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Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Delegated Regulation (EU) No 285/2014 of 13 February 2014 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on direct, substantial and foreseeable effect of contracts within the Union and to prevent the evasion of rules and obligations ⁽¹⁾** 1

Commission Implementing Regulation (EU) No 286/2014 of 20 March 2014 establishing the standard import values for determining the entry price of certain fruit and vegetables 4

Commission Implementing Regulation (EU) No 287/2014 of 20 March 2014 amending Regulation (EC) No 1484/95 as regards representative prices in the poultrymeat and egg sectors 6

DECISIONS

2014/152/CFSP:

- ★ **Political and Security Committee Decision Atalanta/1/2014 of 18 March 2014 on the appointment of the EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) and repealing Decision Atalanta/3/2013** 8

Price: EUR 3

(Continued overleaf)

⁽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.

★ Council Decision 2014/153/CFSP of 20 March 2014 amending Decision 2011/172/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt	9
2014/154/EU:	
★ Commission Implementing Decision of 19 March 2014 authorising the placing on the market of (6S)-5-methyltetrahydrofolic acid, glucosamine salt as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council (<i>notified under document C(2014) 1683</i>)	10
2014/155/EU:	
★ Commission Implementing Decision of 19 March 2014 authorising the placing on the market of coriander seed oil as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council (<i>notified under document C(2014) 1689</i>)	13
2014/156/EU:	
★ Commission Implementing Decision of 19 March 2014 establishing a specific control and inspection programme for fisheries exploiting stocks of bluefin tuna in the Eastern Atlantic and the Mediterranean, swordfish in the Mediterranean and for fisheries exploiting stocks of sardine and anchovy in the Northern Adriatic Sea (<i>notified under document C(2014) 1717</i>)	15

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) No 285/2014

of 13 February 2014

supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on direct, substantial and foreseeable effect of contracts within the Union and to prevent the evasion of rules and obligations

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

supervisory and enforcement arrangements have not yet been declared equivalent to the requirements laid down in that Regulation.

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

Having regard to Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories⁽¹⁾, and in particular Article 4(4) and point (e) of Article 11(14) thereof,

(3) Certain information on contracts concluded by third country entities would still only be available to third country competent authorities. Therefore Union competent authorities should closely cooperate with those authorities in order to ensure that the relevant provisions are applied and enforced.

(4) Given that a technical term is necessary for a comprehensive understanding of the appropriate technical standards, this term should be defined.

Whereas:

(1) Given the broad variety of OTC derivative contracts, in order to determine when an OTC derivative contract may be considered to have a direct, substantial and foreseeable effect within the Union and cases where it is necessary or appropriate to prevent the evasion of rules and obligations arising from any provision of Regulation (EU) No 648/2012, a criteria based approach should be adopted.

(2) Given that pursuant to Article 13(3) of Regulation (EU) No 648/2012, the provisions of that Regulation would be deemed fulfilled when at least one of the counterparties is established in a country for which the Commission has adopted an implementing act declaring equivalence in accordance with Article 13(2) of Regulation (EU) No 648/2012, these regulatory technical standards should apply to contracts where both counterparties are established in a third country whose legal,

(5) OTC derivative contracts concluded by entities established in third countries covered by a guarantee provided by entities established in the Union create a financial risk for the guarantor established in the Union. Furthermore, given that the risk would depend on the size of the guarantee granted by financial counterparties in order to cover OTC derivative contracts and given the interconnections between financial counterparties compared to non-financial counterparties, only OTC derivative contracts concluded by entities established in third countries that are covered by a guarantee which exceeds certain quantitative thresholds and is provided by financial counterparties established in the Union should be considered as having a direct, substantial and foreseeable effect in the Union.

(6) Financial counterparties established in third countries can enter into OTC derivative contracts through their Union branches. Given the impact of the activity of those branches on the Union market, OTC derivative contracts concluded between those Union branches should be considered to have a direct, substantial and foreseeable effect within the Union.

⁽¹⁾ OJ L 201, 27.7.2012, p. 1.

- (7) OTC derivative contracts that are entered into by specific counterparties with the primary purpose of avoiding the application of the clearing obligation or of the risk mitigation techniques applicable to entities that would have been the natural counterparties to the contract, should be considered as evading the rules and obligations laid down in Regulation (EU) No 648/2012 as they hinder the achievement of a purpose of that Regulation, namely mitigating counterparty credit risk.
- (8) OTC derivative contracts that are part of an arrangement whose characteristics are not supported by a business rationale or commercial substance and has as its primary purpose the circumvention of the application of Regulation (EU) No 648/2012, including rules relating to the conditions of an exemption, should be considered as evading the rules and obligations laid down in that Regulation.
- (9) Situations where the individual components of the arrangement are inconsistent with the legal substance of the arrangement as a whole, where the arrangement is carried out in a manner which would not ordinarily be used in what is expected to be reasonable business conduct, where the arrangement or series of arrangements includes elements that have the effect of offsetting or nullifying their reciprocal economic substance, where transactions are circular in nature, should be considered as indicators of an artificial arrangement or an artificial series of arrangements.
- (10) It is desirable to provide technical standards related to contracts that have a direct, substantial and foreseeable effect within the Union as well as technical standards related to the prevention of evasion of rules and obligations provided for in Regulation (EU) No 648/2012 in a single instrument since both sets of technical standards relate to the clearing obligation and the risk mitigation techniques. Furthermore, they share common features such as their application to a contract whose counterparties would not be subject to the clearing obligation or to the risk mitigation techniques if the conditions of Article 4(1)(a)(v) and Article 11(14)(e) of Regulation (EU) No 648/2012 specified further by this Regulation were not met.
- (11) Given that third country entities affected by these regulatory technical standards require time in order to arrange for compliance with the requirements of Regulation (EU) No 648/2012 when their OTC derivative contracts fulfil the conditions set out in these regulatory technical standards for being considered to have a direct, substantial and foreseeable effect within the Union, it is appropriate to delay the application of the provision containing those conditions by six months.
- (12) This Regulation is based on the draft regulatory technical standards submitted by the European Securities and Markets Authority to the Commission.
- (13) In accordance with Article 10 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council⁽¹⁾, the European Securities and Markets Authority has conducted open public consultations on the draft regulatory technical standards, analysed the potential related costs and benefits and requested the opinion of the Securities and Markets Stakeholder Group established in accordance with Article 37 of that Regulation,
- HAS ADOPTED THIS REGULATION:
- Article 1*
- Definitions**
- For the purposes of this Regulation the following definition shall apply:
- ‘guarantee’ means an explicitly documented legal obligation by a guarantor to cover payments of the amounts due or that may become due pursuant to the OTC derivative contracts covered by that guarantee and entered into by the guaranteed entity to the beneficiary where there is a default as defined in the guarantee or where no payment has been effected by the guaranteed entity.
- Article 2*
- Contracts with a direct, substantial and foreseeable effect within the Union**
1. An OTC derivative contract shall be considered as having a direct, substantial and foreseeable effect within the Union when at least one third country entity benefits from a guarantee provided by a financial counterparty established in the Union which covers all or part of its liability resulting from that OTC derivative contract, to the extent that the guarantee meets both of the following conditions:
- (a) it covers the entire liability of a third country entity resulting from one or more OTC derivative contracts for an aggregated notional amount of at least EUR 8 billion or the equivalent amount in the relevant foreign currency, or it covers only a part of the liability of a third country entity resulting from one or more OTC derivative contracts for an aggregated notional amount of at least EUR 8 billion or the equivalent amount in the relevant foreign currency divided by the percentage of the liability covered;
- ⁽¹⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority) (OJ L 331, 15.12.2010, p. 84).

(b) it is at least equal to 5 per cent of the sum of current exposures, as defined in Article 272, point (17) of Regulation (EU) No 575/2013 of the European Parliament and of the Council ⁽¹⁾, in OTC derivative contracts of the financial counterparty established in the Union issuing the guarantee.

When the guarantee is issued for a maximum amount which is below the threshold set out in point (a) of the first subparagraph, the contracts covered by that guarantee shall not have a direct, substantial and foreseeable effect within the Union unless the amount of the guarantee is increased, in which case the direct, substantial and foreseeable effect of the contracts within the Union shall be re-assessed by the guarantor against the conditions set out in points (a) and (b) of the first subparagraph on the day of the increase.

Where the liability resulting from one or more OTC derivative contracts is below the threshold set out in point (a) of the first subparagraph, such contracts shall not be considered to have a direct, substantial and foreseeable effect within the Union even where the maximum amount of the guarantee covering such liability is equal to or above the threshold set out in point (a) of the first subparagraph and even where the condition set out in point (b) of the first subparagraph has been met.

In the event of an increase in the liability resulting from the OTC derivative contracts or of a decrease of the current exposure, the guarantor shall re-assess whether the conditions set out in points (a) and (b) of the first subparagraph are met. Such assessment shall be done respectively on the day of the increase of liability for the condition set out in point (a) of the first subparagraph, and on a monthly basis for the condition set out in point (b) of the first subparagraph.

OTC derivative contracts for an aggregate notional amount of at least EUR 8 billion or the equivalent amount in the relevant foreign currency concluded before a guarantee is issued or increased, and subsequently covered by a guarantee that meets the conditions set out in points (a) and (b) of the first subparagraph, shall be considered as having a direct, substantial and foreseeable effect within the Union.

2. An OTC derivative contract shall be considered as having a direct, substantial and foreseeable effect within the Union

where the two entities established in a third country enter into the OTC derivative contract through their branches in the Union and would qualify as financial counterparties if they were established in the Union.

Article 3

Cases where it is necessary or appropriate to prevent the evasion of rules or obligations provided for in Regulation (EU) No 648/2012

1. An OTC derivative contract shall be deemed to have been designed to circumvent the application of any provision of Regulation (EU) No 648/2012 if the way in which that contract has been concluded is considered, when viewed as a whole and having regard to all the circumstances, to have as its primary purpose the avoidance of the application of any provision of that Regulation.

2. For the purposes of paragraph 1, a contract shall be considered as having for primary purpose the avoidance of the application of any provision of Regulation (EU) No 648/2012 if the primary purpose of an arrangement or series of arrangements related to the OTC derivative contract, is to defeat the object, spirit and purpose of any provision of Regulation (EU) No 648/2012 that would otherwise apply including when it is part of an artificial arrangement or artificial series of arrangements.

An arrangement that intrinsically lacks business rationale, commercial substance or relevant economic justification and consists of any contract, transaction, scheme, action, operation, agreement, grant, understanding, promise, undertaking or event shall be considered an artificial arrangement. The arrangement may comprise more than one step or part.

Article 4

Entry into force

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

Article 2 shall apply from 10 October 2014.

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

Done at Brussels, 13 February 2014.

For the Commission
The President

José Manuel BARROSO

⁽¹⁾ Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).

COMMISSION IMPLEMENTING REGULATION (EU) No 286/2014**of 20 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 multi-lateral trade negotiations, the criteria whereby the

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 20 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	145,0
	MA	62,4
	TN	80,7
	TR	95,4
	ZZ	95,9
0707 00 05	MA	182,1
	TR	144,2
	ZZ	163,2
0709 91 00	EG	45,1
	ZZ	45,1
0709 93 10	MA	36,8
	TR	87,4
	ZZ	62,1
0805 10 20	EG	49,3
	IL	67,2
	MA	58,4
	TN	50,6
	TR	58,1
	ZA	62,5
	ZZ	57,7
0805 50 10	TR	66,9
	ZZ	66,9
0808 10 80	AR	91,7
	CL	85,6
	CN	116,8
	MK	25,2
	US	179,8
	ZZ	99,8
0808 30 90	AR	98,0
	CL	126,3
	CN	74,5
	TR	158,2
	ZA	89,9
	ZZ	109,4

⁽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'.

COMMISSION IMPLEMENTING REGULATION (EU) No 287/2014**of 20 March 2014****amending Regulation (EC) No 1484/95 as regards representative prices in the poultrymeat and egg sectors**

THE EUROPEAN COMMISSION,

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

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

Whereas:

(1) Commission Regulation (EC) No 1484/95 ⁽²⁾ lays down detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.

(2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for

egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin.

(3) Regulation (EC) No 1484/95 should be amended accordingly.

(4) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 20 March 2014.

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

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

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 145, 29.6.1995, p. 47.

ANNEX

‘ANNEX I

CN code	Description of goods	Representative price (EUR/100 kg)	Security pursuant to Article 3(3) (EUR/100 kg)	Origin ⁽¹⁾
0207 12 10	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “70 % chickens”, frozen	121,7	0	AR
0207 12 90	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as “65 % chickens”, frozen	128,1	0	AR
		149,3	0	BR
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	292,2	2	AR
		243,7	17	BR
		317,3	0	CL
		261,0	12	TH
0207 27 10	Turkeys, boneless cuts, frozen	283,6	4	BR
		315,3	0	CL
0408 91 80	Eggs, not in shell, dried	422,2	0	AR
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	261,6	8	BR

⁽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 ATALANTA/1/2014

of 18 March 2014

on the appointment of the EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) and repealing Decision Atalanta/3/2013

(2014/152/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

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

Having regard to Council Joint Action 2008/851/CFSP of 10 November 2008 on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast ⁽¹⁾, and in particular Article 6 thereof,

Whereas:

- (1) Pursuant to Article 6(1) of Joint Action 2008/851/CFSP, the Council authorised the Political and Security Committee (PSC) to take decisions on the appointment of the EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (EU Force Commander).
- (2) On 2 December 2013, the PSC adopted Decision Atalanta/3/2013 ⁽²⁾ appointing Rear Admiral Hervé BLEJEAN as EU Force Commander.
- (3) The EU Operation Commander has recommended the appointment of Rear Admiral (LH) Jürgen zur MÜHLEN as the new EU Force Commander to succeed Rear Admiral Hervé BLEJEAN.
- (4) The EU Military Committee supports that recommendation.
- (5) Decision Atalanta/3/2013 should therefore 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

Rear Admiral (LH) Jürgen zur MÜHLEN is hereby appointed EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) as from 6 April 2014.

Article 2

Decision Atalanta/3/2013 is hereby repealed.

Article 3

This Decision shall enter into force on 6 April 2014.

Done at Brussels, 18 March 2014.

For the Political and Security Committee

The Chairperson

W. STEVENS

⁽¹⁾ OJ L 301, 12.11.2008, p. 33.

⁽²⁾ Political and Security Committee Decision Atalanta/3/2013 of 2 December 2013 on the appointment of an EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) (OJ L 324, 5.12.2013, p. 7).

COUNCIL DECISION 2014/153/CFSP**of 20 March 2014****amending Decision 2011/172/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt**

THE COUNCIL OF THE EUROPEAN UNION,

HAS ADOPTED THIS DECISION:

Article 1

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

In Article 5 of Decision 2011/172/CFSP, the second paragraph is replaced by the following:

Whereas:

‘This Decision shall apply until 22 March 2015.’

Article 2(1) On 21 March 2011, the Council adopted Decision 2011/172/CFSP ⁽¹⁾.This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*.

(2) On the basis of a review of Decision 2011/172/CFSP, the restrictive measures contained in that Decision should be renewed until 22 March 2015.

Done at Brussels, 20 March 2014.

(3) Decision 2011/172/CFSP should therefore be amended accordingly,

*For the Council**The President*

D. KOURKOULAS

⁽¹⁾ Council Decision 2011/172/CFSP of 21 March 2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Egypt (OJ L 76, 22.3.2011, p. 63).

COMMISSION IMPLEMENTING DECISION

of 19 March 2014

authorising the placing on the market of (6S)-5-methyltetrahydrofolic acid, glucosamine salt as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council

*(notified under document C(2014) 1683)***(Only the Italian text is authentic)**

(2014/154/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

(1) On 28 July 2011, the company Gnosis SpA made a request to the competent authorities of Ireland to place (6S)-5-methyltetrahydrofolic acid, glucosamine salt on the market as a novel food ingredient for use in food supplements.

(2) On 26 October 2011, the competent food assessment body of Ireland issued its initial assessment report. In that report it came to the conclusion that (6S)-5-methyltetrahydrofolic acid, glucosamine salt meets the criteria set out in Article 3(1) of Regulation (EC) No 258/97.

(3) On 28 February 2012, the Commission forwarded the initial assessment report to the other Member States.

(4) Reasoned objections were raised within the 60-day period laid down in the first subparagraph of Article 6(4) of Regulation (EC) No 258/97.

(5) On 14 September 2012 and on 5 March 2013 the Commission consulted the European Food Safety Authority (EFSA) asking it to carry out an additional assessment for (6S)-5-methyltetrahydrofolic acid, glucosamine salt as food ingredient in accordance with Regulation (EC) No 258/97.

(6) On 11 September 2013, EFSA adopted a Scientific Opinion on (6S)-5-methyltetrahydrofolic acid, glucosamine salt as a source of folate added for nutritional purposes to food supplements ⁽²⁾, concluding that (6S)-5-methyltetrahydrofolic acid, glucosamine salt is not of safety concern as a source of folate.

(7) The opinion gives sufficient grounds to establish that (6S)-5-methyltetrahydrofolic acid, glucosamine salt as a source of folate complies with the criteria laid down in Article 3(1) of Regulation (EC) No 258/97.

(8) Directive 2002/46/EC of the European Parliament and of the Council ⁽³⁾, lays down specific provisions for the use of vitamins and minerals in food supplements. The use of (6S)-5-methyltetrahydrofolic acid, glucosamine salt should be authorised without prejudice to the requirements of this legislation.

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

⁽²⁾ EFSA Journal 2013;11(10):3358.

⁽³⁾ Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements (OJ L 183, 12.7.2002, p. 51).

⁽¹⁾ OJ L 43, 14.2.1997, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

(6S)-5-methyltetrahydrofolic acid, glucosamine salt as a source of folate as specified in the Annex may be placed on the market in the Union as a novel food ingredient to be used in food supplements without prejudice to the specific provisions of Directive 2002/46/EC.

Article 2

The designation of (6S)-5-methyltetrahydrofolic acid, glucosamine salt, authorised by this Decision on the labelling of the foodstuffs containing it shall be '(6S)-5-methyltetrahydrofolic acid, glucosamine salt' or '5MTHF-glucosamine'.

Article 3

This Decision is addressed to Gnosis SpA, Via Laboratori Autobianchi 1, 20832 Desio (MB), Italy.

Done at Brussels, 19 March 2014.

For the Commission

Tonio BORG

Member of the Commission

ANNEX

SPECIFICATION OF (6S)-5-METHYLTETRAHYDROFOLIC ACID, GLUCOSAMINE SALT

Definition:

Chemical name	N-[4-[[[(6S)-2-amino-1,4,5,6,7,8-hexahydro-5-methyl-4-oxo-6-pteridinyl]methyl]amino]benzoyl]-L-glutamic acid, glucosamine salt
Chemical formula	C ₃₂ H ₅₁ N ₉ O ₁₆
Molecular weight	817,80 g/mol (anhydrous)

Description: Creamy to light-brown powder.**Identification:**

CAS No.	1181972-37-1
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Purity:

Diastereoisomeric purity	At least 99 % of (6S)-5-methyltetrahydrofolic acid
Glucosamine assay	34-36 % in dry basis
5-Methyltetrahydrofolic acid assay	54-59 % in dry basis
Water content	Not more than 8,0 %
Lead	Not more than 2,0 ppm
Cadmium	Not more than 1,0 ppm
Mercury	Not more than 0,1 ppm
Arsenic	Not more than 2,0 ppm
Boron	Not more than 10 ppm

Microbiological criteria:

Total aerobic microbial count	Not more than 100 cfu/g
Total combined yeast and moulds	Not more than 100 cfu/g
<i>Escherichia coli</i>	Absent in 10 g

COMMISSION IMPLEMENTING DECISION

of 19 March 2014

authorising the placing on the market of coriander seed oil as a novel food ingredient under Regulation (EC) No 258/97 of the European Parliament and of the Council

*(notified under document C(2014) 1689)***(Only the English text is authentic)**

(2014/155/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 258/97 of the European Parliament and of the Council of 27 January 1997 concerning novel foods and novel food ingredients ⁽¹⁾, and in particular Article 7 thereof,

Whereas:

- (1) On 21 July 2011, the company Nestec Ltd made a request to the competent authorities of Ireland to place coriander seed oil on the market as a novel food ingredient.
- (2) On 19 October 2011, the competent food assessment body of Ireland issued its initial assessment report. In that report the Food Safety Authority of Ireland stated that it has not identified any safety concerns with the consumption of food supplements containing coriander seed oil at the proposed use levels of 600 mg/day and therefore considers that this novel ingredient meets the criteria for novel food set out in Article 3(1) of Regulation (EC) No 258/97.
- (3) On 8 November 2011, the Commission forwarded the initial assessment report to the other Member States.
- (4) Reasoned objections were raised within the 60 day period laid down in the first subparagraph of Article 6(4) of Regulation (EC) No 258/97.
- (5) On 14 February 2013, the Commission consulted the European Food Safety Authority (EFSA) asking it to carry out an additional assessment for coriander seed oil as food ingredient in accordance with Regulation (EC) No 258/97.
- (6) On 10 October 2013, EFSA adopted a Scientific Opinion on the safety of coriander seed oil as a novel food ingredient ⁽²⁾, concluding that it is safe under the proposed uses and use levels.

(7) The opinion gives sufficient grounds to establish that coriander seed oil in the proposed uses and use levels complies with the criteria laid down in Article 3(1) of Regulation (EC) No 258/97.

(8) Directive 2002/46/EC of the European Parliament and of the Council ⁽³⁾ lays down requirements on food supplements. The use of coriander seed oil should be authorised without prejudice to the requirements of this legislation.

(9) 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

Coriander seed oil as specified in the Annex may be placed on the market in the Union as a novel food ingredient to be used in food supplements with a maximum dose of 600 mg per day without prejudice to the specific provisions of Directive 2002/46/EC.

Article 2

The designation of coriander seed oil authorised by this Decision on the labelling of the foodstuffs containing it shall be 'coriander seed oil'.

Article 3

This Decision is addressed to Nestec Ltd, Avenue Nestlé 55, 1800 Vevey, Switzerland.

Done at Brussels, 19 March 2014.

For the Commission

Tonio BORG

Member of the Commission

⁽¹⁾ OJ L 43, 14.2.1997, p. 1.

⁽²⁾ EFSA Journal 2013; 11(10):3422.

⁽³⁾ Directive 2002/46/EC of the European Parliament and of the Council of 10 June 2002 on the approximation of the laws of the Member States relating to food supplements (OJ L 183, 12.7.2002, p. 51).

ANNEX

SPECIFICATION OF CORIANDER SEED OIL

Definition:

Coriander seed oil is an oil containing glycerides of fatty acids that is produced from the seeds of the coriander plant *Coriandrum sativum* L.

Composition of fatty acids:

Palmitic acid (C16:0)	2-5 %
Stearic acid (C18:0)	< 1,5 %
Petroselinic acid (cis-C18:1(n-12))	60-75 %
Oleic acid (cis-C18:1 (n-9))	8-15 %
Linoleic acid (C18:2)	12-19 %
α -Linolenic acid (C18:3)	< 1,0 %
Trans fatty acids	Not more than 1 %

Description: Slight yellow colour, bland taste.

Identification:

CAS No	8008-52-4
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Purity:

Refractive index (20 °C)	1,466-1,474
Acid value	Not more than 0,6 mg KOH/g
Peroxide value	Not more than 5 meq/kg
Iodine value	88-102 units
Saponification value	186-198 mg KOH/g
Unsaponifiable matter	Not more than 15 g/kg

COMMISSION IMPLEMENTING DECISION

of 19 March 2014

establishing a specific control and inspection programme for fisheries exploiting stocks of bluefin tuna in the Eastern Atlantic and the Mediterranean, swordfish in the Mediterranean and for fisheries exploiting stocks of sardine and anchovy in the Northern Adriatic Sea

(notified under document C(2014) 1717)

(2014/156/EU)

THE EUROPEAN COMMISSION,

and specific measures for highly migratory species, for the purposes of the conservation, management and exploitation of living aquatic resources.

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

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

Whereas:

- (1) Regulation (EC) No 1224/2009 applies to all activities covered by the CFP carried out on the territory of Member States or in Union waters or by Union fishing vessels or, without prejudice to the primary responsibility of the flag Member State, by nationals of Member States, and lays down in particular that Member States shall ensure that control, inspection and enforcement are carried out on a non-discriminatory basis as regards sectors, vessels or persons, and on the basis of risk management.
- (2) Council Regulation (EC) No 302/2009 ⁽²⁾ lays down the general rules for the application by the Union of a multi-annual recovery plan for Bluefin tuna (*Thunnus thynnus*) recommended by the International Commission for the Conservation of Atlantic tunas (ICCAT).
- (3) Council Regulation (EC) No 1967/2006 ⁽³⁾ lays down rules concerning technical measures, management plans

- (4) At its 37th Annual meeting, in May 2013, the General Fisheries Commission of the Mediterranean (GFCM) approved Recommendation GFCM 37/2013/1 ⁽⁴⁾ on a multiannual management plan for fisheries on small pelagic stocks in the GFCM-geographical sub area 17 (Northern Adriatic Sea) and on transitional conservation measures for fisheries on small pelagic stocks in geographical sub area 18 (Southern Adriatic Sea).

- (5) At its Annual meeting of 2011, ICCAT adopted Recommendation [11-03] ⁽⁵⁾ for management measures for Mediterranean Swordfish. Provisions in recommendations approved by regional fisheries management organizations are binding to Member States and therefore relevant for this Decision, which addresses the way Member States shall plan, schedule and carry out their control and inspection of activities carried out within the scope of the CFP.

- (6) Article 95 of Regulation (EC) No 1224/2009 provides for the possibility for the Commission to determine, with the Member States concerned, the fisheries which are to be subject to a specific control and inspection programme. Such a specific control and inspection programme has to state the objectives, priorities and procedures as well as benchmarks for inspection activities to be established on the basis of risk management and to be revised periodically after an analysis of the achieved results. Member States concerned are obliged to adopt the necessary measures to ensure the implementation of the specific control and inspection programme, particularly as regards required human and material resources and the periods and zones where these are to be deployed.

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Council Regulation (EC) No 302/2009 of 6 April 2009 concerning a multi-annual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean, amending Regulation (EC) No 43/2009 and repealing Regulation (EC) No 1559/2007 (OJ L 96, 15.4.2009, p. 1).

⁽³⁾ Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 (OJ L 409, 30.12.2006, p. 11).

⁽⁴⁾ Recommendation GFCM 37/2013/1 on a multiannual management plan for fisheries on small pelagic stocks in the GFCM-GSA 17 (Northern Adriatic Sea) and on transitional conservation measures for fisheries on small pelagic stocks in GSA 18 (Southern Adriatic Sea).

⁽⁵⁾ Recommendation by ICCAT for management measures for Mediterranean Swordfish in the framework of ICCAT.

- (7) Article 95(2) of Regulation (EC) No 1224/2009 provides that the specific control and inspection programme states benchmarks for inspection activities that are to be established on the basis of risk management. For this purpose, it is appropriate to lay down common risk assessment and management criteria for checking, inspection and verification activities in order to allow timely risk analyses and global assessments of relevant control and inspection information. The common criteria aim at ensuring a harmonised approach to inspection and verification in all Member States and establishing a level playing field for all operators.
- (8) The specific control and inspection programme should be established for the period from 16 March 2014 until 15 March 2018 and should be implemented by Croatia, Cyprus, France, Greece, Italy, Malta, Portugal, Slovenia and Spain.
- (9) Article 98(1) and (3) of Commission Implementing Regulation (EU) No 404/2011 ⁽¹⁾ provides that, without prejudice to provisions contained in multi-annual plans, competent authorities of Member States have to adopt a risk based approach for the selection of targets for inspection, using all available information and, subject to a risk based control and enforcement strategy, carry out the necessary inspection activities in an objective way in order to prevent the retention on board, transshipment, landing, processing, transport, storage, marketing and stocking of fishery products originating from activities that are not in compliance with the rules of the CFP.
- (10) The European Fisheries Control Agency set up by Council Regulation (EC) No 768/2005 ⁽²⁾ ('EFCA') coordinates the implementation of the specific control and inspection programme through a joint deployment plan, which gives effect to the objectives, priorities, procedures and benchmarks for inspection activities determined in the specific control and inspection programme, and identifies the means of control and inspection which could be pooled by each Member State concerned. Relations between procedures defined by the specific control and inspection programme and those defined by the joint deployment plan, should therefore be clarified.
- (11) In order to harmonise the control and inspection procedures of the fisheries exploiting stocks of bluefin tuna in the Eastern Atlantic and the Mediterranean, swordfish in the Mediterranean and stocks of sardines and anchovy in the Northern Adriatic Sea, and to ensure the success of the multiannual plans and management measures for these stocks and their fisheries, it is appropriate to draw up rules for the control and inspection activities to be carried out by the competent authorities of the Member States concerned, including mutual access to relevant data. To that end, target benchmarks and objectives should determine the intensity and priorities of control and inspection activities.
- (12) Joint inspection and surveillance activities between the Member States concerned should be carried out, where applicable, in accordance with joint deployment plans established by the EFCA so as to enhance uniformity of control, inspection and surveillance practices and help developing the coordination of control, inspection and surveillance activities between the competent authorities of those Member States.
- (13) The results obtained through the application of the specific control and inspection programme should be assessed by means of annual evaluation reports to be communicated by each Member State concerned to the Commission and to the EFCA.
- (14) The measures provided for in this Decision have been established in concert with the Member States concerned. This Decision should therefore be addressed to these Member States.
- (15) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture.
- HAS ADOPTED THIS DECISION:
- CHAPTER I
- GENERAL PROVISIONS**
- Article 1*
- Subject matter and definitions**
- This Decision establishes a specific control and inspection programme applicable to fisheries exploiting stocks of bluefin tuna in the Eastern Atlantic and the Mediterranean, swordfish in the Mediterranean and for fisheries exploiting stocks of sardine and anchovy in the Northern Adriatic Sea.
- (11) In order to harmonise the control and inspection procedures of the fisheries exploiting stocks of bluefin

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

⁽²⁾ Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency and amending Regulation (EEC) No 2847/93 establishing a control system applicable to the common fisheries policy (OJ L 128, 21.5.2005, p. 1).

The Eastern Atlantic, the Mediterranean, the Northern Adriatic Sea are referred to hereinafter as 'the areas concerned'.

For the purpose of this Decision, the following definitions shall apply:

- (a) 'Northern Adriatic' means the zone defined as such in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council ⁽¹⁾.
- (b) 'Mediterranean' means Food and Agriculture Organisation (FAO) subzones 37.1, 37.2 and 37.3
- (c) 'Eastern Atlantic' means International Council for the Exploration of the Seas (ICES) Areas VII, VIII, IX, X as defined in Annex III to Regulation (EC) No 218/2009 of the European Parliament and of the Council ⁽²⁾ and FAO Division 34.1.2.

Article 2

Scope

1. The specific control and inspection programme shall in particular cover the following activities:

- (a) fishing activities within the meaning of Article 4(1) of Regulation (EC) No 1224/2009 in the areas concerned;
- (b) fishing related activities, including the farming, weighing, processing, marketing, transport and storage of fisheries products.
- (c) sport and recreational fisheries;
- (d) importation as defined in Article 2(11) of Council Regulation (EC) No 1005/2008 ⁽³⁾;
- (e) exportation as defined in Article 2(13) of Regulation (EC) No 1005/2008.

2. The specific control and inspection programme shall apply until 15 March 2018.

⁽¹⁾ Regulation (EU) No 1343/2011 of the European Parliament and the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 347, 30.12.2011, p. 44).

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

⁽³⁾ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

3. The specific control and inspection programme shall be implemented by Croatia, Cyprus, France, Greece, Italy, Malta, Portugal, Slovenia and Spain ('the Member States concerned').

CHAPTER II

OBJECTIVES, PRIORITIES, PROCEDURES AND BENCHMARKS

Article 3

Objectives

1. The specific control and inspection programme shall ensure the uniform and effective implementation of conservation and control measures applicable to stocks referred to in Article 1.

2. Control and inspection activities carried out under the specific control and inspection programme shall in particular aim at ensuring compliance with the following provisions:

- (a) fishing opportunities management and any specific conditions associated therewith, including the monitoring of quota uptake, effort regime and technical measures applied in the areas concerned;
- (b) reporting obligations applicable to fishing activities, in particular as regards the reliability of the information recorded and reported;
- (c) the obligation to land all catches for the stocks and the areas concerned by this Decision which are subject to a landing obligation in accordance with Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽⁴⁾;
- (d) specific provisions approved by Regional Fisheries Management Organizations regarding the stocks and the areas concerned by this Decision.

Article 4

Priorities

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

⁽⁴⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulation (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

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

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

Article 5

Procedures for risk assessment

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

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

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

Article 6

Risk management strategy

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

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

Article 7

Relation with joint deployment plans procedures

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

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

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

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

Article 8

Target benchmarks

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

2. For some species concerned by this decision, control objectives for all risk levels are set out in Annex II.

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

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

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

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

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

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

CHAPTER III

IMPLEMENTATION

Article 9

Cooperation between Member States and with third countries

1. Member States concerned shall cooperate with each other in the implementation of the specific control and inspection programme.

2. Where appropriate, all other Member States shall cooperate with the Member States concerned.

3. Member States may cooperate with the competent authorities of third countries for the implementation of the specific control and inspection programme.

Article 10

Joint inspection and surveillance activities

1. For the purpose of increasing the efficiency and effectiveness of their national fisheries control systems, Member States concerned shall undertake joint inspection and surveillance activities in waters under their jurisdiction and, where appropriate, on their territory. Where applicable, such activities shall be carried out in the framework of joint deployment plans referred to in Article 9(1) of Regulation (EC) No 768/2005.

2. For the purpose of joint inspection and surveillance activities, each Member State concerned shall:

- (a) ensure that officials from other Member States concerned are invited to participate in joint inspection and surveillance activities;
- (b) establish joint operational procedures applicable to their surveillance crafts;
- (c) designate contact points referred to in Article 80(5) of Regulation (EC) No 1224/2009, where appropriate.

3. Officials and Union inspectors may participate in joint inspection and surveillance activities.

Article 11

Exchange of data

1. For the purpose of implementing the specific control and inspection programme, each Member State concerned shall ensure the direct electronic exchange of data referred to in Article 111 of Regulation (EC) No 1224/2009 and Annex XII of Implementing Regulation (EU) No 404/2011 with other concerned Member States and the EFCA.

2. Data referred to in paragraph 1 shall be related to fishing activities and fishing related activities carried out in the area(s) covered by the specific control and inspection programme.

Article 12

Information

1. Pending the full implementation of Title XII, Chapter III of Regulation (EC) No 1224/2009, and in accordance with the format set out in Annex III of this Decision, each Member State concerned shall communicate by electronic means to the Commission and to the EFCA, the following information:

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

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

3. For fisheries exploiting stocks of Bluefin tuna in the Eastern Atlantic and the Mediterranean and swordfish in the Mediterranean, the information referred in paragraph 1 and 2 shall be transmitted by electronic means to the Commission and to the EFCA on 15 September and shall be updated on 31 January of the following year.

4. For fisheries exploiting stocks of sardine and anchovy in the Northern Adriatic Sea, the information referred in paragraph 1 and 2 of this article shall be transmitted by electronic means to the Commission and to the EFCA on 15 April and shall be updated 31 January of the following year.

Article 13

Evaluation

1. Each Member State concerned shall, by 31 March of the year following the relevant calendar year, send to the Commission and the EFCA an evaluation report concerning the effectiveness of the control and inspection activities carried out under this specific control and inspection programme.

2. The evaluation report referred to in paragraph 1 shall at least include the information listed in Annex IV. Member States concerned may also include in their evaluation report other actions such as training or information sessions designed to have an impact on compliance by fishing vessels, traps and other operators.

3. The EFCA, for its annual assessment of the effectiveness of joint deployment plans referred to in Article 14 of Regulation (EC) No 768/2005, shall take into consideration evaluation reports referred to in paragraph 1.

4. The Commission shall convene once a year a meeting of the Committee for fisheries and aquaculture to evaluate the suitability, adequacy and effectiveness of the specific control and inspection programme and its overall impact on compliance by fishing vessels, traps and other operators, on the basis of evaluation reports referred to in paragraph 1. Target benchmarks and objectives set out in Annex II may be reviewed accordingly.

Article 14

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 19 March 2014.

For the Commission

Maria DAMANAKI

Member of the Commission

ANNEX I

PROCEDURES FOR RISK ASSESSMENT

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

Risk description [depending on the risk/ fishery/area and data available]	Indicator [depending on the risk/ fishery/area and data available]	Step in the fishery/marketing chain (When and where does the risk appear)	Points to be considered [depending on the risk/fishery/area and data available]	Occurrence in the fishery (*)	Potential consequence(s) (*)	Level of risk (*)
[Note: risks identified by Member States should be in line with objectives defined in Article 3]			<p>Levels of catches/landings distributed by fishing vessels, stocks, and gears,</p> <p>Availability of quota to fishing vessels, distributed by fishing vessels, stocks and gears,</p> <p>Use of standardized boxes,</p> <p>Level and fluctuation of market price for the landed fisheries products (first sale),</p> <p>Number of inspections previously carried out and number of detected infringements for the fishing vessel and/or other operator concerned,</p> <p>Obligation to land as from 1 January 2015 in accordance with Regulation (EU) No 1380/2013,</p> <p>Background, and/or potential danger, of fraud linked to port/location/area, and metier,</p> <p>Any other relevant information or intelligence.</p>	<p><i>Frequent/</i></p> <p><i>Medium/</i></p> <p><i>Seldom</i></p> <p><i>cases/or</i></p> <p><i>Not</i></p> <p><i>significant</i></p>	<p><i>Serious/</i></p> <p><i>Significant/</i></p> <p><i>Acceptable/or</i></p> <p><i>Marginal</i></p>	<p><i>very low/</i></p> <p><i>low/</i></p> <p><i>medium/</i></p> <p><i>high/or</i></p> <p><i>very high</i></p>

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

ANNEX II

TARGET BENCHMARKS

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

On a yearly basis, the following target benchmarks and objectives shall be reached for the inspections at sea of fishing vessels engaged in the fishery exploiting stocks of bluefin tuna in the Eastern Atlantic and the Mediterranean, swordfish in the Mediterranean and stocks of sardine and anchovy in the Northern Adriatic, in the case that inspections at sea are relevant in relation to the step in the fishery chain and are part of the risk management strategy:

Benchmarks per year (*)	Level of estimated risk for fishing vessels in accordance with Article 5(2)	
	high	very high
Fishery No 1 bluefin tuna	Inspection at sea of at least [2,5] % of fishing trips by 'high risk' level fishing vessels targeting the fishery in question	Inspection at sea of at least [5] % of fishing trips by 'very high risk' level fishing vessels targeting the fishery in question
Objectives	Any risk level	
Fishery No 1 bluefin tuna	Notwithstanding the benchmarks set above, for transfers operations the objective shall be to inspect a maximum.	
Fishery No 2 swordfish	For inspections at sea, priority shall be given to compliance with technical measures and closure periods.	
Fishery No 3 sardine and anchovy	Inspection at sea of at least 20 % of fishing vessels targeting the stocks in question during the respective fishing season	

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

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

On a yearly basis, the following target benchmarks and Objectives shall be reached for the inspections ashore (including document based controls and inspections in ports or at first sale) of fishing vessels and other operators engaged in the fishery exploiting stocks of bluefin tuna in the Eastern Atlantic and the Mediterranean, swordfish in the Mediterranean and stocks of sardine and anchovy in the Northern Adriatic in the case that inspections ashore are relevant in relation to the step in the fishery/marketing chain and are part of the risk management strategy.

Benchmarks per year (*)	Level of risk for fishing vessels and/or other operators (first buyer)	
	high	very high
Fishery No 1 bluefin tuna	Inspection in port of at least [10] % of overall landed quantities by 'high risk' level fishing vessels	Inspection in port of at least [15] % of overall landed quantities by 'very high risk' level fishing vessels
Fishery No 3 sardine and anchovy	Inspection in port of overall [10] % landed quantities by 'high risk' level fishing vessels.	Inspection in port of overall [15] % landed quantities by 'very high risk' level fishing vessels.
Objectives	Any risk level	
Fishery No 2 swordfish	For inspections ashore, priority shall be given to compliance with technical measures and closure periods.	

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

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

3. Level of inspections in traps and farm installations

On a yearly basis, the following target benchmarks shall be reached for the inspections on traps and farming installations related to bluefin tuna in the areas concerned, in the case that inspections ashore are relevant in relation to the step in the fishery/marketing chain and are part of the risk management strategy.

Benchmarks per year (*)	Level of risk for traps and/or other operators (farm operator or first buyer)
	Any risk level
Fishery No 1 bluefin tuna	Inspection of 100 % of caging and transfer operations at traps and farm installations, including release of fish.

(*) expressed in a % of quantities involved in caging operations high/very high risk traps and farming installations/per year, including transfers and releases.

ANNEX III

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

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

Element name	Code	Description and content
Identification of inspection	II	ISO alpha2 country code + 9 digits, e.g. DK201200000
Date of inspection	DA	YYYY-MM-DD
Type of inspection or control	IT	Sea, ashore, transport, transfer, control transfer, caging, storage, transhipment, release, document (to be indicated)
Identification of each fishing vessel, vehicle or operator	ID	Union fleet register number and ICCAT registration No (if applicable), and name of the fishing vessel, traps, vehicle identification, and/or company name of the operator, including farm installations.
Fishing gear type	GE	Gear code based on FAO's International Standard Statistical Classification of the Fishing Gear
Infringement	SI	Y = yes, N = no
Type of Infringement detected	TS	Description of infringement with indication of provision concerned. If applicable, indicate type of serious infringement detected, in reference to the number (left column) in the Annex XXX of Implementing Regulation (EU) No 404/2011. In addition, the serious infringements referred to in Article 90(1)(a), (b) and (c) of the Control Regulation shall be respectively identified by the numbers '13', '14' and '15'. Furthermore (if applicable), the serious infringements referred to in Annex VI of Regulation (EC) No 302/2009 shall be respectively identified by the letters 'a', 'b',... 'p'.
Amount of fish concerned, by species	AF	Indicate the quantities concerned of each one of the species on board or (for live BFT) in the cage (for BFT: weight and numbers).
State of play follow up	FU	Indicate state of play: PENDING, APPEAL or CLOSED
Fine	SF	Fine in EUR, e.g. 500
Confiscation	SC	CATCH/GEAR/OTHER for physical confiscation. Amount confiscated in case of value of catch/gear in EUR, e.g. 10 000
Other	SO	In case of withdrawal of license/authorisation, indicate LI or AU + number of days, eg. AU30
Points	SP	Number of points assigned, e.g. 12
Remarks	RM	In case of no action taken following detection of an infringement, explanation why in free text.

ANNEX IV

CONTENT OF EVALUATION REPORTS

Evaluation reports shall at least contain the following information:

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

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

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

Analysis of inspection activities at sea (including aerial surveillance, where appropriate), in particular:

- comparison of patrol vessels provided/committed,
- infringements rate at sea,
- proportion of inspections at sea on fishing vessels with a 'very low', 'low', or 'medium' level of risk resulting in one or more infringement;
- proportion of inspections at sea on fishing vessels with a 'high' or 'very high' level of risk resulting in one or more infringement;
- type and level of sanctions/evaluation of the deterrent effect.

Analysis of ashore inspection activities (including document based controls and inspections in ports or at first sale, or transshipments), in particular:

- comparison of ashore-based inspection units provided/committed,
- ashore infringements rate,
- proportion of inspections ashore on fishing vessels and/or operators with a 'very low', 'low', or 'medium' level of risk resulting in one or more infringement;
- proportion of inspections ashore on fishing vessels and/or operators with a 'high' or 'very high' level of risk resulting in one or more infringement;
- type and level of sanctions/evaluation of the deterrent effect.

Analysis of inspection activities (including document based controls and inspections) carried out in trap installations and fattening and farming installations, in particular:

- For caging operations
 - comparison of inspections provided/committed,
 - infringements rate regarding transfer, caging and release operations,
 - type and level of sanctions/evaluation of the deterrent effect.

— For trap installations

— comparison of inspections provided, considering that 100 % harvesting and transfer operations shall be inspected in traps installations, including transfers to farms and to transport cages.

— infringements rate in trap installations,

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

Analysis of target benchmarks expressed in terms of compliance levels (where applicable), in particular:

— comparison of inspection means provided/committed;

— infringement rate and trend (by comparison with 2 previous years);

— proportion of inspections on fishing vessels/operators resulting in one or more infringements;

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

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

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

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