11 98		Sudan (SD)	Aflatoxins	50
Peppers (other than sweet)*(Capsicum* spp.*)* *(Food – fresh or chilled)*	ex 0709 60 99	20	Thailand (TH)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (13)	10
Betel leaves (*Piper betle* L.) *(Food)*	ex 1404 90 00	10	Thailand (TH)	Salmonella (9)	10
— Coriander leaves — Basil (holy, sweet) — Mint *(Food - fresh or chilled herbs)*	— ex 0709 99 90 — ex 1211 90 86 — ex 1211 90 86	72 20 30	Thailand (TH)	Salmonella (9)	10
— Coriander leaves — Basil (holy, sweet) *(Food - fresh or chilled herbs)*	— ex 0709 99 90 — ex 1211 90 86	72 20	Thailand (TH)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (14)	10
— Yardlong beans *(Vigna unguiculata* spp. *sesquipedalis)* — Aubergines *(Food - fresh, chilled or frozen vegetables)*	— ex 0708 20 00; ex 0710 22 00 — 0709 30 00; ex 0710 80 95	10 10 72	Thailand (TH)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (14)	20
— Sweet Peppers *(Capsicum annuum)* *(Food - fresh, chilled or frozen vegetables)*	— 0709 60 10; 0710 80 51		Turkey (TR)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (15)	10
Vine leaves *(Food)*	ex 2008 99 99	11; 19	Turkey (TR)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (16)	10

Feed and food (intended use)	CN code (1)	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Dried grapes (vine fruit) *(Food)*	0806 20		Uzbekistan (UZ)	Ochratoxin A	50
— Coriander leaves	— ex 0709 99 90	72	Viet Nam (VN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (17)	20
— Basil (holy, sweet)	— ex 1211 90 86	20			
— Mint	— ex 1211 90 86	30			
— Parsley *(Food - fresh or chilled herbs)*	— ex 0709 99 90	40			
— Okra	— ex 0709 99 90	20	Viet Nam (VN)	Pesticide residues analysed with multi-residue methods based on GC-MS and LC-MS or with single-residue methods (17)	20
— Peppers (other than sweet) (*Capsicum* spp.) *(Food - fresh or chilled)*	— ex 0709 60 99	20			

(1) Where only certain products under any CN code are required to be examined and no specific subdivision under that code exists in the goods nomenclature, the CN code is marked "ex".

(2) Species of *Brassica oleracea* L. convar. Botrytis (L) Alef var.Italica Plenck, cultivar alboglabra. Also known as "Kai Lan", "Gai Lan", "Gailan", "Kailan", "Chinese bare Jielan".

(3) In particular residues of: Chlorfenapyr, Fipronil (sum fipronil + sulfone metabolite (MB46136) expressed as fipronil), Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Acetamiprid, Dimethomorph and Propiconazole.

(4) In particular residues of: Triazophos, Triadimefon and Triadimenol (sum of triadimefon and triadimenol), Parathion-methyl (sum of Parathion-methyl and paraoxon-methyl expressed as Parathion-methyl), Phenthoate, Methidathion.

(5) In particular residues of: Buprofezin, Imidacloprid, Fenvalerate and Esfenvalerate (Sum of RS & SR isomers), Profenofos, Trifluralin, Triazophos, Triadimefon and Triadimenol (sum of triadimefon and triadimenol), Cypermethrin (cypermethrin including other mixtures of constituent isomers (sum of isomers)).

(6) In particular residues of: Amitraz (amitraz including the metabolites containing the 2,4 -dimethylaniline moiety expressed as amitraz), Acephate, Aldicarb (sum of aldicarb, its sulfoxide and its sulfone, expressed as aldicarb), Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Chlorfenapyr, Chlorpyrifos, Dithiocarbamates (dithiocarbamates expressed as CS2, including maneb, mancozeb, metiram, propineb, thiram and ziram), Diafenthiuron, Diazinon, Dichlorvos, Dicofol (sum of p, p' and o,p' isomers), Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Endosulfan (sum of alpha- and beta-isomers and endosulfan-sulphate expresses as endosulfan), Fenamidone, Imidacloprid, Malathion (sum of malathion and malaoxon expressed as malathion), Methamidophos, Methiocarb (sum of methiocarb and methiocarb sulfoxide and sulfone, expressed as methiocarb), Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Monocrotophos, Oxamyl, Profenofos, Propiconazole, Thiabendazole, Thiacloprid.

(7) In particular residues of: Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Cyfluthrin (cyfluthrin including other mixtures of constituent isomers (sum of isomers)) Cyprodinil, Diazinon, Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Ethion, Fenitrothion, Fenpropathrin, Fludioxonil, Hexaflumuron, Lambda-cyhalothrin, Methiocarb (sum of methiocarb and methiocarb sulfoxide and sulfone, expressed as methiocarb), Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Oxamyl, Phenthoate, Thiophanate-methyl.

(8) In particular residues of: Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran), Chlorpyrifos, Cypermethrin (cypermethrin including other mixtures of constituent isomers (sum of isomers)), Cyproconazole, Dicofol (sum of p, p' and o,p' isomers), Difenoconazole, Dinotefuran, Ethion, Flusilazole, Folpet, Prochloraz (sum of prochloraz and its metabolites containing the 2,4,6-Trichlorophenol moiety expressed as prochloraz), Profenofos, Propiconazole, Thiophanate-methyl and Triforine.

(9) Reference method EN/ISO 6579 or a method validated against it as referred to in Article 5 of Commission Regulation (EC) No 2073/2005 (OJ L 338, 22.12.2005, p. 1).

(10) In particular residues of: Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Chlorpyrifos, Acephate, Methamidophos, Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Diafenthiuron, Indoxacarb as sum of the isomers S and R.

(11) In particular residues of: Chlorpyrifos, Cypermethrin (cypermethrin including other mixtures of constituent isomers (sum of isomers)), Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Endosulfan (sum of alpha- and beta-isomers and endosulfan-sulphate expresses as endosulfan), Hexaconazole, Parathion-methyl (sum of Parathion-methyl and paraoxon-methyl expressed as Parathion-methyl), Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Flutriafol, Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Flubendiamide, Myclobutanyl, Malathion (sum of malathion and malaoxon expressed as malathion).

(12) In particular residues of Dichlorvos.

(13) In particular residues of: Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran), Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Triazophos, Malathion (sum of malathion and malaoxon expressed as malathion), Profenofos, Prothiofos, Ethion, Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Triforine, Procymidone, Formetanate: Sum of formetanate and its salts expressed as formetanate(hydrochloride).

(14) In particular residues of: Acephate, Carbaryl, Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran), Chlorpyrifos, Chlorpyrifos-methyl, Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Ethion, Malathion (sum of malathion and malaoxon expressed as malathion), Metalaxyl and metalaxyl-M (metalaxyl including other mixtures of constituent isomers including metalaxyl-M (sum of isomers)), Methamidophos, Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Monocrotophos, Profenofos, Prothiofos, Quinalphos, Triadimefon and Triadimenol (sum of triadimefon and triadimenol), Triazophos, Dicrotophos, EPN, Triforine.

(15) In particular residues of: Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Oxamyl, Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Clofentezine, Diafenthiuron, Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Formetanate: Sum of formetanate and its salts expressed as formetanate(hydrochloride), Malathion (sum of malathion and malaoxon expressed as malathion), Procymidone, Tetradifon, Thiophanate-methyl.

(16) In particular residues of: Azoxystrobin, Boscalid, Chlorpyrifos, Dithiocarbamates (dithiocarbamates expressed as CS2, including maneb, mancozeb, metiram, propineb, thiram and ziram), Endosulfan (sum of alpha- and beta-isomers and endosulfan-sulphate expresses as endosulfan), Kresoxim-methyl, Lambda-cyhalothrin, Metalaxyl and metalaxyl-M (metalaxyl including other mixtures of constituent isomers including metalaxyl-M (sum of isomers)), Methoxyfenozide, Metrafenone, Myclobutanil, Penconazole, Pyraclostrobin, Pyrimethanil, Triadimefon and Triadimenol (sum of triadimefon and triadimenol), Trifloxystrobin.

(17) In particular residues of: Carbofuran (sum of carbofuran and 3-hydroxy-carbofuran expressed as carbofuran), Carbendazim and benomyl (sum of benomyl and carbendazim expressed as carbendazim), Chlorpyrifos, Profenofos, Permethrin (sum of isomers), Hexaconazole, Difenoconazole, Propiconazole, Fipronil (sum fipronil + sulfone metabolite (MB46136) expressed as fipronil), Propargite, Flusilazole, Phenthoate, Cypermethrin (cypermethrin including other mixtures of constituent isomers (sum of isomers)), Methomyl and Thiodicarb (sum of methomyl and thiodicarb expressed as methomyl), Quinalphos, Pencycuron, Methidathion, Dimethoate (sum of dimethoate and omethoate expressed as dimethoate), Fenbuconazole.

ANNEX II

COMMON ENTRY DOCUMENT (CED)

EUROPEAN UNION — **Common Entry Document (CED)**

Part I: Details of dispatched consignment

I.1. Consignor Name Address Country + ISO code	I.2. CED reference number DPE DPE Unit No.
I.3. Consignee Name Address Postal Code Country + ISO code	I.4. Person responsible for the consignment Name Address I.5. Country of origin + ISO code I.6. Country from where consigned + ISO code
I.7. Importer Name Address Postal Code Country + ISO code	I.8. Place of destination Name Address Postal Code Country + ISO code
I.9. Arrival at DPE (estimated date and time) Date Time	I.10. Documents Number Date of issue
I.11. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road Vehicle ☐ Identification: Documentary references:	
I.12. Description of commodity	I.13. Commodity code I.14. Gross and net weight I.15. Number of packages
I.16. Temperature Ambient ☐ Chilled ☐ Frozen ☐	I.17. Type of packages
I.18. Commodity intended for Human consumption ☐ Further process ☐ Feedingstuff ☐	
I.19. Seal number and container number	
I.20. For transfer to ☐ Control point Control point unit N°	I.21.
I.22. For import ☐	I.23.
I.24. Means of transport to Control Point Railway wagon ☐ Registered No. Aeroplane ☐ Flight No. Ship ☐ Name Road Vehicle ☐ Plate No.	
I.25. Declaration I, the undersigned person responsible for the consignment detailed above, certify that to the best of my knowledge and belief the statements made in Part I of this document are true and complete and I agree to comply with the legal requirements of Regulation (EC) No 882/2004, including payment for official controls, and consequent official measures in case of non compliance with the feed and food law.	Place and date of declaration Name of signatory Signature

EUROPEAN UNION **Common Entry Document (CED)**

Part II: Decision on consignment

II.1. CED Reference Number	II.2. Customs Document Reference
II.3. Documentary Check Satisfactory ☐ Not Satisfactory ☐	II.4. Consignment selected for physical checks Yes ☐ No ☐
II.5. ACCEPTABLE for transfer ☐ Control point Control point unit No Consignment authorised for onward transportation (pending results of laboratory tests) – consignment not to be released ☐	
II.6. NOT ACCEPTABLE ☐ 1. Re-dispatching ☐ 2. Destruction ☐ 3. Transformation ☐ 4. Use for other purpose ☐	II.7. Details of Controlled Destinations (II.6) Approval no (where relevant) Address Postal Code
II.8. Full identification of DPE and official stamp ☐ DPE Stamp DPE Unit N°	II.9. Official Inspector I, the undersigned official inspector of the DPE, certify that the checks on the consignment have been carried out in accordance with Union requirements. Name (in capital) Date Signature
II.10.	II.11. Identity check Yes ☐ No ☐ Satisfactory ☐ Not Satisfactory ☐
II.12. Physical check Satisfactory ☐ Not Satisfactory ☐	II.13. Laboratory Tests Yes ☐ No ☐ Tested for: Results: Satisfactory ☐ Not Satisfactory ☐
II.14. ACCEPTABLE for release for free circulation ☐ 1. Human consumption ☐ 2. Further process ☐ 3. Feedingstuff ☐ 4. Other ☐	II.15.
II.16. NOT ACCEPTABLE ☐ 1. Re-dispatching ☐ 2. Destruction ☐ 3. Transformation ☐ 4. Use for other purpose ☐	II.17. Reason for refusal 1. Absence/Invalid certificate (if applicable) ☐ 2. ID: Mismatch with documents ☐ 3. Physical hygiene failure ☐ 4. Chemical contamination ☐ 5. Microbiological contamination ☐ 6. Other ☐
II.18. Details of controlled Destinations (II.16) Approval No (where relevant) Address Postal Code	
II.19. Consignment resealed New seal No.	
II.20. Full identification of DPE/Control Point and official stamp Stamp	II.21. Official inspector I, the undersigned official inspector of the DPE/Control Point, certify that the checks on the consignment have been carried out in accordance with Union requirements Name (in capital) Date Signature

Part III: Control									
	III.1. Details on re-dispatching								
	Means of transport No.								
	Railway wagon ☐	Aeroplane ☐		Ship ☐		Road vehicle ☐			
	Country of destination:			+ ISO code					
	Date								
	III.2. Follow up								
				Local Competent Authority Unit ☐					
	Arrival of the consignment	Yes ☐	No ☐	Correspondence of the consignment		Yes ☐	No ☐		
	III.3. Official inspector								
	Name (in capital)			Unit N°					
	Address			Signature					
	Date			Stamp					

Notes for guidance for the CED

General: Complete the common entry document in capital letters. Notes are shown against the relevant box number.

Part I **This Part is to be completed by the feed and food business operator or their representative, unless otherwise indicated.**

Box I.1. Consignor: name and full address of the natural or legal person (feed and food business operator) dispatching the consignment. Information concerning telephone and fax numbers or an e-mail address is recommended.

Box I.2. Information related to the CED reference number shall be provided by the competent authority of the designated point of entry (DPE). The feed and food business operator shall indicate the designated point of entry to which the consignment shall arrive.

Box I.3. Consignee: name and full address of the natural or legal person (feed and food business operator) to whom the consignment is destined. Information on telephone and fax numbers or an e-mail address is recommended.

Box I.4. The person responsible for the consignment: the person (feed and food business operator or their representative or the person making the declaration on their behalf) who is in charge of the consignment when it is presented at the DPE and who makes the necessary declarations to the competent authority at the DPE on behalf of the importer. Insert the name and full address. Information on telephone and fax numbers or an e-mail address is recommended.

Box I.5. Country of origin: this refers to the third country where the commodity is originating from, grown, harvested or produced.

Box I.6. Country from where consigned: this refers to the third country where the consignment was placed aboard the means of final transport for the journey to the Union.

Box I.7. Importer: name and full address. Information on telephone and fax numbers or an e-mail address is recommended.

Box I.8. Place of destination: delivery address in the Union. Information on telephone and fax numbers or an e-mail address is recommended.

Box I.9. Arrival at DPE: insert the estimated date on which the consignment is expected to arrive at the DPE.

Box I.10. Documents: insert the date of issue and the number of official documents accompanying the consignment, as appropriate.

Box I.11. Give full details of the means of arrival transport: for aircrafts the flight number, for vessels the ship name, for road vehicles the registration number plate with trailer number if appropriate, for railway vehicles the train identity and wagon number.

Documentary references: number of airway bill, bill of lading or commercial number for railway or road vehicle.

Box I.12. Description of the commodity: provide a detailed description of the commodity (including for feed the type of feed).

Box I.13. Commodity code: use the code identifying the commodity as listed in Annex I (including the TARIC subdivision, if applicable).

Box I.14. Gross weight: overall weight in kg. This is defined as the aggregate mass of the products and of the immediate containers and all their packaging, but excluding transport containers and other transport equipment.

Net weight: weight of actual product in kg, excluding packaging. This is defined as the mass of the products themselves without immediate containers or any packaging.

Box I.15. Number of packages.

Box I.16. Temperature: tick the appropriate mode of transport/storage temperature.

Box I.17. Type of packages: identify the type of packaging of products.

Box I.18. Commodity intended for: tick the appropriate box depending on whether the commodity is destined for human consumption without prior sorting or other physical treatment (in this case tick "human consumption") or is intended for human consumption after such treatment (tick "further process" in this case), or is intended for use as "feedingstuff" (in this case tick "feedingstuffs").

Box I.19. Give all seal and container identification numbers where relevant.

Box I.20. Transfer to a control point: During the transitional period provided for in Article 19(1), the DPE shall tick this box to allow transfer to another control point.

Box I.21. Not applicable.

Box I.22. For import: this box is to be ticked where the consignment is intended for importation into the Union (Article 8).

Box I.23. Not applicable.

Box I.24. Tick the appropriate means of transport.

Part II This Part is to be completed by the competent authority.

Box II.1. Use the same reference number as in Box I.2.

Box II.2. For use by customs services, if necessary.

Box II.3. Documentary check: to be completed for all consignments.

Box II.4. The competent authority of the DPE shall indicate whether the consignment is selected for physical checks, which during the transitional period provided for in Article 19(1) may be carried out at a different control point.

Box II.5. The competent authority of the DPE shall indicate, during the transitional period provided for in Article 19(1), following a satisfactory documentary check, to which control point the consignment may be transported in order for identity and physical checks to be carried out.

The competent authority of the DPE shall also indicate if the consignment is authorised for the onward transportation provided for in Article 8. Onward transportation can only be authorised if the identity checks have been carried out at the DPE and if their result is satisfactory. Box II.11 shall therefore be filled in at the same time as onward transportation is authorised, while Box II.12 shall be filled in once the results of laboratory tests are available.

Box II.6. Indicate clearly the action to be taken in the case of rejection of the consignment due to the unsatisfactory outcome of the documentary checks. The address of the establishment of destination in case of "Re-dispatching", "Destruction", "Transformation" and "Use for other purpose" must be entered in Box II.7.

Box II.7. Give as appropriate approval number and address (or ship name and port) for all destinations where further control of the consignment is required, for example for Box II.6, "Re- dispatching", "Destruction", "Transformation" or "Use for other purpose".

Box II.8. Put the official stamp of the competent authority of the DPE here.

Box II.9. Signature of the responsible official of the competent authority of the DPE.

Box II.10. Not applicable.

Box II.11. The competent authority of the DPE or, during the transitional period provided for in Article 19(1), the competent authority of the control point, shall indicate the results of the identity checks here.

Box II.12. The competent authority of the DPE or, during the transitional period provided for in Article 19(1), the competent authority of the control point, shall indicate the results of the physical checks here.

Box II.13. The competent authority of the DPE or, during the transitional period provided for in Article 19(1), the competent authority of the control point, shall indicate the results of the laboratory test here. Complete this box with the category of substance or pathogen for which a laboratory test has been carried out.

Box II.14. This box is to be used for all consignments to be released for free circulation within the Union.

Box II.15. Not applicable.

Box II.16. Indicate clearly the action to be taken in the case of rejection of the consignment due to the unsatisfactory outcome of the identity or physical checks. The address of the establishment of destination in case of "Re-dispatching", "Destruction", "Transformation" and "Use for other purpose" must be entered in Box II.18.

Box II.17. Reasons for refusal: use, as appropriate, to add relevant information. Tick the appropriate box.

Box II.18. Give, as appropriate, the approval number and address (or ship name and port) for all destinations where further control of the consignment is required, for example, for Box II.16, "Re-dispatching", "Destruction", "Transformation" or "Use for other purpose".

Box II.19. Use this box when the original seal recorded on a consignment is destroyed on opening the container. A consolidated list of all seals that have been used for this purpose must be kept.

Box II.20. Put the official stamp of the competent authority of the DPE here or, during the transitional period provided for in Article 19(1), of the competent authority of the control point.

Box II.21. Signature of the responsible official of the competent authority of the DPE or, during the transitional period provided for in Article 19(1), of the competent authority of the control point.

Part III This Part is to be completed by the competent authority.

Box III.1. Details on re-dispatching: the competent authority of the DPE or, during the transitional period provided for in Article 19(1), the competent authority of the control point, shall indicate the means of transport used, its identification details, the country of destination and the date of re- dispatching, as soon as they are known.

Box III.2. Follow-up: indicate the Local Competent Authority Unit responsible, as appropriate, for the supervision in case of "Destruction", "Transformation" or "Use for other purpose" of the consignment. That authority shall report the result of the arrival of the consignment and the correspondence of the consignment in this box.

Box III.3. Signature of the responsible official for the competent authority of the DPE or, during the transitional period provided for in Article 19(1), the responsible official for the control point, in case of "Re-dispatching". Signature of the responsible official for the local competent authority in case of "Destruction", "Transformation" or "Use for other purpose".'

COMMISSION IMPLEMENTING REGULATION (EU) No 324/2014

of 28 March 2014

adopting exceptional support measures for the pigmeat market in Poland

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 [1], and in particular Article 220(1)(a) thereof,

Whereas:

(1) Council Directive 2002/60/EC [2] lays down the minimum measures to be applied within the Union for the control of African swine fever. Accordingly, pursuant to Commission Implementing Decisions 2014/100/EU [3], as confirmed by Commission Implementing Decision 2014/134/EU [4], and to Commission Implementing Decision 2014/178/EU [5], Poland is to ensure that the area within its territory where that disease is present comprises at least the infected area listed in the Annexes to these Decisions. With a view to preventing the spread of African swine fever and in order to prevent any further disturbance of trade within Poland and abroad, Poland adopted on 26 February 2014 [6] some additional preventive measures in that infected area. As a consequence, the marketing of fresh pigmeat and pigmeat products from that infected area is subject to particular surveillance measures, to an obligatory labelling with a special health mark and to the application of some marketing restrictions within the single market.

(2) The restrictions on the marketing of fresh pigmeat and pigmeat products resulting from the application of these veterinary measures imply an important price reduction in the affected areas and are causing disruption of the pigmeat market in those areas. Therefore, on 5 March 2014 Poland requested the Commission to introduce exceptional market support measures as provided for in Regulation (EU) No 1308/2013. Such measures, applying solely to fresh pigmeat and pigmeat products derived from pigs reared in the areas directly affected by the restrictions, should be adopted for the time strictly necessary.

(3) The aid amount should be expressed as an amount per 100 kilograms of carcass weight of eligible animals, for a limited quantity and with a maximum compensable carcass weight per animal. The aid amount should be set taking into account recent market information.

(4) For pigs reared in the areas concerned, the support should be conditional on the delivery of the animals to the slaughterhouses, their slaughter and the marking and the marketing of the derived meat or meat products in accordance with the stricter veterinary rules applicable to the areas concerned on the day of delivery.

(5) Provision should be made for the competent authorities in Poland to apply all controls and supervision measures required and to inform the Commission accordingly. Transport and slaughter of the eligible animals and eventual treatment, where required, and release on the market of the fresh pigmeat and pigmeat products derived from those animals should be done under the control of the competent authorities.

(6) Restrictions on the marketing of fresh pigmeat and pigmeat products have applied for several weeks in the territories concerned and this situation has led to market disturbance and income losses for producers, as well as to a substantial increase in the animals' weight which has consequently brought about an intolerable animal welfare situation. Therefore, the measures provided for in this Regulation should cover the animals delivered as from 26 February 2014, date of adoption of the Polish preventive measures. The market situation and the impact of this measure need to be reassessed in the light of future developments and therefore the measure should apply only for a period of three months.

[1] OJ L 347, 20.12.2013, p. 671.
[2] Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever (OJ L 192, 20.7.2002, p. 27).
[3] Commission Implementing Decision 2014/100/EU of 18 February 2014 concerning certain interim protective measures relating to African swine fever in Poland (OJ L 50, 20.2.2014, p. 35).
[4] Commission Implementing Decision 2014/134/EU of 12 March 2014 concerning certain protective measures relating to African swine fever in Poland (OJ L 74, 14.3.2014, p. 63).
[5] Commission Implementing Decision 2014/178/EU of 27 March 2014 concerning animal health control measures relating to African swine fever in certain Member States (see page 47 of this Official Journal).
[6] Regulation of the Minister of Agriculture and Rural Development of 26 February 2014 on measures to be taken in connection with the occurrence of African Swine Fever in feral pigs (Dz.U. poz. 247).

(7) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

1. Poland is authorised to grant aid in respect of the slaughtering of the following animals and the release on to the market of the fresh pigmeat and pigmeat products derived thereof in compliance with the relevant veterinary legislation:

(a) pigs covered by CN code 0103 92 19;

(b) sows covered by CN code 0103 92 11.

2. The aid provided for in paragraph 1 shall only be granted if the following conditions are met:

(a) the animals were reared in the areas listed in the Annex to Implementing Decisions 2014/100/EU or 2014/134/EU or in part II of the Annex to implementing Decision 2014/178/EU for the relevant periods, or in any other Commission Implementing Decision adopted in this regard, and the pigmeat from animals reared in those areas is submitted to certain marketing restrictions due to African swine fever;

(b) the animals were present in the areas referred to in point (a) on 26 February 2014 or they were born and reared after that date in those areas;

(c) the additional preventive measures established by the Regulation of the Minister of Agriculture and Rural Development of Poland of 26 February 2014 on measures to be taken in connection with the occurrence of African Swine Fever in feral pigs, or any other national rules adopted in this regard and submitting pigmeat to marketing restrictions due to African swine fever, apply in the area where those animals were reared on the date they are delivered to a slaughterhouse.

Article 2

The aid provided for in Article 1 shall be considered to be exceptional market support measures as provided for in Article 4(1)(a) of Regulation (EU) No 1306/2013 of the European Parliament and of the Council [1].

[1] 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 (OJ L 347, 20.12.2013, p. 549).

Article 3

1. Producers of pigmeat may apply for the aid provided for in Article 1 ('the aid') in respect of animals slaughtered from 26 February 2014 until 25 May 2014.

2. The aid is expressed as an amount EUR 35,7 per 100 kilograms of carcass weight recorded for the animals delivered. The Commission may adapt this amount to take into account market developments.

3. The aid for animals with a carcasses weight of more than 100 kilograms shall not exceed the amount of the aid fixed in paragraph 2 for pigs with a carcasses weight of 100 kilograms.

4. Fifty per cent of the expenditure for the aid, covering a maximum total of 20 000 tonnes of pig carcasses, shall be financed by the Union budget.

5. Expenditure shall only be eligible for Union financing if it has been paid by Poland to the beneficiary by 31 August 2014.

6. The aid shall be paid by Poland after the slaughter of the pigs and the release of the fresh pigmeat and pigmeat products derived thereof on to the market in accordance with the applicable veterinary rules and after the completion of the controls in accordance with Article 4.

Article 4

1. Poland shall take all measures necessary, including exhaustive administrative and physical controls, to ensure compliance with the conditions laid down in this Regulation. Furthermore, the Polish authorities shall:

(a) supervise the transport of the animals from the holding to the slaughterhouse using standardised checklists incorporating weighing and counting sheets, including origin and destination of the animals;

(b) ensure that all products for which aid is granted comply with the restrictions applicable to the territories referred to in point (a) of Article 1(2);

(c) perform at least once per calendar month, administrative and accounting controls at each participating slaughterhouse to ensure that all animals delivered and the derived meat, and for which an application of aid can be lodged, since 26 February 2014 or since the last such control have been handled in accordance with this Regulation;

(d) provide for on-the-spot checks and detailed reports on those checks indicating in particular:

(i) the weight and total number of eligible animals per batch transported from the farm, the date and time of their transport to and arrival at a slaughterhouse;

(ii) the number of pigs and sows slaughtered by the slaughterhouse, the weight of each carcass and animal movement permit, as well as, for the animals slaughtered from the entry into force of this Regulation, the seal numbers of the transport means for those animals.

2. The controls and checks referred to in paragraph (1) shall be carried out before payment of the aid. Poland shall inform the Commission of the measures and controls introduced in accordance with this Article not later than 10 days after the entry into force of this Regulation.

Article 5

1. Poland shall communicate the following information to the Commission, each Wednesday in respect of the previous week:

(a) the number of sows and the number of other pigs delivered for slaughter in accordance with this Regulation, as well as their overall carcass weight;

(b) the estimated financial costs for each category of animals referred to in Article 1(1).

The first communication shall cover animals delivered for slaughter since 26 February 2014 in accordance with this Regulation. The obligation referred to in the first subparagraph shall apply until 4 June 2014.

2. No later than 30 June 2014, Poland shall send to the Commission a detailed report on the implementation of this Regulation including details as regards the execution of the controls, checks and supervision undertaken in accordance with Article 4.

Article 6

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

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

Done at Brussels, 28 March 2014.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 325/2014

of 28 March 2014

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

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

(1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

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

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 28 March 2014.

For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General for Agriculture and Rural Development

[1] OJ L 299, 16.11.2007, p. 1.
[2] OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	IL	219,4
	MA	57,0
	TN	82,0
	TR	86,4
	ZZ	111,2
0707 00 05	MA	39,8
	TR	139,3
	ZZ	89,6
0709 93 10	MA	31,1
	TR	74,3
	ZZ	52,7
0805 10 20	EG	48,9
	IL	62,6
	MA	58,1
	TN	47,6
	TR	50,7
	ZA	60,4
	ZZ	54,7
0805 50 10	MA	35,6
	TR	76,2
	ZZ	55,9
0808 10 80	AR	89,5
	BR	91,6
	CL	83,7
	CN	113,3
	MK	23,6
	US	181,8
	ZZ	97,3
0808 30 90	AR	91,6
	CL	131,1
	CN	52,7
	TR	127,0
	ZA	83,8
	ZZ	97,2

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

DECISIONS

POLITICAL AND SECURITY COMMITTEE DECISION BiH/21/2014

of 18 March 2014

on the appointment of the EU Operation Commander for the European Union military operation in Bosnia and Herzegovina and repealing Decision BiH/17/2011

(2014/173/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Joint Action 2004/570/CFSP of 12 July 2004 on a European Union military operation in Bosnia and Herzegovina [1], and in particular Article 6 thereof,

Whereas:

(1) Pursuant to Article 6(1) of Joint Action 2004/570/CFSP, the Council authorised the Political and Security Committee (PSC) to take relevant decisions on the appointment of the EU Operation Commander.

(2) On 14 January 2011, the Political and Security Committee adopted Decision BiH/17/2011 [2] appointing Deputy Supreme Allied Commander for Europe (DSACEUR) General Sir Richard SHIRREFF as EU Operation Commander for the European Union military operation in Bosnia and Herzegovina.

(3) NATO has decided to appoint General Sir Adrian BRADSHAW as DSACEUR to replace General Sir Richard SHIRREFF. The assignment of General Sir Adrian BRADSHAW begins on 28 March 2014. General Sir Adrian BRADSHAW should also replace, as from that date, General Sir Richard SHIRREFF in his capacity as EU Operation Commander for the European Union military operation in Bosnia and Herzegovina.

(4) Decision BiH/17/2011 should therefore be repealed.

(5) In accordance with Article 5 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications.

(6) On 12 and 13 December 2002, the Copenhagen European Council adopted a declaration stating that the 'Berlin plus' arrangements and the implementation thereof will apply only to those Member States of the Union which are also either NATO members or parties to the 'Partnership for Peace', and which have consequently concluded bilateral security agreements with NATO,

HAS ADOPTED THIS DECISION:

Article 1

General Sir Adrian BRADSHAW is hereby appointed EU Operation Commander for the European Union military operation in Bosnia and Herzegovina as from 28 March 2014.

Article 2

Decision BiH/17/2011 is hereby repealed.

Article 3

This Decision shall enter into force on 28 March 2014.

Done at Brussels, 18 March 2014.

For the Political and Security Committee
The Chairperson
W. STEVENS

[1] OJ L 252, 28.7.2004, p. 10.
[2] Political and Security Committee Decision BiH/17/2011 of 14 January 2011 on the appointment of an EU Operation Commander for the European Union military operation in Bosnia and Herzegovina (OJ L 18, 21.1.2011, p. 41).

POLITICAL AND SECURITY COMMITTEE DECISION EUTM MALI/1/2014

of 18 March 2014

on the appointment of the EU Mission Commander for the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) and repealing Decision EUTM MALI/1/2013

(2014/174/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to Council Decision 2013/34/CFSP of 17 January 2013 on a European Union military mission to contribute to the training of Malian Armed Forces (EUTM Mali) [1], and in particular Article 5 thereof,

Whereas:

(1) Pursuant to Article 5(1) of Decision 2013/34/CFSP, the Council authorised the Political and Security Committee (PSC), in accordance with Article 38 of the Treaty on European Union, to take the relevant decisions concerning the political control and strategic direction of EUTM Mali, including the decisions to appoint the subsequent EU Mission Commanders.

(2) On 19 July 2013, the PSC adopted Decision EUTM MALI/1/2013 [2] appointing Brigadier General Bruno GUIBERT as EU Mission Commander for EUTM Mali.

(3) On 15 February 2014, France proposed the appointment of Brigadier General Marc RUDKIEWICZ as the new EU Mission Commander for EUTM Mali to succeed Brigadier General Bruno GUIBERT.

(4) On 21 February 2014 the EU Military Committee recommended that the PSC appoint Brigadier General Marc RUDKIEWICZ as EU Mission Commander for EUTM Mali to succeed Brigadier General Bruno GUIBERT.

(5) Decision EUTM MALI/1/2013 should be repealed.

(6) In accordance with Article 5 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications,

HAS ADOPTED THIS DECISION:

Article 1

Brigadier General Marc RUDKIEWICZ is hereby appointed EU Mission Commander for the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) as from 1 April 2014.

Article 2

Decision EUTM MALI/1/2013 is hereby repealed.

Article 3

This Decision shall enter into force on 1 April 2014.

Done at Brussels, 18 March 2014.

For the Political and Security Committee

The Chairperson

W. STEVENS

[1] OJ L 14, 18.1.2013, p. 19.

[2] Political and Security Committee Decision EUTM MALI/1/2013 of 19 July 2013 on the appointment of an EU Mission Commander for the European Union military mission to contribute to the training of the Malian Armed Forces (EUTM Mali) (OJ L 202, 27.7.2013, p. 22).

COMMISSION IMPLEMENTING DECISION

of 27 March 2014

amending Decision 2007/777/EC as regards the importation of meat products, treated stomachs, bladders and intestines prepared from fresh meat of domestic poultry, including meat of farmed and wild game birds

(notified under document C(2014) 1904)

(Text with EEA relevance)

(2014/175/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC [1], and in particular Article 10(2)(c) 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 [2] and in particular the introductory phrase of Article 8, the first subparagraph of point 1 of Article 8, point 4 of Article 8, Article 9(2)(b) and Article 9(4)(b) and (c) thereof,

Whereas:

(1) Commission Decision 2007/777/EC [3] lays down rules on imports into the Union of consignments of certain meat products for human consumption and treated stomachs, bladders and intestines. That Decision includes the lists of third countries and parts thereof from which such imports are authorised and Annex III thereto sets out the model animal and public health certificate for those commodities intended for consignment to the Union from third countries.

(2) Commission Regulation (EC) No 798/2008 [4] lays down veterinary certification requirements for imports into and transit though the Union of poultry and poultry products. It provides that the poultry commodities covered by it are only to be imported into and transited through the Union from the third countries, territories, zones or compartments listed in the table in Part 1 of Annex I thereto. It also provides such imports are to be accompanied by a veterinary certificate, as referred to in that table, for the poultry commodity concerned, completed in accordance with the notes and the model veterinary certificates set out in Part 2 of that Annex.

(3) In addition, the model veterinary certificates for meat of poultry (POU), for meat of farmed ratites for human consumption (RAT) and for wild game-bird meat (WGM) set out in Part 2 of Annex I to Regulation (EC) No 798/2008 state that the fresh meat must have been obtained from poultry or ratites coming from establishments which have not been placed under animal health restrictions in connection with any disease to which poultry or ratites are susceptible or from wild game-birds that were killed in territories where within a 10 km radius of which, including, where appropriate, the territory of a neighbouring country, there has been no outbreak of highly pathogenic avian influenza or Newcastle disease for at least the previous 30 days.

(4) The animal health conditions for the preparation of meat products, treated stomachs, bladders and intestines from fresh meat of domestic poultry, including farmed-game and wild game-birds, laid down in Part II.1.3 of the model animal and public health certificate set out in Annex III to Decision 2007/777/EC, refer to avian influenza and Newcastle disease. However, the model veterinary certificates (POU), (RAT) and (WGM) set out

[1] OJ L 62, 15.3.1993, p. 49.
[2] OJ L 18, 23.1.2003, p. 11.
[3] Commission Decision 2007/777/EC of 29 November 2007 laying down the animal and public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries and repealing Decision 2005/432/EC (OJ L 312, 30.11.2007, p. 49).
[4] Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements (OJ L 226, 23.8.2008, p. 1).

in Part 2 of Annex I to Regulation (EC) No 798/2008 only refer to highly pathogenic avian influenza. It is, therefore, necessary to amend the model animal and public health certificate set out in Annex III to Decision 2007/777/EC in order to align it with the requirements for the fresh meat as laid down in the model veterinary certificates (POU), (RAT) and (WGM) set out in Part 2 of Annex I to Regulation (EC) No 798/2008.

(5) In addition, the model animal and public health certificate set out in Annex III to Decision 2007/777/EC refers to Council Directive 90/539/EEC [1] which has been replaced by Council Directive 2009/158/EC [2] and to Commission Decision 2006/696/EC [3] which has been replaced by Regulation (EC) No 798/2008. It is, therefore, necessary to update those references.

(6) Annex III to Decision 2007/777/EC should therefore be amended accordingly.

(7) To avoid any disruption in trade, the use of animal and public health certificates for certain meat products and treated stomachs, bladders and intestines intended for consignment to the Union from third countries, completed in accordance with the model animal and public health certificate set out in Annex III to Decision 2007/777/EC, before the amendment introduced by this Decision, should continue to be authorised during a transitional period.

(8) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Amendment to Decision 2007/777/EC

Annex III to Decision 2007/777/EC is replaced by the text in the Annex to this Decision.

Article 2

Transitional provisions

For a transitional period until 30 September 2014, the introduction into the Union of consignments of meat products and treated stomachs, bladders and intestines, accompanied by an animal and public health certificate completed in accordance with the model set out in Annex III to Decision 2007/777/EC, in its version prior to the amendment made by Article 1 of this Decision, shall continue to be authorised, provided that the animal and public health certificate was signed before 30 July 2014.

Article 3

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 27 March 2014.

For the Commission

Tonio BORG

Member of the Commission

[1] Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs (OJ L 303, 31.10.1990, p. 6).

[2] Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs (OJ L 343, 22.12.2009, p. 74).

[3] Commission Decision 2006/696/EC of 28 August 2006 laying down a list of third countries from which poultry, hatching eggs, day-old chicks, meat of poultry, ratites and wild game-birds, eggs and egg products and specified pathogen-free eggs may be imported into and transit through the Community and the applicable veterinary certification conditions (OJ L 295, 25.10.2006, p. 1).

ANNEX

'ANNEX III

Model animal health and public health certificate for certain meat products and treated stomachs, bladders and intestines intended for consignment to the European Union from third countries

COUNTRY **Veterinary certificate to EU**

Part I: Details of dispatched consignment

I.1. Consignor Name Address Country Phone			I.2. Certificate reference number		I.2.a. Traces reference number
			I.3. Central competent authority		
			I.4. Local competent authority		
I.5. Consignee Name Address Country Phone			I.6. Person responsible for the consignment in the EU		
I.7. Country of origin	ISO code	I.8. Region of origin Code	I.9. Country of destination	ISO code	I.10. Region of destination Code
I.11. Place of origin Name Approval number Address			I.12. Place of destination		
I.13. Place of loading Address Approval number			I.14. Date of departure		
I.15. Means of transport Aeroplane ☐ Ship ☐ Railway wagon ☐ Road vehicle ☐ Other ☐ Identification Document			I.16. Entry BIP in EU		
			I.17. CITES No(s)		
I.18. Description of commodity			I.19. Commodity code (HS code)		
			I.20. Quantity		
I.21. Temperature of products Ambient ☐ Chilled ☐ Frozen ☐			I.22. Number of packages		
I.23. Seal/Container No			I.24. Type of packaging		
I.25. Commodities certified as: Human consumption ☐					
I.26. For transit to third country by EU			I.27. For import or admission into EU ☐		

I.28. Identification of the commodity

Species (scientific name)	Nature of commodity	Abattoir	Manufacturing plant	Cold store	Number of packages	Type of packaging	Net weight (kg)

COUNTRY **Meat products, treated stomachs, bladders and intestines for import**

Part II: Certification

II.1. **Animal health attestation**	II.a. Certificate reference number	II.b.

I, the undersigned official veterinarian certify that:

II.1.1. The meat product, treated stomachs, bladders and intestines ([1]) described in this certificate contain the following meat constituents and meet the criteria indicated below:

Species (A)	Treatment (B)	Origin (C)

(A) Insert the code for the relevant species of meat product, treated stomachs, bladders and intestines where BOV = domestic bovine animals (*Bos Taurus, Bison bison, Bubalus bubalis and their crossbreds*); OVI = domestic sheep (*Ovis aries*) and goats (*Capra hircus*); EQI = domestic equine animals (Equus caballus, Equus asinus and their cross-breds), POR = domestic porcine animals (*Sus scrofa*); RAB = domestic rabbits, PFG = domestic poultry and farmed feathered game, RUF = farmed non-domestic animals other than suidae and solipeds; RUW = wild non-domestic animals other than suidae and solipeds; SUW = wild non-domestic suidae; EQW = wild non-domestic solipeds; WLP = wild lagomorphs; WGB = wild game birds.

(B) Insert A, B, C, D, E or F for the required treatment as specified and defined in Parts 2, 3 and 4 of Annex II to Decision 2007/777/EC.

(C) Insert the ISO code of the country of origin and, in the case of regionalization by Union legislation for the relevant meat constituents, the region as indicated in Part 1 of Annex II to Decision 2007/777/EC.

([2]) II.1.2. The meat product, treated stomachs, bladders and intestines described in point II.1.1 has been prepared from fresh meat from domestic bovine animals (*Bos Taurus, Bison bison, Bubalus bubalis and their crossbreds*); domestic sheep (*Ovis aries*) and goats (*Capra hircus*); domestic equine animals (*Equus caballus, Equus asinus and their crossbreds*), domestic porcine animals (*Sus scrofa*); farmed non-domestic animals other than suidae and solipeds; wild non-domestic animals other than suidae and solipeds; wild non- domestic suidae: wild non-domestic solipeds and the fresh meat used in the production of the meat products:

([2]) *either* [II.1.2.1. has undergone a non-specific treatment as specified and defined under point A in Part 4 of Annex II to Decision 2007/777/EC and:

([2]) *either* [II.1.2.1.1. satisfies the relevant animal and public health requirements laid down in the appropriate health certificate(s) in Part 2 of Annex II to Regulation (EU) No 206/2010 and originates in a third country, or part thereof in the case of regionalisation under Union legislation, as described in the relevant column of Part 2 of Annex II to Decision 2007/777/EC].

([2]) *or* [II.1.2.1.1. originates in a Member State of the European Union].

([2]) *or* [II.1.2.1. meets any requirements agreed under Directive 2002/99/EC, is derived from animals coming from a holding not subject to restrictions for the specific diseases mentioned in the appropriate health certificate(s) in in Part 2 of Annex II to Regulation (EU) No 206/2010 and within a 10 km radius of which no outbreaks of such diseases have occurred in the last 30 days and has undergone the specific treatment laid down for the third country of origin or part thereof for the meat of the species concerned in Part 2 or 3, as appropriate, of Annex II to Decision 2007/777/EC].

([2]) II.1.3. The meat product, treated stomachs, bladders and intestines described under point II.1.1 has been prepared from fresh meat of domestic poultry, including farmed or wild game birds, that:

([2]) *either* [II.1.3.1. has undergone a non-specific treatment as specified and defined under point A in Part 4 of Annex II to Decision 2007/777/EC] and:

([2]) *either* [II.1.3.1.1. satisfies the animal health requirements laid down in Regulation (EC) No 798/2008,]

([2]) *or* [II.1.3.1.1. originates in a Member State of the European Union satisfying the requirements of Article 3 of Directive 2002/99/EC,]

COUNTRY **Meat products, treated stomachs, bladders and intestines for import**

II.a. Certificate reference number	II.b.

(2) *or* [II.1.3.1. originates in a third country referred to in Annex I Part 1 to Regulation (EC) No 798/2008, comes from holdings or in the case of wild game-birds killed in territories where within a 10 km radius, including, where appropriate, the territory of a neighbouring country, there has been no outbreak of highly pathogenic avian influenza or Newcastle disease for at least the previous 30 days and has undergone the specific treatment laid down for the third country of origin or part thereof for the meat of the species concerned in Parts 2 or 3, as appropriate, of Annex II to Decision 2007/777/EC,]

(2) *or* [II.1.3.1. originates in a third country referred to in Annex I Part 1 to Regulation (EC) No 798/2008, comes from holdings or in the case of wild game-birds killed in territories, where within a 10 km radius, including, where appropriate, the territory of a neighbouring country, there has been no outbreak of highly pathogenic avian influenza or Newcastle disease for at least the previous 30 days and has undergone the specific treatment referred to in points B, C or D in Part 4 of Annex II to Decision 2007/777/EC, provided that such treatment is more severe than that indicated in Parts 2 and 3 of Annex II to that Decision.]

(2) [II.1.4. in the case of meat product, treated stomachs, bladders and intestines derived from fresh meat from lagomorphs and other land mammals:

satisfies the relevant animal health and public health requirements laid down in Regulation (EC) No 119/2009 and has come from a holding not subject to restrictions for animal diseases affecting the animals concerned within a 10 km radius of which no outbreaks of such diseases have occurred in the last 30 days.]

II.1.5. the meat product, treated stomachs, bladders and intestines:

(2) *either* II.1.5.1. [consists of meat and/or meat products derived from a single species, and has undergone the treatment satisfying the relevant conditions laid down in Annex II to Decision 2007/777/EC,]

(2) *or* II.1.5.1. [consists of meat of more than one species and, after such meat has been mixed, the entire product has subsequently undergone a treatment at least as severe as that required for the meat components of the meat product as laid down in Annex II to Decision 2007/777/EC,]

(2) *or* II.1.5.1. [has been prepared from meat of more than one species and each meat component has previously undergone a treatment prior to mixing which meets the relevant treatment requirements for meat of that species as laid down in Annex II to Decision 2007/777/EC];

II.1.6. after treatment all precautions to avoid contamination have been taken

(2) [II.1.7. Additional guarantees:

in the case of poultry meat products which have not undergone a specific treatment and are destined for Member States or regions thereof, the status of which have been established as Newcastle disease non-vaccinating in accordance with Article 15 of Directive 2009/158/EC, the poultry meat was derived from poultry which had not been vaccinated with a live vaccine against Newcastle disease within 30 days prior to slaughter;]

(2) II.2. **Public health attestation**

I, the undersigned, declare that I am aware of the relevant provisions of Regulations (EC) No 999/2001, (EC) No178/2002, (EC) No 852/2004 and (EC) No 853/2004 and certify that the meat products, treated stomachs, bladders and intestines described above were produced in accordance with those requirements, in particular that:

II.2.1. they come from (an) establishment(s) implementing a programme based on the HACCP principles in accordance with Regulation (EC) No 852/2004;

II.2.2. they have been produced from raw material which met the requirements of Sections I to VI of Annex III to Regulation (EC) No 853/2004;

(2) II.2.3.1. the meat products have been obtained from domestic pig meat which either has been subject to an examination for trichinosis with negative results or has been subjected to a cold treatment in accordance with Regulation (EC) No 2075/2005;

(2) II.2.3.2. the meat products have been obtained from horse meat or wild boar meat which has been subject to an examination for trichinosis with negative results in accordance with Regulation (EC) No 2075/2005;

(2) II.2.3.3. the treated stomachs, bladders and intestines have been produced in accordance with Section XIII of Annex III to Regulation (EC) No 853/2004.

II.2.4. they have been marked with an identification mark in accordance with Section I of Annex II to Regulation (EC) No 853/2004;

II.2.5. the label(s) affixed on the packaging of meat products described above, bear(s) a mark to the effect that the meat products come wholly from fresh meat from animals slaughtered in slaughterhouses approved for exporting to the European Union or, from animals slaughtered in a slaughterhouse specially for the delivery of meat for the required treatment as laid down in Parts 2 and 3 of Annex II to Decision 2007/777/EC;

COUNTRY **Meat products, treated stomachs, bladders and intestines for import**

II.a. Certificate reference number	II.b.

II.2.6. they satisfy the relevant criteria set out in Regulation (EC) No 2073/2005 on microbiological criteria for foodstuffs;

II.2.7. the guarantees covering live animals and products thereof provided by the residue plans submitted in accordance with Directive 96/23/EC, and in particular Article 29 thereof, are fulfilled;

II.2.8. the means of transport and the loading conditions of meat products of this consignment meet the hygiene requirements laid down in respect of export to the European Union;

II.2.9. if containing material from bovine, ovine or caprine animals, the fresh meat and/or intestines used in the preparation of the meat products and/or treated intestines shall be subject to the following conditions depending on the BSE risk category of the country of origin:

([2]) II.2.9.1. for imports from a country or a region with a negligible BSE risk as listed in Annex to Decision 2007/453/EC as amended:

(1) the country or region is classified in accordance with Article 5(2) of Regulation (EC) No 999/2001 as a country or region posing a negligible BSE risk;

(2) the animals from which the products of bovine, ovine and caprine animal origin were derived were born, continuously reared and slaughtered in the country with negligible BSE risk and passed ante mortem and post-mortem inspections;

([2]) (3) if in the country or region there have been BSE indigenous cases:

either

([2]) (a) the animals were born after the date from which the ban on the feeding of ruminants with meat-and-bone meal and greaves derived from ruminants had been enforced, or

([2]) (b) the products of bovine, ovine and caprine animal origin do not contain and are not derived from specified risk material as defined in Annex V to Regulation (EC) No 999/2001, or mechanically separated meat obtained from bones of bovine, ovine or caprine animals.

([2]) II.2.9.2. for imports from a country or a region with a controlled BSE risk as listed in Annex to Decision 2007/453/EC as amended:

(1) the country or region is classified in accordance with Article 5(2) of Regulation (EC) No 999/2001 as a country or region posing a controlled BSE risk;

(2) the animals from which the products of bovine, ovine and caprine animal origin were derived passed ante mortem and post-mortem inspections;

(3) animals from which the products of bovine, ovine and caprine animal origin destined for export were derived have not been slaughtered after stunning by means of gas injected into the cranial cavity or killed by the same method or slaughtered by laceration after stunning of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity;

([2])([3]) (4) the products of bovine, ovine and caprine animal origin do not contain and are not derived from specified risk material as defined in Annex V to Regulation (EC) No 999/2001, or mechanically separated meat obtained from bones of bovine, ovine or caprine animals.

([2])([4]) (5) in the case of intestines originally sourced from a country or a region with a negligible BSE risk, imports of treated intestines shall be subject to the following conditions:

(a) the country or region is classified in accordance with Article 5(2) of Regulation (EC) No 999/2001 as a country or region posing a controlled BSE risk;

(b) the animals from which the products of bovine, ovine and caprine animal origin were derived were born, continuously reared and slaughtered in the country or region with a negligible BSE risk and passed ante mortem and post-mortem inspections;

([2]) (c) if the intestines are sourced from a country or region where there have been BSE indigenous cases:

either

([2]) (i) the animals were born after the date from which the ban on the feeding of ruminants with meat-and-bone meal and greaves derived from ruminants had been enforced; or

COUNTRY **Meat products, treated stomachs, bladders and intestines for import**

II.a. Certificate reference number	II.b.

(2) (ii) the products of bovine, ovine and caprine animal origin do not contain and are not derived from specified risk material as defined in Annex V to Regulation (EC) No 999/2001.

(2) II.2.9.3. for imports from a country or a region with an undetermined BSE risk as listed in Annex to Decision 2007/453/EC:

(1) the animals from which the products of bovine, ovine and caprine animal origin were derived have not been fed meat-and-bone meal or greaves derived from ruminants and passed ante mortem and post-mortem inspections;

(2) the animals from which the products of bovine, ovine and caprine animal origin were derived have not been slaughtered after stunning by means of gas injected into the cranial cavity or killed by the same method or slaughtered by laceration after stunning of central nervous tissue by means of an elongated rod-shaped instrument introduced into the cranial cavity;

(2)(5) (3) the products of bovine, ovine and caprine animal origin are not derived from:

(i) specified risk material as defined in Annex V to Regulation (EC) No 999/2001;

(ii) nervous and lymphatic tissues exposed during the deboning process;

(iii) mechanically separated meat obtained from bones of bovine, ovine or caprine animals.

(2)(4) (4) in the case of intestines originally sourced from a country or a region with a negligible BSE risk, imports of treated intestines shall be subject to the following conditions:

(a) the country or region is classified in accordance with Article 5(2) of Regulation (EC) No 999/2001 as a country or region posing an undetermined BSE risk;

(b) the animals from which the products of bovine, ovine and caprine animal origin were derived were born, continuously reared and slaughtered in the country or region with a negligible BSE risk and passed ante mortem and post-mortem inspections;

(2) (c) if the intestines are sourced from a country or region where there have been BSE indigenous cases:

either

(2) (i) the animals were born after the date from which the ban on the feeding of ruminants with meat-and-bone meal and greaves derived from ruminants had been enforced; or

(2) (ii) the products of bovine, ovine and caprine animal origin do not contain and are not derived from specified risk material as defined in Annex V to Regulation (EC) No 999/2001.

Notes

Part I:

— Box reference I.8.: region (if appropriate) as appearing in Annex II to Decision 2007/777/EC (as last amended).

— Box reference I.11: Place of origin: name and address of the dispatch establishment.

— Box reference I.15: Registration number (railway wagons or container and road vehicle), flight number (aircraft) or name (ship). Separate information is to be provided in the event of unloading and reloading.

— Box reference I.19: Use the appropriate Harmonised System (HS) code under the following headings: 02.10, 16.01, 16.02 and 05. 04.

— Box reference I.23: Identification of container/Seal number: only where applicable.

— Box reference I.28: *Species:* select among species described in Part II.1.1.(A);

COUNTRY **Meat products, treated stomachs, bladders and intestines for import**

II.a. Certificate reference number	II.b.

Nature of commodity: choose among the following: meat product, treated stomachs, bladders and intestines;

Abattoir: approval number of any abattoir or game-handling establishment;

Cold store: any storage facility;

Manufacturing plant: approval number.

Part II:

([1]) Meat products as laid down in point 7.1 of Annex I to Regulation (EC) No 853/2004 and treated stomachs, bladders and intestines that have undergone one of the treatments laid down in Annex II Part 4 to Decision 2007/777/EC.

([2]) Keep as appropriate.

([3]) By way of derogation from point 4, carcasses, half carcasses or half carcasses cut into no more than three wholesale cuts, and quarters containing no specified risk material other than the vertebral column, including dorsal root ganglia, may be imported.

When removal of the vertebral column is not required, carcasses or wholesale cuts of carcasses of bovine animals containing vertebral column shall be identified by a clearly visible blue stripe on the label referred to in point 11.3(a) of Annex V to Regulation (EC) No 999/2001.

The number of bovine carcasses or wholesale cuts of carcasses, from which removal of the vertebral column is required as well as the number where removal of the vertebral column is not required shall be added to the document referred to Article 2(1) of Regulation (EC) No 136/2004 in case of imports.

([4]) Only applicable to imports of treated intestines.

([5]) By way of derogation from point 3, carcasses, half carcasses or half carcasses cut into no more than three wholesale cuts, and quarters containing no specified risk material other than the vertebral column, including dorsal root ganglia, may be imported.

When removal of the vertebral column is not required, carcasses or wholesale cuts of carcasses of bovine animals containing vertebral column, shall be identified by a clearly visible blue stripe on the label referred to in point 11.3(a) of Annex V to Regulation (EC) No 999/2001.

Specific information on the number of bovine carcasses or wholesale cuts of carcasses, from which removal of the vertebral column is required and from which removal of the vertebral column is not required shall be added to the document referred to in Article 2(1) of Regulation (EC) No 136/2004 in case of imports.

The colour of the signature shall be different to that of the printing. The same rule applies to the stamp other than those embossed or watermarked.

Official veterinarian

Name (in capital letters): Qualification and title:

Date: Signature:

Stamp:'

COMMISSION IMPLEMENTING DECISION

of 27 March 2014

as regards a Union financial contribution towards a coordinated control plan with a view to establishing the prevalence of fraudulent practices in the marketing of certain foods

(notified under document C(2014) 1912)

(2014/176/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ([1]), and in particular, Article 66 thereof,

Whereas:

(1) Commission Recommendation 2014/180/EU ([2]) provides for a second round of coordinated controls to be carried out by the Member States with a view to establishing the continued occurrence of fraudulent practices in the marketing of certain foods.

(2) In order to facilitate the smooth and fast implementation of this plan, the Union should financially support the Member States which perform the official controls provided for in the Commission Recommendation.

(3) Based on calculations following the first round of testing, the cost for carrying out DNA tests to determine the presence of horse meat in foods marketed and/or labelled as containing beef is estimated at EUR 120 per test. The standard Union co-financing rate for coordinated control plans is set at 50 %.

(4) The Centre Wallon de Recherches agronomiques (CRA-W), Gembloux, Belgium has currently EURL status for tests that are most relevant for this coordinated control plan. For the purpose of harmonising the test method during this coordinated control plan, the Commission requested the assistance of this centre. This task is an additional task, not included in the existing work programme this centre performs as an EURL. The cost of this additional task is estimated at maximum EUR 20 000 and should be compensated by the Commission at a rate of 100 %.

(5) In accordance with Article 84 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ([3]) (the Financial Regulation) and Article 94 of the Commission Delegated Regulation (EU) No 1268/2012 ([4]), the commitment of expenditure from the Union budget shall be preceded by a financing decision setting out the essential elements of the action involving expenditure from the budget and adopted by the institution or the authorities to which powers have been delegated by the institution. Eligibility criteria should be established.

(6) The financial contribution from the Union should be granted subject to the condition that the tests and analyses have been carried out and that the competent authorities supply all the necessary information within the time limits laid down in this Decision. For reasons of administrative efficiency, all expenditure submitted for a financial contribution by the Union should be expressed in euro. The conversion rate for expenditure in a currency other than the euro should be set,

([1]) OJ L 165, 30.4.2004, p. 1.

([2]) Commission Recommendation 2014/180/EU of 27 March 2014 on a second coordinated control plan with a view to establishing the prevalence of fraudulent practices in the marketing of certain foods (see page 64 of this Official Journal).

([3]) Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

([4]) Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

HAS ADOPTED THIS DECISION:

Article 1

Subject matter

1. The Union shall contribute to the costs incurred by the Member States for the application of the coordinated control plan referred to in Recommendation 2014/180/EU (hereinafter 'Commission Recommendation'), with a total maximum amount of EUR 145 440.

2. The Union shall contribute to the costs incurred by the Centre Wallon de Recherches agronomiques (CRA-W), Gembloux, Belgium, for the calibration and coordination of the testing method for undeclared animal species in meat and meat products, with a total maximum amount of EUR 20 000.

3. The costs referred to in paragraphs 1 and 2 shall be financed from budgetary line 17.0403.

Article 2

Eligible costs to Member States

1. The Union contribution referred to in Article 1 paragraph 1 shall take the form of a reimbursement of 50 % of the costs of the tests performed by the competent authorities to implement the control plan referred to in point 1 of the Commission Recommendation.

2. The Union contribution shall not exceed:

(a) on average EUR 60 per test;

(b) the amounts indicated in Annex I.

3. Only the costs indicated in Annex II shall be eligible for contribution.

Article 3

Eligible costs to Centre Wallon de Recherches agronomiques (CRA-W), Gembloux, Belgium

1. The Union contribution referred to in Article 1 paragraph 2 shall take the form of a reimbursement of 100 % of the costs of the tasks related to calibration and coordination of the testing method used in the coordinated control plan referred to in the Commission Recommendation.

2. The following costs are eligible:

(a) personnel specifically allocated entirely or in part for carrying out the tasks in the premises of the laboratory; the costs are limited to actual salaries plus social security charges and other statutory costs included in the remuneration;

(b) consumables related to preparation of the standard samples;

(c) shipment costs;

(d) overheads equal to 7 % of the sum of the costs in (a), (b), and (c).

3. The costs shall be reported by 31 August 2014 in accordance with the format in Annex IV of this Decision.

Article 4

Eligibility rules

1. The Union contribution referred to in Article 1 paragraph 1 is subject to the following conditions:

(a) the tests have been performed in accordance with the terms of the Commission Recommendation;

(b) the Member States have provided the Commission with the report referred to in the Commission Recommendation within the deadline provided for therein;

(c) by 31 August 2014, the Member States have provided the Commission, in electronic form, with a financial report according to the format laid out in Annex III of this Decision.

2. The Commission may reduce the amount of the contribution referred to in Article 1 in cases where the conditions referred to in para 1 are not met, having regard to the nature and gravity of the non-compliance and to the potential financial loss for the Union.

3. At the request of the Commission, the Member States shall provide the documents providing evidence of the costs incurred for which a reimbursement is claimed in accordance with Article 2.

Article 5

Currency and conversion rate

1. The expenditure submitted by the Member States for a financial contribution by the Union shall be expressed in euro and shall exclude value added tax and all other taxes.

2. Where the expenditure of a Member State is in a currency other than the euro, the Member State concerned shall convert it into euro by applying the most recent exchange rate set by the European Central Bank, prior to the first day of the month in which the application is submitted by the Member State.

Article 6

This Decision constitutes a financing decision in the meaning of Article 84 of the Financial Regulation.

Article 7

This Decision shall be applicable from the date of publication of the Commission Recommendation.

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 27 March 2014.

For the Commission

Tonio BORG

Member of the Commission

ANNEX I

MAXIMUM AMOUNT OF THE EU CONTRIBUTION REFERRED TO IN ARTICLE 2(2)(B)

Member State	Recommended sample numbers	Extrapolated number of samples in 2nd round (5 %)	Maximum EU contribution per test	Maximum EU contribution per MS	TOTAL EU contribution
France, Germany, Italy, United Kingdom, Spain, Poland	150	8	60	9 480	56 880
Romania, Netherlands, Belgium, Greece, Portugal, Czech Republic, Hungary, Sweden, Austria, Bulgaria	100	5	60	6 300	63 000
Lithuania, Slovakia, Denmark, Ireland, Finland, Latvia, Croatia	50	3	60	3 180	22 260
Slovenia, Estonia, Cyprus, Luxembourg, Malta	10	1	60	660	3 300
TOTAL					145 440

ANNEX II

ELIGIBLE EXPENDITURE AS REFERRED TO IN ARTICLE 2(3)

The expenditure eligible for a financial contribution by the Union for carrying out the tests mentioned in this Implementing Decision, shall be limited to the costs incurred by the Member States for:

(a) the purchase of test kits, reagents and all consumables identifiable and especially used for carrying out the tests;

(b) personnel, whatever the status, specifically allocated entirely or in part for carrying out the tests in the premises of the laboratory; the costs are limited to actual salaries plus social security charges and other statutory costs included in the remuneration; and;

(c) overheads equal to 7 % of the sum of the costs referred to in (a) and (b), unless the Member State is using a commercial laboratory.

ANNEX III

Financial report as referred to in Article 4(1)(c)

DNA			
Staff	Hours	Cost/hour	Staff cost
(1)	(2)	(3)	(4) = (2) × (3)
		Subtotal staff	(5)
Test kits, reagents, consumables	Quantity	Unit cost	Total cost
(6)	(7)	(8)	(9) = (7) × (8)
		Subtotal consumables	(10)
		TOTAL	(11) = (5) + (10)
		Total including overheads	(11) × (1,07)

Alternative financial report as referred to in Article 4(1)(c), when using a commercial laboratory

Name of commercial laboratory	
Number of samples sent to the laboratory	
Total sum of invoice from commercial laboratory	

ANNEX IV

FINANCIAL REPORT AS REFERRED TO IN ARTICLE 3(3)

STAFF

Category	hours	Cost/hour	Staff cost
(1)	(2)	(3)	(4) = (2) × (3)

Consumables

Category	Quantity	Cost/unit	Cost consumables
(5)	(6)	(7)	(8) = (6) × (7)

Shipment costs

Specify	Quantity	Cost/unit	Cost shipment
(9)	(10)	(11)	(12) = (10) × (11)
		TOTAL	(13) = (4) + (8) + (12)
		TOTAL + overhead	(14) = (13) × 1,07

COMMISSION IMPLEMENTING DECISION

of 27 March 2014

amending Annex II to Decision 2003/467/EC as regards the declaration of Lithuania as officially brucellosis-free

(notified under document C(2014) 1940)

(Text with EEA relevance)

(2014/177/EU)

THE EUROPEAN COMMISSION,

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

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

Whereas:

(1) Directive 64/432/EEC applies to trade within the Union in bovine animals and swine. It lays down the conditions whereby a Member State or region of a Member State may be declared officially brucellosis-free as regards bovine herds.

(2) Annex II to Commission Decision 2003/467/EC [2] lists the Member States and regions thereof which are declared officially brucellosis-free.

(3) Lithuania has submitted to the Commission documentation demonstrating compliance with the conditions for the officially brucellosis-free status laid down in Directive 64/432/EEC for its whole territory.

(4) Following evaluation of the documentation submitted by Lithuania, that Member-State should be declared officially brucellosis-free.

(5) Annex II to Decision 2003/467/EC should therefore be amended accordingly.

(6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Annex II to Decision 2003/467/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 March 2014.

For the Commission

Tonio BORG

Member of the Commission

[1] OJ 121, 29.7.1964, p. 1977/64.

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

ANNEX

In Annex II to Decision 2003/467/EC, Chapter 1 is replaced by the following:

'**CHAPTER 1**

Officially brucellosis-free Member States

ISO code	Member State
BE	Belgium
CZ	Czech Republic
DK	Denmark
DE	Germany
EE	Estonia
IE	Ireland
FR	France
LV	Latvia
LT	Lithuania
LU	Luxembourg
NL	Netherlands
AT	Austria
PL	Poland
RO	Romania
SI	Slovenia
SK	Slovakia
FI	Finland
SE	Sweden'

COMMISSION IMPLEMENTING DECISION

of 27 March 2014

concerning animal health control measures relating to African swine fever in certain Member States

(notified under document C(2014) 1979)

(Text with EEA relevance)

(2014/178/EU)

THE EUROPEAN COMMISSION,

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

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

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

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down 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) Council Directive 2002/60/EC ([4]) lays down the minimum measures to be applied within the Union for the control of African swine fever, including the measures to be taken in the event of an outbreak of African swine fever and in cases where African swine fever is suspected or confirmed in feral pigs. Those measures include plans to be developed and implemented by Member States, and approved by the Commission, for the eradication of African swine fever from a feral pig population.

(2) Commission Decision 2005/363/EC ([5]) was adopted in response to the presence of African swine fever in Sardinia, Italy. That Decision lays down animal health rules on the movement, dispatch and marking of pigs and certain pig products from Sardinia, in order to prevent the spread of that disease to other areas of the Union.

(3) In addition, Commission Decision 2005/362/EC ([6]) approved a plan submitted by Italy to the Commission for the eradication of African swine fever in feral pigs in Sardinia.

(4) In 2014, cases of African swine fever in feral pigs, more specifically in wildboar, occurred in Lithuania and Poland due to the introduction of the African swine fever virus from neighbouring third countries where that disease is present. In order to focus the control measures and to prevent disease spread as well as to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade by third countries, a Union list of infected areas in those countries was urgently established in collaboration with the Member States concerned by means of Commission Implementing Decision 2014/93/EU ([7]) and Commission Implementing Decision 2014/134/EU ([8]) which both apply until 30 April 2014.

(5) African swine fever can be considered an endemic disease in the domestic and feral pig populations of certain third countries bordering the Union and represents a permanent threat for the Union.

(6) The disease situation is liable to endanger the pig herds in other regions of Lithuania, Italy and Poland and also in other Member States, notably in view of trade in commodities from porcine animals.

(7) Lithuania and Poland have taken measures to combat African swine fever within the framework of Directive 2002/60/EC and they are due to submit their plan for the eradication of African swine fever in feral pigs to the Commission for approval in accordance with Article 16 of that Directive.

([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]) 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).
([5]) Commission Decision 2005/363/EC of 2 May 2005 concerning animal health protection measures against African swine fever in Sardinia, Italy (OJ L 118, 5.5.2005, p. 39).
([6]) Commission Decision 2005/362/EC of 2 May 2005 approving the plan for the eradication of African swine fever in feral pigs in Sardina, Italy (OJ L 118, 5.5.2005, p. 37).
([7]) Commission Implementing Decision 2014/93/EU of 14 February 2014 concerning certain protective measures relating to African swine fever in Lithuania (OJ L 46, 18.2.2014, p. 20).
([8]) Commission Implementing Decision 2014/134/EU of 12 March 2014 concerning certain protective measures relating to African swine fever in Poland (OJ L 74, 14.3.2014, p. 63).

(8) It is appropriate that the Member States and areas concerned are listed in an Annex differentiated by the level of risk considering the epidemiological situation of African swine fever and whether it concerns both pigs holdings and the feral pig population (Part III), only the feral pig population (Part II) or the risk is due to certain proximity to the infection in the feral population (Part I).

(9) In terms of risk of spread of African swine fever, movements of different porcine commodities pose different levels of risk. As a general rule the movement of live pigs, their semen, ova and embryos and animal by-products of porcine origin from infected areas pose higher risks in terms of exposure and consequences than the movement of meat, meat preparations and meat products as indicated in the Scientific Opinion of the European Food Safety Authority of 2010 [1]. Therefore, the dispatch of live pigs and their semen, ova and embryos, animal by-products of porcine origin as well as the dispatch of certain meat, meat preparations and meat products from designated zones of the Member States listed in the Annex to this Decision should be prohibited. This prohibition includes all suidae as referred to in Council Directive 92/65/EEC [2].

(10) In order to take account of the different risk levels depending on the type of porcine commodities and the epidemiological situation in the Member States concerned, it is appropriate to provide for certain derogations for each type of porcine commodity from the territories listed in the different Parts of the Annex hereto. Those derogations are also in line with the risk mitigation measures for importation as regards African swine fever indicated in the Terrestrial Animal Health Code of the World Organization for Animal Health. The additional safeguard measures and health requirements or treatments applicable for those derogations should also be provided for in this Decision.

(11) Council Directive 64/432/EEC [3] and Commission Decision 93/444/EEC [4] provide that health certificates are to accompany the movements of animals. Where derogations from the prohibition on the dispatch of live pigs from areas listed in the Annex to this Decision are applied to live pigs intended for intra-Union trade or for export to a third country, those health certificates should include a reference to this Decision so to ensure that adequeate and accurate health information is provided in the relevant certificates.

(12) Commission Regulation (EC) No 599/2004 [5] provides that health certificates are to accompany the movements of certain products of animal origin. In order to prevent the spread of African swine fever to other areas of the Union, where a Member State is subject to a prohibition on the dispatch of fresh pigmeat, meat preparations and meat products consisting of, or containing pigmeat from certain parts of its territory, certain requirements should be laid down, in particular as regards certification, for the dispatch of such meat, meat preparations and meat products from other areas of the territory of that Member State not subject to that prohibition and those health certificates should include a reference to this Decision.

(13) In addition, it is appropriate, in order to prevent the spread of African swine fever to other areas of the Union and to third countries, to provide that the dispatch of fresh pigmeat, meat preparations and meat products consisting of, or containing meat of pigs from Member States with areas listed in the Annex, is subject to certain more stringent conditions. In particular, such fresh pigmeat, meat preparations and pigmeat products should be marked with special marks which cannot be confused with the the identification mark provided for in Regulation (EC) No 853/2004 of the European Parliament and of the Council [6] and with the health marks for pigmeat provided for in Regulation (EC) No 854/2004 of the European Parliament and of the Council [7].

(14) The period of application of the measures provided for in this Decision should take account of the epidemiology of African swine fever and the conditions to regain the African swine fever free status according to the Terrestrial Animal Health Code of the World Organization for Animal Health and therefore this period should last at least until 31 December 2017.

[1] The EFSA Journal 2010; 8(3):1556.

[2] Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC (OJ L 268, 14.9.1992, p. 54).

[3] Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine (OJ 121, 29.7.1964, p. 1977/64).

[4] Commission Decision 93/444/EEC of 2 July 1993 on detailed rules governing intra-Community trade in certain live animals and products intended for exportation to third countries (OJ L 208, 19.8.1993, p. 34).

[5] Commission Regulation (EC) No 599/2004 of 30 March 2004 concerning the adoption of a harmonised model certificate and inspection report linked to intra-Community trade in animals and products of animal origin (OJ L 94, 31.3.2004, p. 44).

[6] Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55).

[7] Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (OJ L 139, 30.4.2004, p. 206).

(15) Implementing Decisions 2014/93/EU and 2014/134/EU should be repealed and replaced by this Decision. Decision 2005/363/EC has been amended several times. Therefore, it is appropriate to repeal that Decision and replace it by this Decision.

(16) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter and scope

This Decision lays down animal health control measures in relation to African swine fever in the Member States or areas thereof as set out in the Annex (the Member States concerned).

It shall apply without prejudice to the plans for the eradication of African swine fever from feral pig populations in the Member State concerned, approved by the Commission in accordance with Article 16 of Directive 2002/60/EC.

Article 2

Prohibition on the dispatch of live pigs, porcine semen, ova and embryo, pig meat, pig meat preparations, pig meat products and any other products containing pig meat as well as consignments of animal by-products from porcine animals from certain areas listed in the Annex

The Member States concerned shall prohibit:

(a) the dispatch of live pigs from the areas listed in Parts II or III of the Annex;

(b) the dispatch of consignments of porcine semen, ova and embryos from the areas listed in Part III of the Annex;

(c) the dispatch of consignments of pig meat, pig meat preparations, pig meat products and any other products containing pig meat from the areas listed in Part III of the Annex;

(d) the dispatch of consignments of animal by-products from porcine animals from the areas listed in Part III of the Annex.

Article 3

Derogation from the prohibition on the dispatch of live pigs from the areas listed in Part II of the Annex

By way of derogation from the prohibition provided for in point (a) of Article 2, the Member States concerned may authorise the dispatch of live pigs from a holding located in the areas listed in Part II of the Annex to other areas in the territory of the same Member State provided that the pigs have been resident for a period of at least 30 days or since birth on the holding and no live pigs have been introduced into that holding during a period of at least 30 days prior to the date of the movement and

1. the pigs have been subjected to laboratory testing for African swine fever carried out with negative results on samples taken in accordance with the sampling procedures as laid down in the plan for the eradication of African swine fever referred to in the second paragraph of Article 1 of this Decision within a period of 15 days prior to the date of the movement and a clinical examination for African swine fever has been carried out by an official veterinarian in accordance with the checking and sampling procedures laid down in Part A of Chapter IV of the Annex to Commission Decision 2003/422/EC [1] on the date of shipment, or

2. the pigs come from a holding:

   (a) that has been subjected at least twice a year, with an interval of at least 4 months, to inspections by the competent veterinary authority, which:

      (i) followed the guidelines and procedures laid down in Chapter IV of the Annex to Decision 2003/422/EC;

      (ii) included a clinical examination and sampling in accordance with the checking and sampling procedures laid down in Part A of Chapter IV of the Annex to Decision 2003/422/EC;

      (iii) checked the effective application of the measures provided for in the second indent and in the fourth to seventh indents of Article 15(2)(b) of Directive 2002/60/EC;

   (b) that implements bio-security requirements for African swine fever as estabilised by the competent authority.

   (c) in which the pigs over the age of 60 days have been subjected to the laboratory testing for African swine fever referred to in paragraph 1.

Article 4

Derogation from the prohibition on the dispatch of consignments of pig meat, pig meat preparations, pig meat products and any other products consisting of or containing pig meat from the areas listed in Part III of the Annex

By way of derogation from the prohibition provided for in point (c) of Article 2, the Member States concerned may authorise the dispatch of pig meat, pig meat preparations, pig meat products and any other products consisting of or containing pig meat, from the areas listed in Part III of the Annex provided they are either:

[1] Commission Decision 2003/422/EC of 26 May 2003 approving an African swine fever diagnostic manual (OJ L 143, 11.6.2003, p. 35).

(a) derived from pigs which have been kept since birth in holdings located outside the areas listed in the Annex, and the pig meat, pig meat preparations and pig meat products consisting of, or containing such meat, have been produced, stored and processed in establishments approved in accordance with Article 10; or

(b) have been produced and processed in accordance with Article 4(1) of Directive 2002/99/EC.

Article 5

Derogation from the prohibition on the dispatch of consignments of animal by-products from porcine animals from the areas listed in Part III of the Annex.

By way of derogation from the prohibition provided for in point (d) of Article 2, the Member States concerned may authorise the dispatch of derived products as referred to in Article 3(2) of Regulation (EC) No 1069/2009 of the European Parliament and of the Council [1] obtained from animal by-products from porcine animals from the areas listed in Part III of the Annex provided that those by-products have been subjected to a treatment which ensures that the derived product pose no risks as regards African swine fever.

Article 6

Prohibition on the dispatch to other Member States and third countries of live pigs from the areas listed in the Annex

1. The Member States concerned shall ensure that live pigs are not dispatched from their territory to other Member States and third countries, except where those live pigs come from:

(a) areas outside those listed in the Annex;

(b) a holding where no live pigs originating from the areas listed in the Annex have been introduced during a period of at least 30 days immediately prior to the date of dispatch.

2. By way of derogation from paragraph 1, the Member States concerned may authorise the dispatch of live pigs from a holding located in the areas listed in the Part I of the Annex provided that those live pigs comply with the following conditions:

(a) they have been resident for a period of at least 40 days or since birth on the holding and no live pigs have been introduced into that holding during the a period of at least 30 days prior to the date of the dispatch;

(b) they come from a holding which implements bio-security requirements for African swine fever as establised by the competent authority;

(c) they have been subjected to laboratory testing for African swine fever carried out with negative results on samples taken in accordance with the sampling procedures as laid down in the plan for the eradication of African swine fever referred to in the second paragraph of Article 1 of this Decision within a period of 15 days prior to the date of the movement and a clinical examination for African swine fever has been carried out by an official veterinarian in accordance with the checking and sampling procedures laid down in Part A of Chapter IV of the Annex to Decision 2003/422/EC on the date of shipment; or

(d) they come from a holding which has been subjected at least twice a year, with an interval of at least 4 months, to inspections by the competent veterinary authority, which:

(i) followed the guidelines and procedures laid down in Chapter IV of the Annex to Decision 2003/422/EC;

(ii) included a clinical examination and sampling in accordance with the checking and sampling procedures laid down in Part A of Chapter IV of the Annex to Decision 2003/422/EC;

(iii) checked the effective application of the measures provided for provisions laid down in the second indent and in the fourth to seventh indents of Article 15(2)(b) of Directive 2002/60/EC.

3. For consignments of the live pigs referred to in this Article, the following additional wording shall be added to the corresponding health certificates referred to in:

(a) Article 5(1) of Directive 64/432/EEC, or

(b) Article 3(1) of Decision 93/444/EEC:

'Pigs in compliance with Article 6(2) of Commission Implementing Decision 2014/178/EU (*).

(*) OJ L 95, 29.3.2014, p. 48.'

Article 7

Prohibition on the dispatch to other Member States and third countries of consignments of porcine semen and ova and embryos of pigs from the areas listed in the Annex

The Member State concerned shall ensure that no consignments of the following commodities are dispatched from their territory to other Member States and third countries:

(a) porcine semen, unless the semen originates from boars kept at an approved collection centre as referred to in Article 3(a) of Council Directive 90/429/EEC [2] and situated outside the areas listed in Part II and Part III of the Annex to this Decision;

[1] Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300, 14.11.2009, p. 1).

[2] Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra- Community trade in and imports of semen of domestic animals of the porcine species (OJ L 224, 18.8.1990, p. 62).

(b) ova and embryos of animals of the porcine species, unless the ova and embryos originate from donor sows kept in holdings which comply with Article 6(2) and are situated outside the areas listed in Part II and III of the Annex and the embryos are conceived with semen in compliance with point (a).

Article 8

Prohibition on the dispatch to other Member States and third countries of consignments of animal by-products from porcine animals from the areas listed in the Annex

1. The Member State concerned shall ensure that no consignments of animal by-products from porcine animals are dispatched from their territory to other Member States and third countries, unless those porcine by-products originated from pigs originating in and coming from holdings located in the areas outside those listed in Parts II and III of the Annex.

2. By way of derogation from paragraph 1, the Member States concerned may authorise the dispatch of derived products obtained from animal by-products from porcine animals from the areas listed in Part II and Part III of the Annex to other Member States and third countries provided that:

(a) those by-products are have been subjected to a treatment which ensures that the derived product obtained from porcine animals poses no risks as regards African swine fever;

(b) the consignments are accompanied by a commercial document issued as referred in Chapter III of Annex VIII to Commission Regulation (EU) No 142/2011 ([1]).

Article 9

Prohibition on the dispatch to other Member States and third countries of fresh pig meat and of certain pig meat preparations and pig meat products from areas listed in the Annex

1. The Member States concerned shall ensure that consignments of fresh pig meat from pigs originating from holdings located in the areas listed in the Annex, and pig meat preparations and pig meat products consisting of, or containing meat of those pigs are not dispatched to other Member States and third countries, except where such pig meat was produced from pigs originating in and coming from holdings not located in the areas listed in Parts II or III of the Annex.

2. By way of derogation from paragraph 1, the Member States concerned with areas listed in Part III of the Annex may authorise the dispatch of fresh pig meat referred to in paragraph 1 and pig meat preparations and pig meat products consisting of, or containing such pig meat, to other Member States provided that those pig meat preparations and pig meat products are derived from pigs which have been kept since birth in holdings located outside the areas listed in Part III of the Annex and the fresh pig meat, pig meat preparations and pig meat products are produced, stored and processed in establishments approved in accordance with Article 10.

3. By way of derogation from paragraph 1, the Member States concerned with areas listed in Part II of the Annex may authorise the dispatch of fresh pig meat referred to in paragraph 1 and pig meat preparations and pig meat products consisting of, or containing such pig meat, to other Member States provided that those pig meat preparations and pig meat products are derived from pigs that comply with the requirements laid down in paragraph 1 or 2 of Article 3.

Article 10

Approval of slaughterhouses, cutting plants and meat processing establishments for the purposes of Article 4 and Article 9(2)

The competent authority of the Member States concerned shall only approve slaughterhouses, cutting plants and meat processing establishments for the purposes of Article 4 and Article 9(2) in which the production, storage and processing of the fresh pig meat and pig meat preparations and pig meat products consisting of or containing such pig meat eligible for dispatch to other Member States and third countries in accordance with the derogations provided for in Article 4 and Article 9(2), is carried out separately from the production, storage and processing of other products consisting of or containing fresh pig meat and pig meat preparations and pig meat products consisting of or containing meat derived from pigs originating in or coming from holdings located in areas listed in the Annex other than those approved in accordance with this Article.

Article 11

Derogation from the prohibition on the dispatch of fresh pig meat and of certain pig meat preparations and pig meat products from areas listed in the Annex

By way of derogation from Article 9, the Member States concerned may authorise the dispatch of fresh pig meat, pig meat preparations and pig meat products consisting of or containing such meat from the areas listed in Part II or Part III of the Annex, to other Member States and third countries provided that the products in question:

(a) have been produced and processed in compliance with Article 4(1) of Directive 2002/99/EC;

(b) are subjected to veterinary certification in accordance with Article 5 of Directive 2002/99/EC;

([1]) Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJ L 54, 26.2.2011, p. 1).

(c) are accompanied by the appropriate intra-Union trade health certificate as laid down by Regulation (EC) No 599/2004 of which Part II shall be completed by the following:

'Products in accordance with Commission Implementing Decision 2014/178/EU of 27 March 2014 concerning animal health control measures relating to African swine fever in certain Member States (*).

(*) OJ L 95, 29.3.2014, p. 48.'

Article 12

Information concerning Articles 9 to 11

The Member States shall communicate to the Commission and the other Member States, every six months from the date of this Decision, the updated list of approved establishments referred to in Article 10 and any relevant information on the application of Articles 9, 10 and 11.

Article 13

Measures relating to live feral pigs, fresh meat, meat preparations and meat products consisting of or containing meat from feral pigs

1. The Member States concerned shall ensure that:

(a) no live feral pigs from the areas listed in the Annex are dispatched to other Member States or to other areas in the territory of the same Member State;

(b) no consignments of fresh meat of feral pigs, meat preparations and meat products consisting of or containing such meat from the areas listed in the Annex are dispatched to other Member States or to other areas in the territory of the same Member State.

2. By way of derogation from paragraph 1(b), the Member States concerned may authorise the dispatch of consignments of fresh meat of feral pigs, meat preparations and meat products consisting of or containing such meat from the areas listed in Part I of the Annex to other areas in the territory of the same Member State not listed in the Annex, provided that the feral pigs have been tested with negative results for African swine fever in accordance with the diagnostic procedures set out in Parts C and D of Chapter VI of the Annex to Decision 2003/422/EC.

Article 14

Special health marks and certification requirements for fresh meat, meat preparations and meat products subject to prohibition referred to in Articles 2, 9 and 13

The Member States concerned shall ensure that the fresh meat and meat preparations and meat products subject to the prohibitions provided for in Articles 2, 9 and 13 are marked with a special health mark that is not oval and cannot be confused with:

(a) the identification mark for meat preparations and meat products consisting of, or containing pig meat, as set out in Section I of Annex II to Regulation (EC) No 853/2004;

(b) the health mark for fresh pig meat as set out in Chapter III of Section I of Annex I to Regulation (EC) No 854/2004.

Article 15

Requirements concerning holdings and transport vehicles in the areas listed in the Annex

The Member States concerned shall ensure that:

(a) the conditions laid down in the second and the fourth to seventh indents of Article 15(2)(b) of Directive 2002/60/EC are applied in the pig holdings located within the areas listed in the Annex to this Decision;

(b) vehicles which have been used for the transport of pigs or animal by-products from porcine animals originating from holdings located within the areas listed in the Annex to this Decision are cleansed and disinfected immediately following each operation and the transporter provides proof of such cleansing and disinfection.

Article 16

Information requirements of the Member States concerned

The Member States concerned shall inform the Commission and the other Member States, in the framework of the Standing Committee on the Food Chain and Animal Health, of the results of the surveillance for African swine fever carried out in the areas listed in the Annex, as provided for in the plans for the eradication of African swine fever from feral pig populations approved by the Commission in accordance with Article 16 of Directive 2002/60/EC and referred to in the second paragraph of Article 1 of this Decision.

Article 17

Compliance

The Member States shall amend the measures they apply to trade so as to bring them into compliance with this Decision and they shall give immediate appropriate publicity to the measures adopted. They shall immediately inform the Commission thereof.

Article 18

Repeal

Decision 2005/363/EC, Implementing Decisions 2014/93/EU and 2014/134/EU are repealed.

Article 19

Applicability

This Decision shall apply until 31 December 2017.

Article 20

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 27 March 2014.

For the Commission
Tonio BORG
Member of the Commission

ANNEX

PART I

1. **Lithuania**

The following areas in Lithuania:

(a) in Vilnius county (apskritis):	— part of Vilnius district municipality(southern part from the roads No A2 (E272) and No 103),
	— Trakai district municipality and Elektrėnai municipality;
(b) in Marijampolė county (apskritis):	— Marijampolė municipality, Kalvarija municipality and Kazlų Rūda municipality;
(c) in Kaunas county (apskritis):	— Prienai district municipality and Birštonas municipality.

2. **Poland**

The following areas in Poland:

In podlaskie voivodship:

— the city of Suwałki;

— the city of Białystok;

— the municipalities of Suwałki, Szypliszki and Raczki in suwalski district;

— the municipalities of Augustów with the city of Augustów, Nowinka, Sztabin and Bargłów Kościelny in augustowski district;

— the municipalities of Krasnopol and Puńsk in sejneński district;

— the municipalities of Goniądz, Jasionówka, Jaświły, Knyszyn, Krypno and Mońki in moniecki district;

— the municipalities of Suchowola and Korycin in sokólski district;

— the municipalities of Choroszcz, Juchnowiec Kościelny, Suraż, Turośń Kościelna, Tykocin, Zabłudów and Dobrzyniewo Duże in białostocki district;

— the municipalities of Bielsk Podlaski with the city of Bielsk Podlaski, Orla and Wyszki in bielski district;

— the municipalities of Narew, Narewka, Białowieża, Czyże, Dubicze Cerkiewne and Hajnówka with the city of Hajnówka in hajnowski district.

PART II

1. **Lithuania**

The following areas in Lithuania:

(a) in Vilnius county (apskritis):	— the Šalčininkai district municipality;
(b) in Alytus county (apskritis):	— the Lazdijai district municipality, Varėna district municipality, Alytus district municipality, Alytus city municipality and the Druskininkai municipality.

2. **Poland**

The following areas in Poland:

In podlaskie voivodship:

— the municipalities of Giby and Sejny with the city of Sejny in sejneński district;

— the municipalities of Lipsk and Płaska in augustowski district;

— the municipalities of Czarna Białostocka, Gródek, Supraśl, Wasilków and Michałowo in białostocki district;

— the municipalities of Dąbrowa Białostocka, Janów, Krynki, Kuźnica, Nowy Dwór, Sidra, Sokółka and Szudziałowo in sokólski district.

PART III

Italy

The following areas in Italy:

All areas of Sardinia.

DECISION OF THE EUROPEAN CENTRAL BANK

of 22 January 2014

amending Decision ECB/2004/2 adopting the Rules of Procedure of the European Central Bank

(ECB/2014/1)

(2014/179/EU)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 12.3 thereof,

Having regard to Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions [1], and in particular Articles 25(2) and 26(12) thereof,

Whereas:

(1) It is necessary to adjust the internal organisation of the ECB and its decision-making bodies to the new requirements arising from Regulation (EU) No 1024/2013 to clarify the interaction of the bodies involved in the process of preparing and adopting supervisory decisions.

(2) It is necessary to establish a Code of Conduct setting out the ethical standards for the guidance of the members of the Governing Council and their appointed alternates when exercising their functions.

(3) It is necessary to establish a high-level audit committee to strengthen internal and external layers of control and to contribute to further enhancing the corporate governance of the ECB and the Eurosystem.

(4) Article 21 of the Rules of Procedure specifies that the Conditions of Employment and the Staff Rules shall determine the employment relationship between the ECB and its staff. The Conditions of Employment and the Staff Rules have been amended to include the rules governing the selection and appointment of candidates. Article 20 of the Rules of Procedure on the selection, appointment and promotion of staff is now redundant and should therefore be repealed.

(5) It is also necessary to reflect some minor technical and editorial changes such as the new numbering of articles of the Treaty and the Statute of the European System of Central Banks and of the European Central Bank.

(6) The non-objection procedure pursuant to Article 26(8) of Regulation (EU) No 1024/2013 should not apply to decisions relating to the general framework under which supervisory decisions will be taken like the organisational framework referred to in Article 6(7) of Regulation (EU) No 1024/2013.

(7) Decision ECB/2004/2 [2] should be amended to take these developments into account,

HAS ADOPTED THIS DECISION:

Article 1

Amendments to the Rules of Procedure of the European Central Bank

Decision ECB/2004/2 is amended as follows:

1. Article 1 is replaced by the following:

'*Article 1*

Definitions

1.1. These Rules of Procedure shall supplement the Treaty on the Functioning of the European Union and the Statute of the European System of Central Banks and of the European Central Bank. Without prejudice to the provisions in Article 1.2, the terms in these Rules of Procedure shall have the same meaning as in the Treaty and the Statute.

1.2. The terms "participating Member State", "national competent authority" and "national designated authority" shall have the same meaning as defined in Council Regulation (EU) No 1024/2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (*).

(*) OJ L 287, 29.10.2013, p. 63.'.

2. The following new Article 5a is inserted:

'*Article 5a*

Code of Conduct for the members of the Governing Council

5a.1. The Governing Council shall adopt and update a Code of Conduct for the guidance of its members, which shall be published on the ECB's website.

5a.2. Each Governor shall ensure that his/her accompanying persons within the meaning of Article 3.2 and his/her alternates within the meaning of Article 3.3 sign a declaration of compliance with the Code of Conduct prior to any participation in the meetings of the Governing Council.'.

[1] OJ L 287, 29.10.2013, p. 63.

[2] Decision ECB/2004/2 of 19 February 2004 adopting the Rules of Procedure of the European Central Bank (OJ L 80, 18.3.2004, p. 33).

3. Article 9 is replaced by the following:

'*Article 9*

Eurosystem/ESCB committees

9.1. The Governing Council shall establish and dissolve committees. They shall assist in the work of the decision-making bodies of the ECB and shall report to the Governing Council via the Executive Board.

9.2. In respect of policy issues relating to the prudential supervision of credit institutions, the committees assisting in the work of the ECB regarding the tasks conferred on the ECB by Regulation (EU) No 1024/2013 shall report to the Supervisory Board and, where appropriate, to the Governing Council. In accordance with its own procedures, the Supervisory Board shall mandate the Vice-Chair to report via the Executive Board to the Governing Council on all such activity.

9.3. Committees shall be composed of up to two members from each of the Eurosystem NCBs and the ECB, appointed by each Governor and the Executive Board respectively.

9.4. When assisting in the work of the ECB's decision-making bodies with the tasks conferred on the ECB by Regulation (EU) No 1024/2013, the committees shall include one member from the central bank and one member from the national competent authority in each participating Member State, appointed by each Governor following consultation with the respective national competent authority where the national competent authority is not a central bank.

9.5. The Governing Council shall lay down the mandates of the committees and appoint their chairpersons. As a rule, the chairperson shall be a staff member from the ECB. Both the Governing Council and the Executive Board shall have the right to request studies of specific topics by committees. The ECB shall provide secretarial assistance to the committees.

9.6. Each non-Eurosystem national central bank may also appoint up to two staff members to take part in the meetings of a committee whenever it deals with matters falling within the field of competence of the General Council and whenever the chairperson of a committee and the Executive Board deems this participation appropriate.

9.7. Representatives of other Union institutions and bodies and any other third party may also be invited to take part in the meetings of a committee whenever the chairperson of a committee and the Executive Board deem this appropriate.'.

4. The following new Article 9b is inserted:

'*Article 9b*

Audit Committee

In order to strengthen the internal and external layers of control already in place and to further enhance the corporate governance of the ECB and the Eurosystem, the Governing Council shall establish an audit committee and lay down its mandate and composition.'.

5. Article 11.3 is replaced by the following:

'11.3. The Executive Board shall adopt and up-date a Code of Conduct for the guidance of its members and of the members of staff of the ECB, which shall be published on the ECB's website.'.

6. The following Articles are inserted:

'CHAPTER IVa

SUPERVISORY TASKS

Article 13a

Supervisory Board

Pursuant to Article 26(1) of Regulation (EU) (No) 1024/2013, a Supervisory Board established as an internal body of the ECB shall fully undertake the planning and execution of the tasks conferred on the ECB relating to the prudential supervision of credit institutions (hereinafter "supervisory tasks"). Any tasks of the Supervisory Board shall be without prejudice to the competences of the ECB decision-making bodies.

Article 13b

Composition of the Supervisory Board

13b.1. The Supervisory Board is composed of a Chair, a Vice-Chair, four representatives of the ECB and one representative of the national competent authority in each participating Member State. All members of the Supervisory Board act in the interest of the Union as a whole.

13b.2. Where the national competent authority of a participating Member State is not a central bank, the respective member of the Supervisory Board may bring a representative from the central bank of its Member State. For the purpose of voting, the representatives of one Member State shall be considered as one member.

13b.3. After hearing the Supervisory Board, the Governing Council shall adopt the proposal for the appointment of the Chair and the Vice-Chair of the Supervisory Board to be submitted to the European Parliament for approval.

13b.4. The terms and conditions of employment of the Chair of the Supervisory Board, in particular his/her salary, pension and other social security benefits, shall be the subject of a contract with the ECB and shall be fixed by the Governing Council.

13b.5. The term of office of the Vice-Chair of the Supervisory Board shall be five years and shall not be renewable. It shall not extend beyond the end of his/her mandate as member of the Executive Board.

13b.6. The Governing Council shall appoint the four representatives of the ECB to the Supervisory Board, who shall not perform duties directly related to the monetary policy function, on a proposal by the Executive Board.

Article 13c

Voting pursuant to Article 26(7) of Regulation (EU) No 1024/2013

For the purpose of adopting draft decisions pursuant to Article 26(7) of Regulation (EU) No 1024/2013 and on the basis of Article 16 of the Treaty on European Union, Article 238(3) of the Treaty on the Functioning of the European Union, and Protocol (No 36) on transitional provisions, the following rules shall apply:

(i) Until 31 October 2014, decisions shall be deemed adopted when at least 50 % of Supervisory Board members representing at least 74 % of the total number of weighted votes and 62 % of the total population, cast a vote in favour.

(ii) From 1 November 2014, decisions shall be deemed adopted when at least 55 % of the Supervisory Board members representing at least 65 % of the total population, cast a vote in favour. A blocking minority must include at least the minimum number of Supervisory Board members representing 35 % of the total population, plus one member, failing which the qualified majority shall be deemed attained.

(iii) Between 1 November 2014 and 31 March 2017, upon request of a representative of a national competent authority or upon request of a representative of the ECB in the Supervisory Board, decisions shall be deemed adopted when at least 50 % of Supervisory Board members representing at least 74 % of the total number of weighted votes and 62 % of the total population, cast a vote in favour.

(iv) Each of the four ECB representatives appointed by the Governing Council shall have a weighting equal to the median weighting of those of the representatives of the national competent authorities of participating Member States, as calculated on the basis of the method laid down in the Annex.

(v) The votes of the Chair and the Vice-Chair shall be weighted zero and shall count only towards the definition of the majority as far as the number of the members of the Supervisory Board is concerned.

Article 13d

Rules of Procedure of the Supervisory Board

The Supervisory Board shall adopt its Rules of Procedure after having consulted the Governing Council. The Rules of Procedure shall ensure the equal treatment of all participating Member States.

Article 13e

Code of Conduct for the members of the Supervisory Board

13e.1. The Supervisory Board shall adopt and update a Code of Conduct for the guidance of its members, which shall be published on the ECB's website.

13e.2. Each member shall ensure that any accompanying persons, alternates and the representatives of its national central bank, if the national competent authority is not the central bank, sign a declaration of compliance with the Code of Conduct prior to any participation in the meetings of the Supervisory Board.

Article 13f

Supervisory Board meetings

The Supervisory Board shall normally hold its meetings on the premises of the ECB. The proceedings of the Supervisory Board meetings shall be provided to the Governing Council, as soon as adopted, for information.

Article 13g

Adoption of decisions for the purpose of carrying out the tasks referred to in Article 4 of Regulation (EU) No 1024/2013

13g.1. The Supervisory Board shall propose to the Governing Council complete draft decisions for the purpose of carrying out the tasks referred to in Article 4 of Regulation (EU) No 1024/2013 together with explanatory notes outlining the background to and the main reasons underlying the draft decision. Such draft decisions shall be simultaneously transmitted to the national competent authorities of the participating Member States concerned together with information on the deadline given to the Governing Council in line with Article 13g.2.

13g.2. A draft decision within the meaning of Article 13g.1 shall be deemed adopted unless the Governing Council objects to it within ten working days. In emergency situations a reasonable time period shall be defined by the Supervisory Board and shall not exceed 48 hours. The Governing Council shall state the reasons for any objections in writing. The decision shall be transmitted to the Supervisory Board and to the national competent authorities of the Member States concerned.

13g.3. A non-euro area participating Member State shall notify the ECB of any reasoned disagreement with a draft decision of the Supervisory Board within five working days of receiving the draft decision pursuant to Article 13g.1. The ECB President shall transmit the reasoned disagreement to the Governing Council and the Supervisory Board without delay. The Governing Council shall take fully into account the reasons contained in an assessment prepared by the Supervisory Board when deciding on the matter within five working days of the information of the reasoned disagreement. This decision, together with a written explanation, shall be transmitted to the Supervisory Board and to the national competent authority of the Member State concerned.

13g.4. A non-euro area participating Member State shall notify the ECB of any reasoned disagreement with a Governing Council objection to a draft decision of the Supervisory Board within five working days of receiving such objection pursuant to Article 13g.2. The ECB President shall transmit the reasoned disagreement to the Governing Council and the Supervisory Board without delay. The Governing Council shall give its opinion on the reasoned disagreement expressed by the Member State within 30 days, and, stating its reasons, shall confirm or withdraw its objection. This decision on the confirmation or withdrawal of its objection shall be transmitted to the national competent authority of the Member State concerned. If the Governing Council withdraws the objection, the draft decision of the Supervisory Board shall be deemed adopted on the date of withdrawal of the objection.

Article 13h

Adoption of decisions for the purpose of carrying out the tasks referred to in Article 5 of Regulation (EU) No 1024/2013

13h.1. If a national competent or designated authority notifies the ECB of its intention to apply requirements for capital buffers or any other measures aimed at addressing systemic or macro-prudential risks pursuant to Article 5(1) of Regulation (EU) No 1024/2013, the notification, upon receipt by the Secretary of the Supervisory Board, shall be transmitted to the Governing Council and the Supervisory Board without delay. Upon a proposal prepared by the Supervisory Board based on the initiative and taking into account the input of the relevant committee and of the relevant internal structure, the Governing Council shall decide about the matter within three working days. Where the Governing Council objects to the notified measure, it shall explain its reasons in writing to the national competent or designated authority concerned within five working days of the notification to the ECB.

13h.2. If the Governing Council, upon a proposal prepared by the Supervisory Board based on the initiative and taking into account the input of the relevant committee and of the relevant internal structure, intends to apply higher requirements for capital buffers or to apply more stringent measures aimed at addressing systemic or macro-prudential risks pursuant to Article 5(2) of Regulation (EU) No 1024/2013, such intention shall be notified to the concerned national competent or designated authority at least ten working days prior to taking such a decision. If the concerned national competent or designated authority notifies the ECB in writing of its reasoned objection within five working days of the receipt of the notification, this objection, upon receipt by the Secretary of the Supervisory Board, shall be transmitted to the Governing Council and the Supervisory Board without delay. The Governing Council shall decide on the matter on the basis of a proposal prepared by the Supervisory Board based on the initiative and taking into account the input of the relevant committee and of the relevant internal structure. This decision shall be transmitted to the national competent or designated authority concerned.

13h.3. The Governing Council shall have the right to endorse, object to or amend proposals of the Supervisory Board within the meaning of Article 13h.1 and Article 13h.2. The Governing Council shall also have the right to request the Supervisory Board to submit a proposal within the meaning of Article 13h.1 and Article 13h.2 or to undertake specific analysis. If the Supervisory Board submits no proposals addressing such requests, the Governing Council, taking into account the input of the relevant committee and of the relevant internal structure, may take a decision in the absence of a proposal from the Supervisory Board.

Article 13i

Adoption of decisions pursuant to Article 14(2) to (4) of Regulation (EU) No 1024/2013

If a national competent authority notifies the ECB of its draft decision pursuant to Article 14(2) of Regulation (EU) No 1024/2013, the Supervisory Board shall transmit the draft decision, together with its assessment, within five working days to the Governing Council. The draft decision shall be deemed adopted unless the Governing Council objects within 10 working days of the notification to the ECB, extendable once for the same period in duly justified cases.

Article 13j

General framework referred to in Article 6(7) of Regulation (EU) No 1024/2013

The Governing Council shall adopt decisions establishing the general framework to organise the practical arrangements for the implementation of Article 6 of Regulation (EU) No 1024/2013, in consultation with national competent authorities and on the basis of a proposal from the Supervisory Board outside the scope of the non-objection procedure.

Article 13k

Separation of monetary policy and supervisory tasks

13k.1. The ECB shall carry out the tasks conferred on it by Regulation (EU) No 1024/2013 without prejudice to and separately from its tasks relating to monetary policy and from any other tasks.

13k.2. The ECB shall take all necessary measures to ensure separation between the monetary policy and the supervisory functions.

13k.3. The separation of monetary policy and the supervisory function shall not exclude the exchange between these two functional areas of the information necessary for the achievement of ECB and ESCB tasks.

Article 13l

Organisation of Governing Council meetings regarding the supervisory tasks

13l.1. The Governing Council meetings regarding the supervisory tasks shall take place separately from regular Governing Council meetings and shall have separate agendas.

13l.2. On a proposal from the Supervisory Board, the Executive Board shall draw up a provisional agenda and send it, together with the relevant documents prepared by the Supervisory Board, to the members of the Governing Council and other authorised participants at least eight days before the relevant meeting. This shall not apply to emergencies, in which the Executive Board shall act appropriately having regard to the circumstances.

13l. 3. The Governing Council of the ECB shall consult with the Governors of the non-Eurosystem NCBs of the participating Member States before objecting to any draft decision prepared by the Supervisory Board that is addressed to the national competent authorities in respect of credit institutions established in non-euro area participating Member States. The same shall apply where the concerned national competent authorities inform the Governing Council of their reasoned disagreement with such a draft decision of the Supervisory Board.

13l. 4. Unless otherwise provided for in this Chapter, the general provisions of Governing Council meetings laid down in Chapter I shall also apply to Governing Council meetings regarding the supervisory tasks.

Article 13m

Internal structure regarding the supervisory tasks

13m.1. The competence of the Executive Board in respect of the ECB's internal structure and the staff of the ECB shall encompass the supervisory tasks. The Executive Board shall consult the Chair and the Vice Chair of the Supervisory Board on such internal structure. Articles 10 and 11 shall apply accordingly.

13m.2. The Supervisory Board, in agreement with the Executive Board, may establish and dissolve substructures of a temporary nature, such as working groups or task forces. They shall assist in the work regarding the supervisory tasks and report to the Supervisory Board.

13m.3. The President of the ECB, after having consulted the Chair of the Supervisory Board, shall appoint a member of the staff of the ECB as Secretary of the Supervisory Board and the Steering Committee. The Secretary shall assist the Chair or, in his/her absence, the Vice-Chair in preparing the Supervisory Board meetings and shall be responsible for drafting the proceedings of these meetings.

13m.4. The Secretary shall liaise with the Secretary of the Governing Council for preparing the meetings of the Governing Council regarding supervisory tasks and shall be responsible for drafting the proceedings of these meetings.

Article 13n

Report under Article 20(2) of Regulation (EU) No 1024/2013

Upon a proposal from the Supervisory Board submitted by the Executive Board, the Governing Council shall adopt the annual reports addressed to the European Parliament, the Council, the Commission and the Eurogroup as required under Article 20(2) of Regulation (EU) No 1024/2013.

Article 13o

Representatives of the ECB at the European Banking Authority

13o.1. On a proposal by the Supervisory Board, the President of the ECB shall appoint or recall the ECB's representative to the Board of Supervisors of the European Banking Authority as provided for by Article 40(1)(d) of Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (*).

13o.2. The President shall nominate the accompanying second representative with expertise on central banking tasks to the Board of Supervisors of the European Banking Authority.

(*) OJ L 331, 15.12.2010, p. 12.'.

7. Article 15.1 is replaced by the following:

'15.1. Before the end of each financial year the Governing Council, acting upon a proposal from the Executive Board in accordance with any principles laid down by the former, shall adopt the budget of the ECB for the subsequent financial year. The expenditure for the supervisory tasks shall be separately identifiable within the budget and shall be consulted with the Chair and the Vice Chair of the Supervisory Board.'.

8. Article 17.5 is replaced by the following:

'17.5. Without prejudice to the second paragraph of Article 43 and the first indent of Article 46.1 of the Statute, ECB Opinions shall be adopted by the Governing Council. However, in exceptional circumstances and unless not less than three Governors state their wish to retain the competence of the Governing Council for the adoption of specific opinions, ECB Opinions may be adopted by the Executive Board, in line with comments provided by the Governing Council and taking into account the contribution of the General Council. The Executive Board shall be competent to finalise ECB Opinions on very technical matters and to incorporate factual changes or corrections. ECB Opinions shall be signed by the President. For ECB Opinions to be adopted in relation to the prudential supervision of credit institutions, the Governing Council may consult the Supervisory Board.'.

9. Article 17.8 is replaced by the following:

'17.8. Regulation No 1 determining the languages to be used by the European Economic Community (*) shall apply to the legal acts specified in Article 34 of the Statute.

(*) OJ 17, 6.10.1958, p. 385/58.'.

10. The following article is inserted:

'*Article 17a*

Legal instruments of the ECB related to supervisory tasks

17a.1. Unless otherwise provided for in regulations adopted by the ECB pursuant to Regulation (EU) No 1024/2013 and in this Article, Article 17 shall apply to the legal instruments of the ECB related to supervisory tasks.

17a.2. ECB guidelines related to supervisory tasks pursuant to Article 4(3) and Article 6(5)(a) of Regulation (EU) No 1024/2013 shall be adopted by the Governing Council, and thereafter notified and signed on behalf of the Governing Council by the President. Notification of the national competent authorities may take place by means of telefax, electronic mail or telex or in paper form.

17a.3. ECB instructions related to supervisory tasks pursuant to Article 6(3), Article 6(5)(a) and Articles 7(1), 7(4), 9(1) and 30(5) of Regulation (EU) No 1024/2013 shall be adopted by the Governing Council, and thereafter notified and signed on behalf of the Governing Council by the President. They shall state the reasons on which they are based. Notification of the national authorities competent for the supervision of credit institutions may take place by means of telefax, electronic mail or telex or in paper form.

17a.4. ECB decisions with regard to supervised entities and entities which have applied for authorisation to take up the business of a credit institution shall be adopted by the Governing Council and signed on its behalf by the President. They shall be thereafter notified to the persons to whom they are addressed.'.

11. Article 18 is replaced by the following:

'*Article 18*

Procedure under Article 128(2) of the Treaty

The approval provided for in Article 128(2) of the Treaty shall be adopted for the following year by the Governing Council in a single decision for all Member States whose currency is the euro within the final quarter of every year.'.

12. Article 20 is deleted.

13. Article 23.1 is replaced by the following:

'23.1. The proceedings of the decision-making bodies of the ECB, or any committee or group established by them, of the Supervisory Board, its Steering Committee and of any its substructures of a temporary nature shall be confidential unless the Governing Council authorises the President to make the outcome of their deliberations public. The President shall consult the Chair of the Supervisory Board prior to making any such decision in relation to the proceedings of the Supervisory Board, its Steering Committee and of any its substructures of a temporary nature.'.

14. In Article 23.3, the first sentence is replaced by the following:

'Documents drawn up or held by the ECB shall be classified and handled in accordance with the organisational rules regarding professional secrecy and management and confidentiality of information.'.

15. The following article is inserted:

'*Article 23a*

Confidentiality and professional secrecy regarding the supervisory tasks

23a.1. Members of the Supervisory Board, of the Steering Committee and of any substructures established by the Supervisory Board shall be subject to the professional secrecy requirements laid down in Article 37 of the Statute even after their duties have ceased.

23a.2. Observers shall not have access to confidential information relating to individual institutions.

23a.3. Documents drawn up by the Supervisory Board, the Steering Committee and any substructures of a temporary nature established by the Supervisory Board shall be ECB documents and shall therefore be classified and handled in accordance with Article 23.3.'.

16. The text set out in the Annex is added as an annex.

Article 2

Entry into force

This Decision shall enter into force on 24 January 2014.

Done at Frankfurt am Main, 22 January 2014.

The President of the ECB

Mario DRAGHI

ANNEX

'*ANNEX*

(as referred to in Article 13c(iv))

1. For the purposes of the voting pursuant to Article 13c, the four ECB representatives must be assigned as defined in the following paragraphs, the median weighted votes of the participating Member States under the weighted votes criterion, the median population of the participating Member States under the population criterion and, by virtue of their membership in the Supervisory Board, a vote under the number of members criterion.

2. Ranking, in ascending order, the weighted votes assigned to the participating Member States by Article 3 of the Protocol (No 36) on transitional provisions for the members representing the participating Member States, the median weighted vote is defined as the middle weighted vote if there is an odd number of participating Member States, and as the average of the two middle numbers, rounded up to the nearest whole number, if their number is even. Four times the median weighted vote must be added to the overall number of weighted votes of the participating Member States. The resulting number of weighted votes shall constitute the "total number of weighted votes".

3. The median population is defined in accordance with the same principle. For this purpose, recourse will be made to the figures published by the Council of the European Union as per Annex III, Article 1 and 2 of Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure (*). Four times the median population of the participating Member States must be added to the combined population in all participating Member States. The resulting population number shall constitute "the total population".

(*) OJ L 325, 11.12.2009, p. 35.'.

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 27 March 2014

on a second coordinated control plan with a view to establishing the prevalence of fraudulent practices in the marketing of certain foods

(Text with EEA relevance)

(2014/180/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules [1], and in particular Article 53 thereof,

Whereas:

(1) Article 53 of Regulation (EC) No 882/2004 empowers the Commission to recommend coordinated control plans where considered necessary, organised on an ad hoc basis, in particular with a view to establishing the prevalence of hazards in feed, food and animals.

(2) Directive 2000/13/EC of the European Parliament and of the Council [2] sets out Union rules on food labelling applicable to all foods.

(3) According to Directive 2000/13/EC, the labelling and methods used should not mislead the consumer, particularly as to the characteristics of the food, including its true nature and its identity. Furthermore, in the absence of specific Union or national rules, the name under which a food is sold should be the name customary in the Member State in which it is sold, or a description of the food which is clear enough to let the purchaser know its true nature.

(4) All ingredients must be mentioned on the label of pre-packaged foodstuffs intended for the final consumer or mass caterers. In particular, foods containing meat as an ingredient, when intended for the final consumer or mass caterers, must also indicate the animal species from which the meat originates directly on the package or on a label attached thereto. If an ingredient is mentioned in the name of the food, its quantity expressed as a percentage must also be provided in the list of ingredients in order to avoid the consumer being misled as regards the identity and the composition of the food.

(5) Regulation (EC) No 853/2004 of the European Parliament and of the Council [3] provides for additional labelling requirements applicable to specific foods of animal origin. In particular, it provides that packages intended for supply to the final consumer containing minced meat, amongst others, from solipeds are to bear a notice indicating that such products should be cooked before consumption, if, and to the extent that, national rules in the Member State in the territory of which the product is placed on the market so require.

(6) Following official controls carried out since December 2012 in a number of Member States, the Commission was informed that certain pre-packaged products contained horse meat which was not declared in the list of ingredients appearing directly on the package or on a label attached thereto. Instead, the name of certain such foods and/or the accompanying list of ingredients misleadingly referred solely to the presence of beef.

(7) In accordance with Article 17 of Regulation (EC) No 178/2002 of the European Parliament and the Council [4], food business operators at all stages of production, processing and distribution within the businesses under their control must ensure that foods satisfy the requirements of food law which are relevant to their activities and must verify that such requirements are met.

[1] OJ L 165, 30.4.2004, p. 1.

[2] Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs (OJ L 109, 6.5.2000, p. 29).

[3] Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55).

[4] Regulation (EC) No 178/2002 of the European Parliament and the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety (OJ L 31 1.2.2002, p. 1).

(8) Commission Recommendation 2013/99/EU [1] recommended that Member States implement a coordinated control plan with a view to establishing the prevalence of fraudulent practices in the marketing of certain foods for a period of one month. The recommended coordinated control plan consisted of two actions. The first action consisted of appropriate controls carried out at retail level and at other establishments to determine whether pre-packaged food products and non-pre-packaged food products contained horse meat which was not properly labelled on the packaging or, in the case of non-pre-packaged foodstuffs, information relating to its presence was not made available to the consumer or mass caterers. The second action consisted of appropriate controls carried out in establishments handling horse meat destined for human consumption, including foods originating from third countries, for the detection of residues of phenylbutazone.

(9) The results of the coordinated control plan confirmed recurrent non-compliance with legislation applicable to labelling of meat products in most Member States. It is therefore necessary to follow up the coordinated control plan with a second round of controls at retail level and other establishments, to determine whether the practices identified during the first coordinated control plan are still present.

(10) On the other hand, official controls performed to verify the presence of residues of phenylbutazone showed no widespread recurrent non-compliance; it seems therefore not necessary, at this stage, to recommend a second set of coordinated controls on this matter.

(11) During the first coordinated control plan, the European Union Reference Laboratory for Animal Proteins in Feedingstuffs provided advice on the use of methods to detect the presence of proteins of undeclared species in samples. There is still no validated method for this analysis, but following consultation with experts, the advice on the use of a harmonised protocol has been updated by the abovementioned laboratory and is made available on its website.

(12) The Member States should communicate the methods used, the results of controls and the measures taken in case of positive findings to the Commission within a set time frame and in a harmonised format.

(13) After consulting the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS RECOMMENDATION:

1. Member States should implement a coordinated control plan for a period of 4 consecutive weeks within the timeframe 21 April to 16 June 2014, in accordance with Annex I to this Recommendation.

2. Member States should report the results of the official controls carried out in accordance with point 1 and any relevant enforcement measures taken, by 22 July 2014 in the format given in Annex II to this Recommendation.

Done at Brussels, 27 March 2014.

For the Commission

Tonio BORG

Member of the Commission

[1] Commission Recommendation 2013/99/EU of 19 February 2013 on a coordinated control plan with a view to establish the prevalence of fraudulent practices in the marketing of certain foods (OJ L 48, 21.2.2013, p. 28).

ANNEX I

Second coordinated control plan with a view to establishing the prevalence of fraudulent practices in the marketing of certain foods

ACTIONS AND SCOPE OF COORDINATED CONTROL PLAN

A. Product scope

1. Foodstuffs marketed and/or labelled as containing beef (e.g. minced meat, meat preparations and meat products) as a dominant meat ingredient falling within the following categories:

   (a) Pre-packaged foodstuffs destined for the final consumer or mass caterers, which are labelled as containing beef as a dominant ingredient;

   (b) Foodstuffs offered for sale to the final consumer or to mass caterers without pre-packaging and foodstuffs packaged on sales premises at the consumer's request or pre-packaged for direct sale, which are marketed and/or otherwise indicated as containing beef as a dominant ingredient in the meat fraction of the product.

2. For the purpose of this coordinated control plan, the definition of 'pre-packaged foodstuff' in Article 1(3)(b) of Directive 2000/13/EC shall apply.

3. For the purpose of this coordinated control plan, the definitions of 'minced meat', 'meat preparations' and 'meat products' in points 1.13, 1.15 and 7.1 of Annex I to Regulation (EC) No 853/2004 shall apply.

B. Objective

Competent authorities should carry out official controls in order to establish whether the products referred to in point A contain horse meat which is not properly labelled on the packaging or, in the case of non-pre-packaged foodstuffs, whether information relating to its presence is not made available to the consumer or mass caterer, in accordance with Union and, where appropriate, national provisions.

C. Sampling points and procedure

1. The sample should be representative of the products concerned in the Member State and covering a variety of products.

2. The sampling of the products should be carried out at retail level (e.g. supermarkets, smaller retail shops and local butchers) and could also be extended to other establishments (e.g. cold stores).

D. Sample numbers and modalities

The table below gives an overview on the indicative recommended number of samples to be taken within the period provided in point 1 of the Recommendation. The distribution of samples per Member State is based on population figures with a minimum of 10 samples of the products concerned per Member State per 30 days.

Foodstuffs marketed as containing beef	
Country of sale	Recommended sample numbers
France, Germany, Italy, United Kingdom, Spain, Poland	150
Romania, Netherlands, Belgium, Greece, Portugal, Czech Republic, Hungary, Sweden, Austria, Bulgaria	100
Lithuania, Slovakia, Denmark, Ireland, Finland, Latvia, Croatia	50
Slovenia, Estonia, Cyprus, Luxembourg, Malta	10

E. Method

The following protocol should be used:

1. All samples should be submitted to an initial screening test aimed at detecting the presence of horsemeat in meat (as a ratio of mass fraction w/w) at the level of 0,5 % or above. The choice of screening method is up to the Member State.

2. Only samples positive to the screening test under para 1 should be subject to a confirmatory test using RT-PCR and targeting mitochondrial DNA aimed at detecting the presence of horsemeat in meat (as a ratio of mass fraction w/w) at the level of 1 % or above. The method used for confirmation must be calibrated to a standardised control sample of fresh meat delivered from the European Union Reference Laboratory for Animal Proteins in Feedingstuffs.

3. All confirmatory tests under para 2 in a Member State should be performed at a laboratory designated for that purpose by the Competent Authority. The designated laboratory may be in another Member State following an agreement with the Competent Authority in that Member State. The designated laboratory should as a minimum be ISO 17025 certified for comparable tests. The designated laboratory may also have taken part in the initial screening round.

   The name and address of the designated laboratories taking part in the confirmatory testing should be transmitted to the European Union Reference Laboratory for Animal Proteins in Feedingstuffs who will publish this information on their website.

   More detailed guidance on the confirmatory method is available on the website of the European Union Reference Laboratory for Animal Proteins in Feedingstuffs, at http://eurl.craw.eu/en/164/legal-sources-and-sops

ANNEX II

Report format for results referred to in point 2

Category of product	Number of samples	Test method used (type of test and brand name) in 1st round of screening	Number of positive results after 1st round of screening (=/> 0,5 %)	Test method used in confirmatory round	Number of positive results after 2nd round at designated laboratory (=/> 1 %)	Comments

Total number of samples	
Total positive after 1st round of screening	
Total positive after 2nd round confirmation at designated laboratory	

Report format for enforcement measures referred to in point 2

Number of positive findings where enforcement measures have been imposed to date	
If possible, detail the most common enforcement measures used (maximum three bullet points)	
Number of positive findings where no enforcement measures have been imposed to date	
If possible, detail the most common reasons for no enforcement measures (maximum three bullet points)	

CORRIGENDA

Corrigendum to Commission Implementing Decision 2014/148/EU of 17 March 2014 amending Decision 2011/130/EU establishing minimum requirements for the cross-border processing of documents signed electronically by competent authorities under Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market

(Official Journal of the European Union L 80 of 19 March 2014)

In the table of contents and on page 7, Commission Implementing Decision 2014/148/EU of 17 March 2014 amending Decision 2011/130/EU establishing minimum requirements for the cross-border processing of documents signed electronically by competent authorities under Directive 2006/123/EC of the European Parliament and of the Council on services in the internal market was published under the wrong heading:

for: 'Acts adopted by bodies created by international agreements',

read: 'Decisions'.

EN

([1]) Text with EEA relevance

Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN