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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.

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 855/2014

of 4 August 2014

approving minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Robiola di Roccaverano (PDO))

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular the second subparagraph of Article 53(2) thereof,

Whereas:

- (1) By virtue of the first subparagraph of Article 53(1) of Regulation (EC) No 1151/2012, the Commission has examined Italy's application for the approval of amendments to the specification for the protected designation of origin 'Robiola di Roccaverano' registered under Commission Regulation (EC) No 1107/96 ⁽²⁾, as amended by Commission Regulation (EC) No 1263/96 ⁽³⁾ and by Regulation (EU) No 217/2011 ⁽⁴⁾.
- (2) The purpose of the application is to amend the specification as regards the temperature in the maturing rooms.
- (3) The Commission has examined the amendments in question and concluded that they are justified. Since the amendments are minor within the meaning of the third subparagraph of Article 53(2) of Regulation (EU) No 1151/2012, the Commission may approve them without following the procedure set out in Articles 50 to 52 of that Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specification for the protected designation of origin 'Robiola di Roccaverano' is hereby amended in accordance with Annex I to this Regulation.

Article 2

Annex II to this Regulation contains the consolidated Single Document setting out the main points of the specification.

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ L 148, 21.6.1996, p. 1.

⁽³⁾ OJ L 163, 2.7.1996, p. 19.

⁽⁴⁾ OJ L 59, 4.3.2011, p. 19.

Article 3

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

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

Done at Brussels, 4 August 2014.

*For the Commission,
On behalf of the President,
Ferdinando NELLI FEROCI
Member of the Commission*

ANNEX I

The following amendments have been approved to the specification for the protected designation of origin 'Robiola di Roccaverano':

The following sentence in the section on the production method has been deleted: 'The fresh cheeses are ripened naturally in suitable premises for at least three days after they are placed in moulds at a temperature of between 15 °C and 20 °C'. This amendment is requested by the producers, who often use the same premises for production, which requires temperatures of between 20 °C and 24 °C, as for the initial drying. It is very difficult to maintain different temperatures within one building so this requirement often penalises smaller cheese makers. This amendment request is based on observations recorded over many years which demonstrate that removing this requirement does not influence the final quality of the cheese.

ANNEX II

CONSOLIDATED SINGLE DOCUMENT

Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (*)

'ROBIOLA DI ROCCAVERANO'

EC No: IT-PDO-0317-01185 — 11.12.2013

PGI () PDO (X)

1. Name

'Robiola di Roccaverano'

2. Member State or Third Country

Italy

3. Description of the agricultural product or foodstuff**3.1. Type of product**

Class 1.3. — Cheeses

3.2. Description of the product to which the name in point 1 applies

'Robiola di Roccaverano' is a cheese made throughout the year from fresh curd subjected to ripening or maturing.

'Robiola di Roccaverano' PDO is cylindrical in shape with straight faces with slightly bevelled edges and a slightly convex lateral surface. The faces are between 10 and 14 cm in diameter and the lateral surface is 2,5 to 4 cm in height. Each cheese weighs between 250 and 400 grams. These parameters apply at the end of the minimum maturation period.

The reference criteria for 'Robiola di Roccaverano' as regards fat, protein substances and ash are as follows:

fat: minimum 40 % of dry matter

protein substances: minimum 34 % of dry matter

ash: minimum 3 % of dry matter.

The organoleptic properties of 'Robiola di Roccaverano' cheese vary according to the degree of ripening it undergoes:

fresh cheese ripened between 4 and 10 days: rind: this may be present in the form of a light natural bloom of mould or may be absent; external appearance: milky white or straw-yellow; paste: milky white; structure: creamy, soft; taste and flavour: delicate, rich and/or slightly sour;

and the mature cheese ripened for 11 days or more: rind: in the form of a natural bloom of mould; external appearance: milky white or straw-yellow or slightly reddish; paste: milky white; structure: soft, slightly more compact as maturing progresses, the flavoursome part next to the rind may be creamy.

The aromas and tastes of 'Robiola di Roccaverano' are intensified as the cheese is matured up to the point of pungency.

3.3. Raw materials (for processed products only)

'Robiola di Roccaverano' is made from raw whole milk sourced exclusively from the production area from goats of the Roccaverano and Camosciata Alpina breeds and their crosses, ewes of the Pecora delle Langhe breed and cows of the Piemontese and Bruna Alpina breeds and their crosses in the following proportions: using either raw whole goats' milk exclusively or a blend of goats' milk with up to 50 % raw whole cows' and/or ewes' milk, from successive milkings carried out within a period of between 24 and 48 hours.

(*) OJ L 93, 31.3.2006, p. 12. Replaced by Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

3.4. *Feed (for products of animal origin only)*

The sheep and goats are fed by grazing between 1 March and 30 November and with green and/or dried fodder and fresh and processed cereal grain, legumes and oleaginous plants. Parcels of meadow-pasture, grassland and woodland must be entered in a register held by the inspection body. The cows are fed by grazing and with green and/or dried fodder and fresh and processed cereal grain, legumes and oleaginous plants.

More than 80 % of the feed of all the animals must come from the production area. The use of maize silage and fodder is prohibited. The feed must not contain any GMOs. It is prohibited to use milk from livestock farms without grazing land.

3.5. *Specific steps in production that must take place in the defined geographical area*

Holdings rearing the livestock whose milk is used to produce 'Robiola di Roccaverano' must be located within the defined geographical area.

The milk must be produced and processed within the defined geographical area.

3.6. *Specific rules concerning slicing, grating, packaging, etc.*

The cheeses must be packed in the production area, since the cheese's lack of a rind and its fresh and soft body expose it to the risk of dehydration, oxidation and deterioration of the fat content. In addition, because of its lack of a rind at the time of production, the cheese cannot be indelibly marked.

3.7. *Specific rules concerning labelling*

On release for consumption, the packaging is sealed with an adhesive label bearing the PDO logo in the form of a stylised 'R'. The brown, stylised uppercase 'R' contains the image of a tower with battlements, inspired by the historic tower in the Municipality of Roccaverano; the counter within the letter 'R' represents a 'Robiola di Roccaverano' cheese and the stem is decorated with a green and pale yellow/green design intended to represent the meadows and the typical, sinuous shape of the hills of the Langhe. This is enclosed within a dark green ring bearing the words 'ROBIOLA DI ROCCAVERANO' in white, uppercase lettering with a small, white stylised flower at bottom centre. The whole logo is printed on a white background. Underneath the logo is the code number identifying the production holding and the label's serial number, on an ochre background for 'Robiola di Roccaverano' produced exclusively from goats' milk and on a white background for that produced from a blend of milks. The percentages of the different types of milk used must be marked on the label. All cheeses must be marketed whole, packed and bearing a seal.



4. **Concise definition of the geographical area**

The geographical area includes the following municipalities: Province of Asti: Bubbio, Cessole, Loazzolo, Mombaldone, Monastero Bormida, Olmo Gentile, Roccaverano, San Giorgio Scarampi, Serole and Vesime; Province of Alessandria: Castelletto d'Erro, Denice, Malvicino, Merana, Montechiaro d'Acqui, Pareto, Ponti, Spigno Monferrato and that part of the Municipality of Cartosio located on the left bank of the Erro stream.

5. **Link with the geographical area**

5.1. *Specificity of the geographical area*

The soil is clay with marl subsoil. In certain areas, compaction has produced colluvial soils in the form of a very deep clayey stratum with high water retention capacity, offering a very high level of fertility. The area has a typical continental climate characterised by extreme cold, significant snowfall and frequent cycles of freezing and thawing in winter and a rapid transition to high summer temperatures towards the end of June. There is little variation in the pattern of precipitation and the annual average rainfall is 300 mm, with very low points in the spring-summer

period, liable to cause serious droughts. These soil and climate conditions favour the growth of typical forage plants on grassland and meadow-pasture. The meadows feature a wide range of plants, mainly grasses (around 75 %) and legumes (around 25 %), together with a many aromatic and medicinal plants. The main grasses are: ryegrass (*Lolium* spp.), cock's-foot (*Dactylis glomerata*), fescue (*Festuca* spp.), meadow grass (*Poa* spp.) vernal grass, etc. The main legumes are: mountain clover (*Trifolium montanum*), bird's-foot trefoil (*Lotus corniculatus*), milfoil (*Achillea* spp.), etc. Among the aromatic and scented grasses, in addition to vernal grass, are umbrelliferae, such as wild carrot (*Daucus carota carota*), creeping thistle (*Cirsium arvense*), sage (*Salvia officinalis*), great lavender (*Lavandula latifolia*), many varieties of thyme (*Thymus* spp.), common rue (*Ruta graveolens*), rose hip (*Rosa canina canina*), etc. This mix of fodder plants, with its natural balance of carbohydrates, proteins and vitamins, provides high-quality feed for sheep, goats and cattle. The sheep and goats also graze on woodland, which as well as protecting the soil, also protects the animals from the excessive heat of summer.

5.2. Specificity of the product

'Robiola di Roccaverano' is a small, soft, rindless cheese. It is distinguished by its white paste, without holes. Its texture ranges from soft and creamy to compact and solid and it melts in the mouth, leaving a pleasant flavour and an aftertaste that ranges from green grass/medicinal plants to a more defined and pungent taste, reminiscent of toasted hazelnuts and the whiff of goat.

5.3. Causal link between the geographical area and the quality or characteristics of the product (for PDO) or a specific quality, the reputation or other characteristic of the product (for PGI)

The particular flavour and aroma of 'Robiola di Roccaverano' are the result of the high-quality raw milk from which it is produced. The quality of the milk can be attributed to the high quality of the cows', goats' and ewes' feed.

The particular properties of the flora with their different scents and aromas are also found in the milk, which means that the fragrance of 'Robiola di Roccaverano' cheese is unlike that of any other cheese.

A manuscript written by the priest Pistone dating from 1899 recounts the history of the Parish of Roccaverano and the surrounding hamlets from 960 to 1860. Among the historic information of political relevance are economic data that highlight the importance of Robiola, such as the fact that the Municipality of Roccaverano hosted five annual fairs. On these occasions, 'excellent Robiole cheeses' were sold for export. The manuscript refers specifically to export as by that time Robiola was well known not only in Italy but also in France. Clearly, Robiola was regarded as more than just an ordinary cheese and had already been given a specific designation, having characteristics that were different from other cheeses. Artisanal Robiola can also be kept for up to six months in oil in glass jars or stored in straw.

Reference to publication of the specification

(Article 5(7) of Regulation (EC) No 510/2006)

The Ministry launched the national opposition procedure with the publication of the amendment application regarding 'Robiola di Roccaverano' Protected Designation of Origin in Official Gazette of the Italian Republic No 160 of 10 July 2013.

The consolidated text of the product specification can be consulted on the following website: <http://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/3335>

or alternatively:

by going direct to the homepage of the Ministry of Agricultural, Food and Forestry Policy (www.politicheagricole.it) and clicking on 'Qualità e sicurezza' (at the top right of the screen) and then on 'Disciplinari di Produzione all'esame dell'UE' (Specifications submitted for examination by the EU).

COMMISSION IMPLEMENTING REGULATION (EU) No 856/2014**of 4 August 2014****approving minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Lammefjordsgulerod (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular the second subparagraph of Article 53(2) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined Denmark's application for the approval of amendments to the specification for the protected geographical indication 'Lammefjordsgulerod' registered under Commission Regulation (EC) No 2400/96 ⁽²⁾, as amended by Regulation (EC) No 564/2002 ⁽³⁾.
- (2) The purpose of the application is to amend the specification by giving more detailed information on the product description, the proof of origin, the method of production, etc. (the competent inspection authority).
- (3) The Commission has examined the amendments in question and concluded that they are justified. Since the amendments are minor within the meaning of the third subparagraph of Article 53(2) of Regulation (EU) No 1151/2012, the Commission may approve them without following the procedure set out in Articles 50 to 52 of that Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specification for the protected geographical indication 'Lammefjordsgulerod' is hereby amended in accordance with Annex I to this Regulation.

Article 2

Annex II to this Regulation contains the consolidated Single Document setting out the main points of the specification.

*Article 3*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 4 August 2014.

*For the Commission,
On behalf of the President,
Ferdinando NELLI FEROCI
Member of the Commission*

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ L 327, 18.12.1996, p. 11.

⁽³⁾ OJ L 86, 3.4.2002, p. 7.

ANNEX I

The specification for the protected geographical indication 'Lammefjordsgulerod' is amended as follows:

(a) **Description of product**

for: "Lammefjordsgulerod" carrots are very smooth and crunchy and very seldom turn greyish after washing. They are characterised by their relatively high dry matter and very high carotene content. Their sugar content is also relatively high.;

read: 'The "Lammefjordsgulerod" carrot is very smooth and crisp and has very little tendency to turn grey after washing. Its dry matter is relatively high, like its sugar content. Its carotene content is also very high.

The "Lammefjordsgulerod" carrot must fulfil the "Class I" requirements laid down in the UNECE standard for carrots (FFV-10).'

(b) **Geographical area**

for: 'The "Lammefjordsgulerod" carrot comes from the reclaimed area of the Lammefjord, which is physically delimited by the Ringkanal and the Audebo dam. Lammefjord is situated in Odsherred on Zealand, Denmark. Svinninge Vejle is part of the drained Lammefjord at the innermost end of the fjord. The area was drained before Lammefjord, primarily because it was narrow and shallow. Sidinge Fjord is also a reclaimed area of Isefjord, located north of Lammefjord. Klintsø is the northernmost area. This was originally a fjord but the mouth was blocked by natural silting. The area is also surrounded by drainage channels.

The fact that it is grown on the reclaimed seabed of the Lammefjord, which has a layer of silt (as described under "Link"), is a special condition for the production of the product.

The carrot is grown in accordance with the rules for the integrated production of field vegetables which is monitored by the Crops Directorate (*Plantedirektoratet*).;

read: 'The Lammefjord region is made up of four reclaimed fjord areas in Odsherred on Zealand (Denmark):

- the reclaimed portion of the Lammefjord, which is physically delimited by the Ringkanal and the Audebo dam;
- Svinninge Vejle, which is bounded to the south, west and north by the Ringkanal and to the east by the Svinninge-Hørve railway line;
- Sidinge Fjord, which is delimited by Sidinge dam and a surface water channel;
- Klintsø, which is delimited by drainage channels.'

(c) **Proof of origin**

for: "Lammefjordsgulerod" carrots must be washed and packed by approved washing enterprises on Lammefjord. One of the conditions imposed on an approved washing enterprise is that records are kept of receipt of carrots from the growing location and a clear physical separation of Lammefjord carrots from any other carrots grown on normal sandy soil outside the named areas is guaranteed. The Crops Directorate's IP check is a further check on these conditions.;

read: "Lammefjordsgulerod" carrots must be washed and packed by approved washing enterprises on Lammefjord, which is where documentary evidence of origin is kept. One of the conditions imposed on an approved washing enterprise is that records are kept of receipt of carrots from the growing location and a clear physical separation of "Lammefjordsgulerod" carrots from any other carrots grown on normal sandy soil outside the named areas is guaranteed.'

(d) Method of production

for: “Lammefjordsgulerod” carrots are grown in accordance with the rules for the integrated production of field vegetables/Dansk Miljøgrønt, the objective of which is to guarantee both yield and quality. For plant protection, for example, cultivation measures and biological control measures are preferred to chemicals where possible.

Some of the main areas which are subject to guidelines or requirements are:

- cultivation methods
- fertilisation
- irrigation
- plant protection (early warning, pest and fungal control)
- harvesting, storage and packaging
- management/training
- advice, documentation and monitoring,

read: “Lammefjordsgulerod” carrots must be grown in accordance with the GlobalG.A.P. (Global Partnership for Good Agricultural Practices) standard which sets the framework for Good Agricultural Practice. The standard lays down documentation requirements for quality control, environmental management, minimising the use of plant protection products, traceability, food safety and risk assessment of the working environment and food hygiene. Carrot packing centres in the Lammefjord region that wash, sort and pack carrots are also subject to the GlobalG.A.P. standard.’

(e) Inspection body

for: ‘Name: Plantedirektoratet

Address: Skovbrynet 18, DK-1250 Copenhagen’,

read: ‘Name: Inge Bodil Jochumsen, AgroManagement

Address: Kirketoften 5, 5610 Assens, tel. 51 24 49 89, website: agromanagement.dk’

(f) Labelling

for: ‘The Crops Directorate’s provisions concerning labelling must be complied with:

1) For carrots presented in packages, each wholesale package must bear the following particulars marked legibly, indelibly and visibly from the outside:

a) Identification

- Packer and/or dispatcher: Name and address or officially issued or accepted code mark: “Lammefjordsgulerod”

b) Nature of produce

- Name of the variety for the “Extra” class and (if the contents are not visible from the outside):
 - “bunches of carrots” or “carrots”
 - “early carrots” or “main-crop carrots”

c) Origin of produce

- Denmark
- Lammefjord

- d) Commercial specifications
 - class
 - size expressed by
 - minimum and maximum diameters or weight per carrot (if sized)
 - number of bunches (for carrots presented in bunches)
 - e) Official control mark (optional)
- 2) For carrots transported in bulk (loaded directly into a vehicle or vehicle compartment), the above particulars must appear on a document accompanying the goods or on a notice placed in a visible position inside the vehicle.’

read: ‘All packaging, be it in prepacked or open form, must bear the following:

- a) Name and address of packing centre
 - b) “Lammefjordens Grøntsagslaug” (“Lammefjord Vegetable Association”) logo
 - c) Class’
-

ANNEX II

CONSOLIDATED SINGLE DOCUMENT

Council Regulation (EC) No 510/2006 of 20 March 2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (*)

'LAMMEFJORDSGULEROD'

EC No: DK-PGI-0205-01118 — 04.06.2013

PGI (X) PDO ()

1. Name

'Lammefjordsgulerod'

2. Member State or Third Country

Denmark

3. Description of the agricultural product or foodstuff**3.1. Type of product**

Class 1.6. Fruit, vegetables and cereals, fresh or processed

3.2. Description of the product to which the name in 1 applies

The 'Lammefjordsgulerod' carrot is very smooth and crisp and has very little tendency to turn grey after washing. Its dry matter is relatively high, like its sugar content. Its carotene content is also very high.

'Lammefjordsgulerod' carrots must fulfil the 'Class I' requirements laid down in the UNECE standard for carrots (FFV-10).

'Lammefjordsgulerod' carrots must be grown in accordance with the GlobalG.A.P. (Global Partnership for Good Agricultural Practices) standard which sets the framework for Good Agricultural Practice.

3.3. Raw materials (for processed products only)

—

3.4. Feed (for products of animal origin only)

—

3.5. Specific steps in production that must take place in the defined geographical area

The entire production process takes place in the defined area.

3.6. Specific rules concerning slicing, grating, packaging, etc.

The carrots are washed and packed only at washing enterprises on Lammefjord.

3.7. Specific rules concerning labelling

(a) Name and address of packing centre

(b) 'Lammefjordens Grøntsagslaug' ('Lammefjord Vegetable Association') logo

(c) Class

(*) OJ L 93, 31.3.2006, p. 12. Replaced by Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

4. Concise definition of the geographical area

The Lammefjord region is made up of four reclaimed fjord areas in Odsherred on Zealand (Denmark):

- the reclaimed portion of the Lammefjord, which is physically delimited by the Ringkanal and the Audebo dam,
- Svinninge Vejle, which is bounded to the south, west and north by the Ringkanal and to the east by the Svinninge-Hørve railway line,
- Sidinge Fjord, which is delimited by Sidinge dam and a surface water channel,
- Klintsø, which is delimited by drainage channels.

5. Link with the geographical area

5.1. Specificity of the geographical area

The product is grown on the reclaimed seabed of the Lammefjord with its layer of silt. Sidinge Fjord was the first area to be drained in the Lammefjord region (starting in 1841), followed by Svinninge Vejle. The reclaiming of the largest area, the Lammefjord, started in 1873. Klintsø was the last area to be drained.

The subsoil consists of clay and marl or silty sand topped by a layer of silt several metres thick formed from vegetable and animal substances. Large areas of Lammefjord are more or less free of stones and the large numbers of old mussel and oyster shells give the soil a naturally high calcium content.

With its mild winters, cool summers and rainfall that is evenly distributed throughout the year, Lammefjord has an ideal carrot-growing climate.

5.2. Specificity of the product

Carrots from the Lammefjord region have a very smooth surface and retain their colour after washing and during storage. They retain their colour as the sand in the soil has been polished and is smoother and rounder than in classic sandy soils, which means that the carrots do not have cracks in them when they are harvested. Carrots from the Lammefjord region can therefore be refrigerated and handled at all times of the year without causing surface discoloration.

5.3. Causal link between the geographical area and the quality or characteristics of the product (for PDO) or a specific quality, the reputation or other characteristic of the product (for PGI)

The specific quality of 'Lammefjordsgulerod' carrots is related to the growing conditions provided by the former bed of the fjord. The special soil conditions allow gentle handling of the carrots, which have a smooth surface as a result.

The name 'Lammefjordsgulerod' is known throughout Denmark.

'Lammefjordsgulerod' carrots are one of the reasons why the general public associates Lammefjord with high-quality vegetables, and carrots in particular. 'Den store danske Encyklopædi' describes Lammefjord as follows: 'The drained fjord bed is highly fertile, producing cereals, seeds and vegetables. Lammefjord is known for its carrots and potatoes. Until 1980 it also had a reputation for flower bulbs and asparagus'.

Lammefjord is often mentioned in reports in Danish and foreign media of the success enjoyed in those years by Danish restaurants with their menus based on Nordic ingredients.

Reference to publication of the specification

[Article 5(7) of Regulation (EC) No 510/2006]

<http://www.foedevarestyrelsen.dk/SiteCollectionDocuments/Foedevarekvalitet/BGB-Lammefjordsgulerodder%20konsolideret.pdf>

COMMISSION IMPLEMENTING REGULATION (EU) No 857/2014**of 6 August 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, 6 August 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

<i>(EUR/100 kg)</i>		
CN code	Third country code ⁽¹⁾	Standard import value
0707 00 05	TR	81,4
	ZZ	81,4
0709 93 10	TR	94,3
	ZZ	94,3
0805 50 10	AR	145,6
	CL	186,3
	TR	75,0
	UY	145,3
	ZA	114,6
	ZZ	133,4
	0806 10 10	BR
0808 10 80	CL	187,7
	EG	154,7
	MA	170,9
	MX	246,6
	TR	161,3
	ZZ	182,3
	AR	142,3
	BR	105,8
	CL	98,9
	CN	120,8
0808 30 90	NZ	117,9
	US	156,0
	ZA	101,9
	ZZ	120,5
	AR	97,0
	CL	83,1
	TR	158,2
0809 29 00	ZA	121,5
	ZZ	115,0
	CA	324,1
	CH	367,5
	TR	405,8
	US	324,1
	ZZ	355,4

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0809 30	MK	58,0
	TR	138,8
	ZZ	98,4
0809 40 05	BA	39,4
	MK	49,3
	TR	127,6
	ZA	206,8
	ZZ	105,8

⁽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'.

CORRIGENDA**Corrigendum to Commission Regulation (EU) No 788/2014 of 18 July 2014 laying down detailed rules for the imposition of fines and periodic penalty payments and the withdrawal of recognition of ship inspection and survey organisations pursuant to Articles 6 and 7 of Regulation (EC) No 391/2009 of the European Parliament and of the Council**

(Official Journal of the European Union L 214 of 19 July 2014)

On page 12, Commission Regulation (EU) No 788/2014 shall read as follows:

**'COMMISSION REGULATION (EU) No 788/2014
of 18 July 2014****laying down detailed rules for the imposition of fines and periodic penalty payments and the withdrawal of recognition of ship inspection and survey organisations pursuant to Articles 6 and 7 of Regulation (EC) No 391/2009 of the European Parliament and of the Council**

(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 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations ⁽¹⁾, and in particular Article 14(2) thereof,

Whereas:

- (1) Articles 6 and 7 of Regulation (EC) No 391/2009 empower the Commission to impose fines and periodic penalty payments on recognised organisations, as defined in Article 2 of that Regulation, or to withdraw their recognition, in order to ensure the enforcement of the criteria and obligations established under that Regulation with a clear view to removing any potential threat to safety or the environment.
- (2) It is in the interest of transparency to lay down, in accordance with Article 14(2) of Regulation (EC) No 391/2009, detailed rules of procedure for decision-making, as well as the methodology for the calculation of fines and periodic penalty payments by the Commission so that it is known in advance by the organisations concerned, including specific criteria for the Commission to appraise the gravity of the case and the extent to which safety or the protection of the environment has been compromised.
- (3) Through the introduction of fines and periodic penalty payments the Commission should have a supplementary tool, allowing it to give a more nuanced, flexible and graduated response to a breach of the rules contained in Regulation (EC) No 391/2009 by a recognised organisation, compared to the withdrawal of its recognition.
- (4) Periodic penalty payments should be effective in ensuring that any breach of the obligations and requirements laid down in Regulation (EC) No 391/2009 is promptly and appropriately remedied. Therefore Regulation (EC) No 391/2009 empowers the Commission to apply periodic penalty payments where a recognised organisation has failed to undertake the preventive and remedial actions required by the Commission, after a reasonable period and until such time as the required actions have been taken by the recognised organisation concerned. If necessary, in light of the circumstances of the case, the daily amount of the periodic penalty payments may gradually be increased to reflect the urgency of the requested actions.
- (5) The calculation of fines and periodic penalty payments as a fraction of the turnover of the organisation, bearing in mind the maximum ceiling established in accordance with Regulation (EC) No 391/2009, is a simple method to make the fines and periodic penalty payments dissuasive while remaining proportionate to both the gravity of the case and the economic capacity of the organisation concerned, in light of the diverse sizes of recognised organisations.

⁽¹⁾ OJ L 131, 28.5.2009, p. 11.

- (6) The application of the maximum aggregate amount ceiling to the fines and periodic penalty payments should be clearly set out taking into account the different circumstances where this would apply, in the interests of transparency and legal certainty. For the same reasons, the way in which the total average turnover in the preceding three business years for the activities falling under the scope of Regulation (EC) No 391/2009 is calculated for each recognised organisation should also be laid down.
- (7) It is appropriate that a decision to withdraw the recognition of an organisation on the basis of the conditions laid down in Article 7(1) of Regulation (EC) No 391/2009 should consider all factors linked to the overarching objective of monitoring the recognised organisations' operations and overall performance, including the effectiveness of any fines and periodic penalty payments already imposed for repeated and serious breaches of that Regulation.
- (8) A specific procedure should be laid down in order to enable the Commission, be it at its own initiative or at the request of Member State(s), to withdraw the recognition of an organisation pursuant to Regulation (EC) No 391/2009, further to the Commission's powers to assess recognised organisations and to impose fines and periodic penalty payments with the associated procedures set out in this Regulation.
- (9) It is important that a decision to impose fines, periodic penalty payments or the withdrawal of recognition in accordance with this Regulation is based exclusively on grounds on which the recognised organisation concerned has been able to comment.
- (10) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, in particular the right of defence and the principles of confidentiality and *ne bis in idem*, in accordance with the general principles of law and the case law of the Court of Justice of the European Union.
- (11) Decisions imposing fines and periodic penalty payments in accordance with this Regulation should be enforceable in accordance with Article 299 of the Treaty on the Functioning of the European Union and can be subject to review by the Court of Justice of the European Union.
- (12) For the purpose of ensuring fairness and legal certainty in the conduct of the procedure, it is necessary to lay down detailed rules for the calculation of time limits set by the Commission in the course of the procedure and of the limitation periods that apply to the Commission for the imposition and enforcement of fines and periodic penalty payments, taking into account also the date of entry into force of Regulation (EC) No 391/2009.
- (13) The enforcement of this Regulation requires an effective cooperation between the Member States concerned, the Commission and the European Maritime Safety Agency. For that purpose, it is necessary to clarify the rights and obligations of each of these parties in the procedures laid down in this Regulation, in order to ensure the effective conduct of the inquiry, decision-making and follow-up process pursuant to Articles 6 and 7 of Regulation (EC) No 391/2009.
- (14) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) established by Regulation (EC) No 2099/2002 of the European Parliament and of the Council ⁽¹⁾,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down rules for the implementation of Articles 6 and 7 of Regulation (EC) No 391/2009 by the Commission.

⁽¹⁾ OJ L 324, 29.11.2002, p. 1.

It sets out the criteria for establishing the amount of fines and periodic penalty payments, the decision-making procedure to impose a fine and a periodic penalty payment or to withdraw the recognition of a recognised organisation on the Commission's own initiative or at the request of a Member State.

Article 2

Definitions

For the purposes of this Regulation, the definitions set out in Article 2 of Regulation (EC) No 391/2009 shall apply.

In addition the following definition shall apply:

"Member State concerned" means any Member State that has entrusted a recognised organisation with the inspection, survey and certification of ships flying its flag for compliance with the international conventions, in accordance with Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations ⁽¹⁾, including the Member State that has submitted the request for recognition of that organisation to the Commission, in accordance with Article 3 of Regulation (EC) No 391/2009.

CHAPTER II

FINES AND PERIODIC PENALTY PAYMENTS

Article 3

Identification of infringements

1. The Commission shall identify an infringement under Article 6(1) of Regulation (EC) No 391/2009 where:
 - (a) the serious or repeated failure by a recognised organisation to fulfil one of the minimum criteria set out in Annex I of Regulation (EC) No 391/2009 or its obligations under Articles 8(4), 9, 10 and 11 of Regulation (EC) No 391/2009 reveals serious shortcomings in a recognised organisation's structure, systems, procedures or internal controls;
 - (b) a recognised organisation's worsening performance, taking into account Commission Decision No 2009/491/EC ⁽²⁾, reveals serious shortcomings in that organisation's structure, systems, procedures or internal controls;
 - (c) a recognised organisation has deliberately provided incorrect, incomplete or misleading information to the Commission in the course of its assessment or otherwise obstructed that assessment.
2. In any infringement procedure under this Regulation, the burden of proving an infringement shall rest on the Commission.

Article 4

Calculation of fines

1. A basic fine of 0,6 % of the total average turnover of the recognised organisation, as determined in accordance with Article 9, shall be initially assigned to each infringement established on the basis of Article 6(1) of Regulation (EC) No 391/2009.
2. For the calculation of the individual fine for each infringement the basic fine referred to in paragraph 1 shall be increased or reduced, on the basis of the seriousness and of the effects of the infringement, in particular the extent to which safety or the protection of the environment have been compromised, in accordance with Articles 5 and 6 respectively.
3. The maximum amount of each individual fine shall not exceed 1,8 % of the total average turnover of the recognised organisation.
4. Where one action or omission of the recognised organisation forms the sole basis of two or more infringements under Article 6(1)(a) of Regulation (EC) No 391/2009 identified in accordance with Article 3(1)(a) of this Regulation, the concurrent individual fine shall be the highest of the individual fines calculated for the underlying infringements.

⁽¹⁾ OJ L 131, 28.5.2009, p. 47.

⁽²⁾ OJ L 162, 25.6.2009, p. 6.

5. The total fine imposed on a recognised organisation in one decision shall be the sum of all individual fines resulting from the application of paragraphs 1 to 4 of this Article, without prejudice to the maximum ceiling established under Article 6(3) of Regulation (EC) No 391/2009, as detailed Article 8 of this Regulation.

Article 5

Assessment of the seriousness of an infringement

When assessing the seriousness of each infringement the Commission shall take into account all relevant aggravating and mitigating circumstances, in particular the following:

- (a) whether the organisation has acted with negligence or intent;
- (b) the number of actions or omissions of the recognised organisation which give rise to the infringement;
- (c) whether the infringement affects isolated offices, geographical areas or the entire organisation;
- (d) the recurrence of the actions or omissions of the recognised organisation giving rise to the infringement;
- (e) the duration of the infringement;
- (f) a misrepresentation of the actual condition of ships in the certificates and documents of compliance delivered by the recognised organisation, or the inclusion of incorrect or misleading information therein;
- (g) prior sanctions, including fines, imposed on the same recognised organisation;
- (h) whether the infringement results from an agreement between recognised organisations or a concerted practice, which have as their object or effect the breach of the criteria and obligations provided in Regulation (EC) No 391/2009;
- (i) the degree of diligence and cooperation of the recognised organisation in the discovery of the relevant actions or omissions, as well as in the determination of the infringements by the Commission.

Article 6

Assessment of the effects of an infringement

When assessing the effects of each infringement, in particular the extent to which safety and the protection of the environment have been compromised, the Commission shall take into account all relevant aggravating and mitigating circumstances, in particular the following:

- (a) the nature and extent of the deficiencies actually or potentially affecting the fleet certified by the organisation, which the said organisation, as a result of the infringement, has failed to detect or may not be able to detect, or has failed to or may not be able to request the timely correction of, taking into account in particular the criteria for the detention of a ship laid down in Annex X of Directive 2009/16/EC of the European Parliament and of the Council ⁽¹⁾ on port State control;
- (b) the proportion of the fleet certified by the organisation actually or potentially affected;
- (c) any other circumstances posing specific identifiable risks, such as the type of the ships actually or potentially affected.

Article 7

Periodic penalty payments

1. Periodic penalty payments as referred to in Article 6(2) of Regulation (EC) No 391/2009 may be imposed by the Commission on the organisation concerned, without prejudice to the fines imposed pursuant to Article 3, in order to ensure that preventive and remedial action is taken as required by the Commission in the course of its assessment of the recognised organisation.

2. In the decision imposing fines pursuant to Article 3 the Commission may also establish periodic penalty payments to be imposed on the recognised organisation if, and for as long as, it fails to undertake remedial action or incurs unjustified delays in bringing the infringement to an end.

⁽¹⁾ OJ L 131, 28.5.2009, p. 57.

3. The decision imposing the periodic penalty payments shall determine the time limit within which the recognised organisation has to comply with the required action.
4. Periodic penalty payments shall apply as from the day following the expiry of the time limit established in accordance with paragraph 3 until the day on which appropriate remedial action has been undertaken by the organisation, provided that the remedial action is considered satisfactory by the Commission.
5. The basic amount per day of the periodic penalty payments for each infringement shall be 0,0033 % of the total average turnover of the recognised organisation calculated in accordance with Article 9. For the calculation of the individual amount of periodic penalty payments for each infringement, the basic amount shall be adjusted based on the seriousness of the infringement and taking into account the extent to which safety or the protection of the environment has been compromised, in the light of Articles 5 and 6 of this Regulation.
6. The Commission may decide, in light of the circumstances of the case, and in particular in view of the urgency of the remedial action to be undertaken by the organisation concerned, to increase the daily amount for periodic penalty payments up to the following limits:
 - (a) when the recognised organisation exceeds the time limit established pursuant to paragraph 3 by more than 120 days, from the 121st to the 300th day from the expiry of the time limit, 0,005 % per day of the organisation's total average turnover, calculated in accordance with Article 9;
 - (b) when the recognised organisation exceeds the time limit established pursuant to paragraph 3 by more than 300 days, from the 301st day from the expiry of the time limit, 0,01 % per day of the organisation's total average turnover, calculated in accordance with Article 9.
7. The total amount of periodic penalty payments imposed under this Article, individually or in addition to fines, shall not exceed the maximum ceiling established under Article 6(3) of Regulation (EC) No 391/2009, as detailed in Article 8 of this Regulation.

Article 8

Determination of maximum aggregate amount of fines and periodic penalty payments

The maximum aggregate amount of fines and periodic penalty payments imposed to the recognised organisation, as established in Article 6(3) of Regulation (EC) No 391/2009, shall be determined as follows:

- (a) the aggregate amount of the fines imposed on a recognised organisation in accordance with Article 4 within one business year for that organisation, taking into account the date of the decision to impose the fines and, in case of more than one decision imposing fines to that organisation, the date of the first decision imposing a fine on that organisation, shall not exceed 5 % of the total average turnover of that organisation calculated in accordance with Article 9;
- (b) the aggregate amount of the fines imposed on a recognised organisation in accordance with Article 4 within one business year for that organisation, determined in accordance with paragraph 1, and the periodic penalty payments imposed in the same decisions in accordance with Article 7(2) and accrued for as long as appropriate remedial action is not undertaken by the organisation shall not exceed 5 % of the total average turnover of that organisation calculated in accordance with Article 9. Without prejudice to Article 21, recovery by the Commission of the periodic penalty payments shall not exceed the 5 % ceiling;
- (c) the aggregate amount of the periodic penalty payments imposed on a recognised organisation in accordance with Article 7(1) and accrued for as long as appropriate preventive or remedial action is not undertaken by the organisation shall not exceed 5 % of the total average turnover of that organisation calculated in accordance with Article 9. Without prejudice to Article 21, recovery by the Commission of the periodic penalty payments shall not exceed the 5 % ceiling.

Article 9

Calculation of turnover

1. For the purposes of this Regulation the total average turnover of the recognised organisation concerned shall be one third of the amount obtained by adding, over the three business years preceding the Commission's decision, the aggregate turnover of the parent entity holding the recognition and all legal entities which are encompassed in that recognition at the end of each year.

2. In the case of a group with certified consolidated accounts, the turnover referred to in paragraph 1 shall be, as regards the parent entity and all legal entities included in that group which are encompassed in the recognition at the end of each business year, the consolidated revenue of those entities.

3. In the application of paragraphs 1 and 2 only the activities falling under the scope of Regulation (EC) No 391/2009 shall be taken into account.

CHAPTER III

WITHDRAWAL OF RECOGNITION

Article 10

Withdrawal of recognition

1. Upon its own initiative or at the request of a Member State, the Commission may adopt a decision to withdraw the recognition of an organisation, in the cases referred to in Article 7(1) points (a) to (e) of Regulation (EC) No 391/2009.

2. In order to determine whether a repeated and serious failure constitutes an unacceptable threat to safety or the environment in accordance with Article 7(1)(a) and (b) of Regulation (EC) No 391/2009, the following elements shall be taken into account:

(a) the information and circumstances referred to in Article 7(2) of Regulation (EC) No 391/2009, particularly in light of the circumstances referred to in Articles 5 and 6 of this Regulation;

(b) the criteria and, as the case may be, thresholds defined in Commission Decision 2009/491/EC.

3. When fines and periodic penalty payments imposed on a recognised organisation reach the maximum ceiling established in accordance with Article 6(3) of Regulation (EC) No 391/2009 and appropriate corrective action has not been taken by the recognised organisation, the Commission may consider that these measures have not attained their objective of removing any potential threat to safety or the environment.

Article 11

Procedure to withdraw recognition at the request of a Member State

1. Where a Member State requests the Commission to withdraw the recognition of an organisation in accordance with Article 7(3) of Regulation (EC) No 391/2009, it shall address that request in writing to the Commission.

2. The requesting Member State shall explain the reasons for its request in full detail and by reference, as appropriate, to the criteria listed in Article 7(1) and the circumstances listed in Article 7(2) of Regulation (EC) No 391/2009, as well as the circumstances listed in paragraphs 2 and 3 of Article 10 of this Regulation.

3. The requesting Member State shall provide the Commission with all necessary documentary evidence supporting its request, duly classified and numbered.

4. The Commission shall acknowledge receipt of the Member State's request in writing.

5. Where the Commission considers that additional information, clarification or evidence is necessary in order to take a decision, it shall inform the requesting Member State and invite it to supplement its submission as appropriate within a designated time limit, which shall not be less than four weeks. The Member State's request shall not be considered complete until all necessary information has been provided.

6. Within one year of receipt of a complete request, the Commission shall, if it concludes that the Member State's request is justified, address a statement of objections to the organisation concerned in accordance with Article 12, with a view to withdrawing its recognition in accordance with this Regulation. In this case, the requesting Member State shall be granted the consideration and rights of a Member State concerned under Chapter IV of this Regulation.

If, within the same time limit, the Commission concludes that the Member State's request is unjustified, it shall inform the requesting Member State, stating the reasons thereof and inviting that to submit its observations within a designated time limit, which shall not be less than three months. Within six months of receipt of these observations, the Commission shall either confirm that the request is unjustified or issue a statement of objections in accordance with the first subparagraph.

7. If the Commission concludes that the Member State's request is unjustified or that it remains incomplete after the expiry of the time limit referred to in paragraph 5, the Commission may choose to incorporate all or part of that request and its accompanying evidence into the assessment of the recognised organisation undertaken in accordance with Article 8 of Regulation (EC) No 391/2009.

8. The Commission shall report yearly to the COSS on the requests for withdrawal submitted by the Member States as well as the on-going withdrawal procedures initiated by the Commission.

CHAPTER IV

COMMON PROVISIONS

Article 12

Statement of objections

1. Where the Commission considers that there are grounds to impose a fine and periodic penalty payments on a recognised organisation in accordance with Article 6 of Regulation (EC) No 391/2009, or to withdraw an organisation's recognition in accordance with Article 7 of that Regulation, it shall address a statement of objections to the organisation and notify the Member States concerned.

2. The statement of objections shall include:

- (a) a detailed account of the recognised organisation's actions and omissions, including the description of the relevant facts and the identification of the provisions of Regulation (EC) No 391/2009, which the Commission considers to have been breached by the recognised organisation;
- (b) an identification of the evidence on which the relevant findings are based, including by reference to inspection reports, assessment reports, or any other relevant documents which have been previously communicated to the organisation concerned by the Commission or by the European Maritime Safety Agency acting on the Commission's behalf;
- (c) a notice that fines and periodic penalty payments or the withdrawal of recognition may be imposed by the Commission in accordance with Articles 6 or 7 of Regulation (EC) No 391/2009.

3. When notifying the statement of objections, the Commission shall invite the recognised organisation and the Member States concerned to submit written observations within a designated time limit, which shall not, in any event, be less than six weeks of the date of receipt of the statement of objections. The Commission shall not be obliged to take into account submissions received after the expiry of that time limit, without prejudice to the provisions of Article 24 paragraph 4 of this Regulation.

4. The notification of a statement of objections shall not suspend the assessment of the organisation concerned. At any moment prior to the adoption of a decision to impose a fine and periodic penalty payments, or the withdrawal of recognition in accordance with this Regulation, the Commission may decide to carry out additional inspections of an organisation's offices and facilities, to visit ships certified by the organisation or to request the recognised organisation in writing to provide additional information relating to its compliance with the criteria and obligations under Regulation (EC) No 391/2009.

5. At any moment prior to the adoption of a decision to impose a fine and periodic penalty payments, or the withdrawal of recognition in accordance with this Regulation, the Commission may amend its assessment of the recognised organisation concerned. If the new assessment is different to the assessment which gave rise to the statement of objections, because new facts have been discovered, or because new infringements or new circumstances concerning the seriousness of an infringement or its effects on safety and the environment have been identified, the Commission shall issue a new statement of objections.

Article 13

Requests for information

In order to clarify the facts for the purposes of Article 12, the Commission may request in writing the recognised organisation to provide written or oral explanations, or particulars or documents, within a designated time limit, which shall not, in any event, be less than 4 weeks. In such a case the Commission shall inform the recognised organisation of the periodic penalty payments and fines that may be imposed for failing to comply with the request or when incurring unjustified delays in the provision of information or providing deliberately incorrect, incomplete or misleading information to the Commission.

*Article 14***Oral hearing**

1. At the request of the recognised organisation to which a statement of objections has been addressed, the Commission shall offer that organisation the opportunity to present its arguments at an oral hearing.
2. The Commission shall invite the competent authorities of Member States concerned, and may, on its own initiative or at the request of Member States concerned, invite any other persons with a legitimate interest in the infringements to take part in the oral hearing. The Commission may choose to be assisted by the European Maritime Safety Agency.
3. Natural or private legal persons invited to attend shall either appear in person or be represented by legal or authorised representatives. Member States shall be represented by officials of that Member State.
4. The oral hearing shall not be public. Each person invited to attend may be heard separately or in the presence of other persons invited to attend, having regard to the legitimate interest of the recognised organisation and other parties in the protection of their business secrets and other confidential information.
5. The statements made by each person heard shall be recorded. Upon request, the recording of the hearing shall be made available to the persons who attended the hearing and to Member States concerned.

*Article 15***Periodic penalty payments for non-cooperation**

1. Where the Commission intends to adopt a decision imposing periodic penalty payments as referred to in Article 7(1) to a recognised organisation that has failed to undertake or incurs unjustified delays in undertaking preventive and remedial action requested by the Commission, it shall first notify the recognised organisation in writing.
2. The notification by the Commission in accordance with paragraph 1 shall make reference to the specific preventive and remedial action that has not been undertaken by the recognised organisation and the supporting evidence, as well as inform the recognised organisation of the periodic penalty payments that are being considered by the Commission thereon.
3. The Commission shall set a time limit in which the recognised organisation may submit written observations to the Commission. The Commission shall not be obliged to take into account written observations received after the expiry of the time limit.

*Article 16***Access to the file**

1. At the request of the recognised organisation to which a statement of objections has been addressed, the Commission shall grant access to the file containing documents and other evidence compiled by the Commission on the alleged infringement.
2. The Commission shall set the date and make the relevant practical arrangements for the recognised organisation's access to the file, which may be granted in electronic form only.
3. The Commission shall make available to the recognised organisation concerned, upon request, a list of all the documents contained in the file.
4. The recognised organisation concerned shall have the right to access the documents and information contained in the file. When granting such access, the Commission shall have due regard to business secrets, confidential information or the internal character of documents issued by the Commission or the European Maritime Safety Agency.
5. For the purposes of paragraph 4, internal documents of the Commission and the European Maritime Safety Agency may include:
 - (a) documents or parts of documents pertaining to the internal deliberations of the Commission and its services and of the European Maritime Safety Agency, including the opinions and recommendations of the European Maritime Safety Agency addressed to the Commission;
 - (b) documents or parts of documents forming part of the correspondence between the Commission and the European Maritime Safety Agency or between the Commission and Member States.

*Article 17***Legal representation**

The recognised organisation shall have the right to legal representation at all stages of the proceedings under this Regulation.

*Article 18***Confidentiality, professional secrecy and the right to remain silent**

1. Proceedings under this Regulation shall be carried out subject to the principles of confidentiality and of professional secrecy.
2. The Commission, the European Maritime Safety Agency, and the authorities of the Member States concerned, as well as their officials, servants and other persons working under their supervision shall not disclose information acquired or exchanged by them pursuant to this Regulation and of the kind covered by the obligation of professional secrecy and confidentiality.
3. Any recognised organisation or other person who submits information or observations pursuant to this Regulation shall clearly identify any material considered to be confidential, giving the reasons for it, and provide a separate non-confidential version by the date set by the Commission.
4. The Commission may also require recognised organisations and other interested parties to identify any part of a report, of the statement of objections or of a decision by the Commission, which in their view contains business secrets.
5. In the absence of the identification referred to in paragraphs 3 and 4, the Commission may assume that the documents or observations concerned do not contain confidential information.
6. Without prejudice to Article 9 of Regulation (EC) No 391/2009, recognised organisations shall have the right to remain silent in situations where it would otherwise be compelled to provide answers which might involve an admission on their part of the existence of a breach.

*Article 19***Decision**

1. A decision to impose fines, periodic penalty payments, or the withdrawal of recognition in accordance with this Regulation shall be based exclusively on the grounds on which the recognised organisation concerned has been able to submit its observations.
2. The decision to impose a fine or a periodic penalty payment and the determination of the appropriate amount shall take into account the principles of effectiveness, proportionality and dissuasiveness.
3. When taking measures in accordance with this Regulation and deciding on the seriousness and effect of the relevant actions or omissions on safety and the environment the Commission shall take into account national measures already taken on the basis of the same facts against the recognised organisation concerned, in particular where that organisation has already been subject to judicial or enforcement proceedings.
4. Actions or omissions of a recognised organisation on the basis of which measures have been taken in accordance with this Regulation shall not be subject to further measures. However, these actions or omissions may be taken into account in subsequent decisions adopted in accordance with this Regulation in order to assess recurrence.
5. A decision to impose periodic penalty payments or a decision imposing fines and periodic penalty payments shall be adopted by the Commission in accordance with the procedure applicable pursuant to Article 12(2) of Regulation (EC) No 391/2009.
6. A decision to withdraw the recognition of a recognised organisation shall be adopted by the Commission in accordance with the procedure applicable pursuant to Article 12(3) of Regulation (EC) No 391/2009.

*Article 20***Judicial remedies, notification and publication**

1. The Commission shall inform the recognised organisation concerned of the judicial remedies available to it.
2. The Commission shall notify its decision to the European Maritime Safety Agency and to the Member States for information.
3. When justified, in particular on grounds of safety or protection of the environment, the Commission may make its decision public. When publishing details of its decision or informing the Member States, the Commission shall have regard to the legitimate interests of the recognised organisation concerned and other interested persons.

*Article 21***Recovery of fines and penalty payments**

The Commission shall proceed with the recovery of the fines and the penalty payments by establishing a recovery order and issuing a debit note addressed to the recognised organisation concerned in accordance with Articles 78 to 80 and 83 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽¹⁾ and Articles 80 to 92 of Commission Delegated Regulation (EU) No 1268/2012 ⁽²⁾.

*Article 22***Limitation periods for the imposition of fines and periodic penalty payments**

1. The right of the Commission to impose fines and/or periodic penalty payments to a recognised organisation in accordance with this Regulation shall expire after five years from the date when the action or omission of the recognised organisation giving rise to an infringement identified in accordance with Article 3 of this Regulation was committed. However, in case of continuing or repeated actions or omissions giving rise to an infringement, time shall begin to run on the day on which the action or omission ceases.

The right of the Commission to impose periodic penalty payments to a recognised organisation in accordance with Article 15 of this Regulation shall expire after three years from the date when the action or omission of the recognised organisation, for which the Commission requested appropriate preventive and remedial action, was committed.

2. Any action taken by the Commission or the European Maritime Safety Agency for the purpose of the assessment or the infringement procedure in relation to an action or omission of the recognised organisation shall interrupt the relevant limitation period established under paragraph 1. The limitation period shall be interrupted with effect from the date on which the action of the Commission or the Agency is notified to the recognised organisation.
3. Each interruption shall start time running afresh. The limitation period shall, however, not exceed a period equal to twice the initial limitation period, except where limitation is suspended pursuant to paragraph 4.
4. The limitation period for the imposition of periodic penalty payments shall be suspended for as long as the decision of the Commission is the subject of proceedings pending before the Court of Justice of the European Union.

*Article 23***Limitation periods for the collection of fines and periodic penalty payments**

1. The right to start a recovery procedure for fines and/or periodic penalty payments shall expire one year after the Decision pursuant to Article 19 has become final.
2. The limitation period referred to in paragraph 1 shall be interrupted by any action of the Commission or of a Member State acting at the request of the Commission, aimed at enforcing payment of the fines and/or periodic penalty payments.
3. Each interruption shall start time running afresh.
4. The limitation periods referred to in paragraphs 1 and 2 shall be suspended for as long as:
 - (a) time to pay is allowed;
 - (b) enforcement of payment is suspended pursuant to a decision of the Court of Justice of the European Union.

⁽¹⁾ OJ L 298, 26.10.2012, p. 1.

⁽²⁾ OJ L 362, 31.12.2012, p. 1.

*Article 24***Application of time limits**

1. The time limits laid down in this Regulation shall run from the day following receipt of the Commission's communication or delivery thereof by hand.
2. In the case of a communication addressed to the Commission, the relevant time limits shall be deemed to have been met when that communication has been dispatched by registered post before the relevant time limit expires.
3. In setting the time limits, the Commission shall have regard both to due process rights and the specific circumstances of each decision-making procedure under this Regulation.
4. Where appropriate and upon reasoned request made before the expiry of the original time limit, time limits may be extended.

*Article 25***Cooperation with national competent authorities**

Information provided by the national competent authorities in response to a request from the Commission shall be used by the Commission only for the following purposes:

- (a) to carry out the tasks entrusted to it for the recognition and supervision of recognised organisations under Regulation (EC) No 391/2009;
- (b) as evidence for the purposes of decision-making under this Regulation, without prejudice to Articles 16 and 18 of this Regulation.

CHAPTER V

FINAL PROVISIONS*Article 26***Application**

Events which occurred before the date of entry into force of Regulation (EC) No 391/2009 shall not give rise to any measures in accordance with this Regulation.

*Article 27***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*.

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

Done at Brussels, 18 July 2014.

For the Commission
The President

José Manuel BARROSO

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