

Official Journal

of the European Union

L 168



English edition

Legislation

Volume 57

7 June 2014

Contents

II *Non-legislative acts*

INTERNATIONAL AGREEMENTS

2014/334/EU:

- ★ **Council Decision of 19 May 2014 on the signing, on behalf of the European Union, and provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe** 1
- Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe** 3

REGULATIONS

- ★ **Council Regulation (EU) No 607/2014 of 19 mai 2014 on the allocation of fishing opportunities under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe** 27
- ★ **Council Regulation (EU, Euratom) No 608/2014 of 26 May 2014 laying down implementing measures for the system of own resources of the European Union** 29
- ★ **Council Regulation (EU, Euratom) No 609/2014 of 26 May 2014 on the methods and procedure for making available the traditional, VAT and GNI-based own resources and on the measures to meet cash requirements (Recast)** 39
- ★ **Commission Delegated Regulation (EU) No 610/2014 of 14 February 2014 on establishing a derogation from Regulation (EU) No 1290/2013 of the European Parliament and of the Council laying down the rules for participation and dissemination in 'Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020)' with regard to the ECSEL Joint Undertaking⁽¹⁾** 53

⁽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.

★ Commission Delegated Regulation (EU) No 611/2014 of 11 March 2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the support programmes for the olive-oil and table-olives sector	55
★ Commission Delegated Regulation (EU) No 612/2014 of 11 March 2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council by amending Commission Regulation (EC) No 555/2008 as regards new measures under the national support programmes in the wine sector	62
★ Commission Implementing Regulation (EU) No 613/2014 of 3 June 2014 approving a minor amendment to the specification for a name entered in the register of protected designations of origin and protected geographical indications [Pagnotta del Dittaino (PDO)]	68
★ Commission Implementing Regulation (EU) No 614/2014 of 6 June 2014 amending Regulation (EC) No 555/2008 as regards the application of certain support measures in the wine sector	73
★ Commission Implementing Regulation (EU) No 615/2014 of 6 June 2014 laying down detailed rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council and Regulation (EU) No 1308/2013 of the European Parliament and of the Council in respect of work programmes to support the olive oil and table olives sectors	95
Commission Implementing Regulation (EU) No 616/2014 of 6 June 2014 establishing the standard import values for determining the entry price of certain fruit and vegetables	103

DECISIONS

2014/335/EU, Euratom:

★ Council Decision of 26 May 2014 on the system of own resources of the European Union	105
--	-----

2014/336/EU:

★ Commission Decision of 5 June 2014 amending Decisions 2006/799/EC, 2007/64/EC, 2009/300/EC, 2009/894/EC, 2011/330/EU, 2011/331/EU and 2011/337/EU in order to prolong the validity of the ecological criteria for the award of the EU Ecolabel to certain products (notified under document C(2014) 3674) ⁽¹⁾	112
--	-----

2014/337/EU:

★ Decision of the European Central Bank of 5 June 2014 on the remuneration of deposits, balances and holdings of excess reserves (ECB/2014/23)	115
--	-----

2014/338/EU:

★ Decision of the European Central Bank of 5 June 2014 amending Decision ECB/2010/23 on the allocation of monetary income of the national central banks of Member States whose currency is the euro (ECB/2014/24)	117
---	-----

GUIDELINES

2014/339/EU:

★ Guideline of the European Central Bank of 5 June 2014 amending Guideline ECB/2014/9 on domestic asset and liability management operations by the national central banks (ECB/2014/22)	118
---	-----

⁽¹⁾ Text with EEA relevance

2014/340/EU:

- ★ **Guideline of the European Central Bank of 5 June 2014 amending Guideline ECB/2012/27 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) (ECB/2014/25)** 120
-

Corrigenda

- ★ **Corrigendum to Commission Implementing Regulation (EU) No 12/2014 of 8 January 2014 entering a name in the register of traditional specialities guaranteed [Salinātā rudzu rupjmaize (TSG)] (OJ L 4, 9.1.2014)** 122

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 19 May 2014

on the signing, on behalf of the European Union, and provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe

(2014/334/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43, in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 23 July 2007, the Council approved the Fisheries Partnership Agreement between the Democratic Republic of São Tomé and Príncipe and the European Community (the 'Partnership Agreement') by adopting Regulation (EC) No 894/2007 ⁽¹⁾.
- (2) The application of the latest Protocol ⁽²⁾ setting out the fishing opportunities and financial contribution provided for in the Partnership Agreement expired on 12 May 2014.
- (3) The Union negotiated with São Tomé and Príncipe a new Protocol, for a period of four years, granting Union vessels fishing opportunities in the waters over which the Democratic Republic of São Tomé and Príncipe has sovereignty or jurisdiction in respect of fisheries. At the end of those negotiations, a new Protocol was initialled on 19 December 2013.
- (4) In order to guarantee the continuity of fishing activities by Union vessels, provision is made for the new Protocol to apply provisionally, pending completion of the procedures necessary for its conclusion. This provisional application will take effect from the date of its signature, but not before the date of expiry of the latest Protocol.
- (5) The new Protocol should be signed,

HAS ADOPTED THIS DECISION:

Article 1

The signing, on behalf of the Union, of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe (the 'Protocol') is hereby authorised, subject to the conclusion of the Protocol.

The text of the Protocol is attached to this Decision.

⁽¹⁾ Council Regulation (EC) No 894/2007 of 23 July 2007 on the conclusion of a Fisheries Partnership Agreement between the Democratic Republic of São Tomé and Príncipe and the European Community (OJ L 205, 7.8.2007, p. 35).

⁽²⁾ Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe (OJ L 136, 24.5.2011, p. 5).

Article 2

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Protocol on behalf of the Union.

Article 3

The Protocol shall be applied provisionally, in accordance with Article 14 thereof, from the date of its signature ⁽¹⁾, and from 13 May 2014 at the earliest, pending completion of the procedures necessary for its conclusion.

Article 4

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

Done at Brussels, 19 May 2014.

For the Council
The President
A. TSAFTARIS

⁽¹⁾ The date of signature of the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

PROTOCOL

setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe

Article 1

Period of application and fishing opportunities

1. The fishing opportunities granted to European Union vessels under Article 5 of the Fisheries Partnership Agreement shall be set out, for a period of four (4) years from the date of provisional application, to allow the highly migratory species listed in Annex 1 to the United Nations Convention on the Law of the Sea (1982) to be caught, with the exception of species protected or prohibited by ICCAT.
2. The fishing opportunities are awarded to:
 - (a) 28 tuna seiners;
 - (b) 6 surface longliners.
3. Paragraph 1 shall apply subject to Articles 5, 6, 7 and 8 of this Protocol.
4. In accordance with Article 6 of the Agreement, fishing vessels flying the flag of a Member State of the European Union may fish in São Toméan waters only if they are in possession of a fishing authorisation (fishing licence) issued under this Protocol.

Article 2

Financial contribution — Methods of payment

1. For the period referred to in Article 1, the financial contribution referred to in Article 7 of the Fisheries Partnership Agreement shall be EUR 2 805 000.
2. The financial contribution comprises:
 - (a) an annual amount for access to the EEZ of São Tomé and Príncipe of EUR 385 000 for the first three years and EUR 350 000 for the fourth year, equivalent to a reference tonnage of 7 000 tonnes per year, and
 - (b) a specific amount of EUR 325 000 per year for four years to support the implementation of the sectoral fisheries policy of São Tomé and Príncipe.
3. Paragraph 1 shall apply subject to Articles 3, 4, 5, 7 and 8 of this Protocol and Articles 12 and 13 of the Fisheries Partnership Agreement.
4. The European Union shall pay the financial contribution referred to in paragraph 1 at the rate of EUR 710 000 per year during the first three years and EUR 675 000 for the fourth year, corresponding to the total of the annual amounts referred to in paragraph 2(a) and (b).
5. If the overall annual quantity of catches by European Union vessels in São Toméan waters exceeds the annual reference tonnage referred to in paragraph 2, the total amount of the annual financial contribution shall be increased by EUR 55 for the first three years and by EUR 50 for the fourth year for each additional tonne caught. However, the total annual amount paid by the European Union shall not be more than twice the amount indicated in paragraph 2(a). Where the quantities caught by European Union vessels exceed quantities corresponding to twice the total annual amount, the amount due for the quantity exceeding that limit shall be paid the following year.
6. Payment shall be made no later than ninety (90) days after the provisional entry into force of the Protocol for the first year, and no later than the Protocol's anniversary date for the following years.

7. The São Toméan authorities shall have full discretion regarding the use to which the financial contribution referred to in paragraph 2(a) is put.
8. The financial contribution referred to in paragraph 2 of this Article shall be paid into a Public Treasury account opened with the National Bank of São Tomé and Príncipe, with the financial contribution referred to in paragraph 2(b) of this Article assigned to sectoral aid being made available to the Directorate for Fisheries. The São Toméan authorities shall notify the European Commission of the relevant bank account numbers on an annual basis.

Article 3

Promotion of responsible and sustainable fishing in São Toméan waters

1. No later than three (3) months after the entry into force of this Protocol, the parties shall agree, within the Joint Committee provided for in Article 9 of the Fisheries Partnership Agreement, on a multiannual sectoral programme and detailed rules for its implementation, in particular:
 - (a) annual and multiannual guidelines for using the financial contribution referred to in Article 2(2)(b);
 - (b) the objectives, both annual and multiannual, to be achieved with a view to introducing, over time, responsible and sustainable fishing, taking account of the priorities expressed by São Tomé and Príncipe in its national fisheries policy or other policies relating to or having an impact on the introduction of responsible and sustainable fishing, particularly with regard to small-scale fishing and the monitoring, control and combating of illegal, unreported and unregulated (IUU) fishing;
 - (c) criteria and procedures for evaluating the results obtained each year.
2. Any proposed amendments to the multiannual sectoral programme must be approved by both parties within the Joint Committee.
3. Each year, the the authorities of São Tomé and Príncipe may decide to allocate an additional amount over and above the share of the financial contribution referred to in Article 2(2)(b) with a view to implementing the multiannual programme. This allocation shall be communicated to the European Union no later than two (2) months before the anniversary date of this Protocol.
4. Each year, the two parties shall carry out an evaluation of the progress made in implementing the multiannual sectoral programme. Where this evaluation indicates that the objectives financed directly by the part of the financial contribution referred to in Article 2(2)(b) of this Protocol have not been satisfactorily achieved, the European Commission reserves the right to reduce that part of the financial contribution with a view to aligning the amount allocated to the implementation of the programme with the results.

Article 4

Scientific cooperation on responsible fishing

1. The two parties hereby undertake to promote responsible fishing in São Toméan waters based on the principle of non-discrimination between the different fleets operating in those waters.
2. During the period covered by this Protocol, the European Union and São Tomé and Príncipe shall undertake to cooperate to monitor the state of fishery resources in the São Toméan fishing zone.
3. With regard to the region of Central Africa, the two parties undertake to promote cooperation as regards responsible fishing. The two parties undertake to comply with all recommendations and resolutions issued by the International Commission for the Conservation of Atlantic Tunas (ICCAT).
4. In accordance with Article 4 of the Fisheries Partnership Agreement, on the basis of the recommendations and resolutions adopted within ICCAT and in the light of the best scientific advice available, the parties shall consult each other within the Joint Committee provided for in Article 9 of the Fisheries Partnership Agreement to take measures to ensure sustainable management of the fish species covered by this Protocol as far as the activities of European Union vessels are concerned.

*Article 5***Review of fishing opportunities and technical measures by mutual agreement**

1. The fishing opportunities referred to in Article 1 may be amended by mutual agreement insofar as the recommendations and resolutions adopted by ICCAT confirm that this amendment guarantees the sustainable management of the fish species covered by this Protocol. In this case, the financial contribution referred to in Article 2(2)(a) shall be amended proportionately and pro rata temporis. However, the total annual amount of the financial contribution paid by the European Union shall not be more than twice the amount referred to in Article 2(2)(a).
2. Where necessary, the Joint Committee may examine and adapt, by mutual agreement, the provisions governing the pursuit of fishing activities and the rules for implementing this Protocol and the Annex hereto.

*Article 6***New fishing opportunities**

1. As regards the operation of fisheries not covered by this Protocol, the authorities of São Tomé and Príncipe may call on the European Union to consider the possibility of such fisheries, on the basis of the results of a scientific campaign taking account of best scientific advice endorsed by scientific experts representing both parties.
2. Depending on these results, and if the European Union expresses an interest in these fisheries, the two parties shall consult each other in the Joint Committee before the granting of an authorisation by the São Toméan authorities. Where appropriate, the parties shall agree on the conditions applicable to these new fishing opportunities and, if necessary, make amendments to this Protocol and to the Annex hereto.

*Article 7***Suspension and review of the payment of the financial contribution**

1. The financial contribution, as referred to in Article 2(2)(a) and (b), may be revised or suspended if one or more of the following conditions apply:
 - (a) where unusual circumstances, as defined in Article 2(h) of the Fisheries Partnership Agreement, prevent fishing activities in the São Toméan EEZ;
 - (b) where, following significant changes in the definition and implementation of the fishery policy guidelines which led to the conclusion of this Protocol, one of the two parties requests a review of its provisions with a view to a possible amendment;
 - (c) if a violation of the essential and fundamental human rights laid down in Article 9 of the Cotonou Agreement is noted following the procedure provided for in Articles 8 and 96 of that Agreement.
2. The European Union reserves the right to suspend, partially or totally, payment of the specific financial contribution provided for in Article 2(2)(b) of this Protocol:
 - (a) if the results obtained are inconsistent with the programming, following an evaluation carried out by the Joint Committee;
 - (b) in the event of failure to implement this financial contribution.
3. Payment of the financial contribution shall resume after consultation and agreement by the two parties, as soon as the situation existing prior to the events mentioned in paragraph 1 has been re-established and/or if the results of the financial implementation referred to in paragraph 2 so warrant. Nevertheless, the specific financial contribution provided for in Article 2(2)(b) may not be paid out beyond a period of six (6) months after the Protocol expires.

*Article 8***Suspension of the Protocol's implementation**

1. The implementation of this Protocol may be suspended at the initiative of one of the two parties if one or more of the following conditions apply:
 - (a) where unusual circumstances, as defined in Article 2(h) of the Fisheries Partnership Agreement, prevent fishing activities in the São Toméan EEZ;
 - (b) where, following significant changes in the definition and implementation of the fishery policy guidelines which led to the conclusion of this Protocol, one of the two parties requests a review of its provisions with a view to a possible amendment;
 - (c) where one of the two parties notes that there has been a violation of the essential and fundamental human rights laid down in Article 9 of the Cotonou Agreement and following the procedure provided for in Articles 8 and 96 of that Agreement;
 - (d) in the event of failure to pay the financial contribution provided for in Article 2(2)(a) by the European Union, for reasons other than those provided for in this Article;
 - (e) where there is a dispute between the two parties concerning the application or interpretation of this Protocol.
2. Implementation of the Protocol may be suspended at the initiative of one party if it has not been possible to settle the dispute between the parties in consultations held within the Joint Committee.
3. Suspension of application of the Protocol shall require the interested party to notify its intention in writing at least three (3) months before the date on which suspension is due to take effect.
4. In the event of suspension, the parties shall continue to consult each other with a view to finding an amicable settlement to their dispute. Where such settlement is reached, application of the Protocol shall resume and the amount of the financial contribution shall be reduced proportionately and *pro rata temporis* to the period during which application of the Protocol was suspended.

*Article 9***Applicable provisions of national law**

1. The activities of European Union fishing vessels operating in São Toméan waters shall be governed by the applicable law in São Tomé and Príncipe, unless otherwise provided for in the Fisheries Partnership Agreement, this Protocol and the Annex and appendices hereto.
2. The São Toméan authorities shall inform the European Commission of any change or any new legislation relating to the fishing sector.
3. The European Commission shall inform the authorities of São Tomé and Príncipe of any change or any new legislation relating to the fishing activities of the European Union distant-water fleet.

*Article 10***Electronic communication**

1. São Tomé and Príncipe and the European Union undertake to install as soon as possible the computer systems required for the electronic exchange of all the information and documents relating to the implementation of the Agreement.
2. The electronic form of a document will be considered equivalent to the paper version in every respect.
3. São Tomé and Príncipe and the European Union shall inform each other without delay of any malfunction of a computer system. The information and documents relating to the implementation of the Agreement shall then be automatically replaced by their paper version.

*Article 11***Confidentiality of data**

1. São Tomé and Príncipe and the European Union undertake that all nominative data relating to EU vessels and their fishing activities obtained within the framework of the Agreement will, at all times, be processed strictly in accordance with the principles of confidentiality and data protection.
2. The two parties shall ensure that only aggregate data on fishing activities in São Toméan waters are made publicly available, in line with the relevant ICCAT provisions. Data which may be considered confidential must be used by the competent authorities exclusively for the purposes of implementing the Agreement and for fishery management, controls and monitoring.

*Article 12***Duration**

This Protocol and the Annex hereto shall apply for a period of four (4) years from their provisional application in accordance with Articles 14 and 15, unless notice of termination is given in accordance with Article 13.

*Article 13***Termination**

1. In the event of termination of this Protocol, the party concerned shall notify the other party in writing of its intention to terminate the Protocol at least six (6) months before the date on which such termination would take effect.
2. Dispatch of the notification, as referred to in the previous paragraph, shall open consultations between the parties.

*Article 14***Provisional application**

This Protocol shall be applied provisionally from the date of its signature but no earlier than 13 May 2014.

*Article 15***Entry into force**

This Protocol with its Annex shall enter into force on the date on which the parties notify each other of the completion of the procedures necessary for that purpose.

For the European Union

*For the Democratic Republic of São Tomé and
Príncipe*

Съставено в Брюксел на двадесет и трети май две хиляди и четиринадесета година.
Hecho en Bruselas, el veintitrés de mayo de dos mil catorce.
V Bruselu dne dvacátého třetího května dva tisíce čtrnáct.
Udfærdiget i Bruxelles den treogtyvende maj to tusind og fjorten.
Geschehen zu Brüssel am dreiundzwanzigsten Mai zweitausendvierzehn.
Kahe tuhande neljateistkümnenda aasta maikuu kahekümne kolmandal päeval Brüsselis.
Έγινε στις Βρυξέλλες, στις είκοσι τρεις Μαΐου δύο χιλιάδες δεκατέσσερα.
Done at Brussels on the twenty-third day of May in the year two thousand and fourteen.
Fait à Bruxelles, le vingt-trois mai deux mille quatorze.
Sastavljeno u Bruxellesu dvadeset trećeg svibnja dvije tisuće četrnaeste.
Fatto a Bruxelles, addì ventitré maggio duemilaquattordici.
Briselē, divi tūkstoši četrpadsmitā gada divdesmit trešajā maijā.
Priimta du tūkstančiai keturioliktų metų gegužės dvidešimt trečią dieną Briuselyje.
Kelt Brüsszelben, a kétezer-tizenegyedik év május havának huszonharmadik napján.
Magħmul fi Brussell, fit-tlieta u għoxrin jum ta' Mejju tas-sena elfejn u erbatax.
Gedaan te Brussel, de drieëntwintigste mei tweeduizend veertien.
Sporządzono w Brukseli dnia dwudziestego trzeciego maja roku dwa tysiące czternastego.
Feito em Bruxelas, em vinte e três de maio de dois mil e catorze.
Întocmit la Bruxelles la douăzeci și trei mai două mii paisprezece.
V Bruseli dvadsiateho tretieho mája dvetisícštrnásť.
V Bruslju, dne triindvajsetega maja leta dva tisoč štirinajst.
Tehty Brysselissä kahdentenäkymmenentenäkolmantena päivänä toukokuuta vuonna kaksituhattaneljätoista.
Som skedde i Bryssel den tjugotredje maj tjugohundraforton.

За Европейския съюз
 Por la Unión Europea
 За Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Za Europsku uniju
 Per l'Unione europea
 Eiropas Savienības vārdā —
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Għall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 För Europeiska unionen

За правителството на Демократична република Сао Томе и Принсипи
 Por el Gobierno de la República Democrática de Santo Tomé y Príncipe
 Za vládu Demokratické republiky Svatý Tomáš a Princův ostrov
 For regeringen for Den Demokratiske Republik São Tomé og Príncipe
 Für die Regierung der Demokratischen Republik São Tomé und Príncipe
 São Tomé ja Príncipe Demokraatliku Vabariigi valitsuse nimel
 Για την κυβέρνηση της Λαϊκής Δημοκρατίας του Σάο Τομέ και Πρίνσιπε
 For the Government of the Democratic Republic of São Tomé and Príncipe
 Pour le gouvernement de la République démocratique de São Tomé e Príncipe
 Za vladu Demokratske Republike Svetog Tome i Prinsipea
 Per il governo della Repubblica democratica di São Tomé e Príncipe
 Santomes un Prinsipi Demokrātiskās Republikas valdības vārdā —
 San Tomé ir Prinsipés Demokratinės Respublikos Vyriausybės vardu
 A São Tomé és Príncipe Demokratikus Köztársaság kormánya részéről
 Għall-Gvern tar-Repubblika Demokratika ta' Sao Tome u Principe
 Voor de regering van de Democratische Republiek São Tomé en Príncipe
 W imieniu Rządu Demokratycznej Republiki Wysp Świętego Tomasza i Książęcej
 Pelo Governo da República Democrática de São Tomé e Príncipe
 Pentru guvernul Republicii Democrate São Tomé și Príncipe
 Za vládu Demokratickej republiky Svätého Tomáša a Princovho ostrova
 Za vlado Demokratične republike São Tomé in Príncipe
 São Tomé ja Prinsipen demokraattisen tasavallan hallituksen puolesta
 För Demokratiska republiken São Tomé och Principes regerings vägnar

Estelina Gonçalves
Gonçaves

ANNEX

Conditions governing fishing activities by European Union vessels in São Tomé and Príncipe's fishing zone

CHAPTER 1

APPLICATION AND ISSUE FORMALITIES FOR FISHING AUTHORISATIONS

SECTION 1

Fishing authorisations

Conditions for obtaining a fishing authorisation

1. Only eligible vessels may obtain an authorisation (licence) to fish in São Tomé and Príncipe's fishing zone.
2. For a vessel to be eligible, neither the owner, the master nor the vessel itself must be prohibited from fishing in São Tomé and Príncipe. They must be in order vis-à-vis the São Toméan authorities insofar as they must have fulfilled all prior obligations arising from their fishing activities in São Tomé and Príncipe under fisheries agreements concluded with the European Union. Furthermore, they must comply with the provisions of Regulation (EC) No 1006/2008 ⁽¹⁾ on fishing authorisations.
3. Any European Union vessel applying for a fishing authorisation must be represented by an agent resident in São Tomé and Príncipe. The name and address of that agent may be stated in the fishing authorisation application.

Application for a fishing authorisation

4. The relevant European Union authorities shall submit, (by electronic means, to the Ministry responsible for fisheries in São Tomé and Príncipe, with a copy to the European Union Delegation to Gabon, an application for each vessel wishing to fish under the Fisheries Partnership Agreement at least fifteen (15) working days before the date of commencement of the period of validity requested. The originals are to be sent directly by the relevant European Union authorities in São Tomé and Príncipe with a copy to the European Union Delegation to Gabon.
5. Applications shall be submitted to the Ministry responsible for fisheries on a form drawn up in accordance with the specimen in Appendix 1.
6. All fishing authorisation applications shall be accompanied by the following documents:
 - proof of payment of the flat-rate advance for the period of validity of the authorisation;
 - a recent colour photograph of the vessel, showing a lateral view.
7. The fee shall be paid into the account specified by the the authorities of São Tomé and Príncipe in accordance with Article 2(8) of the Protocol.
8. The fees shall include all national and local charges, with the exception of port taxes and service charges.

Issue of fishing licences

9. Fishing authorisations for all vessels shall be issued to vessel owners or their agents via the European Union Delegation to Gabon within 15 working days of receipt of all the documents referred to in point 6 by the Ministry responsible for fisheries in São Tomé and Príncipe. At the same time, in order to not delay the possibility of fishing in the area, a copy of the fishing authorisation will be sent to the vessel owners electronically. This copy may be used for a maximum period of 60 days after the date on which the licence was issued. During this period, the copy shall be considered equivalent to the original.
10. Fishing authorisations shall be issued for a given vessel and shall not be transferable.

⁽¹⁾ OJ L 286, 29.10.2008, p. 33.

11. However, at the request of the European Union and where force majeure is proven, a vessel's fishing authorisation shall be replaced by a new fishing authorisation for another vessel of the same category as the first vessel, with no further fee due. In this case, the calculation of the catch levels to determine whether an additional payment should be made shall take account of the sum of the total catches of the two vessels.
12. The owner of the first vessel, or his agent, shall return the cancelled fishing authorisation to the Ministry responsible for fisheries in São Tomé and Príncipe via the European Union Delegation to Gabon.
13. The new fishing authorisation shall take effect on the day on which the cancelled fishing authorisation is returned to the Ministry responsible for fisheries in São Tomé and Príncipe. The European Union Delegation to Gabon shall be informed of the transfer of the fishing authorisation.
14. The fishing authorisation must be held on board at all times, without prejudice to the provisions of point 9 of this Section.

SECTION 2

Fishing authorisation conditions—fees and advance payments

1. Fishing authorisations shall be valid for a period of one year.
2. The fees payable for tuna seiners and surface longliners, in EUR per tonne caught in the fishing zone for São Tomé and Príncipe, is established as being the following:
 - EUR 55 for the first and second years of application;
 - EUR 60 for the third year of application;
 - EUR 70 for the fourth year of application.
3. Fishing authorisations shall be issued once the following flat-rate fees have been paid to the competent national authorities:
 - For tuna seiners:
 - EUR 6 930 per vessel, equivalent to fees due for 126 tonnes per year during the first and second years of application of the Protocol;
 - EUR 6 960 per vessel, equivalent to fees due for 116 tonnes per year during the third year of application of the Protocol;
 - EUR 7 000 per vessel, equivalent to fees due for 100 tonnes per year during the fourth year of application of the Protocol.
 - For surface longliners:
 - EUR 2 310 per vessel, equivalent to fees due for 42 tonnes per year during the first and second years of application of the Protocol;
 - EUR 2 310 per vessel, equivalent to fees due for 38,5 tonnes per year during the third year of application of the Protocol;
 - EUR 2 310 per vessel, equivalent to fees due for 33 tonnes per year during the fourth year of application of the Protocol.
4. The final statement of the fees due for year n shall be drawn up by the European Commission no later than sixty (60) days after the anniversary date of the Protocol in year $n+1$, on the basis of the catch declarations made by each vessel owner and confirmed by the scientific institutes responsible for verifying catch data in the Member States, such as the IRD (Institut de Recherche pour le Développement), IEO (Instituto Español de Oceanografía) and IPMA (Instituto Português do Mar e da Atmosfera), via the European Union Delegation to Gabon.
5. This statement shall be sent simultaneously to the Ministry responsible for fisheries in São Tomé and Príncipe and to the vessel owners.

6. Any additional payments (for quantities caught in excess of the tonnage mentioned in paragraph 4 of this Section) shall be made by the vessel owners to the competent São Toméan national authorities no later than three (3) months after the anniversary date of the Protocol in the year n+1, into the account referred to in point 7 of Section 1 of this Chapter, on the basis of the amount per tonne indicated in paragraph 2 of this Section (EUR 55, 60 or 70 depending on the year).
7. However, if the amount of the final statement is lower than the advance referred to in point 3 of this Section, the resulting balance shall not be reimbursable to the vessel owner.

CHAPTER II

FISHING ZONES

1. European Union vessels operating in São Toméan waters under this Protocol may carry out their fishing activities in waters beyond 12 nautical miles from the base lines in the case of tuna seiners and surface longliners.
2. The coordinates for the São Toméan Exclusive Economic Zone are those named in the notification by São Tomé and Príncipe to the United Nations on 7 May 1998 ⁽¹⁾.
3. Without exception, all fishing activity in the zone intended for joint exploitation by São Tomé and Príncipe and Nigeria, delimited by the coordinates set out in Appendix 3, shall be prohibited.

CHAPTER III

MONITORING AND SURVEILLANCE

SECTION 1

System for recording catches

1. The masters of all vessels operating in São Toméan waters under this Protocol shall be required to notify their catches to the Ministry responsible for fisheries in São Tomé and Príncipe, so as to allow monitoring of the quantities caught, which shall be validated by the competent scientific institutes in accordance with the procedure referred to in point 4 of Section 2 of Chapter I of this Annex. Catches shall be notified as follows:
 - 1.1. European Union vessels operating in São Toméan waters under this Protocol must complete a catch declaration, a model of which is included in Appendix 2 and which reflects at all points the information contained in the logbook. A copy of the catch declaration shall be sent, preferably by e-mail, each week to the São Toméan Fisheries Monitoring Centre (FMC) and at the time that it leaves the São Toméan fishing zone.
 - 1.2. The masters of the vessels shall send copies of the logbook to the Ministry responsible for fisheries in São Tomé and Príncipe and to the scientific institutes specified in point 4 of Section 2 of Chapter I, no later than 14 days after landing has been completed for the journey concerned.
2. Each day the master shall record in the catch declaration the quantity of each species, identified by its FAO alpha 3 code, caught and kept on board, expressed in kilograms of live weight or, where necessary, the number of individual fish. For each main species, the master shall also include the bad catch. The master shall also record each day in the catch declaration the quantities of each species thrown back into the sea, expressed in kilograms of live weight or, where necessary, the number of individual fish.
3. Catch declarations shall be completed legibly and signed by the master of the vessel.
4. Where the provisions set out in this Chapter are not complied with, the Government of São Tomé and Príncipe will suspend the fishing authorisation of the offending vessel until formalities have been completed and impose on the vessel owner the penalty laid down in current São Toméan legislation. The European Commission and the flag Member State shall immediately be informed thereof.
5. The two parties declare their shared willingness to ensure a transition to an electronic system for declaring catches based on the technical characteristics laid down in Appendix 5. The parties agree to determine together the transition arrangements with the aim of the system becoming operational as of 1 July 2015.

⁽¹⁾ <http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/losic/losic9ef.pdf>

SECTION 2

Communication of catches: entering and leaving São Toméan waters

1. European Union vessels operating in São Toméan waters under this Protocol shall notify the competent São Toméan authorities, at least six (6) hours in advance, of their intention to enter or leave São Toméan waters.
2. When notifying entry into/exit from São Tomé and Príncipe's EEZ, vessels shall, at the same time, also communicate their position and the catches already held on board, identified by their FAO 3-alpha code, expressed in kilograms of live weight or, where necessary, the number of individual fish, without prejudice to the provisions of Section 2. This information shall be communicated by e-mail or fax to the addresses to be notified by the São Toméan authorities.
3. Vessels found to be fishing without having informed the competent São Toméan authorities shall be regarded as vessels without a fishing authorisation and shall be subject to the consequences provided for under national law.
4. The e-mail address, fax and telephone numbers and radio coordinates shall be annexed to the fishing authorisation.

SECTION 3

Transshipments and landings

1. All European Union vessels operating in São Toméan waters under this Protocol which carry out transshipments in São Toméan waters shall do so off São Toméan ports.

The owners of these vessels or their agents wishing to conduct a transshipment or landing must notify the competent São Toméan authorities, at least 24 hours in advance, of the following:

the names of the fishing vessels involved in the transshipment or landing;

the name of the cargo vessel;

the tonnage by species to be transhipped or landed;

the day of transshipment or landing;

the destination of the transhipped or landed catches.

2. Transshipment is authorised only in the following areas: Fernão Dias, Neves and Ana Chaves.
3. Transshipment or landing shall be considered as an exit from São Toméan waters. Vessels must submit their catch declarations to the competent São Toméan authorities and state whether they intend to continue fishing or to leave São Toméan waters.
4. Any transshipment or landing of catches not covered by the above provisions shall be prohibited in São Toméan waters. Any person infringing this provision shall be liable to the penalties provided for by São Toméan law.

SECTION 4

Satellite-based vessel monitoring system (VMS)

1. Vessel position messages—VMS system

Whilst they are in the São Toméan zone, EU vessels holding a licence must be equipped with a satellite monitoring system (Vessel Monitoring System — VMS) to enable automatic and continuous communication of their position, at all times, to the fishing control centre (Fisheries Monitoring Centre—FMC) of their flag State.

Each position message must contain:

- (a) the vessel identification,
- (b) the most recent geographical position of the vessel (longitude, latitude), with a position error of less than 100 metres, and with a confidence interval of 99 %;
- (c) the date and time the position is recorded;
- (d) the speed and the course of the vessel.

Each position message must be configured in accordance with the format set out in Appendix 4 to this Annex.

The first position recorded after entry into the São Toméan zone shall be identified by the code 'ENT'. All subsequent positions shall be identified by the code 'POS', with the exception of the first position recorded after departure from the São Toméan zone, which shall be identified by the code 'EXI'.

The FMC of the flag State shall ensure the automatic processing and, if necessary, the electronic transmission of the position messages. The position messages shall be recorded in a secure manner and kept for a period of three years.

2. Transmission by the vessel in the event of breakdown of the VMS

The master shall ensure at all times that the VMS of his vessel is fully operational and that the position messages are correctly transmitted to the FMC of the flag State.

In the event of breakdown, the VMS of the vessel shall be repaired or replaced within 10 days. After that period, the vessel shall no longer be authorised to fish in the São Toméan fishing zone.

Vessels fishing in the São Toméan zone with a defective VMS must communicate their position messages by e-mail, radio or fax to the FMC of the flag State, at least every four hours, and must provide all the compulsory information.

3. Secure communication of position messages to São Tomé and Príncipe

The FMC of the flag state shall automatically send the position messages of the vessels concerned to the FMC of São Tomé and Príncipe. The FMC of the flag State and São Tomé and Príncipe shall exchange their contact e-mail addresses and inform each other without delay of any change to these addresses.

The transmission of position messages between the FMCs of the flag State and São Tomé and Príncipe shall be carried out electronically using a secure communication system.

The FMC of São Tomé and Príncipe shall inform without delay the FMC of the flag State and the European Union of any interruption in the reception of consecutive position messages from a vessel holding a licence, where the vessel concerned has not notified its exit from the zone.

4. Malfunction of the communication system

São Tomé and Príncipe shall ensure the compatibility of its electronic equipment with that of the FMC of the flag State and inform the European Union immediately of any malfunction as regards the sending and receiving of position messages with a view to finding a technical solution as soon as possible.

The master shall be considered responsible for any proven tampering with a vessel's VMS aimed at disturbing its operation or falsifying its position messages. Any infringements shall be subject to the penalties provided for by current São Toméan legislation.

5. Revision of the frequency of position messages

On the basis of documentary evidence proving an infringement, São Tomé and Príncipe may ask the FMC of the flag State, copying in the EU, to reduce the interval for sending position messages from a vessel to every thirty minutes for a set period of investigation. This documentary evidence must be sent without delay by São Tomé and Príncipe to the FMC of the flag State and the EU. The FMC of the flag state shall immediately send the position messages to São Tomé and Príncipe at the new frequency.

When the period of investigation ends, São Tomé and Príncipe shall immediately inform the FMC of the flag State and the EU, and subsequently inform them of any follow-up.

CHAPTER IV

SIGNING-ON OF SEAMEN

1. Owners of tuna vessels and surface longliners shall employ ACP nationals, subject to the following conditions and limits:
 - for the fleet of tuna seiners, at least 20 % of the seamen signed on during the tuna-fishing season in the fishing zone of the third country shall be of São Toméan or possibly ACP origin;
 - for the fleet of surface longliners, at least 20 % of the seamen signed on during the fishing season in the fishing zone of the third country shall be of São Toméan or possibly ACP origin.
2. Vessel owners shall endeavour to sign on additional seamen of São Toméan origin.
3. Vessel owners shall be free to select the seamen they take on board their vessels from the names on a list of able and qualified seamen available from the São Toméan authorities and vessel owners' agents.
4. The vessel owner or his agent shall inform the competent São Toméan authorities of the names of the seamen taken on board the vessel concerned, mentioning their position in the crew.
5. The International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work shall apply as of right to seamen signed on by European Union vessels. This concerns in particular the freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.
6. The employment contracts of São Toméan and ACP seamen, a copy of which shall be given to the Ministry of Labour, the Ministry of Fisheries and the signatories of the contracts, shall be drawn up between the vessel owners' agent(s) and the seamen and/or their trade unions or representatives. These contracts shall guarantee the seamen the social security cover applicable to them, in accordance with the applicable legislation, including life assurance and sickness and accident insurance.
7. The wages of the seamen shall be paid by the vessel owners. They shall be fixed by mutual agreement between the vessel owners or their agents and the seamen and/or their trade unions or representatives. However, the wage conditions granted to the seamen shall not be lower than those applied to crews from their respective countries and shall, under no circumstances, be below ILO standards.
8. All seamen employed aboard European Union vessels shall report to the master of the vessel designated on the day before their proposed boarding date. Where a seaman fails to report at the date and time agreed for his boarding, the vessel owner shall be automatically absolved of their obligation to take the seaman on board.

CHAPTER V

OBSERVERS

1. European Union vessels operating in São Toméan waters under this Protocol shall take on board observers appointed by the Ministry responsible for fisheries in São Tomé and Príncipe on the terms set out below:
 - 1.1. At the request of the competent São Toméan authorities, European Union vessels shall take on board an observer designated by the former to check catches made in São Toméan waters.
 - 1.2. The competent São Toméan authorities shall draw up a list of vessels designated to take an observer on board and a list of the appointed observers. These lists shall be kept up to date. They shall be forwarded to the European Commission as soon as they have been drawn up and every three (3) months thereafter where they have been updated.
 - 1.3. The competent São Toméan authorities shall inform the European Union Delegation to Gabon and the vessel owners concerned, preferably by e-mail, of the name of the observer appointed to be taken on board their vessel at the time the fishing authorisation is issued, or no later than 15 days before the observer's planned boarding date.

2. The time spent on board by the observer shall be one fishing trip. However, at the express request of the competent São Toméan authorities, his presence on board may be spread over several trips, depending on the average trip duration for a particular vessel. This request shall be made by the competent authority when the name of the observer appointed to board the vessel in question is notified.
3. The conditions under which the observer is taken on board shall be agreed between the vessel owner or his agent and the competent authority.
4. The observer shall board and leave the vessel at a port chosen by the vessel owner. Boarding shall take place at the beginning of the first voyage in São Toméan waters after notification of the list of designated vessels.
5. Within two weeks and giving ten days' notice, the vessel owners concerned shall make known at which ports in the subregion and on what dates they intend to take the observers on board and put them ashore.
6. Where the observer is taken on board in a country other than São Tomé and Príncipe, his travel costs shall be borne by the vessel owner. Should a vessel with an observer on board leave São Tomé and Príncipe's fishing zone, all measures must be taken to ensure the observer's return to São Tomé and Príncipe as soon as possible at the expense of the vessel owner.
7. If the observer is not present at the time and place agreed or within 12 hours of the time agreed, the vessel owner shall be automatically absolved of his obligation to take the observer on board.
8. The observer shall be treated on board as an officer. When the vessel is operating in São Toméan waters, he shall carry out the following tasks:
 - 8.1. observe the fishing activities of the vessels;
 - 8.2. verify the position of vessels engaged in fishing operations;
 - 8.3. note the fishing gear used;
 - 8.4. verify the catch data for São Toméan waters recorded in the logbook;
 - 8.5. verify the percentages of by-catches and estimate the quantity of discards of species of marketable fish;
 - 8.6. report fishing data, including the quantity of catches and by-catches on board, to his competent authority by any appropriate means.
9. The master shall do everything in his power to ensure the physical safety and welfare of the observer during the performance of his duties.
10. The observer shall be offered every facility needed to carry out his duties. The master shall give him access to the means of communication needed for the discharge of his duties, to documents directly concerned with the vessel's fishing activities, including in particular the logbook and the navigation log, and to those parts of the vessel necessary to facilitate the exercise of his tasks.
11. While on board, the observer shall:
 - 11.1. take all appropriate steps to ensure that the conditions of his boarding and presence on board the vessel neither interrupt nor hamper fishing operations;
 - 11.2. respect the material and equipment on board and the confidentiality of all documents belonging to the vessel.
12. At the end of the observation period and before leaving the vessel, the observer shall draw up an activity report to be transmitted to the competent São Toméan authorities, with a copy to the European Commission. He shall sign it in the presence of the master, who may add or cause to be added to it any observations considered relevant, followed by the master's signature. A copy of the report shall be handed to the master when the observer is put ashore.

13. The vessel owner shall bear the cost of providing board and accommodation for the observer in the same conditions as for officers, within the confines of the practical possibilities offered by the vessel.
14. The salary and social contributions of the observer shall be borne by São Tomé and Príncipe.

CHAPTER VI

CONTROL AND INSPECTION

1. European fishing vessels shall comply with the measures and recommendations adopted by ICCAT with regard to fishing gear and the related technical specifications and all other technical measures applicable to their fishing activities.
2. Inspection procedures:

Inspections at sea, in or off port within the São Toméan fishing zone on European Union vessels having been granted a licence shall be carried out by vessels and inspectors from São Tomé and Príncipe, clearly identifiable as assigned to the control of fisheries.

Before boarding, the São Toméan inspectors shall inform the European Union vessel of their decision to carry out an inspection. The inspection shall be carried out by a maximum of two inspectors, who must provide proof of their identity and official position as an inspector before carrying out the inspection.

The São Toméan inspectors shall only stay on board the European Union vessel for the time necessary to carry out tasks linked to the inspection. They shall carry out the inspection in a way which minimises the impact on the vessel, its fishing activity and cargo.

São Tomé and Príncipe may authorise the European Union to participate in the inspection at sea as an observer.

The master of the European Union vessel shall facilitate the boarding of the São Toméan inspectors and their work on board.

At the end of each inspection, the São Toméan inspectors shall draw up an inspection report. The master of the European Union vessel has the right to include his comments in the inspection report. The inspection report shall be signed by the inspector drawing up the report and the master of the European Union vessel.

The signature of the inspection report by the master shall be without prejudice to the vessel owner's right of defence in respect of an infringement. If the master refuses to sign this document, he shall specify his reasons in writing and the inspector shall write 'refusal to sign' on it. The São Toméan inspectors shall issue a copy of the inspection report to the master of the European Union vessel before leaving the vessel. São Tomé and Príncipe shall send a copy of the inspection report to the European Union within a period of seven working days after the inspection.

CHAPTER VII

INFRINGEMENTS

1. Handling of infringements:

Any infringement committed by an EU vessel holding a licence in accordance with the provisions of this Annex must be referred to in an inspection report. That report shall be sent to the European Union and to the flag State within 24 hours. The signature of the inspection report by the master shall be without prejudice to the vessel owner's right of defence in respect of an infringement procedure. The master of the vessel shall cooperate while the inspection procedure is being carried out.

2. Detention of a vessel — Information meeting:

Where permitted under current São Toméan legislation regarding the infringement, any EU vessel having committed an infringement may be forced to cease its fishing activity and, where the vessel is at sea, to return to a São Toméan port.

São Tomé and Príncipe shall notify the European Union within 24 hours of any detention of a European Union vessel holding a licence. That notification shall be accompanied by documentary evidence of the infringement.

Before taking any measure against the vessel, the master, the crew or the cargo, with the exception of measures aimed at protecting evidence, São Tomé and Príncipe shall organise, at the request of the European Union, within one working day of notification of the detention of the vessel, an information meeting to clarify the facts which have led to the vessel being detained and to explain what further action may be taken. A representative of the flag State of the vessel may attend this information meeting.

3. Penalties for infringements — Compromise procedure:

The penalty for the infringement shall be set by São Tomé and Príncipe according to the provisions of current national legislation.

Where settling the infringement involves legal proceedings, before these are launched, and provided that the infringement does not involve a criminal act, a compromise procedure shall be undertaken between São Tomé and Príncipe and the European Union in order to determine the terms and level of the penalty. A representative of the flag State of the vessel and of the European Union may participate in that compromise procedure. The compromise procedure shall finish at the latest three days after notification of the vessel's detention.

4. Legal proceedings — Bank security

If the compromise procedure fails and the infringement is brought before the competent court, the owner of the vessel which committed the infringement shall deposit a bank security at a bank designated by São Tomé and Príncipe, the amount of which, as set by São Tomé and Príncipe, shall cover the costs linked to the detention of the vessel, the estimated fine and any compensation. The bank security may not be recovered until the legal proceedings have been concluded.

The bank security shall be released and returned to the vessel owner without delay after the judgment has been delivered:

- (a) in full, if no penalty has been imposed;
- (b) for the amount of the remaining balance, if the penalty is a fine which is lower than the amount of the bank security.

São Tomé and Príncipe shall inform the European Union of the outcome of the legal proceedings within seven days of the judgment being delivered.

5. Release of the vessel and the crew:

The vessel and its crew shall be authorised to leave the port once the penalty has been paid in a compromise procedure, or once the bank security has been deposited.

Appendices

- 1 — Fishing authorisation application form
 - 2 — Catch declaration form
 - 3 — Coordinates of the zone in which fishing is prohibited
 - 4 — Format of VMS position message
 - 5 — Guidelines for managing and implementing the electronic reporting system for fishing activities (ERS)
-

Appendix 1

SÃO TOMÉ AND PRÍNCIPE — EUROPEAN UNION FISHERIES AGREEMENT FISHING AUTHORISATION APPLICATION FORM

I — APPLICANT

1. Name of vessel owner:
2. Address of vessel owner:
3. Name of vessel owner's association or agent:
4. Address of vessel owner's association or agent:
5. Telephone: Fax E-mail:
6. Master's name: Nationality:
E-mail:

II — VESSEL AND IDENTIFICATION

1. Vessel name:
2. Flag State:
3. External registration number:
4. Port of registry: MMSI: IMO number:
5. Date on which current flag was acquired: / /
Previous flag, if any:
6. Year and place of construction: / / at
Radio call sign:
7. Call frequency:
Vessel Satellite Phone No.:
8. Hull construction material: Steel Wood Polyester Other

III — TECHNICAL CHARACTERISTICS AND EQUIPMENT

1. Overall length: Width:
2. Tonnage (expressed in GT): Net tonnage:
3. Power of main engine in kW: Make: Type:
4. Type of vessel: Tuna Seiner Long-liner
5. Fishing gear types:
6. Fishing zones: Target species:
7. Designated port for landing operations:
8. Crew complement:
9. Method of preservation on board: Cooling Refrigeration Mixed Freezing
10. Freezing capacity in tonnes/24 hours: Hold capacity: Number:
11. VMS transponder:
Manufacturer: Model: Serial number:
Software version: Satellite operator:

I, the undersigned, certify that the information provided in this application is true and given in good faith.

Done at, on

Signature of applicant

Appendix 2

CATCH DECLARATION FORM

Vessel name:	Gross tonnage:	Vessel DEPARTED:	Month	Day	Year	Port		
Flag State:	Capacity (TM):							
Registration No:	Master:	Vessel RETURNED:						
Vessel owner:	No of crew:							
Address:	Reporting date:							
	(Reported by):	No of days at sea:		No of fishing days:			Trip number:	
				No of sets made:				

- Longline
- Live bait
- Purse seine
- Trawl
- Other

Date		Sector		Surface water temp (°C)	Fishing effort No of hooks used	Catches																				Isco usado na pesca (Bait used)				
Month	Day	Latitude N/S	Longitude EW			Bluefin tuna <i>Thunnus thynnus</i> or <i>maccoyii</i>	Yellowfin tuna <i>Thunnus albacares</i>	(Bigeye tuna) <i>Thunnus obesus</i>	(Albacore) <i>Thunnus Alalunga</i>	(Swordfish) <i>Xiphias gladius</i>	(Strip marlin) (White marlin) <i>Tetrapturus audax</i> or <i>albidus</i>	(Black marlin) <i>Makaira indica</i>	(Sailfish) <i>Istiophorus albicans</i> or <i>platypterus</i>	(Skipjack) <i>Katsuwonus pelamis</i>	(Miscellaneous fish)	Daily total (weight in kg only)		Saury	Squid	Live bait	(Other)									
						No	Weight kg	No	kg	No	kg	No	Kg	No	kg	No	kg	No	kg	No	kg	No	kg	No	kg					

LANDING WEIGHT (IN KG)

Comments

- 1 – Use one sheet per month and one line per day.
- 2 – ‘Day’ refers to the day you set the line.
- 3 – Fishing area refers to the position of the vessel. Round off minutes and record degree of latitude and longitude. Be sure to record N/S and EW.
- 4 – The last line (landing weight) should be completed only at the end of the trip. Actual weight at the time of unloading should be recorded.
- 5 – All information reported herein will be kept strictly confidential.



Appendix 3

COORDINATES OF THE ZONE IN WHICH FISHING IS PROHIBITED

Latitude				Longitude			
Degrees	Minutes	Seconds		Degrees	Minutes	Seconds	
03	02	22	N	07	07	31	E
02	50	00	N	07	25	52	E
02	42	38	N	07	36	25	E
02	20	59	N	06	52	45	E
01	40	12	N	05	57	54	E
01	09	17	N	04	51	38	E
01	13	15	N	04	41	27	E
01	21	29	N	04	24	14	E
01	31	39	N	04	06	55	E
01	42	50	N	03	50	23	E
01	55	18	N	03	34	33	E
01	58	53	N	03	53	40	E
02	02	59	N	04	15	11	E
02	05	10	N	04	24	56	E
02	10	44	N	04	47	58	E
02	15	53	N	05	06	03	E
02	19	30	N	05	17	11	E
02	22	49	N	05	26	57	E
02	26	21	N	05	36	20	E
02	30	08	N	05	45	22	E
02	33	37	N	05	52	58	E
02	36	38	N	05	59	00	E
02	45	18	N	06	15	57	E
02	50	18	N	06	26	41	E
02	51	29	N	06	29	27	E
02	52	23	N	06	31	46	E
02	54	46	N	06	38	07	E
03	00	24	N	06	56	58	E
03	01	19	N	07	01	07	E
03	01	27	N	07	01	46	E
03	01	44	N	07	03	07	E
03	02	22	N	07	07	31	E

Appendix 4

FORMAT OF VMS POSITION MESSAGES

Data element	Code	Mandatory/ Optional	Remarks
Start record	SR	M	System detail indicating start of record
Addressee	AD	M	Message detail–Addressee Alpha-3 country code (ISO-3166)
From	FR	M	Message detail–Sender Alpha-3 country code (ISO-3166)
Flag State	FS	M	Message detail–Flag State Alpha-3 code (ISO-3166)
Type of message	TM	M	Message detail–Message type (ENT, POS, EXI)
Radio call sign (IRCS)	RC	M	Vessel detail–Vessel international radio call sign (IRCS)
Contracting Party internal reference number	IR	O	Vessel detail–Unique contracting party number Alpha-3 code (ISO-3166) followed by number
External registration number	XR	M	Vessel detail–Number on side of vessel (ISO 8859.1)
Latitude	LT	M	Vessel position detail–Position in degrees and decimal degrees N/S DD.ddd (WGS84)
Longitude	LG	M	Vessel position detail–Position in degrees and decimal degrees E/W DD.ddd (WGS84)
Course	CO	M	Vessel course 360° scale
Speed	SP	M	Vessel speed in tenths of knots
Date	DA	M	Vessel position detail–Date of record of UTC position (YYYYMMDD)
Time	TI	M	Vessel position detail–Time of record of UTC position (HHMM)
End record	ER	M	System detail indicating end of record

Each data transmission is structured as follows:

Characters used must comply with the ISO 8859.1 standard.

A double slash (//) and the characters 'SR' indicate the start of a message.

Each data element is identified by its code and separated from the other data elements by a double slash (//).

A single slash (/) separates the field code and the data.

The 'ER' code followed by a double slash (//) indicates the end of the message.

The optional data elements must be inserted between the start and the end of the message.

Appendix 5

GUIDELINES FOR MANAGING AND IMPLEMENTING THE ELECTRONIC REPORTING SYSTEM FOR FISHING ACTIVITIES (ERS)

General provisions

- (1) All EU fishing vessels must be equipped with an electronic system, hereinafter referred to as 'ERS system', capable of recording and transmitting data relating to the vessel's fishing activity, hereinafter referred to as 'ERS data', whenever the vessel is operating in the waters of São Tomé and Príncipe.
- (2) An EU vessel that is not equipped with an ERS, or whose ERS is not working, is not authorised to enter São Toméan waters in order to engage in fishing activities.
- (3) ERS data shall be transmitted in accordance with the procedures of the vessel's flag State, i.e. they shall firstly be sent to the Fisheries Monitoring Centre (hereinafter: FMC) of the flag State which will make them automatically available to the São Toméan FMC.
- (4) The flag State and São Tomé and Príncipe shall ensure that their FMCs have the necessary IT equipment and software to automatically transmit ERS data in xml format, [available via http://ec.europa.eu/cfp/control/codes/index_en.htm] and shall have a backup procedure in place capable of saving and storing ERS data in a format which will be computer-readable for at least three years.
- (5) Any change or update to this format shall be identified and dated and must be operational six (6) months after its introduction.
- (6) ERS data must be transmitted using the electronic means of communication operated by the European Commission on behalf of the EU, referred to as the DEH (Data Exchange Highway).
- (7) The flag State and São Tomé and Príncipe shall each designate an ERS correspondent who will act as the point of contact.
 - (a) ERS correspondents shall be designated for a minimum period of six (6) months.
 - (b) The FMCs of the flag State and São Tomé and Príncipe shall notify one another of the contact details (name, address, telephone number, fax, e-mail address) of their ERS correspondent, before the supplier starts production of the ERS.
 - (c) Any changes to the contact details of the ERS correspondent must be notified immediately.

Producing and communicating ERS data

- (8) EU fishing vessels must:
 - (a) communicate on a daily basis ERS data for each day spent in São Toméan waters;
 - (b) record the quantity of each species caught and kept on board as target species or by-catch, or discarded, for each fishing operation;
 - (c) declare the bad catch of each species specified in the fishing authorisation issued by São Tomé and Príncipe;
 - (d) identify each species by its FAO 3-alpha code;
 - (e) express quantities in kilograms of live weight or, where necessary, the number of individual fish;
 - (f) record, in the ERS data, the transhipped and/or unloaded quantity of each species;
 - (g) record in the ERS data, every time São Toméan waters are entered (COE message) or exited (COX message), a specific message containing the quantities held on board at the time of passing for each species specified in the fishing authorisation issued by São Tomé and Príncipe;
 - (h) transmit ERS data on a daily basis to the FMC of the flag State, according to the format referred to in paragraph 3 above, by 23:59 UTC at the latest.

- (9) The master is responsible for the accuracy of the ERS data recorded and sent.
- (10) The FMC of the flag State shall send the ERS data automatically and without delay to the São Toméan FMC.
- (11) The FMC of São Tomé and Príncipe shall confirm that it has received the ERS data by means of a return message and shall handle all ERS data confidentially.

Failure of the on-board ERS and/or transmission of ERS data between the vessel and the FMC of the flag State

- (12) The flag State shall immediately inform the master and/or owner of a vessel flying its flag, or their agent, of any technical failure of the ERS installed on board or any breakdown in transmission of ERS data between the vessel and the FMC of the flag State.
- (13) The flag State shall inform São Tomé and Príncipe of the failure detected and the corrective measures taken.
- (14) In the event of a breakdown in the on-board ERS, the master and/or owner shall ensure the ERS is repaired or replaced within 10 days. If the vessel makes a call at a port within those 10 days, it may only resume fishing activity in São Toméan waters once its ERS is in perfect working order, unless São Toméan authorities allow otherwise.
- (15) Following a technical failure in its ERS, a fishing vessel may not leave port until:
 - (a) its ERS is in working order again, to the satisfaction of the flag State and São Tomé and Príncipe, or
 - (b) it receives authorisation from the flag State. In the latter case, the flag State shall inform São Tomé and Príncipe of its decision before the vessel leaves.
- (16) Any EU vessel operating in São Toméan waters with a faulty ERS must transmit all ERS data on a daily basis and by 23:59 UTC at the latest to the FMC of the flag State by any other available means of electronic communication accessible by the São Toméan FMC.
- (17) ERS data which could not be made available to São Tomé and Príncipe via the ERS owing to a failure shall be transmitted by the FMC of the flag State to the FMC of São Tomé and Príncipe by another mutually agreed form of electronic communication. This alternative transmission shall be considered a priority, it being understood that it will not be possible to comply with the transmission deadlines usually applicable.
- (18) If the FMC of São Tomé and Príncipe does not receive ERS data from a vessel for three consecutive days, São Tomé and Príncipe may instruct the vessel to immediately call at a port of São Tomé and Príncipe's choosing in order to investigate.

FMC failure — ERS data not received by São Toméan FMC

- (19) In the event that ERS data are not received by an FMC, its ERS correspondent shall immediately inform the ERS correspondent for the other FMC, and if necessary they shall work together to resolve the problem.
- (20) Before the ERS becomes operational, the FMC of the flag State and the São Toméan FMC shall mutually agree on the alternative means of electronic communication to be used in order to transmit ERS data in the event of an FMC failure, and shall immediately inform one another of any changes.
- (21) If the São Toméan FMC reports that ERS data have not been received, the FMC of the flag State shall identify the causes of the problem and take appropriate measures in order to resolve the problem. The FMC of the flag State shall inform the São Toméan FMC and the EU of the outcome of the measures taken within 24 hours of recognising the failure.
- (22) If more than 24 hours is required in order to resolve the problem, the FMC of the flag State shall immediately transmit the missing ERS data to the São Toméan FMC via one of the alternative means of electronic communication referred to in point 17.
- (23) São Tomé and Príncipe shall inform its competent monitoring services (MCS) so that EU vessels are not considered by the São Toméan FMC to be in breach of their obligations for not transmitting ERS data, owing to a failure in one of the FMCs.

FMC maintenance

- (24) Planned maintenance of an FMC (maintenance programme) which may affect the exchange of ERS data must be notified at least 72 hours in advance to the other FMC, indicating, where possible, the date and duration of the maintenance work. Information about unplanned maintenance work shall be sent to the other FMC as soon as possible.
 - (25) During the maintenance work, the provision of ERS data may be put on hold until the system is operational again. The relevant ERS data shall be made available immediately after the maintenance work has been completed.
 - (26) If the maintenance work takes more than 24 hours, ERS data shall be sent to the other FMC using one of the alternative means of electronic communication referred to in point 17.
 - (27) São Tomé and Príncipe shall inform its competent monitoring services (MCS) so that EU vessels are not considered by the São Toméan FMC to be in breach of their obligations for not transmitting ERS data, owing to the maintenance of an FMC.
-

REGULATIONS

COUNCIL REGULATION (EU) No 607/2014

of 19 mai 2014

on the allocation of fishing opportunities under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 23 July 2007, the Council approved the Fisheries Partnership Agreement between the Democratic Republic of São Tomé and Príncipe and the European Community (the 'Partnership Agreement') by adopting Regulation (EC) No 894/2007 ⁽¹⁾.
- (2) The Union and the Democratic Republic of São Tomé and Príncipe negotiated and initialled, on 19 December 2013, a new Protocol to the Partnership Agreement granting Union vessels fishing opportunities in the waters over which the Democratic Republic of São Tomé and Príncipe has sovereignty or jurisdiction in respect of fisheries.
- (3) On 19 mai 2014, the Council adopted Decision 2014/334/EU ⁽²⁾ on the signing and provisional application of the new Protocol.
- (4) The method for allocating the fishing opportunities among the Member States should be defined for the period of application of the new Protocol.
- (5) If it appears that the fishing authorisations or opportunities allocated to the Union by virtue of the new Protocol are not fully exhausted, the Commission will inform the Member States thereof in accordance with Council Regulation (EC) No 1006/2008 ⁽³⁾. If no reply is received within a time limit to be set by the Council, this will be considered as confirmation that the vessels of the Member State concerned are not making full use of their fishing opportunities during the period in question. That time limit should be set.
- (6) To ensure the continuity of the fishing activities of Union vessels, the new Protocol provides for its application by the parties on a provisional basis from the date of its signature. This Regulation should therefore apply from the date of signature of the new Protocol,

⁽¹⁾ Council Regulation (EC) No 894/2007 of 23 July 2007 on the conclusion of a Fisheries Partnership Agreement between the Democratic Republic of São Tomé and Príncipe and the European Community (OJ L 205, 7.8.2007, p. 35).

⁽²⁾ Council Decision 2014/334/EU of 19 May 2014 on the signing, on behalf of the European Union, and provisional application of the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe (see page 1 of this Official Journal).

⁽³⁾ Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters, amending Regulations (EEC) No 2847/93 and (EC) No 1627/94 and repealing Regulation (EC) No 3317/94 (OJ L 286, 29.10.2008, p. 33).

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing opportunities set out in the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Democratic Republic of São Tomé and Príncipe (the 'Protocol') shall be allocated among the Member States as follows:

(a) tuna seiners:

Spain	16 vessels
France	12 vessels

(b) surface longliners:

— for the first two years of validity of the Protocol:

Spain	4 vessels
Portugal	2 vessels

— for the last two years of validity of the Protocol:

Spain	5 vessels
Portugal	1 vessel

2. Regulation (EC) No 1006/2008 shall apply without prejudice to the Partnership Agreement.

3. If applications for fishing authorisations from the Member States referred to in paragraph 1 do not exhaust the fishing opportunities set out in the Protocol, the Commission shall consider applications for fishing authorisations from any other Member State in accordance with Article 10 of Regulation (EC) No 1006/2008.

4. The time limit within which the Member States must confirm that they are not making full use of the fishing opportunities granted to them, as provided by Article 10(1) of Regulation (EC) No 1006/2008, is set at ten working days from the date on which the Commission informs them that the fishing opportunities are not being fully utilised.

Article 2

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

It shall apply from the date of signature of the Protocol.

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

Done at Brussels, 19 mai 2014.

For the Council
The President
A. TSAFTARIS

COUNCIL REGULATION (EU, Euratom) No 608/2014**of 26 May 2014****laying down implementing measures for the system of own resources of the European Union**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the fourth paragraph of Article 311 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,

Having regard to Council Decision 2014/335/EU, Euratom of 26 May 2014 on the system of own resources of the European Union ⁽¹⁾, and in particular Article 9 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the consent of the European Parliament,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) The transparency of the Union's own resources system should be ensured by the supply of adequate information to the budgetary authority. Therefore, the Member States should keep at the disposal of the Commission, and where necessary forward to it, the documents and information needed to allow it to exercise the power conferred upon it as regards the Union's own resources.
- (2) The arrangements whereby the Member States responsible for collecting own resources report to the Commission, should make it possible for the Commission to monitor their action to recover own resources, in particular in cases of fraud and irregularities.
- (3) In order to ensure a balanced budget, any surplus of the Union's revenue over total actual expenditure during a financial year should be carried over to the following financial year. Therefore, the balance to be carried over should be defined.
- (4) Member States should conduct checks and enquiries relating to establishing and making available the Union's own resources. In order to facilitate application of the financial rules relating to own resources, it is necessary to ensure collaboration between Member States and the Commission.
- (5) For the sake of consistency and clarity, provisions should be laid down covering the powers and obligations of agents authorised by the Commission to carry out inspections in relation to the Union's own resources, taking into account the specific nature of each own resource. The conditions under which authorised agents carry out their tasks should be set out, and in particular the rules which all Union officials, other servants and seconded national experts have to observe with regard to professional confidentiality and the protection of personal data should be laid down. It is necessary to establish the status of seconded national experts and the possibility for the Member State concerned to object to the presence, at an inspection, of officials of other Member States.
- (6) For reasons of coherence, certain provisions of Council Regulation (EC, Euratom) No 1150/2000 ⁽²⁾ should be included in this Regulation. Those provisions concern the calculation and budgeting of the balance, control and supervision of own resources and relevant reporting requirements, as well as the Advisory Committee on Own Resources.

⁽¹⁾ See page 105 of this Official Journal.

⁽²⁾ Council Regulation (EC, Euratom) No 1150/2000 of 22 May 2000 implementing Decision 2007/436/EC, Euratom on the system of the European Communities own resources (OJ L 130, 31.5.2000, p. 1).

- (7) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽¹⁾.
- (8) The advisory procedure should be used for the adoption of implementing acts in order to establish detailed rules on reporting fraud and irregularities affecting entitlements to traditional own resources and Member States' annual reports on their inspections given the technical nature of those acts required for reporting purposes.
- (9) Appropriate parliamentary oversight, as set out in the Treaties, is required for provisions of a general nature applicable to all types of own resources and covering control and supervision of revenues including relevant reporting requirements.
- (10) Council Regulation (EC, Euratom) No 1026/1999 ⁽²⁾ should be repealed.
- (11) The European Court of Auditors and the European Economic and Social Committee were consulted and have adopted opinions ⁽³⁾.
- (12) For reasons of consistency and taking account of Article 11 of Decision 2014/335/EU, Euratom, this Regulation should enter into force on the same day as that Decision and should apply from 1 January 2014,

HAS ADOPTED THIS REGULATION:

CHAPTER I

DETERMINING OWN RESOURCES

Article 1

Calculation and budgeting of the balance

1. For the purpose of applying Article 7 of Decision 2014/335/EU, Euratom the balance of a given financial year shall consist of the difference between all the revenue collected in respect of that financial year and the amount of payments made against appropriations for that financial year increased by the amount of the appropriations for the same financial year carried over pursuant to Article 13 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽⁴⁾ ('the Financial Regulation').

That difference shall be increased or decreased by the net amount of appropriations carried over from previous financial years which have been cancelled. By way of derogation from Article 8(1) of the Financial Regulation, the difference shall also be increased or decreased by the following:

- (a) payments made in excess of non-differentiated appropriations carried over from the previous financial year under Article 13(1) and (4) of the Financial Regulation as a result of changes in euro rates;
- (b) the balance resulting from exchange gains and losses during the financial year.

2. The Commission shall, before the end of October in each financial year, make an estimate of the own resources collected for the entire year, on the basis of the data at its disposal at that time. Any appreciable differences in relation to original estimates may give rise to a letter of amendment to the draft budget for the following financial year or an amending budget for the current financial year.

⁽¹⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

⁽²⁾ Council Regulation (EC, Euratom) No 1026/1999 of 10 May 1999 determining the powers and obligations of agents authorised by the Commission to carry out controls and inspections of the Communities' own resources (OJ L 126, 20.5.1999, p. 1).

⁽³⁾ Opinion No 2/2012 of the European Court of Auditors of 20 March 2012 (OJ C 112, 18.4.2012, p. 1) and Opinion of the European Economic and Social Committee of 29 March 2012 (OJ C 181, 21.6.2012, p. 45).

⁽⁴⁾ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

CHAPTER II

PROVISIONS CONCERNING CONTROL AND SUPERVISION, INCLUDING RELEVANT REPORTING REQUIREMENTS

Article 2

Control and supervision measures

1. The own resources referred to in Article 2(1) of Decision 2014/335/EU, Euratom shall be inspected as specified in this Regulation, without prejudice to Council Regulation (EEC, Euratom) No 1553/89 ⁽¹⁾ and Council Regulation (EC, Euratom) No 1287/2003 ⁽²⁾.
2. Member States shall take all measures that are necessary to ensure that the own resources referred to in Article 2(1) of Decision 2014/335/EU, Euratom are made available to the Commission.
3. Where control and supervision measures concern the traditional own resources referred to in Article 2(1)(a) of Decision 2014/335/EU, Euratom:
 - (a) Member States shall conduct the checks and enquiries concerning the establishment and the making available of those own resources.
 - (b) Member States shall carry out additional inspection measures at the Commission's request. In its request the Commission shall state the reasons for the additional inspection. The Commission may also request that certain documents be forwarded to it.
 - (c) Member States shall, if the Commission so requests, associate it with the inspections which they carry out. Where the Commission is associated with an inspection, the Commission shall have access, in so far as the application of this Regulation so requires, to the supporting documents concerning establishing and making available own resources, and to any other appropriate document related to those supporting documents.
 - (d) The Commission may itself carry out inspections on the spot. The agents authorised by the Commission for such inspections shall have access to documents as set out for the inspections referred to in point (c). Member States shall facilitate those inspections.
 - (e) The inspections referred to in points (a) to (d) shall be without prejudice to the following:
 - (i) the inspections carried out by Member States in accordance with their national laws, regulations or administrative provisions;
 - (ii) the measures provided for in Articles 287 and 319 of the Treaty on the Functioning of European Union (TFEU);
 - (iii) the inspection arrangements made pursuant to Article 322(1)(b) TFEU.
4. Where control and supervision measures concern the own resource based on value added tax (VAT) referred to in Article 2(1)(b) of Decision 2014/335/EU, Euratom, they shall be carried out in accordance with Article 11 of Regulation (EEC, Euratom) No 1553/89.
5. Where control and supervision measures concern the own resource based on gross national income (GNI) referred to in Article 2(1)(c) of Decision 2014/335/EU, Euratom:
 - (a) The Commission shall each year inspect, together with the Member State concerned, the aggregates provided for errors in compilation, especially in cases notified by the GNI committee established by Regulation (EC, Euratom) No 1287/2003. In doing so it may, in individual cases, also examine calculations and statistical bases, except the information about individual companies or persons, where no proper assessment would otherwise be possible.
 - (b) The Commission shall have access to the documents relating to the statistical procedures and basic statistics referred to in Article 3 of Regulation (EC, Euratom) No 1287/2003.

⁽¹⁾ Council Regulation (EEC, Euratom) No 1553/89 of 29 May 1989 on the definitive uniform arrangements for the collection of own resources accruing from value added tax (OJ L 155, 7.6.1989, p. 9).

⁽²⁾ Council Regulation (EC, Euratom) No 1287/2003 of 15 July 2003 on the harmonisation of gross national income at market prices (GNI Regulation) (OJ L 181, 19.7.2003, p. 1).

6. For the purposes of the control and supervision measures under paragraphs 3, 4 and 5 of this Article, the Commission may request the Member States to forward to it relevant documents or reports relating to the systems used to collect own resources or to make them available to the Commission.

Article 3

Powers and obligations of the authorised agents of the Commission

1. The Commission shall specifically appoint for the purpose of making the inspections referred to in Article 2 certain of its officials or other servants ('authorised agents').

For each inspection, the Commission shall provide the authorised agents with written terms of reference stating their identity and official capacity.

Persons placed at the disposal of the Commission by the Member States as national experts on secondment may participate in the inspections.

With the explicit and prior agreement of the Member State concerned, the Commission may seek the assistance of officials from other Member States as observers. The Commission shall ensure that those officials comply with paragraph 3 of this Article.

2. During the inspections of traditional own resources and of the VAT-based own resource, referred to in Article 2(3) and (4) respectively, the authorised agents shall act in a manner compatible with the rules applicable to the officials of the Member State concerned. They shall be bound by professional secrecy, under the conditions laid down in paragraph 3 of this Article.

For the purposes of the inspections of the GNI-based own resource referred to in Article 2(5), the Commission shall respect national rules on the confidentiality of statistics.

An authorised agent may, if necessary, contact debtors, but only in the context of the inspections of traditional own resources, and only through the competent authorities whose own resources collection procedures are the subject of the inspection.

3. Information communicated or obtained under this Regulation, in whatever form, shall be subject to professional secrecy and receive the protection granted to similar information under the national law of the Member State in which it was gathered and under the corresponding provisions applicable to the institutions of the Union.

That information shall not be communicated to persons other than those within the institutions of the Union or the Member States whose duty it is to know nor shall it be used for purposes other than those laid down in this Regulation without the prior consent of the Member State in which it was gathered.

The first and second subparagraphs shall apply to the officials and other servants of the Union, and national experts on secondment.

4. The Commission shall ensure that authorised agents and other persons acting under its authority comply with Directive 95/46/EC of the European Parliament and of the Council ⁽¹⁾ and Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽²⁾ and other Union and national rules concerning the protection of personal data.

⁽¹⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

⁽²⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

*Article 4***Preparation and management of inspections**

1. In a duly substantiated communication, the Commission shall give notice of an inspection in good time to the Member State in which the inspection is to take place. Agents of the Member State concerned may participate in such inspection.
2. For inspections of traditional own resources where the Commission is associated under Article 2(3), and of the VAT-based own resource under Article 2(4), the organisation of the work and relations with the departments involved in the inspection shall be ensured by the department designated by the Member State concerned.
3. On-the-spot inspections of traditional own resources referred to in Article 2(3)(d) shall be carried out by the authorised agents. For the purposes of the organisation of the work and relations with the departments, and where appropriate the debtors involved in the inspection, those agents shall, prior to any on-the-spot inspections, establish the necessary contacts with the officials designated by the Member State concerned. For this type of inspection the terms of reference shall be accompanied by a document indicating the aim and purpose of the inspection.
4. Inspections concerning the GNI-based own resource referred to in Article 2(5) shall be carried out by the authorised agents. For the purposes of the organisation of the work, those agents shall establish the necessary contacts with the competent administrations in the Member States.
5. The Member States shall ensure that the departments or agencies responsible for establishing, collecting and making available the own resources, and the authorities which they have instructed to carry out the inspections thereon, provide the authorised agents with the assistance necessary for carrying out their duties.

For the purposes of on-the-spot inspections of traditional own resources referred to in Article 2(3)(d), Member States concerned shall inform the Commission in good time of the identity and capacity of the persons appointed to take part in these inspections and to afford the authorised agents every assistance necessary for carrying out their duties.

6. The results of the controls and inspections referred to in Article 2, except the inspections carried out by the Member States referred to in Article 2(3)(a) and (b), shall be brought to the attention of the Member State concerned through the appropriate channels within a period of three months. The Member State shall submit its observations within the three months following receipt of the report. However, for duly substantiated reasons, the Commission may request the Member State concerned to submit observations on specific points within a period of one month following receipt of the report. The Member State concerned may decline to respond by means of a communication stating the reasons which prevent it from responding to the Commission's request.

Thereafter the results and observations referred to in the first subparagraph, together with the summary report prepared in connection with controls on the VAT-based own resource, shall be brought to the attention of all Member States.

Where the on-the-spot or associated inspections of traditional own resources identify the need for amendment or correction of data in the statements or declarations sent to the Commission regarding own resources and the resultant corrections are to be made via a current statement or declaration then the relevant changes shall be identified, in the statement or declaration so used, by means of appropriate notes.

*Article 5***Reporting fraud and irregularities affecting entitlements to traditional own resources**

1. In the two months following the end of each quarter, Member States shall send the Commission a description of cases of fraud and irregularities detected involving entitlements of over EUR 10 000 concerning the traditional own resources referred to Article 2(1)(a) of Decision 2014/335/EU, Euratom.

Within the period referred to in the first subparagraph, each Member State shall give details of the position concerning cases of fraud and irregularities already reported to the Commission whose recovery, cancellation or non-recovery was not indicated earlier.

2. The Commission shall adopt implementing acts establishing details of the descriptions referred to in paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 7(2).
3. A summary of the notifications referred to in paragraph 1 of this Article shall be included in the Commission report referred to in Article 325(5) TFEU.

Article 6

Reporting by Member States of their inspections of traditional own resources

1. Member States shall submit detailed annual reports to the Commission on their inspections relating to traditional own resources and the results of those inspections, the overall data and any questions of principle concerning the most important problems arising out of the application of the relevant regulations implementing Decision 2014/335/EU, Euratom and, in particular, matters in dispute. The reports shall be sent to the Commission by 1 March of the year following the financial year concerned. On the basis of those reports, the Commission shall prepare a summary report, which shall be brought to the attention of all Member States.
2. The Commission shall adopt implementing acts establishing a form for the Member States' annual reports mentioned in paragraph 1 of this Article. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 7(2).
3. The Commission shall report every three years to the European Parliament and to the Council on the functioning of the inspection arrangements for traditional own resources referred to in Article 2(3).

CHAPTER III

COMMITTEE AND FINAL PROVISIONS

Article 7

Committee procedure

1. The Commission shall be assisted by the Advisory Committee on Own Resources (ACOR). That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

Article 8

Final provisions

Regulation (EC, Euratom) No 1026/1999 is repealed.

References to the repealed Regulation and to the provisions of Regulation (EC, Euratom) No 1150/2000 repealed by Council Regulation (EU, Euratom) No 609/2014 ⁽¹⁾, which are referred to in the correlation table set out in the Annex to this Regulation, shall be construed as references to this Regulation and shall be read in accordance with that correlation table.

⁽¹⁾ Council Regulation (EU, Euratom) No 609/2014 of 26 May 2014 on the methods and procedure for making available the traditional, VAT and GNI-based own resources and on the measures to meet cash requirements (see page 39 of this Official Journal).

*Article 9***Entry into force**

This Regulation shall enter into force on the day of entry into force of Decision 2014/335/EU, Euratom.

It shall apply from 1 January 2014.

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

Done at Brussels, 26 May 2014.

For the Council

The President

Ch. VASILAKOS

ANNEX

CORRELATION TABLE

Regulation (EC, Euratom) No 1026/1999	Regulation (EC, Euratom) No 1150/2000	This Regulation
	Articles 1 to 6(4)	—
	Article 6(5)	Article 5(1)
	Articles 7 to 12	—
	Article 15	Article 1(1)
	Article 16(1) and (2)	Article 1(2)
	Article 16, third paragraph	—
	Article 17(1) to (4)	—
—	—	Article 2(1)
—	—	Article 2(2)
	Article 17(5), first, second and fourth sentence	Article 6(1)
	Article 17(5), third sentence	Article 5(3)
	Article 18(1)	Article 2(3)(a)
	Article 18(2), first subparagraph, point (a)	Article 2(3)(b), first and second sentence
	Article 18(2), first subparagraph, point (b)	Article 2(3)(c), first sentence
	Article 18(2), second subparagraph, first sentence	Article 2(3)(d), third sentence
	Article 18(2), second subparagraph, second sentence	Article 2(3)(c), second sentence
	Article 18(2), third subparagraph, point (a)	Article 2(3)(b), third sentence
	Article 18(2), third subparagraph, point (b)	Article 4(6), third subparagraph
	Article 18(3), first sentence	Article 2(3)(d), first sentence
	Article 18(3), second sentence	Article 2(3)(d), second sentence
	Article 18(3), third and fourth sentence	Article 4(1)
—	—	Article 2(3)(d), second sentence

Regulation (EC, Euratom) No 1026/1999	Regulation (EC, Euratom) No 1150/2000	This Regulation
	Article 18(4)	Article 2(3)(e)
	Article 18(5)	Article 6(3)
—	—	Article 2(4)
	Article 19, first and second sentence	Article 2(5)(a)
—	—	Article 2(5)(b)
—	—	Article 2(6)
Article 1, first subparagraph		Article 3(1), first subparagraph
Article 1, second subparagraph		Article 3(1), third subparagraph
Article 1, third subparagraph		Article 3(1), fourth subparagraph
Article 2(1) and (2)		—
Article 2(3), first sentence		Article 3(1), second subparagraph
Article 2(3), second sentence		Article 4(3), third sentence
Article 3(1)(a) and (b)		Article 3(2), first subparagraph
	Article 19, third sentence	Article 3(2), second subparagraph
Article 3(1)(c)		Article 3(2), third subparagraph
Article 3(2)(a)		Article 4(2)
Article 3(2)(b)		Article 4(3), first and second sentence
Article 3(2)(c)		Article 4(4)
Article 4		Article 4(5)
Article 5(1) and (2)		Article 3(3)
Article 5(3)		Article 3(4)
Article 6		Article 4(6), first and second subparagraph
Article 7		—
Article 8		—
	Articles 20 to 23	—

Regulation (EC, Euratom) No 1026/1999	Regulation (EC, Euratom) No 1150/2000	This Regulation
—	—	Article 5(2)
—	—	Article 6(2)
—	—	Article 7
—	—	Article 8
—	—	Article 9

COUNCIL REGULATION (EU, Euratom) No 609/2014**of 26 May 2014****on the methods and procedure for making available the traditional, VAT and GNI-based own resources and on the measures to meet cash requirements****(Recast)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 322(2) thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the European Court of Auditors ⁽¹⁾,

Whereas:

- (1) Council Regulation (EC, Euratom) No 1150/2000 ⁽²⁾ has been substantially amended several times. Since further amendments are to be made, it should be recast in the interests of clarity.
- (2) Certain provisions of Regulation (EC, Euratom) No 1150/2000 have been included in Council Regulation (EU, Euratom) No 608/2014 ⁽³⁾ and are not covered by this Regulation. Those provisions concern the calculation and budgeting of the balance, control and supervision of own resources and relevant reporting requirements, as well as the Advisory Committee on Own Resources (ACOR).
- (3) The Union must have the own resources referred to in Article 2 of Council Decision 2014/335/EU, Euratom ⁽⁴⁾ available in the best possible conditions and accordingly rules should be laid down for the Member States to provide the Commission with those own resources. This Regulation takes over the rules on making available the traditional own resources referred to in Article 2(1)(a) of Decision 2014/335/EU, Euratom, the own resources based on value added tax (VAT) referred to in Article 2(1)(b) of that Decision ('VAT-based own resource') and own resources based on gross national income (GNI) referred to in Article 2(1)(c) of that Decision ('GNI-based own resource'), previously included in Regulation (EC, Euratom) No 1150/2000.
- (4) The concept of establishment should be defined in respect of the own resources and detailed rules should be laid down for satisfying the obligation to establish the traditional own resources referred to in Article 2(1)(a) of Decision 2014/335/EU, Euratom.

⁽¹⁾ Opinion No 2/2012 of 20 March 2012 (OJ C 112, 18.4.2012, p. 1).

⁽²⁾ Council Regulation (EC, Euratom) No 1150/2000 of 22 May 2000 implementing Decision 2007/436/EC, Euratom on the system of the European Communities own resources (OJ L 130, 31.5.2000, p. 1).

⁽³⁾ Council Regulation (EU, Euratom) No 608/2014 of 26 May 2014 laying down implementing measures for the system of own resources of the European Union (see page 29 of this Official Journal).

⁽⁴⁾ Council Decision 2014/335/EU, Euratom of 26 May 2014 on the system of own resources of the European Union (see page 105 of this Official Journal).

- (5) For own resources deriving from sugar levies, which need to be recovered in the budget year corresponding to the marketing year to which the expenditure relates, provision should be made for the Member States to make such levies available to the Commission during the budget year in which they are established.
- (6) The Member States should keep at the disposal of the Commission and, where necessary, forward to it the documents and information needed to allow it to exercise the power conferred upon it as regards the own resources of the Union.
- (7) The national authorities responsible for the collection of own resources should be able to produce to the Commission at all times the documents substantiating the own resources collected.
- (8) Separate accounts should be kept for entitlements which have not been recovered. These accounts and the submission of a quarterly statement of such accounts should enable the Commission to monitor more closely the action taken by Member States to collect own resources, and particularly those compromised by fraud or irregularities.
- (9) A time-limit should be laid down for relations between Member States and the Commission, given that new entitlements established by Member States in respect of earlier years are deemed to be establishments for the current year.
- (10) In order to ensure that the budget of the Union will be financed in all circumstances, a procedure should be laid down, as regards the VAT-based own resource and the GNI-based own resource created in accordance with Council Regulation (EC, Euratom) No 1287/2003 ⁽¹⁾, for Member States to make available to the Union, in the form of constant monthly twelfths, the own resources entered in the budget and subsequently to adjust the amounts made available in accordance with the actual base of the VAT-based own resource and the relevant changes to GNI as soon as they are fully known.
- (11) The impact of modifications in the GNI data made after the end of each financial year on the financing of gross reductions should be clarified.
- (12) The own resources must be made available in the form of an entry of the amounts due in an account opened for this purpose in the name of the Commission with the Treasury or with the body appointed by each Member State. In order to restrict the movements of funds to that which is necessary for the implementation of the budget, the Union must confine itself to drawing on those accounts solely to cover the Commission's cash requirements.
- (13) The Commission must have sufficient cash resources to comply with the regulatory requirements for payments concentrated in the opening months of the year, in particular for the specific needs of paying expenditure of the European Agricultural Guarantee Fund (EAGF) pursuant to Council Regulation (EC) No 73/2009 ⁽²⁾.
- (14) In accordance with the principle of sound financial management, care should be taken that the cost of recovery of interest due on own resources made available belatedly should not exceed the amount of the interest payable.
- (15) The reporting of write-off cases concerning established entitlements declared or deemed irrecoverable should be harmonised.
- (16) Close collaboration between Member States and the Commission will facilitate proper application of the financial rules relating to own resources.
- (17) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽³⁾.
- (18) The advisory procedure should be used for the adoption of implementing acts in order to establish detailed rules for the monthly statements of the accounts for the entitlements to traditional own resources and the quarterly statements of the separate accounts, as well as for the cases concerning irrecoverable amounts exceeding EUR 50 000, given the technical nature of those acts required for reporting purposes.

⁽¹⁾ Council Regulation (EC, Euratom) No 1287/2003 of 15 July 2003 on the harmonisation of gross national income at market prices (OJ L 181, 19.7.2003, p. 1).

⁽²⁾ Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 (OJ L 30, 31.1.2009, p. 16).

⁽³⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (19) Regulation (EC, Euratom) No 1150/2000 should be repealed.
- (20) For reasons of consistency and taking account of Article 11 of Decision 2014/335/EU, Euratom, this Regulation should enter into force on the same day as that Decision and should apply from 1 January 2014,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down rules on making available to the Commission the own resources of the Union referred to in Article 2(1)(a), (b) and (c) of Decision 2014/335/EU, Euratom.

Article 2

Date of establishment of traditional own resources

1. For the purpose of applying this Regulation, the Union's entitlement to the traditional own resources referred to in Article 2(1)(a) of Decision 2014/335/EU, Euratom shall be established as soon as the conditions provided for by the customs regulations have been met concerning the entry of the entitlement in the accounts and the notification of the debtor.
2. The date of the establishment referred to in paragraph 1 shall be the date of entry in the accounting ledgers provided for by the customs regulations.

As regards the levies and other charges connected with the common organisation of the sugar market, the date of the establishment referred to in paragraph 1 shall be the date of notification under the sugar regulations.

Where that notification is not explicitly provided for, the date shall be the date of establishment by the Member States of the amounts due by the debtors, where necessary by way of advance payment or payment of balance.

3. In disputed cases, the competent administrative authorities shall be deemed, for the purposes of the establishment referred to in paragraph 1, to be in a position to calculate the amount of the entitlement not later than when the first administrative decision is taken notifying the debtor of the debt or when judicial proceedings are brought if this occurs first.

The date of the establishment referred to in paragraph 1 shall be the date of the decision or of the calculation to be made following the initiation of those judicial proceedings.

4. Paragraph 1 shall apply when a notification must be corrected.

Article 3

Conservation of supporting documents

Member States shall take all appropriate measures to ensure that the supporting documents concerning the establishment and making available of own resources are kept for at least three calendar years, counting from the end of the year to which these supporting documents refer.

The supporting documents relating to the statistical procedures and bases referred to in Article 3 of Regulation (EC, Euratom) No 1287/2003 shall be kept by the Member States until 30 September of the fourth year following the financial year in question. The supporting documents relating to the VAT-based own resource base shall be kept for the same period.

If verification pursuant to Article 2(3) of Regulation (EU, Euratom) No 608/2014 or Article 11 of Council Regulation (EEC, Euratom) No 1553/89 ⁽¹⁾ of the supporting documents referred to in the first and second paragraphs shows that a correction is required, they shall be kept beyond the time limit provided for in the first paragraph for a sufficient period to permit the correction to be made and monitored.

Where a dispute between a Member State and the Commission concerning the obligation to make available a certain amount of own resources is settled by mutual agreement or by a decision of the Court of Justice of the European Union, the Member State shall transmit the supporting documents necessary for the financial follow-up to the Commission within two months after that settlement.

Article 4

Administrative cooperation

1. Each Member State shall inform the Commission of the following:
 - (a) the names of the departments or agencies responsible for establishing, collecting, making available and controlling own resources and the basic provisions relating to the role and operation of those departments and agencies;
 - (b) the general provisions laid down by law, regulation or administrative action and those relating to accounting procedure concerning the establishment, collection, making available and control by the Commission of own resources;
 - (c) the precise title of all administrative and accounting records in which are entered the established entitlements as specified in Article 2, in particular those used for drawing up the accounts provided for in Article 6.

The Commission shall be informed immediately of any change in these names or provisions.

2. The Commission shall, at the request of a Member State, transmit to all Member States the information referred to in paragraph 1.

Article 5

Applicable rates

The uniform rate referred to in Article 2(1)(c) of Decision 2014/335/EU, Euratom shall be set in the course of the budgetary procedure and shall be calculated as a percentage of the sum of the forecast of the gross national income (GNI) of the Member States in such a manner that it fully covers that part of the budget not financed from the revenue referred to in Article 2(1)(a) and (b) of Decision 2014/335/EU, Euratom, from financial contributions to supplementary research and technological development programmes and other revenue.

That rate shall be expressed in the budget by a figure containing as many decimal places as is necessary to fully divide the GNI-based own resource among the Member States.

CHAPTER II

ACCOUNTS FOR OWN RESOURCES

Article 6

Entry in the accounts and reporting

1. Accounts for own resources shall be kept by the Treasury of each Member State or by the body appointed by each Member State and broken down by type of resources.
2. For own-resources accounting purposes, the month shall end no earlier than 1 p.m. on the last working day of the month during which establishment took place.

⁽¹⁾ Council Regulation (EEC, Euratom) No 1553/89 of 29 May 1989 on the definitive uniform arrangements for the collection of own resources accruing from value added tax (OJ L 155, 7.6.1989, p. 9).

3. Entitlements established in accordance with Article 2 shall, subject to the second subparagraph of this paragraph, be entered in the accounts at the latest on the first working day after the nineteenth day of the second month following the month during which the entitlement was established.

Established entitlements not entered in the accounts referred to in the first subparagraph, because they have not yet been recovered and no security has been provided, shall be shown in separate accounts within the period laid down in the first subparagraph. Member States may adopt this procedure where established entitlements for which security has been provided have been challenged and might, upon settlement of the disputes which have arisen, be subject to change.

The VAT-based own resource and the GNI-based own resource, taking into account the effect on these resources of the correction granted to the United Kingdom for budgetary imbalances and the gross reduction granted to Denmark, the Netherlands, Austria and Sweden, shall, however, be recorded in the accounts as specified in the first subparagraph as follows:

- the twelfths referred to in Article 10(3) shall be recorded on the first working day of each month,
- the balances referred to in Article 10(4) and (6) and the adjustments referred to in Article 10(5) and (7) shall be recorded annually, except for the particular adjustments referred to in the first indent of Article 10(5), which shall be recorded in the accounts on the first working day of the month following agreement between the Member State concerned and the Commission.

Established entitlements relating to levies and other charges connected with the common organisation of the sugar market shall be entered in the accounts referred to in the first subparagraph. If those entitlements are not then recovered within the time-limits set, the Member States may correct the entry and, by way of exception, enter the entitlements in the separate accounts.

4. Each Member State shall send the Commission, within the time limits specified in paragraph 3:
- (a) a monthly statement of its accounts for the entitlements referred to in the first subparagraph of paragraph 3;
 - (b) a quarterly statement of the separate accounts referred to in the second subparagraph of paragraph 3.

Together with those monthly statements the Member States concerned shall provide details or statements of deductions from own resources based on provisions relating to special-status territories.

Together with the final quarterly statement for a given year, Member States shall forward an estimate of the total amount of entitlements contained in the separate account at 31 December of that year for which recovery has become unlikely.

The Commission shall adopt implementing acts establishing detailed rules for the monthly and quarterly statements. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in paragraph 2 of Article 16.

Article 7

Accounting corrections

After 31 December of the third year following a given year, no further corrections shall be made to the sum of the monthly statements communicated by Member States under the first subparagraph of Article 6(4) for the year in question, except on points notified before this date either by the Commission or by the Member State concerned.

Article 8

Corrections of establishments

Corrections carried out under Article 2(4) shall be added to or subtracted from the total amount of established entitlements. They shall be recorded in the accounts referred to in the first and second subparagraph of Article 6(3) and in the statements referred to in Article 6(4) in accordance with the date of those corrections.

CHAPTER III

MAKING AVAILABLE OWN RESOURCES

Article 9

Treasury and accounting arrangements

1. In accordance with the procedure laid down in Article 10, each Member State shall credit own resources to the account opened in the name of the Commission with its Treasury or the body it has appointed.

This account shall be kept in national currency and is free of charge.

2. Member States or the bodies appointed by them shall transmit to the Commission, by electronic means:

- (a) on the working day on which the own resources are credited to the account of the Commission, a statement of account or a credit advice showing the entry of the own resources;
- (b) without prejudice to point (a), at the latest on the second working day following the crediting of the account, a statement of account showing the entry of the own resources.

3. The amounts credited shall be accounted for in euro in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽¹⁾ ('Financial Regulation') and Commission Delegated Regulation (EU) No 1268/2012 ⁽²⁾.

Article 10

Determining amounts, timing for making available, adjustments

1. After deduction of collection costs in accordance with Article 2(3) and Article 10(3) of Decision 2014/335/EU, Euratom, entry of the traditional own resources referred to in Article 2(1)(a) of that Decision shall be made at the latest on the first working day following the nineteenth day of the second month following the month during which the entitlement was established in accordance with Article 2 of this Regulation.

However, for entitlements shown in separate accounts under the second subparagraph of Article 6(3) of this Regulation, the entry must be made at the latest on the first working day following the nineteenth day of the second month following the month in which the entitlements were recovered.

2. If necessary, Member States may be invited by the Commission to bring forward by one month the entry of resources other than the VAT-based own resource and the GNI-based own resource on the basis of the information available to them on the fifteenth of the same month.

Each entry brought forward shall be adjusted the following month when the entry mentioned in paragraph 1 is made. This adjustment shall entail the negative entry of an amount equal to that given in the entry brought forward.

3. The VAT-based own resource and the GNI-based own resource, taking into account the effect on these resources of the correction granted to the United Kingdom for budgetary imbalances and of the gross reduction granted to Denmark, the Netherlands, Austria and Sweden, shall be credited on the first working day of each month, the amounts being one-twelfth of the relevant totals in the budget, converted into national currencies at the rates of exchange of the last day of quotation of the calendar year preceding the budget year, as published in the *Official Journal of the European Union*, C Series.

For the specific needs of paying expenditure of the EAGF pursuant to Regulation (EC) No 73/2009, and depending on the Union's cash position, Member States may be invited by the Commission to bring forward by one or two months in

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

⁽²⁾ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

the first quarter of the financial year the entry of one-twelfth or a fraction of one-twelfth of the amounts in the budget for the VAT-based own resource and the GNI-based own resource, taking into account the effect on these resources of the correction granted to the United Kingdom for budgetary imbalances and of the gross reduction granted to Denmark, the Netherlands, Austria and Sweden.

After the first quarter, the monthly entry requested may not exceed one-twelfth of the VAT and GNI-based own resources, while remaining within the limit of the amounts entered in the budget for that purpose.

The Commission shall notify the Member States thereof in advance, no later than two weeks before the entry requested.

The eighth subparagraph concerning the amount to be entered in January each year and the ninth subparagraph applicable if the budget has not been finally adopted before the beginning of the financial year shall apply to these advance entries.

Any change in the uniform rate of the VAT-based own resource, in the rate of the GNI-based own resource, in the correction granted to the United Kingdom for budgetary imbalances and in its financing referred to in Article 4 and 5 of Decision 2014/335/EU, Euratom, and in the financing of the gross reduction granted to Denmark, the Netherlands, Austria and Sweden shall require the final adoption of an amending budget and shall give rise to readjustments of the twelfths which have been entered since the beginning of the financial year.

These readjustments shall be carried out when the first entry is made following the final adoption of the amending budget if it is adopted before the sixteenth of the month. Otherwise they shall be carried out when the second entry following final adoption is made. By way of derogation from Article 11 of the Financial Regulation, these readjustments shall be entered in the accounts in respect of the financial year of the amending budget in question.

Calculation of the twelfths for January of each financial year shall be based on the amounts provided for in the draft budget, referred to in Article 314(2) of the Treaty on the Functioning of European Union (TFEU) and converted into national currencies at the rates of exchange of the first day of quotation following 15 December of the calendar year preceding the budget year; the adjustment shall be made with the entry for the following month.

If the budget has not been finally adopted at the latest two weeks before the entry for January of the following financial year, the Member States shall enter on the first working day of each month, including January, one-twelfth of the amount of the VAT-based own resource, and the GNI-based own resource, taking into account the effect on these resources of the correction granted to the United Kingdom for budgetary imbalances and of the gross reduction granted to Denmark, the Netherlands, Austria and Sweden, entered in the last budget finally adopted; the adjustment shall be made on the first due date following final adoption of the budget if it is adopted before the sixteenth of the month. Otherwise, the adjustment shall be made on the second due date following final adoption of the budget.

4. Each Member State shall, on the basis of the annual statement on the VAT-based own resource base provided for in Article 7(1) of Regulation (EEC, Euratom) No 1553/89, be debited with an amount calculated from the information contained in that statement by applying the uniform rate adopted for the previous financial year and credited with the 12 payments made during that financial year. However, each Member State's VAT-based own resource base to which that rate is applied may not exceed the percentage determined by Article 2(1)(b) of Decision 2014/335/EU, Euratom of its GNI, as referred to in the first subparagraph of Article 2(7) of that Decision. The Commission shall calculate the balance and shall inform the Member States in time for them to enter it in the account referred to in Article 9(1) of this Regulation on the first working day of December of the same year.

5. Any corrections to the VAT-based own resource base under Article 9(1) of Regulation (EEC, Euratom) No 1553/89 shall give rise for each Member State concerned whose base, allowing for those corrections, does not exceed the percentages determined by Articles 2(1)(b) and 10(2) of Decision 2014/335/EU, Euratom to the following adjustments to the balance referred to in paragraph 4 of this Article:

- the corrections under the first subparagraph of Article 9(1) of Regulation (EEC, Euratom) No 1553/89 made by 31 July shall give rise to a general adjustment to be entered in the account referred to in Article 9(1) of this Regulation on the first working day of December of the same year. However, a particular adjustment may be entered before that date if the Member State concerned and the Commission are in agreement;
- where the measures which the Commission takes under the second subparagraph of Article 9(1) of Regulation (EEC, Euratom) No 1553/89 to correct the base lead to an adjustment of the entries in the account referred to in Article 9(1) of this Regulation, that adjustment shall be made on the date specified by the Commission pursuant to those measures.

The changes to GNI referred to in paragraph 7 of this Article shall also give rise to an adjustment of the balance of any Member State whose base, allowing for the corrections referred to in the first subparagraph of this paragraph, is capped at the percentages determined by Articles 2(1)(b) and 10(2) of Decision 2014/335/EU, Euratom.

The Commission shall inform the Member States of these adjustments in time for them to enter them in the account referred to in Article 9(1) on the first working day of December of the same year.

However, a particular adjustment may be entered at any time if the Member State concerned and the Commission are in agreement.

6. On the basis of figures for aggregate GNI at market prices and its components from the preceding year, supplied by the Member States in accordance with Article 2(2) of Regulation (EC, Euratom) No 1287/2003, each Member State shall be debited with an amount calculated by applying to GNI the rate adopted for the previous financial year and credited with the payments made during that previous financial year. The Commission shall work out the balance and shall inform the Member States in time for them to enter it in the account referred to in Article 9(1) of this Regulation on the first working day of December of the same year.

7. Any changes to the GNI of previous financial years pursuant to Article 2(2) of Regulation (EC, Euratom) No 1287/2003, subject to Article 5 thereof, shall give rise for each Member State concerned to an adjustment to the balance established pursuant to paragraph 6 of this Article. This adjustment shall be established in the manner laid down in the first subparagraph of paragraph 5 of this Article. The Commission shall inform the Member States of these adjustments so that they can enter them in the account referred to in Article 9(1) of this Regulation on the first working day of December of the same year. After 30 September of the fourth year following a given financial year, any changes to GNI shall no longer be taken into account, except on points notified within this time limit either by the Commission or by the Member State.

8. The operations referred to in paragraphs 4 to 7 constitute modifications to revenue in respect of the financial year in which they occur.

The amount of revenue set out in the budget for the current financial year may be increased or reduced, by means of an amending budget, by the amount resulting from those operations in accordance with Article 1(2) of Regulation (EU, Euratom) No 608/2014.

9. There shall be no subsequent revision of the financing of the gross reductions granted to Denmark, the Netherlands, Austria and Sweden in the event of modifications of the GNI data pursuant to Article 2(2) of Regulation (EC, Euratom) No 1287/2003.

Article 11

Opt-out adjustment

1. Where, pursuant to the TFEU and its Protocols 21 and 22, a Member State does not take part in the financing of a specific Union action or policy, it shall be entitled to an adjustment, calculated in accordance with paragraph 2 of this Article, of the amount it has paid in own resources in respect of each year in which it has not taken part.

2. The Commission shall calculate the adjustment during the year following the financial year concerned, at the same time as it determines the GNI balances provided for in Article 10 of this Regulation.

The calculation shall be made on the basis of the figures relating to the relevant financial year:

- (a) aggregate GNI at market prices and its components,
- (b) the budgetary outturn of operational expenditure corresponding to the measure or policy in question.

The adjustment shall be equal to the product of multiplying the total amount of the expenditure in question, with the exception of that financed by participating third countries, by the percentage that the GNI of the Member State entitled to the adjustment represents of the GNI of all Member States. The adjustment shall be financed by the participating Member States according to a scale determined by dividing their respective GNI by the GNI of all the participating Member States. For the purposes of calculating the adjustment, amounts shall be converted between the national currency and the euro at the exchange rate on the last day of quotation of the calendar year preceding the budget year concerned.

The adjustment for each relevant year shall be made only once and it shall be final in the event of subsequent modification of the GNI figure.

3. The Commission shall inform the Member States in good time of the amount of the adjustment so that they can credit it to the account referred to in Article 9(1) of this Regulation on the first working day of December.

Article 12

Interest on amounts made available belatedly

1. Any delay in making the entry in the account referred to in Article 9(1) shall give rise to the payment of interest by the Member State concerned.

However, recovery of amounts of interest below EUR 500 shall be waived.

2. In the case of Member States belonging to the Economic and Monetary Union, the interest rate shall be equal to the rate as published in the *Official Journal of the European Union*, C series which the European Central Bank applied to its main refinancing operations, on the first day of the month in which the due date fell, increased by two percentage points.

This rate shall be increased by 0,25 of a percentage point for each month of delay. The increased rate shall be applied to the entire period of delay.

3. In the case of Member States not belonging to the Economic and Monetary Union, the rate shall be equal to the rate applied on the first day of the month in question by the Central Banks for their main refinancing operations, increased by two percentage points, or, for the Member States for which the Central Bank rate is not available, the most equivalent rate applied on the first day of the month in question on the Member State's money market, increased by two percentage points.

This rate shall be increased by 0,25 of a percentage point for each month of delay. The increased rate shall be applied to the entire period of delay.

4. For the payment of interest referred to in paragraph 1, Article 9(2) and (3) shall apply *mutatis mutandis*.

Article 13

Irrecoverable amounts

1. Member States shall take all requisite measures to ensure that the amounts corresponding to the entitlements established under Article 2 are made available to the Commission as specified in this Regulation.

2. Member States shall be released from the obligation to place at the disposal of the Commission the amounts corresponding to entitlements established under Article 2 which prove irrecoverable for either of the following reasons:

- (a) for reasons of force majeure;
- (b) for other reasons which cannot be attributed to them.

Amounts of established entitlements shall be declared irrecoverable by a decision of the competent administrative authority finding that they cannot be recovered.

Amounts of established entitlements shall be deemed irrecoverable, at the latest, after a period of five years from the date on which the amount has been established in accordance with Article 2 or, in the event of an administrative or judicial appeal, the final decision has been given, notified or published.

If part payment or payments have been received, the period of five years at maximum shall start from the date of the last payment made, where this does not clear the debt.

Amounts declared or deemed irrecoverable shall be definitively removed from the separate accounts referred to in the second subparagraph of Article 6(3). They shall be shown in an annex to the quarterly statement referred to in the first subparagraph of Article 6(4) and, where applicable, in the quarterly descriptions referred to in Article 5 of Regulation (EU, Euratom) No 608/2014.

3. Within three months of the administrative decision mentioned in paragraph 2 of this Article or in accordance with the time limits referred to in that paragraph, Member States shall provide a report to the Commission with information on those cases where paragraph 2 of this Article has been applied provided the established entitlements involved exceed EUR 50 000.

That report shall include all the facts necessary for a full examination of the reasons referred to in paragraph 2(a) and (b) of this Article, which prevented the Member State concerned from making available the amounts in question, and the recovery measures the Member State took in the case or cases in question.

That report shall be made on a form established by the Commission. For that purpose the Commission shall adopt implementing acts. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in paragraph 2 of Article 16.

4. The Commission shall, within six months from the receipt of the report provided for in paragraph 3, communicate its comments to the Member State concerned.

Where the Commission finds it necessary to request additional information, the six-month time-limit shall run from the date of receipt of the requested supplementary information.

CHAPTER IV

MANAGEMENT OF CASH RESOURCES

Article 14

Requirements on management of cash resources

1. The Commission shall draw on the sums credited to the accounts referred to in Article 9(1) to the extent necessary to cover its cash resource requirements arising out of the implementation of the budget.
2. If the cash resource requirements are in excess of the assets of the accounts, the Commission may draw in excess of the total of these assets subject to the availability of appropriations in the budget and within the limit of the own resources entered in the budget. In this event, it shall inform the Member States in advance of any foreseeable excess requirements.
3. In the sole case of default under a loan contracted or guaranteed pursuant to Council regulations and decisions, in circumstances in which the Commission cannot activate other measures provided for by the financial arrangements applying to these loans in time to ensure compliance with the Union's legal obligations to the lenders, paragraphs 2 and 4 may provisionally be applied, irrespective of the conditions in paragraph 2, in order to service the Union's debts.
4. The difference between the overall assets and the cash resource requirements shall be divided among the Member States, as far as possible, in proportion to the estimated budget revenue from each of them.

Article 15

Execution of payment orders

1. The Member States, or the bodies appointed by them, shall execute the Commission's payment orders following the Commission's instructions and within not more than three working days of receipt. However, in the case of cash movement transaction, the Member States shall execute the orders within the period requested by the Commission.
2. The Member States, or the bodies appointed by them, shall send to the Commission, by electronic means and on the second working day following the completion of each transaction at the latest, a statement of account showing the related movements.

CHAPTER V

FINAL PROVISIONS

Article 16

Committee procedure

1. The Commission shall be assisted by the Advisory Committee on Own Resources referred to in Article 7 of Regulation (EU, Euratom) No 608/2014. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

Article 17

Transitional provision on interest rate

The rate provided for in Article 11 of Regulation (EC, Euratom) No 1150/2000 in its version before the entry into force of Council Regulation (EC, Euratom) No 2028/2004 ⁽¹⁾ shall continue to apply for the calculation of interest for late payment where the due date falls before 1 December 2004.

Article 18

Repeal

1. Regulation (EC, Euratom) No 1150/2000 is repealed.
2. References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

Article 19

Entry into force

This Regulation shall enter into force on the day of entry into force of Decision 2014/335/EU, Euratom.

It shall apply from 1 January 2014.

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

Done at Brussels, 26 May 2014.

For the Council
The President
Ch. VASILAKOS

⁽¹⁾ Council Regulation (EC, Euratom) No 2028/2004 of 16 November 2004 amending Regulation (EC, Euratom) No 1150/2000 implementing Decision 94/728/EC, Euratom on the system of the Communities' own resources (OJ L 352, 27.11.2004, p. 1).

ANNEX I

REPEALED REGULATION WITH LIST OF ITS SUCCESSIVE AMENDMENTS

Council Regulation (EC, Euratom) No 1150/2000	(OJ L 130, 31.5.2000, p. 1).
Council Regulation (EC, Euratom) No 2028/2004	(OJ L 352, 27.11.2004, p. 1).
Council Regulation (EC, Euratom) No 105/2009	(OJ L 36, 5.2.2009, p. 1).

ANNEX II

CORRELATION TABLE

Regulation (EC, Euratom) No 1150/2000	This Regulation
Article 1	—
—	Article 1
Article 2	Article 2
Article 3, first, second and third paragraph	Article 3, first, second and third paragraph
—	Article 3, fourth paragraph
Article 4	Article 4
Article 5	Article 5
Article 6(1) and (2)	Article 6(1) and (2)
Article 6(3)(a)	Article 6(3), first subparagraph
Article 6(3)(b)	Article 6(3), second subparagraph
Article 6(3)(c)	Article 6(3), third subparagraph
Article 6(3)(d)	Article 6(3), fourth subparagraph
Article 6(4), first subparagraph, point (a), first sentence	Article 6(4), first subparagraph, point (a)
Article 6(4), first subparagraph, point (a), second sentence	Article 6(4), second subparagraph
Article 6(4), first subparagraph, point (b), first sentence	Article 6(4), first subparagraph, point (b)
Article 6(4), first subparagraph, point (b), second sentence	Article 6(4), third subparagraph
Article 6(4), second subparagraph	Article 6(4), fourth subparagraph
Article 6(5)	—
Article 7	Article 7
Article 8, first paragraph	Article 8
Article 8, second paragraph	—
Article 9(1)	Article 9(1)
Article 9(1a)	Article 9(2)
Article 9(2)	Article 9(3)
Article 10(1), (2), (3), (4), (5), (6) and (7)	Article 10(1), (2), (3), (4), (5), (6) and (7)
Article 10(8)	Article 10(8), first subparagraph
Article 10(9)	Article 10(9)
Article 10(10)	—
Article 10a	Article 11
Article 11(1)	Article 12(1), first subparagraph
—	Article 12(1), second subparagraph
Article 11(2), (3) and (4)	Article 12(2), (3) and (4)
Article 12(1), (2), (3) and (4)	Article 14

Regulation (EC, Euratom) No 1150/2000	This Regulation
Article 12(5), first subparagraph	Article 15(1)
Article 12(5), second subparagraph	Article 15(2)
Article 15	—
Article 16, first and second paragraph	—
Article 16, third paragraph	Article 10(8), second subparagraph
Article 17(1) and (2)	Article 13(1) and (2)
Article 17(3), first subparagraph	Article 13(3), first subparagraph
Article 17(3), second subparagraph	—
Article 17(3), third subparagraph	Article 13(3), second subparagraph
—	Article 13(3), third subparagraph
Article 17(4)	Article 13(4)
Article 17(5)	—
Article 18	—
Article 19	—
Article 20	—
Article 21	—
—	Article 16
Article 21a	Article 17
Article 22	—
Article 23	—
—	Article 18
—	Article 19
Annex	
—	Annex I
—	Annex II

COMMISSION DELEGATED REGULATION (EU) No 610/2014**of 14 February 2014****on establishing a derogation from Regulation (EU) No 1290/2013 of the European Parliament and of the Council laying down the rules for participation and dissemination in ‘Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020)’ with regard to the ECSEL Joint Undertaking****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1290/2013 of the European Parliament and of the Council of 11 December 2013 laying down the rules for participation and dissemination in ‘Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020)’⁽¹⁾, and in particular Article 1(3)(d) thereof,

Whereas:

- (1) Regulation (EU) No 1291/2013 of the European Parliament and of the Council⁽²⁾ establishes the Framework Programme for Research and Innovation (2014-2020) (Horizon 2020) and provides for involvement of the Union in public-private partnerships, including in joint undertakings, in key areas where research and innovation may contribute to Union’s wider competitiveness goals and help tackle societal challenges.
- (2) Participation in indirect actions under Horizon 2020 should comply with Regulation (EU) No 1290/2013. However, in order to take into account the specific operating needs of joint undertakings established pursuant to Article 187 of the Treaty in the area of electronic components and systems, the power to adopt acts in accordance with Article 290 of the Treaty was delegated to the Commission for the duration of Horizon 2020 with a view to allowing funding bodies in that area to apply different reimbursement rates for the Union-provided funding in cases where one or more Member States co-fund a participant or an action.
- (3) The ECSEL Joint Undertaking has been set up by Council Regulation (EC) No 561/2014⁽³⁾ for a period up to 31 December 2024 in order to implement a Joint Technology Initiative in the field of Electronic Components and Systems.
- (4) Specific operating needs have been identified as regards the co-funding by Member States and the applicability of national funding rules.
- (5) In view of those operating needs, a derogation from the single reimbursement rates referred to in Article 28(3) of Regulation (EU) No 1290/2013 in cases where one or more Member States co-fund a participant or an action is necessary in order to allow a reimbursement rate of Union funding by type of participant and type of action. The reimbursement rate should be dependent on the type of participant and the type of action in order to facilitate cross-border cooperation in particular with small and medium-sized enterprises and non-profit legal entities, whilst achieving the optimal level of leverage effect on private investment,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 28(3) of Regulation (EU) No 1290/2013, the ECSEL Joint Undertaking may apply different reimbursement rates for the Union funding within an action dependent upon the type of the participant and the type of activity in actions where one or more Member States co-fund a participant or the action.

⁽¹⁾ OJ L 347, 20.12.2013, p. 81.⁽²⁾ Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104).⁽³⁾ Council Regulation (EU) No 561/2014 of 6 May 2014 establishing the ECSEL Joint Undertaking (OJ L 169, 7.6.2014, p. 152).

Article 2

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

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

Done at Brussels, 14 February 2014.

For the Commission

The President

José Manuel BARROSO

COMMISSION DELEGATED REGULATION (EU) No 611/2014
of 11 March 2014

supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the support programmes for the olive-oil and table-olives sector

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 30 thereof,

Whereas:

- (1) Article 29 of Regulation (EU) No 1308/2013 lays down rules relating to the work programmes to support the olive-oil and table-olives sector. Those rules should be supplemented in order to guarantee that Union aid is utilised efficiently and effectively. The new rules should replace those laid down by Commission Regulation (EC) No 867/2008 ⁽²⁾, which should be repealed as a result.
- (2) So that the work programmes can be implemented effectively, it should be laid down that Union funding will be allocated in proportion to their duration, while ensuring that the annual expenditure for implementing approved work programmes does not exceed the amount laid down in Article 29(2) of Regulation (EU) No 1308/2013.
- (3) In order to ensure the overall consistency of the activities of recognised producer organisations, recognised associations of producer organisations and recognised interbranch organisations (hereinafter 'the recipient organisations'), the types of measure eligible for Union funding and the types of activity not eligible should be specified. The procedure for submitting the work programmes and the criteria for selecting them should also be specified. The Member States concerned should be allowed to lay down additional eligibility requirements so that the measures can be better adapted to national conditions in the olive sector.
- (4) In the light of experience, the Union funding thresholds should be set at least for the areas of improving the environmental impact of olive cultivation, improving the competitiveness of olive cultivation through modernisation and traceability, certification and protection of the quality of olive oil and table olives by means of, in particular, quality control of the olive oils sold to end consumers, so as to ensure that at least a minimum number of measures are implemented in sensitive priority areas.
- (5) In order to ensure that the work programmes are implemented in accordance with Article 29 of Regulation (EU) No 1308/2013 and that the system of support for the recipient organisations is subject to effective administrative management, procedures should be laid down for processing approval applications and selecting and approving work programmes.
- (6) Article 231 of Regulation (EU) No 1308/2013 stipulates that all multiannual programmes adopted before 1 January 2014 must continue to be governed by the relevant provisions of Council Regulation (EC) No 1234/2007 ⁽³⁾ until those programmes come to an end. It should therefore be laid down that Regulation (EC) No 867/2008 will continue to apply to the work programmes which are ongoing when this Regulation enters into force,

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 867/2008 of 3 September 2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards operators' organisations in the olive sector, their work programmes and the financing thereof (OJ L 237, 4.9.2008, p. 5).

⁽³⁾ 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) (OJ L 299, 16.11.2007, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation lays down rules supplementing Regulation (EU) No 1308/2013 as regards the measures eligible for Union funding, the minimum allocation by the Member States of Union funding to specific areas and the criteria and procedures for approving work programmes in the olive-oil and table-olives sector.

Article 2

Union funding

The Member States shall ensure that the Union funding provided for in Article 29 of Regulation (EU) No 1308/2013 is allocated in proportion to the work programmes' duration provided for in that Article, while ensuring that the annual expenditure on implementing the approved work programmes does not exceed the amount stipulated in paragraph 2 of that Article.

Article 3

Measures eligible for Union funding

1. The measures eligible for the Union funding provided for in Article 29(1) of Regulation (EU) No 1308/2013 shall be the following:

- (a) in the area of market follow-up and management in the olive-oil and table-olives sector:
 - (i) collecting data on the sector and the market, in accordance with the specifications relating to method, geographical representativeness and accuracy laid down by the competent national authority;
 - (ii) carrying out studies on subjects related to the other measures provided for in the work programmes of the recipient organisations concerned;
- (b) in the area of improving the environmental impact of olive cultivation:
 - (i) collective operations to maintain olive groves which are of high environmental value and risk being abandoned, in accordance with the requirements laid down on the basis of objective criteria by the competent national authority, in particular as regards the regional areas which may be eligible and the area and minimum number of olive producers who must be involved in order to make the operations in question effective;
 - (ii) developing good agricultural practices for olive cultivation, based on environmental criteria adapted to local conditions, as well as disseminating those practices among olive growers and following up their practical application;
 - (iii) practical demonstrations of alternatives to chemical products for combating olive fly, as well as seasonal measures to monitor its development;
 - (iv) practical demonstrations of olive cultivation techniques aimed at protecting the environment and maintaining the landscape, such as organic farming, low-input farming, protecting the soils by limiting erosion, and integrated farming;
 - (v) measures to protect rustic and endangered varieties;
- (c) in the area of improving the competitiveness of olive cultivation through modernisation:
 - (i) improving irrigation systems and cultivation techniques;
 - (ii) replacing unproductive olive trees by new olive trees;

- (iii) training producers in new cultivation techniques;
- (iv) training and communication measures;
- (d) in the area of improving the production quality of olive oil and table olives:
 - (i) improving conditions for growing, harvesting, delivering and storing olives prior to processing, in accordance with the technical specifications laid down by the competent national authority;
 - (ii) varietal improvement of olive groves on individual holdings, provided that they contribute to the objectives of the work programmes;
 - (iii) improving conditions for storing olive oil and table olives, use of the residues from olive-oil and table-olive production and improving conditions for bottling olive oil;
 - (iv) technical assistance for production, the olive-processing industry, businesses producing table olives, mills and packaging relating to aspects linked to product quality;
 - (v) setting up and improving laboratories for the analysis of virgin olive oils;
 - (vi) training panels of tasters to carry out organoleptic assessments of virgin olive oils and table olives;
- (e) in the area of traceability, certification and protection of the quality of olive oil and table olives by means of, in particular, quality control of the olive oils sold to end consumers:
 - (i) setting up and managing systems which make it possible to trace products from the olive grower through to packaging and labelling, in accordance with the specifications laid down by the competent national authority;
 - (ii) setting up and managing quality certification systems, based on a system of risk analysis and checks on critical points, the specification for which satisfies the technical criteria adopted by the competent national authority;
 - (iii) setting up and managing systems to monitor compliance with standards regarding the authenticity, quality and marketing of the olive oil and table olives placed on the market, in accordance with the technical specifications laid down by the competent national authority;
- (f) in the area of disseminating information on the measures carried out by recipient organisations to improve the quality of olive oil and table olives:
 - (i) disseminating information on the measures carried out by recipient organisations in the areas referred to in points (a) to (e);
 - (ii) setting up and maintaining a website on the measures carried out by recipient organisations in the areas referred to in points (a) to (e).

2. As regards the measures provided for in paragraph 1 points (c)(ii) and (d)(ii), Member States shall ensure that appropriate steps are taken to recover the investment or its residual value if the member who owns the specific holding leaves the producer organisation.

3. Member States may adopt additional conditions specifying the eligible measures, provided that these do not render their presentation or implementation impossible.

4. Outsourcing the measures of a producer organisation or an association of producer organisations in accordance with Article 155 of Regulation (EU) No 1308/2013 may be authorised for the measures referred to in paragraph 1 points (b), (c) and (d), subject to the following conditions:

- (a) the conclusion of a written contract between the producer organisation or the association of producer organisations and another entity for carrying out the measure concerned. The producer organisation or the association of producer organisations shall nevertheless remain responsible for the carrying-out of that measure, as well as for the overall managerial control and general supervision of the said written contract;

- (b) in order to enable effective managerial control and supervision, the contract referred to at point (a):
 - (i) shall allow the producer organisation or the association of producer organisations to issue binding instructions and shall contain provisions allowing the organisation or association to terminate the contract if the service provider does not comply with the terms and conditions of the said contract;
 - (ii) shall lay down detailed terms and conditions, including the declaration requirements and the time limits which enable the producer organisation or the association of producer organisations to evaluate and properly monitor the outsourced measures.

Article 4

Activities and costs not eligible for Union funding

1. The following activities shall not be eligible for Union funding under Article 29 of Regulation (EU) No 1308/2013:
 - (a) activities which are receiving Union funding other than that provided for in Article 29 of Regulation (EU) No 1308/2013;
 - (b) activities aimed directly at increasing production and enhancing storage or processing capacity;
 - (c) activities related to the purchase or storage of olive oil or table olives or having an impact on their prices;
 - (d) activities related to the commercial promotion of olive oil or table olives;
 - (e) activities related to scientific research, except for the dissemination of research results to olive businesses;
 - (f) activities that could distort competition in the other economic activities of the recipient organisations;
 - (g) activities related to combating olive fly, except for the measures provided for in Article 3(1) point (b)(iii).
2. In order to ensure compliance with the rule laid down in paragraph 1 point (a), recipient organisations shall undertake in writing, on their own behalf and that of their members, to forgo any funding under another Union support scheme for measures which are in fact funded under Article 29 of Regulation (EU) No 1308/2013.
3. In carrying out the measures referred to in Article 3, costs arising from the following shall not be eligible for Union funding:
 - (a) repayments of loans, in particular in the form of annual instalments, taken out for a measure carried out in full or in part before the beginning of the work programme;
 - (b) payments to recipient organisations participating in meetings and training programmes to compensate for loss of income;
 - (c) expenditure on administrative and staff costs borne by Member States and organisations receiving EAGF support under Regulation (EU) No 1306/2013 of the European Parliament and of the Council ⁽¹⁾;
 - (d) the purchase of land which has not been built on;
 - (e) the purchase of second-hand equipment;
 - (f) expenditure related to leasing contracts, including taxes, interest and insurance costs;
 - (g) rental where this is preferred to purchase and the operating costs of the assets rented.
4. Member States may lay down further conditions specifying the ineligible activities and costs referred to in paragraphs 1 and 3.

⁽¹⁾ Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).

*Article 5***Allocation of Union funding**

1. In each Member State at least 20 % of the Union funding available under Article 29 of Regulation (EU) No 1308/2013 shall be allocated to the area referred to in Article 3(1)(b), at least 15 % of the said Union funding shall be allocated to the area referred to in Article 3(1)(c) and at least 10 % of the said Union funding shall be allocated to the area referred to in Article 3(1)(e).
2. If the minimum percentage laid down in paragraph 1 is not fully used up in the areas referred to therein, the amounts not used up may not be allocated to other areas but shall be returned to the Union budget.

*Article 6***Selection and eligibility criteria for work programmes**

1. Member States shall select the work programmes referred to in Article 29(1) of Regulation (EU) No 1308/2013 on the basis of the following criteria:
 - (a) the overall quality of the programme and its consistency with the guiding principles and priorities of the olive sector in the regional area concerned, as laid down by the Member State;
 - (b) the financial credibility and the sufficiency of the financial resources of the recipient organisations for implementing the proposed measures;
 - (c) the size of the regional area concerned by the work programme;
 - (d) the diversity of the economic conditions in the regional area concerned which have been taken into account by the work programme;
 - (e) the existence of several areas and the size of the financial contribution from the recipient organisations;
 - (f) the quantitative and qualitative efficiency indicators enabling evaluation during implementation and *ex-post* evaluation of the programme drawn up by the Member State;
 - (g) the evaluation of programmes which may have been carried out previously by the recipient organisations within the framework of Commission Regulation (EC) No 1334/2002 ⁽¹⁾, Commission Regulation (EC) No 2080/2005 ⁽²⁾ or Regulation (EC) No 867/2008.

Member States shall take account of the distribution of applications among the different types of recipient organisations in each regional area.

2. Member States shall reject work programmes which are incomplete or contain inaccurate information or include any of the ineligible activities specified in Article 4.

*Article 7***Start and approval of work programmes**

1. The first three-year work programme period referred to in Article 29(1) of Regulation (EU) No 1308/2013 shall start on 1 April 2015. The following periods shall start every three years on 1 April.

⁽¹⁾ Commission Regulation (EC) No 1334/2002 of 23 July 2002 laying down detailed rules for the application of Council Regulation (EC) No 1638/98 as regards the work programmes of operators organisations in the olive sector for the marketing years 2004/2005 (OJ L 195, 24.7.2002, p. 16).

⁽²⁾ Commission Regulation (EC) No 2080/2005 of 19 December 2005 laying down detailed rules for the application of Council Regulation (EC) No 865/2004 as regards operators' organisations in the olive sector, their work programmes and the financing thereof (OJ L 333, 20.12.2005, p. 8).

2. Each recipient organisation accredited under Regulation (EU) No 1308/2013 may submit an approval application for one single work programme by a date to be laid down by the Member State but no later than 15 February of each year.

3. The approval application shall contain the following information:

- (a) details of the recipient organisation concerned;
- (b) information relating to the selection criteria laid down in Article 6(1);
- (c) a description of and the justification and implementation timetable for each proposed measure;
- (d) the expenditure plan, broken down by measure and area as referred to in Article 3(1), with details for each 12-month period from the date of approval of the work programme, distinguishing between the overheads, which must not exceed 5 % of the total, and the other main types of costs;
- (e) the funding plan for each area referred to in Article 3(1), with details for each 12-month period at most from the date of approval of the work programme, indicating in particular the Union funding applied for and, where applicable, the financial contributions from recipient organisations and the contribution from the Member State;
- (f) a description of the quantitative and qualitative efficiency indicators enabling evaluation during implementation and *ex-post* evaluation of the programme on the basis of the general principles laid down by the Member State;
- (g) proof that a security has been provided in accordance with Commission Implementing Regulation (EU) No 282/2012 ⁽¹⁾;
- (h) an application for an advance;
- (i) the declaration stipulated in Article 4(2);
- (j) for recipient organisations, details of the recipient organisations responsible for actually carrying out the subcontracted activities contained in their programmes;
- (k) a declaration that the measures provided for in the recipient organisations' programmes do not form the subject of another application for Union funding under this Regulation.

4. Final approval of a work programme may be subject to the incorporation of amendments deemed necessary by the Member State. In that case, the recipient organisation concerned shall communicate its agreement within 15 days of the amendments being notified.

Member States shall ensure that the Union funding is allocated within each category of recipients, taking into account the value of the olive oil produced or marketed by the members of the recipient organisations.

No later than 15 March each year, each Member State shall inform the recipient organisations of the work programmes which have been approved and, where applicable, of the work programmes to which it is granting the corresponding national funding.

If a proposed work programme is not selected, the Member State shall immediately release the security referred to in paragraph 3 point (g).

Article 8

Repeal

Regulation (EC) No 867/2008 is hereby repealed. It shall, however, continue to apply to work programmes which are ongoing when this Regulation enters into force.

⁽¹⁾ Commission Implementing Regulation (EU) No 282/2012 of 28 March 2012 laying down common detailed rules for the application of the system of securities for agricultural products (OJ L 92, 30.3.2012, p. 4).

*Article 9***Entry into force**

This Regulation shall enter into force on the seventh 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, 11 March 2014.

For the Commission
The President
José Manuel BARROSO

COMMISSION DELEGATED REGULATION (EU) No 612/2014
of 11 March 2014

supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council by amending Commission Regulation (EC) No 555/2008 as regards new measures under the national support programmes in the wine sector

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 points (b), (c), (e), (f) and (h) of Article 53 thereof,

Whereas:

- (1) Regulation (EU) No 1308/2013 has repealed and replaced Council Regulation (EC) No 1234/2007 ⁽²⁾ and contains, in Section 4 of Chapter II of Part II of Title I, rules on national support programmes in the wine sector. While most of the rules laid down in that Section ensure the continuation of the rules applicable to the national support programmes in the wine sector under Regulation (EC) No 1234/2007, certain new rules were also laid down. Those new rules introduce three new elements, namely the promotion of wine in Member States as a parallel sub-measure to the existing promotion on wine on third country markets, a measure of innovation in the wine sector, as well as an extension of the measure on the restructuring and conversion of vineyards to cover the replanting of vineyards following mandatory grubbing-up for health or phytosanitary reasons. The rules need to be established concerning the content of those new elements.
- (2) Commission Regulation (EC) No 555/2008 ⁽³⁾ lays down rules as regards the national support programmes in the wine sector provided for in Regulation (EC) No 1234/2007. In order to supplement the new rules laid down in Regulation (EU) No 1308/2013, the appropriate provisions should be introduced in Regulation (EC) No 555/2008.
- (3) Article 45(1)(a) of Regulation (EU) No 1308/2013 provides for specific support for the promotion of wine in Member States. It is necessary to establish eligibility criteria under this new sub-measure so that it may be included in the national support programmes. Such criteria should be consistent with similar measures in other schemes, and in particular those on information and the promotion of agricultural products on the internal market provided for in Council Regulation (EC) No 3/2008 ⁽⁴⁾.
- (4) In order to ensure the implication of the wine sector which has the necessary structure and expertise, it is necessary to specify that a public body cannot be the only beneficiary of the sub-measure of for the promotion of wine in the Member States.
- (5) The promotion of wine in the Member States must comply with Union competition rules. Therefore, it should be specified that the information conveyed through the sub-measure for the promotion of wine may not be brand-oriented or encourage the consumption of any specific wines.
- (6) In order to inform and protect consumers, it should be specified that any information for consumers as regards the impact on health of a product promoted in the Member States needs to have a recognised scientific basis and need to be accepted by the competent national authorities responsible for public health in the Member State where the operations are carried out.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ 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) (OJ L 299, 16.11.2007, p. 1).

⁽³⁾ Commission Regulation (EC) No 555/2008 of 27 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 479/2008 on the common organisation of the market in wine as regards support programmes, trade with third countries, production potential and on controls in the wine sector (OJ L 170, 30.6.2008, p. 1).

⁽⁴⁾ Council Regulation (EC) No 3/2008 of 17 December 2007 on information provision and promotion measures for agricultural products on the internal market and in third countries (OJ L 3, 5.1.2008, p. 1).

- (7) The duration of the operations carried out in the Member States in Member States should also be laid down and it should be in line with the duration of the information and promotion programmes financed under Regulation (EC) No 3/2008.
- (8) Taking into account the specific nature of the measure for the promotion of wine in the Member States and in the light of the experience gained during the implementation of the promotion of wine in third countries under the national support programmes and of the scheme for the information and promotion of agricultural products on the internal market, rules for the eligibility of personnel costs and overheads incurred by the beneficiary in the execution of such measures should be established.
- (9) In order to facilitate the implementation of operations supported under the sub-measure for the promotion of wine in the Member States and taking into account the duration of those operations, it should be possible for payments to be made in advance of an execution of an entire operation or a part of it, provided that a security is lodged to ensure that the operation is executed.
- (10) In order to avoid the double funding of operations eligible under Article 45 of Regulation (EU) No 1308/2013, paragraphs 1 and 2 of Article 2 of Regulation (EC) No 3/2008 and the promotion measures funded under Article 16 of Regulation (EU) No 1305/2013 of the European Parliament and the Council ⁽¹⁾, Member States should introduce clear demarcation criteria in the national support programmes.
- (11) Point (c) of Article 46(3) of Regulation (EU) No 1308/2013 provides for the extension of support measure relating to the restructuring and conversion of vineyards to the replanting of vineyards following mandatory grubbing-up for health or phytosanitary reasons. It is therefore necessary to provide for rules to enable the inclusion of such activity in the national support programmes and to fix a ceiling for expenditure. In order to ensure consistency with Union phytosanitary legislation, support should only be possible where such measures comply with Council Directive 2000/29/EC ⁽²⁾. Furthermore, the expenditure for the replanting of vineyards should be limited to 15 % of the total annual expenditure in each Member State in order to ensure that most of the funds spent for the measure of restructuring and conversion are used to improve the competitiveness of wine producers.
- (12) In order to avoid the double funding of operations of replanting of vineyards for health or phytosanitary reasons eligible under Article 46(3)(c) of Regulation (EU) No 1308/2013 the operation supported under Article 22, 23 and 24 of Directive 2000/29/EC and under Article 18(1) of Regulation (EU) No 1305/2013 Member States should introduce clear demarcation criteria in the national support programmes.
- (13) Article 51 of Regulation (EU) No 1308/2013 provides for the specific support measure for innovation in the wine sector in order to encourage the development of new products, processes and technologies concerning the products referred to in Part II of Annex VII to that Regulation and to increase the marketability and competitiveness of Union grapevine products. It is necessary to establish rules concerning the eligible operations under that new measure so that it may be included in the national support programmes.
- (14) To ensure the quality of the presented projects and the transfer of knowledge from the research to the wine sector, research and development centres should participate to the project supported by the beneficiaries of innovation measure.
- (15) The types of eligible investments under the innovation measure should also be set out. In particular it should be specified that simple replacement investments shall not be eligible expenditure so as to make sure that the aim of the measure, i.e. the development of new products, processes and technologies, is met by these supports.

⁽¹⁾ Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

⁽²⁾ Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).

- (16) In order to avoid the double financing of operations eligible under Article 51 of Regulation (EU) No 1308/2013, Articles 36, 61, 62 and 63 of Regulation (EU) No 1305/2013 and Regulation (EU) No 1291/2013 of the European Parliament and the Council ⁽¹⁾ Member States should introduce clear demarcation criteria in the national support programmes.
- (17) Regulation (EC) No 555/2008 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 555/2008 is amended as follows:

(1) In Title II, Chapter II is amended as follows:

(a) Section 1 is amended as follows:

(i) the Title of the Section is replaced by the following:

‘Section 1

Promotion’;

(ii) the following heading is inserted before Article 4:

‘*Sub-section 1*

Promotion in third countries’;

(iii) Article 5a is deleted;

(iv) the following sub-sections 2 and 3 are added:

‘*Sub-section 2*

Promotion in the Member States

Article 5b

Eligible operations

1. The sub-measure of the promotion of Union wines referred to in Article 45(1)(a) of Regulation (EU) No 1308/2013 shall consist of information for consumers as regards:

- (a) responsible consumption of wine and the risk associated with alcohol consumption;
- (b) the Union scheme of protected designations of origin and protected geographical indications, in particular conditions and effects, in relation to the specific quality, reputation or other characteristics of wine due to its particular geographical environment or origin.

2. The information activities referred to in paragraph 1 may be carried out through information campaigns and through participation in events, fairs and exhibitions of national or Union importance.

3. Operations shall be eligible under the promotion measure provided that:

- (a) they are clearly defined, describing the information activities and including the estimated cost;
- (b) they comply with the legislation applicable in the Member State where they are carried out;
- (c) the beneficiaries have resources to ensure that the measure is implemented effectively.

⁽¹⁾ Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 — The Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104).

4. The beneficiaries shall be professional organisations, producer organisations, association of producer organisations, inter-branch organisations or public bodies. However, a public body shall not be the sole beneficiary of a promotion measure.

Article 5c

Characteristics of the information

1. The information referred to in Article 5b(1) shall be based on the intrinsic qualities of wine or its characteristics and shall not be brand-oriented or encourage the consumption of wine on the grounds of its specific origin. However, where information is disseminated for the purpose of Article 5b(1)(b), the origin of a wine may be indicated as part of the information operation.

2. All information concerning the effects of wine consumption on health and behaviour shall be based on generally accepted scientific data and shall be accepted by the national authority responsible for public health in the Member State where the operations are carried out.

Article 5d

Duration of the support

The support for promotion operations shall last no longer than three years.

Article 5e

Advance payments

Member States may provide for support to be advanced before any operation has been implemented, provided that the beneficiary has lodged a security.

Article 5f

Demarcation with rural development and promotion of agricultural products

Member States shall introduce clear demarcation criteria in their national support programmes to ensure that no support is granted under Article 45(1)(a) of Regulation (EU) No 1308/2013 for the operations supported under other Union instruments.

Sub-section 3

Common rules

Article 5g

Eligible costs

1. Personnel costs of the beneficiary referred to in Articles 4 and 5b shall be considered eligible if they are incurred in relation to the preparation, implementation or follow-up of the particular supported promotion project, including the evaluation. This includes the costs of the personnel contracted by the beneficiary specifically on the occasion of the promotion project and the costs corresponding to the share of the working hours invested in the promotion project by permanent staff of the beneficiary.

Member States shall only accept personnel costs as eligible if the beneficiaries provide supporting documents setting out the details of the work actually carried out in relation to the particular supported promotion project.

2. Overheads incurred by the beneficiary shall be considered eligible if:

- (a) they are related to the preparation, implementation or follow-up of the project, and;
- (b) they do not exceed 4 % of the actual costs of implementing the projects.

Member States may decide whether those overheads are eligible on the basis of a flat rate or on the basis of the presentation of supporting documents. In the latter case, the calculation of those costs shall be based on the accounting principles, rules and methods used in the beneficiary's country where the beneficiary is established.'

(b) The following Article 6a is inserted:

'Article 6a

Replanting for health or phytosanitary reasons

1. Replanting of a vineyard following a mandatory grubbing-up for health or phytosanitary reasons on the instruction of a competent authority of a Member State referred to in Article 46(3)(c) of Regulation (EU) No 1308/2013 shall be eligible provided that the Member State:

- (a) provides for that possibility in its national support programme;
- (b) communicates to the Commission in the framework of the submission of the national support programme or its modification the list of harmful organisms covered by that measure as well as a summary of a related strategic plan established by the competent authority of the Member State concerned;
- (c) complies with Council Directive 2000/29/EC (*).

2. The expenditure for replanting for health or phytosanitary reasons shall not exceed 15 % of the total annual expenditure on restructuring and conversion of vineyards in the Member State concerned.

3. Member States shall introduce clear demarcation criteria in their national support programmes to ensure that no support is granted under Article 46(3)(c) of Regulation (EU) No 1308/2013 for operations supported under other Union instruments.

(*). Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).'

(c) The following Section 6a is inserted:

'Section 6a

Innovation

Article 20a

Eligible operations

1. The innovation in the wine sector referred to in Article 51 of Regulation (EU) No 1308/2013 shall consist of the development of the following:

- (a) new products related to the wine sector or by-products of wine,
- (b) new processes and technologies necessary for the development of grape wine products.

2. The eligible costs shall concern tangible and intangible investments for knowledge-transfer, preparatory operations and pilot studies.

3. The beneficiaries of support for innovation shall be producers of the products referred to in Part II of Annex VII to Regulation (EU) No 1308/2013 and wine producer organisations.

Research and development centres shall participate in the project supported by the beneficiaries. Interbranch organisations may be associated to the project.

4. Beneficiaries of support for innovation may request the payment of an advance from the paying agencies where that option is included in the national support programme. The payment of the advance shall be subject to a requirement to lodge a security.

5. Simple replacement investments shall not be eligible expenditure.

Article 20b

Demarcation with rural development and other legal regimes and financial instruments

Member States shall introduce clear demarcation criteria in their national support programmes to ensure that no support is granted under Article 51 of Regulation (EU) No 1308/2013 for operations supported under other Union instruments.'

Article 2

Entry into force

This Regulation shall enter into force on the third 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, 11 March 2014.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 613/2014**of 3 June 2014****approving a minor amendment to the specification for a name entered in the register of protected designations of origin and protected geographical indications [Pagnotta del Dittaino (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) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined Italy's application for the approval of an amendment to the specification for the protected designation of origin 'Pagnotta del Dittaino', registered under Commission Regulation (EC) No 516/2009 ⁽²⁾.
- (2) The purpose of the application is to amend the specification by clarifying the method of production and to update the legal references.
- (3) The Commission has examined the amendment in question and concluded that it is justified. Since the amendment is minor within the meaning of the third subparagraph of Article 53(2) of Regulation (EC) No 1151/2012, the Commission may approve it without following the procedure set out in Articles 50 to 52 of the Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specification for the protected designation of origin 'Pagnotta del Dittaino' 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, 3 June 2014.

For the Commission
On behalf of the President
Dacian CIOLOȘ
Member of the Commission

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ L 155, 18.6.2009, p. 7.

ANNEX I

In the specification for the protected designation of origin 'Pagnotta del Dittaino', the following amendment is approved:

1.1. Method of production

- Bronte, Iride and Sant'Agata have been included in the group of varieties that should make up 70 % of the flour used. This amendment is required on account of the inevitable process of change in the wheat cultivated as varieties certified by the competent bodies in Sicily and beyond and that are adapted to the Sicilian environment and particularly suitable for bread-making and the general farming environment are more available to farmers and to the sector. The amendment is therefore aimed at encouraging farmers to source certified seed among the most widespread varieties locally.
- Flour from all the durum wheat varieties listed in the national register may now be used, within the limit of 30 % of the total flour. This amendment is based on the producers' request to also use other varieties resulting from scientific research and suitable for bread-making for the production of 'Pagnotta del Dittaino'. Furthermore, widening the range of varieties is also necessary to overcome the difficulties of using certain varieties that are difficult to find because they are no longer cultivated.
- As regards the description of the characteristics of the durum wheat and of the various flours, the mathematical symbol for the chemical parameters for durum wheat and flour has been changed from $>$ to \geq and from $<$ to \leq as appropriate. This amendment takes into account the results of analyses of the ingredients used to produce the pagnotta but does not affect the characteristics of the 'Pagnotta del Dittaino' as the wheat and flour included have qualities that are very close to the current limits.
- Variation of the yellow index value from > 17 b minolta to ≥ 14 b minolta. Studies carried out in the context of 'Experimentation at national level' into durum wheat varieties demonstrate that in Sicily average yellow index values stand at 16 (value for whole wheat flour), which is much lower than the initial estimates. The value 14 is the level with which all the varieties used to produce 'Pagnotta del Dittaino' comply.
- It has been decided to remove some chemical parameters with regard to which flour must be used to produce the 'Pagnotta del Dittaino' so as to facilitate matters for the producers and limit the costs of chemical analyses. Specifically, the parameters for gluten, the yellow index, absorption, rising times, stability and the degree of softening have been removed. Some of these parameters (absorption, rising times, stability and the degree of softening) require specific equipment which entails significant costs and requires the availability of laboratories equipped with qualified staff, while the parameters for gluten and the yellow index are directly related to the protein content, therefore determining them is superfluous.
- As regards the falling number (F.N.), the current specification stipulates a value below 480 seconds. The amendment inserts a range of between 480 to 800 seconds so as to ensure balanced amylase activity and in all events above 480. This amendment excludes the use of flour with values below the limit established and for which specific studies have discovered defects in the crumb (glutinosity) and in the sponginess (irregularities).
- A range has been introduced with regard to the quantity of salt. The quantity of salt required does in fact vary depending on the quantity of water in the dough and the type of salt used.
- The rising and baking times have been changed to optimise the production process depending on the size of the pagnotta.
- Greater flexibility has been introduced into the time allocated to each individual production phase so as to facilitate the production process.

1.2. Other: Updated legal references

The legal references have been updated.

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 (*)

'PAGNOTTA DEL DITTAINO'

EC No: IT-PDO-0105-01186 — 11.12.2013

PGI () PDO (X)

1. Name

'Pagnotta del Dittaino'

2. Member state or third country

Italy

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

Class 2.4. Bread, pastry, cakes, confectionery, biscuits and other baker's wares

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

'Pagnotta del Dittaino' is released for consumption in the traditional form of a round loaf weighing between 500 and 1 100 g or as a sliced, half loaf. The crust is between 3 and 4 mm thick and medium hard. The crumb is pale yellow, elastic, fine-grained, compact and uniform. The bread has a moisture content of no more than 38 % and maintains its organoleptic properties, such as its aroma, taste and freshness, for up to five days from the date of production.

3.3. Raw materials (for processed products only)

'Pagnotta del Dittaino' PDO is bread produced using a particular method, employing natural leaven and durum-wheat flour of the varieties Simeto, Duilio, Arcangelo, Mongibello, Ciccio, Colosseo, Bronte, Iride and San'Agata grown in the area referred to in point 4 below, which must account for at least 70 % of the total flour used. The remaining 30 % must be of durum wheat of the varieties Amedeo, Appulo, Cannizzo, Cappelli, Creso, Latino, Norba, Pietrafitta, Quadrato, Radioso, Rusticano, Tresor, Vendetta or of other hard wheat varieties listed in the national variety register, grown in the production area.

The durum wheat used to make the flour must be grown from certified seed and meet the following minimum quality requirements: weight ≥ 78 kg/hl; protein (N tot. $\times 5,70$) ≥ 12 % of dry matter; moisture content $\leq 12,5$ %; gluten ≥ 8 % of dry matter; yellow index ≥ 14 b minolta.

3.4. Feed (for products of animal origin only)

—

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

Cultivation and harvest of the grain and production of 'Pagnotta del Dittaino' PDO must take place within the production area referred to in point 4.

(*) 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).

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

In order to preserve the product's quality characteristics, 'Pagnotta del Dittaino' must be packed immediately, within the defined geographical area, in micropore plastic film or in a modified atmosphere to ensure compliance with health and hygiene requirements while allowing the product to breathe.

3.7. *Specific rules concerning labelling*

The label must show the 'Pagnotta del Dittaino' denomination logo and the EU logo.

It is forbidden to add any description that is not expressly provided for. However, references to brand names may be used, on condition that they have no laudatory purport and are not such as to mislead the consumer. The PDO logo is rectangular and shows at bottom left two ears of durum wheat at right angles to each other, framing two loaves, one of which is whole and the other, placed above it, is a half loaf. Above, in the centre of a rectangular box, in a single horizontal line, are the words 'PAGNOTTA DEL DITTAINO DOP' ('PAGNOTTA DEL DITTAINO PDO').

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

'Pagnotta del Dittaino' PDO is produced in an area comprising the municipalities of Agira, Aidone, Assoro, Calascibetta, Enna, Gagliano Castelferrato, Leonforte, Nicosia, Nissoria, Piazza Armerina, Regalbuto, Sperlinga, Valguarnera Caropepe and Villarosa in the Province of Enna and the municipalities of Castel di Iudica, Raddusa and Ramacca in the Province of Catania.

5. **Link with the geographical area**

5.1. *Specificity of the geographical area*

The grain used for the production of 'Pagnotta del Dittaino' is grown in an area with a typically Mediterranean climate. Rainfall varies considerably over the year and is concentrated in autumn and winter, with annual averages of around 500 mm. Average monthly temperatures are highest in July and August and lowest in January and February, but temperatures only rarely fall low enough to damage crops (0 °C). The soils in which the durum wheat is grown are fairly loamy.

5.2. *Specificity of the product*

'Pagnotta del Dittaino' PDO differs from other products of the same type, among other things, in the consistency of its crust and its light yellow, fine, compact and uniform crumb. Another characteristic of 'Pagnotta del Dittaino' PDO is its capacity to maintain its organoleptic properties, such as its aroma, taste and freshness, for five days.

In times gone by, the harvested grain used to be stored in special pits or storehouses and, naturally, protected from water. The cereal was not treated to protect against fungal infestations or against insect parasites. The grain would be taken to local mills for grinding as needed.

Today, durum wheat harvested in the defined area is just pre-cleaned to separate the grain from the straw and to remove impurities and foreign bodies and is then placed in silos and stored without the use of pesticides or chemical products. Only physical treatments are permitted at the mill (cooling with cold air and turning the grain).

These treatments prevent overheating of the grain, something that creates ideal conditions for the growth of mould, the formation of mycotoxins and the hatching of the eggs of insect parasites and that can even cause the germination of caryopses.

The natural leaven is derived from a starter that is renewed as necessary. This involves taking one part of starter and mixing it with two parts of flour and one part of water. After kneading, this produces four pieces of rising dough. One of these will serve as a renovated starter and the other three are added to the bread mixture as a natural leaven after being left to ripen for at least five hours.

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 special properties of 'Pagnotta del Dittaino' described in point 5.2 stem directly from the morphological characteristics, soil and climate of the production area referred to in point 4. Those properties are without any doubt due to and therefore closely linked to the durum wheat used as the main raw material in the production process, which, due to the soil and climate of the production area, has excellent quality and health characteristics (free from mycotoxins) and confers on 'Pagnotta del Dittaino' PDO its unique organoleptic properties.

Durum wheat, as historical sources relate, was always used in the area for bread-making, unlike in other parts of Italy where common wheat flour was and continues to be used, giving a product that conserved its principal organoleptic properties for a week.

This was the result of the use not only of durum wheat flour but also of 'criscenti' (natural leaven). The fermentation of the sourdough is based on a dynamic equilibrium between lactic bacteria and yeasts. The principal microbial species found are *Lactobacillus sanfranciscensis* (*Lactobacillus brevis* ssp. *lindneri*), *Candida milleri* and *Saccharomyces exiguus*.

Much of the evidence provided in ancient texts was gathered in the durum-wheat production area and has come, over time, to constitute a store of knowledge and traditions relating to cereal production and, in particular, bread-making.

Durum-wheat production in the areas of the interior of Sicily, including municipalities in the Provinces of Enna and Catania, is an important activity, not only because of the size of the area devoted to it but also because it involves land traditionally used for the dry cultivation of durum wheat. In those municipalities, because of both soil conditions and the climate, the only crop that has been able over the years to guarantee local farmers employment and a fair income is durum wheat.

Evidence of the important role played by durum wheat in the Sicilian diet is provided by Pliny the Elder in his '*De Naturalis Historia*'. While in other regions of Italy, flour was obtained from acorns, chestnuts or from other cereals, such as barley and rye, in Sicily farmers learned to make bread from wheat flour. According to Sonnino, people in the Sicilian countryside survived, despite serious shortages, by living on bread made from wheat flour.

Reference to publication of the specification

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

The full text of the product specification is available on the following website: <http://www.politicheagricole.it/flex/cm/pages/ServeBLOB.php/L/IT/IDPagina/3335>

or alternatively:

by going direct to the home page 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'.

COMMISSION IMPLEMENTING REGULATION (EU) No 614/2014**of 6 June 2014****amending Regulation (EC) No 555/2008 as regards the application of certain support measures in the wine sector**

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 points (a), (b), (c), (e) and (f) of Article 54 thereof,

Whereas:

- (1) Regulation (EU) No 1308/2013 has repealed and replaced Council Regulation (EC) No 1234/2007 ⁽²⁾ and contains, in Section 4 of Chapter II of Title I of Part II, rules on national support programmes in the wine sector. While most of the rules laid down in that Section ensure the continuation of the rules applicable to the national support programmes in the wine sector under Regulation (EC) No 1234/2007, some new rules are also included. Those rules introduce new elements, namely a sub-measure of the measure of promotion, concerning promotion of wine in Member States, a measure of innovation in the wine sector as well as an extension of the measure on restructuring and conversion of vineyards to cover replanting of vineyards following mandatory grubbing-up for health or phytosanitary reasons. Rules for the implementation of those elements should be laid down.
- (2) Commission Regulation (EC) No 555/2008 ⁽³⁾ lays down rules as regards national support programmes in the wine sector provided for in Regulation (EC) No 1234/2007. In order to implement the new rules laid down in Regulation (EU) No 1308/2013, the appropriate provisions should be introduced in Regulation (EC) No 555/2008.
- (3) Article 3(2) of Regulation (EC) No 555/2008 should allow Member States to modify their operational programmes and align them with the new elements introduced by Regulation (EU) No 1308/2013. For this purpose, Member States should be allowed to modify their operational programmes an additional time after 30 June 2014, taking into consideration the dates of adoption of the Commission Delegated Regulation (EU) No 612/2014 ⁽⁴⁾ and of this Regulation.
- (4) Rules should be laid down concerning the selection of information projects and regarding the preference to be granted, when selecting the projects on the internal market. The selection procedure for promotion of wines in the Member States should be coherent with the procedure for promotion of wines on third-country markets as laid down in Article 5 of Regulation (EC) No 555/2008, but it should also take into account the particular objectives and geographical scope of this sub-measure.
- (5) Article 19 of Regulation (EC) No 555/2008 provides for the financial management of the investments measure. Those rules should also apply to the measure of innovation in the wine sector. In particular, to allow for a better use of the funds, it should be possible to pay the support after the execution of only certain of the operations foreseen in the application concerned while making sure that all the remaining operations will be completed. Moreover, it is appropriate to fix the maximum ceiling for advance payments similar to the one established for investments.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ 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) (OJ L 299, 16.11.2007, p. 1).

⁽³⁾ Regulation (EC) No 555/2008 of 27 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 479/2008 on the common organisation of the market in wine as regards support programmes, trade with third countries, production potential and on controls in the wine sector (OJ L 170, 30.6.2008, p. 1).

⁽⁴⁾ Commission Delegated Regulation (EU) No 612/2014 of 11 March 2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council by amending Commission Regulation (EC) No 555/2008 as regards new measures under the national support programmes in the wine sector (see page 62 of this Official Journal).

- (6) Article 37b of Regulation (EC) No 555/2008 requests that the beneficiaries provide information related to the advances granted in accordance with certain provisions of that Regulation. This obligation should also apply to the measure of innovation introduced by Regulation (EU) No 1308/2013.
- (7) Annexes I to VIII, Annex VIIIa and VIIIc to Regulation (EC) No 555/2008 set out the forms to be filled in by the Member States concerning the national support programmes, in particular, for the purposes of the submission of the support programmes, their revision and the corresponding financial planning as well as for the submission of reports and evaluations. Those Annexes should be amended in order to reflect the introduction, in Section 4 of Chapter II of Title I of Part II of Regulation (EU) No 1308/2013, of new provisions concerning the content, evaluation, cost and control.
- (8) Regulation (EC) No 555/2008 should be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment of Regulation (EC) No 555/2008

Regulation (EC) No 555/2008 is amended as follows:

- (1) in Article 3, paragraph 2 is replaced by the following:

‘2. Modifications in respect of support programmes shall not be submitted more than twice per financial year, by 1 March and 30 June, except in cases of emergency measures due to natural disasters.

The modified programmes shall be submitted to the Commission with, where appropriate:

- (a) updated versions of the support programme in the form set out in Annex I and of the financial table in the form set out in Annex IV;
- (b) the reasons for the proposed changes.

By way of derogation from the first subparagraph, the deadlines set out in that subparagraph do not apply in 2014 where the modifications of the programme follow the new rules introduced by Regulation (EU) No 1308/2013 of the European Parliament and the Council (*).

(*) Regulation (EU) No 1308/2013 of the European Parliament and the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products (OJ L 347, 20.12.2013, p. 671).’;

- (2) in subsection 2 of Section 1 of Chapter II of Title II the following Article is added:

Article 5fa

Selection procedure

1. Member States shall lay down the application procedure, which shall in particular provide rules on:

- (a) verification of compliance with the requirements and criteria set out in Articles 5b and 5c;
- (b) deadlines for the presentation of application and for the examination of the suitability of each proposed action;

- (c) conclusion of contracts including possible standard forms, provision of securities and arrangements for the payment of advances;
 - (d) evaluating any given supported action including the appropriate indicators.
2. Member States shall select the application in particular on the basis of the following criteria:
- (a) consistency between the strategies proposed and the objectives set;
 - (b) the quality of the proposed measures;
 - (c) their likely impact and success in raising consumers awareness about the Union system of protected designation of origin and protected geographical indications or about responsible consumption of wine and the risk associated with alcohol consumption;
 - (d) assurances that any operator involved is effective and has access to the required technical capacity and that the cost of the measure which he plans to carry out himself is not in excess of the normal market rates.
3. Having examined the applications, Member States shall select those offering the best value for money.

Preference shall be given to operations:

- (a) concerning several Member States;
 - (b) concerning several administrative or wine regions;
 - (c) concerning several protected designations of origin or protected geographical indications.
4. Two or more Member States may decide to select a joint promotion operation. They shall undertake to contribute to the financing and agree on administrative collaboration procedures to facilitate the monitoring, implementation and checking of the joint promotion operation.
5. Where Member States grant national aids for promotion, they shall communicate them in the relevant part of Annexes I, V, VII, VIII and VIIIc to this Regulation.;

(3) in Section 6a, the following Article is added:

'Article 20c

Financial management

1. Support shall be paid once it is ascertained that either a single operation or all the operations covered by the support application, according to the choice made by the Member State for the management of the measure, have been implemented and controlled on the spot.

Where support is normally payable only after implementation of all the operations, by way of derogation from the first subparagraph, support shall be paid for single operations implemented if the remaining operations could not be carried out due to *force majeure* or exceptional circumstances as referred to in Article 2 of Regulation (EU) No 1306/2013 of the European Parliament and the Council (*).

If checks show that an overall operation covered by the support application has not been fully implemented for reasons other than *force majeure* or exceptional circumstances as referred to in Article 2 of Regulation (EU) No 1306/2013 and where support has been paid after single operations which are part of the overall operation covered by the support application, Member States shall decide to recover the aid paid.

2. Beneficiaries of support for innovation may request the payment of an advance from the competent paying agencies if this option is included in the national support programme.

The amount of the advances shall not exceed 20 % of the public aid related to the investment in innovation, and its payment shall be subject to the establishment of a bank guarantee or an equivalent guarantee corresponding to 110 % of the amount of the advance. However, in the case of investments in innovation for which the individual decision to grant support is taken in the financial years 2014 or 2015, the amount of the advances may be increased up to 50 % of the public aid related to that investment. For the purposes of Commission Implementing Regulation (EU) No 282/2012 (**), the obligation shall be to spend the total amount advanced in the implementation of the operation concerned two years after its payment.

The guarantee shall be released when the competent paying agency establishes that the amount of actual expenditure corresponding to the public aid related to the innovation exceeds the amount of the advance.

(*) Regulation (EU) No 1306/2013 of the European Parliament and the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy (the horizontal regulation) (OJ L 347, 20.12.2013, p. 549).

(**) Commission Implementing Regulation (EU) No 282/2012 of 28 March 2012 laying down common detailed rules for the application of the system of securities for agricultural products (OJ L 92, 30.3.2012, p. 4).;

(4) Article 37b is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. Where advances are granted in accordance with Articles 5(7), 5e, 9(2), 19(2), 20a(4) and 24(3), beneficiaries are requested to provide for each project annually to the paying agencies the following information:

(a) costs statements justifying by measure the use of the advances until 15 October, and;

(b) a confirmation by measure of the balance of unused advances remaining on 15 October.

Member States shall define in their national rules the date of transmission of this information in order for it to be included in the current annual accounts of the paying agencies referred to in Article 6 of Regulation (EC) No 885/2006 within the deadline laid down in Article 7(2) of that Regulation.;

(b) paragraph 3 is replaced by the following:

'3. For the purposes of Article 18(2) of Implementing Regulation (EU) No 282/2012, the evidence of final entitlement to be produced shall be the last costs statement and a confirmation of the balance referred to in paragraph 1.

Concerning advances under Articles 9(2), 19(2) and 20a(4) of this Regulation, the last costs statement and confirmation of the balance referred to in paragraphs 1 and 2 shall be provided by the end of the second financial year after their payment.;

(5) in Article 77, paragraph 5 is replaced by the following:

'5. Article 24(1), (2), (3) and (6) and Article 26(1) and (2) of Commission Regulation (EC) No 65/2011 (*) shall apply *mutatis mutandis* to the measures provided for in Articles 50 and 51 of Regulation (EU) No 1308/2013.

(*) Commission Regulation (EU) No 65/2011 of 27 January 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures (OJ L 25, 28.1.2011, p. 8).;

(6) Annexes I to VIIIa and Annex VIIIc are amended in accordance with the Annex to this Regulation.

Article 2

Entry into force

This Regulation shall enter into force on the third 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, 6 June 2014.

For the Commission

The President

José Manuel BARROSO

ANNEX

(1) In Annex I to Regulation (EC) No 555/2008, Part B is replaced by the following:

B. FINANCIAL YEARS 2014-2018

Member State (*):

Period ()** **Date of submission:** **Revision number:**

If modification requested by the Commission/modification requested by the Member State (***)

A. Description of the measures proposed as well as their quantified objectives

(a) *Single Payment Scheme support in accordance with Article 103o of Regulation (EC) No 1234/2007*

Introduced in the support programme: yes/no:

(b) (i) *Promotion on third-country market in accordance with Article 103p of Regulation (EC) No 1234/2007:*

Introduced in the support programme: yes/no, if yes:

Description of the measures proposed:

Quantified objectives:

State aid:

(ii) *Promotion in Member States in accordance with Article 45(1)(a) of Regulation (EU) No 1308/2013:*

Introduced in the support programme: yes/no, if yes:

Description of the measures proposed:

Quantified objectives:

State aid:

(c) (i) *Restructuring and conversion of vineyard in accordance with Article 103q of Regulation (EC) No 1234/2007:*

Introduced in the support programme: yes/no, if yes:

Description of the measures proposed:

Quantified objectives:

(ii) *Replanting of vineyard for health or phytosanitary reasons in accordance with 46(3)c of Regulation (EU) No 1308/2013:*

Introduced in the support programme: yes/no, if yes:

Description of the measures proposed:

Quantified objectives:

(d) *Green harvesting in accordance with Article 103r of Regulation (EC) No 1234/2007:*

Introduced in the support programme: yes/no, if yes:

Description of the measures proposed:

Quantified objectives:

(e) *Mutual funds in accordance with Article 103s of Regulation (EC) No 1234/2007:*

Introduced in the support programme: yes/no, if yes:

Description of the measures proposed:

Quantified objectives:

(f) *Harvest insurance in accordance with Article 103t of Regulation (EC) No 1234/2007:*

Introduced in the support programme: yes/no, if yes:

Description of the measures proposed:

Quantified objectives:

State aid:

(g) *Investments in enterprises in accordance with Article 103u of Regulation (EC) No 1234/2007:*

Introduced in the support programme: yes/no, if yes:

Description of the measures proposed:

Quantified objectives:

State aid:

(h) *Innovation in the wine sector in accordance with Article 51 of Regulation (EU) No 1308/2013:*

Introduced in the support programme: yes/no, if yes:

Description of the measures proposed:

Quantified objectives:

(i) *By-product distillation in accordance with Article 103v of Regulation (EC) No 1234/2007:*

Introduced in the support programme: yes/no, if yes:

Description of the measures proposed (including level of the aid):

Quantified objectives:

B. Results of consultations held

C. Appraisal showing the expected technical, economic, environmental and social impact (**)**

D. Schedule for implementing the measures

E. General financing table given in the format of Annex II (revision number to be specified)

F. Criteria and quantitative indicators to be used for monitoring and evaluation

Steps taken to ensure that the programmes are implemented appropriately and effectively

G. Designation of competent authorities and bodies responsible for implementing the programme

(*) Publications Office acronym to be used.

(**) Wine years.

(***) Strikethrough the wrong element.

(****) Member States referred to in Article 103o(4) of Regulation (EC) No 1234/2007 shall not have an obligation to fill point C and F.

(2) In Annex II, Part B is replaced by the following:

'B. FINANCIAL YEARS 2014-2018 (*)

(in EUR 1 000)

Member State (**):

Date of communication:

Measures	Regulation (EC) No 1234/2007	Financial year					Total
		2014	2015	2016	2017	2018	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1- Single Payment Scheme	Article 103o						

(in EUR 1 000)

3- Restructuring and conversion of vineyards	Article 103q						
4- Green harvesting	Article 103r						
5- Mutual funds	Article 103s						
6- Harvest insurance	Article 103t						
7- Investments in enterprise	Article 103u						
9- By-products distillation	Article 103v						
Sub-total							

Measure and sub-measures	Regulation (EU) No 1308/2013						
2- Promotion	Article 45						
3a- Replanting of vineyards for health or phytosanitary reasons	Article 46(3)c						
8- Innovation	Article 51						
	Sub-total						

	Total						
--	-------	--	--	--	--	--	--

- (*) The amounts also include the expenses of actions launched in the framework of the first five-year programme 2009-2013 and for which payments will be done in the second five-year programme 2014-2018.
- (**) Publications Office acronym to be used.

(3) In Annex III, Part B is replaced by the following:

B. FINANCIAL YEARS 2014-2018 (*)

(in EUR 1 000)

Member State (**):

Region:

Date of communication:

Measures	Regulation (EC) No 1234/2007	Financial year					Total
		2014	2015	2016	2017	2018	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1- Single Payment Scheme	Article 103o						
3- Restructuring and conversion of vineyards	Article 103q						

(in EUR 1 000)

4- Green harvesting	Article 103r						
5- Mutual funds	Article 103s						
6- Harvest insurance	Article 103t						
7- Investments in enterprise	Article 103u						
9- By-products distillation	Article 103v						
Sub-total							

Measure and sub-measures	Regulation (EU) No 1308/2013						
2- Promotion	Article 45						
3a- Replanting of vineyards for health or phytosanitary reasons	Article 46(3)c						
8- Innovation	Article 51						
Sub-total							

Total							
-------	--	--	--	--	--	--	--

(*) The amounts also include the expenses of actions launched in the framework of the first five-year programme 2009-2013 and for which payments will be done in the second five-year programme 2014-2018.

(**) Publications Office acronym to be used.

(4) In Annex IV, Part B is replaced by the following:

B. FINANCIAL YEARS 2014-2018

(in EUR 1 000)

Member State (*):

Date of communication (**):

Date of previous communication:

Number of this amended table:

Reason: modification requested by the Commission/modification requested by the Member State (***)

Measures	Regulation (EC) No 1234/2007		Financial year					Total
			2014	2015	2016	2017	2018	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1- Single Payment Scheme	Article 103o							

(in EUR 1 000)

3- Restructuring and conversion of vineyards	Article 103q	Previous submission						
		Amended amount						
4- Green harvesting	Article 103r	Previous submission						
		Amended amount						
5- Mutual funds	Article 103s	Previous submission						
		Amended amount						
6- Harvest insurance	Article 103t	Previous submission						
		Amended amount						
7- Investments in enterprise	Article 103u	Previous submission						
		Amended amount						
9- By-products distillation	Article 103v	Previous submission						
		Amended amount						
Sub-total		Previous submission						
		Amended amount						

Measure and sub-measures	Regulation (EU) No 1308/2013							
2- Promotion	Article 45	Previous submission						
		Amended amount						
3a- Replanting of vineyards for health or phytosanitary reasons	Article 46(3)c	Previous submission						
		Amended amount						

(in EUR 1 000)

8- Innovation	Article 51	Previous submission						
		Amended amount						
	Sub-total	Previous submission						
		Amended amount						
	Total	Previous submission						
		Amended amount						

(*) Publications Office acronym to be used.

(**) Communication deadline: 1 March and 30 June.

(***) Strikethrough the wrong element.'

(5) In Annex V, point B is replaced by the following:

'B. FINANCIAL YEARS 2014-2018

Member State (*):

Period:**Date of submission:** **Revision number:**

A. Global assessment:

B. Conditions and results of the implementation of measures proposed ()**

(a) *Single Payment Scheme support in accordance with Article 103o*

(b) 1. *Promotion on third-country markets in accordance with Article 103p of Regulation (EC) No 1234/2007:*

Conditions of the implementation:

Results (***)

State aid:

2. *Promotion in Member States in accordance with Article 45(1)(a) Regulation (EU) No 1308/2013:*

Conditions of the implementation:

Results (***)

State aid:

(c) 1. *Restructuring and conversion of vineyard in accordance with Article 103q of Regulation (EC) No 1234/2007:*

Conditions of the implementation:

Results:

2. *Replanting of vineyard for health or phytosanitary reasons in accordance with 46(3)c of Regulation (EU) No 1308/2013:*

Conditions of the implementation:

Results:

(d) *Green harvesting in accordance with Article 103r of Regulation (EC) No 1234/2007:*

Conditions of the implementation:

Results:

(e) *Mutual funds in accordance with Article 103s of Regulation (EC) No 1234/2007:*

Conditions of the implementation:

Results:

(f) *Harvest insurance in accordance with Article 103t of Regulation (EC) No 1234/2007:*

Conditions of the implementation:

Results:

State aid:

(g) *Investments in enterprises in accordance with Article 103u of Regulation (EC) No 1234/2007:*

Conditions of the implementation:

Results:

State aid:

(h) *Innovation in accordance with Article 51 of Regulation (EU) No 1308/2013:*

Conditions of the implementation:

Results:

(i) *By-product distillation in accordance with Article 103v of Regulation (EC) No 1234/2007:*

Conditions of the implementation (including level of the aid):

Results:

C. Conclusions (and, if needed, envisaged modifications)

(*) Publications Office acronym to be used.

(**) Only paragraphs concerning the measures which were introduced in the support programme must be filled in.

(***) Appraisal of the technical, economic, environmental and social impact based on criteria and quantitative indicators defined for monitoring and evaluation in the programme submitted.

(6) In Annex VI, Part B is replaced by the following:

B. FINANCIAL YEARS 2014-2018

Member State (*):

Date of communication (**):

Amended table: Yes/No (***)

If yes number:

Measures	Regulation (EC) No 1234/2007	Financial year					Total
		2014	2015	2016	2017	2018	
		Forecast/Execution (?)	Forecast/Execution (?)	Forecast/Execution (?)	Forecast/Execution (?)	Forecast/Execution (?)	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1- Single Payment Scheme	(...)	(...)	(...)	(...)	(...)	(...)	(...)
3- Restructuring and conversion of vineyards	Article 103q						
4- Green harvesting	Article 103r						

(financial amount in EUR 1 000)

2- Promotion on third-country markets	Article 103p	Number of projects									(Cumulative)
		Average Community support (***)									
		State aids									(Cumulative)
3- Restructuring and conversion of vineyards	Article 103q	Area covered (ha)									(Cumulative)
		Average amount (EUR/ha) (****)									
4- Green harvesting	Article 103r	Area covered (ha)									
		Average amount (EUR/ha) (****)									
5- Mutual funds	Article 103s	Number of new Funds									(Cumulative)
		Average Community support (****)									
6- Harvest insurance	Article 103t	Number of producers									(Cumulative)
		Average Community support (*****)									
		State Aids									(Cumulative)

(financial amount in EUR 1 000)

7- Invest-ments in enterprise	Article 103u	Number of beneficiaries											(Cumulative)
		Average Community support (*****)											
		State Aids											(Cumulative)
7.1 Invest-ments in enterprise in convergence regions	Article 103u(4)(a)	Eligible costs											(Cumulative)
7.2 Invest-ments in enterprise in other than convergence regions	Article 103u(4)(b)	Eligible costs											(Cumulative)
7.3 Invest-ments in enterprise in outermost regions	Article 103u(4)(c)	Eligible costs											(Cumulative)
7.4 Invest-ments in enterprise in small Aegean Islands regions	Article 103u(4)(d)	Eligible costs											(Cumulative)
7.5 Invest-ments in enterprise in convergence regions	Article 103u(4)(a)	Community contribution											(Cumulative)

(financial amount in EUR 1 000)

7.6	Investments in enterprise in other than convergence regions	Article 103u(4)(b)	Community contribution																	(Cumulative)	
7.7	Investments in enterprise in outermost regions	Article 103u(4)(c)	Community contribution																	(Cumulative)	
7.8	Investments in enterprise in small Aegean Islands regions	Article 103u(4)(d)	Community contribution																	(Cumulative)	
9-	By-products distillation	Article 103v	Range of max aid (EUR/% vol/hl) (*****)																		
			Mio hl																		
			Average Community support (*****)																		
Measure and sub-measures	Regulation (EU) No 1308/2013																				
2a-	Promotion in Member States	Article 45 (1)(a)	Number of projects																	(Cumulative)	
			Average Community support (***)																		
			State aids																		(Cumulative)

(financial amount in EUR 1 000)

3a- Replanting of vineyards for health or phytosanitary reasons	Article 46 (3)c	Area covered (ha)												(Cumulative)
		Average amount (EUR/ha) (****)												
8- Innovation	Article 51	Number of beneficiaries												(Cumulative)
		Average Community support (*****)												

(*) Publications Office acronym to be used.

(**) Communication deadline: for forecast every 1 March and 30 June; for execution every 1 March (2015 for the first time).

(***) Calculated by dividing the amount(s) spent by the number of projects concerned in this Annex.

(****) Calculated by dividing the amount(s) declared in Annex II (for forecasts) and Annex VI (for execution) by the area concerned in this Annex.

(*****) Calculated by dividing the amount(s) declared in Annex II (for forecasts) and Annex VI (for execution) by the number of funds concerned in this Annex.

(*****') Calculated by dividing the amount(s) declared in Annex II (for forecasts) and Annex VI (for execution) by the number of producers concerned in this Annex.

(*****') Calculated by dividing the amount(s) declared in Annex II (for forecasts) and Annex VI (for execution) by the number of beneficiaries concerned in this Annex.

(*****') Details to be given in Annexes I and V.

(*****') Calculated by dividing the amount(s) declared in Annex II (for forecasts) and Annex VI (for execution) by the number of hectolitres concerned in this Annex.'

(8) In Annex VIII Part B is replaced by the following:

B. FINANCIAL YEARS 2014-2018

1. Promotion in Member States

Member State:

Forecasts/execution (*)

Date of communication (**):

Date of previous communication:

Number of this amended table:

Beneficiaries	Eligible measure (Article 45(1)(a) of Regulation (EC) No 1308/2013)	Description (***)	Targeted market	Period	Eligible expenditure (EUR)	of which Community contribution (EUR)	of which other public support if any (EUR)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
...							

2. Promotion in third countries

Member State:

Forecasts/execution (*)

Date of communication (**):

Date of previous communication:

Number of this amended table:

Beneficiaries	Eligible measure (Article 45(1)(b) of Regulation (EC) No 1308/2013)	Description (***)	Area covered	Period	Eligible expenditure (EUR)	of which Community contribution (EUR)	of which other public support if any (EUR)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
...							

(*) Strikethrough the wrong element.

(**) Communication deadline: for forecast every 1 March and 30 June; for execution every 1 March (2015 for the first time).

(***) Including if the promotion measure is organised in cooperation with one or more other Member States.'

(9) In Annex VIIIa, Point B is replaced by the following:

B. FINANCIAL YEARS 2014-2018

1. Restructuring and conversion of vineyard in accordance with Article 103q of Regulation (EC) No 1234/2007

Member State (*):

Financial year:

Date of communication (**):

Region	Restructuring and conversion operations globally approved		Restructuring operations concerned by previous grubbing up (***)		Control before grubbing-up (****)				Control after Restructuring/conversion		surface finally admitted after control (ha)	surface not admitted after control (ha)	requested premiums refused (EUR)	Sanctions (****)
					administratively		On the spot							
	Number of applications	area (ha)	number	area concerned by previous grubbing up (ha)	number of producers controlled	area controlled (ha)	number of producers controlled	area controlled (ha)	number of producers controlled	area controlled (ha)				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)
1														
2														
...														
Total of Member State														

2. Replanting of vineyards for health or phytosanitary reasons in accordance with 46(3)c of Regulation (EU) No 1308/2013

Financial years 2014-2018:

Member State (*):

Financial year:

Date of communication (**):

Region	Replanting operations globally approved		Administrative control before replanting		Control after replanting		Surface finally admitted after control (ha)	Surface not admitted after control (ha)	Requested premiums refused (EUR)	Sanctions (****)
	Number of applications	area (ha)	number of producers controlled	area controlled (ha)	number of producers controlled	area controlled (ha)				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
1										
2										
...										
Total of Member State										

(*) Publications Office acronyms to be used.

(**) Communication deadline: 1 December each year and for the first time 1 December 2014.

(***) Partly included in column 2 and 3.

(****) Where applicable.

(10) In Annex VIIIc, Tables 2 and 3 are replaced by the following:

Table 2

General information sheet (*)

Member State (**) Region(s) concerned (if applicable):

1. Identification of the aid

1.1. Title of the aid (or name of company beneficiary in case of individual aid):

.....

1.2. Brief description of the objective of the aid:

.....

Primary objective (please tick one only):

- Promotion in third countries (Article 103p of Regulation (EC) No 1234/2007)
- Promotion in Member States (Article 45(1)(a) of Regulation (EC) No 1308/2013)
- Harvest insurance (Article 103t of Regulation (EC) No 1234/2007)
- Investment (Article 103u Regulation (EC) No 1234/2007)

1.3. Aid scheme — Individual aid

The communication relates to:

- an aid scheme
- an individual aid

2. National legal basis

Title of the national legal basis including the implementing provisions:

.....

.....

.....

3. Beneficiaries

3.1. Location of the beneficiary(ies)

- in (an) unassisted region(s)
- in (a) region(s) eligible for assistance under Article 87(3)(c) EC Treaty (specify at NUTS-level 3 or lower)
- in (a) region(s) eligible for assistance under Article 87(3)(a) EC Treaty (specify at NUTS-level 2 or lower)
- mixed: (specify)

3.2. In case of an individual aid:

Name of the beneficiary:

Type of beneficiary:

- SME

Number of employees:

Annual turnover:

Annual balance-sheet:

Independence:

- large enterprise

3.3. In case of an aid scheme:

Type of beneficiaries:

- all firms (large firms and small and medium-sized enterprises)
- only large enterprises
- small and medium-sized enterprises
- medium-sized enterprises
- small enterprises
- micro enterprises
- the following beneficiaries:

Estimated number of beneficiaries:

- under 10
- from 11 to 50
- from 51 to 100
- from 101 to 500
- from 501 to 1000
- over 1000

4. **Form of the aid and means of funding**

Form of the aid made available to the beneficiary (specify; where appropriate, *separately for each measure*) (e.g. direct grant, soft loan ...):

.....

(*) Communication referred to in Article 37a(3)(a) of this Regulation

(**) Publications Office acronym to be used

Table 3

1. Supplementary information sheet on aid for the promotion on third country markets (Article 103p of Regulation (EC) No 1234/2007) (*)

Member State (**) Region(s) concerned (if applicable):

Hereby it is confirmed that:

- the advertising campaign is not granted towards specific enterprises;
- the advertising campaign does not risk endangering sales of or denigrate products from other Member States;
- the advertising campaign is in line with the principles of Regulation (EC) No 3/2008 (***), including the requirement that the advertising campaign is not granted towards brand names. *(To demonstrate this statement, elements have to be provided about the compliance with the principles of Regulation (EC) No 3/2008).*

2. Supplementary information sheet on aid for the promotion in Member States (Article 45(1)(a) of Regulation (EC) No 1308/2013) (**)**

Member State (****) Region(s) concerned (if applicable):

Hereby it is confirmed that:

- the advertising campaign is not granted towards specific enterprises;
- the advertising campaign does not risk endangering sales of or denigrate products from other Member States;
- the advertising campaign is in line with the principles of Regulation (EC) No 3/2008 (*****), including the requirement that the advertising campaign is not granted towards brand names. *(To demonstrate this statement, elements have to be provided about the compliance with the principles of Regulation (EC) No 3/2008).*

(*) Communication referred to in Article 37a(3)(b) of this Regulation.

(**) Publications Office acronym to be used.

(***) Council Regulation (EC) No 3/2008 on information provision and promotion measures for agricultural products on the internal market and in third countries (OJ L 3, 5.1.2008, p. 1.).

(****) Communication referred to in Article 37a(3)(b) of this Regulation.

(*****) Publications Office acronym to be used.

(*****') Council Regulation (EC) No 3/2008 on information provision and promotion measures for agricultural products on the internal market and in third countries (OJ L 3, 5.1.2008, p. 1.).'

COMMISSION IMPLEMENTING REGULATION (EU) No 615/2014**of 6 June 2014****laying down detailed rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council and Regulation (EU) No 1308/2013 of the European Parliament and of the Council in respect of work programmes to support the olive oil and table olives sectors**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽¹⁾, and in particular, Articles 57(2), 58(4), 62(2), 63(5), 64(7) and 66(4) thereof,

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 ⁽²⁾, and in particular Article 31 thereof,

Whereas:

- (1) Regulation (EU) No 1308/2013 lays down the rules for programmes to support the olive oil and table olives sector. To ensure the smooth operation and uniform application of the new legal framework established by this Regulation, the Commission has been granted the power to adopt implementing acts establishing the measures necessary for its implementation in respect of the relevant work programmes. These implementing acts are to replace the rules laid down by Regulation (EC) No 867/2008, repealed by Commission Delegated Regulation (EU) No 611/2014 ⁽³⁾.
- (2) To enable producer Member States to introduce measures to manage the olive oil and table olive sector aid scheme, procedures need to be established concerning work programmes and amendments to them, the disbursement of EU financing, including advances, the amounts of securities to be lodged, checks, inspection reports, corrections and penalties in the event of irregularities or negligence in the implementation of the work programmes.
- (3) To ensure the financing available to each Member State is used appropriately, a procedure should be laid down for the annual amendment of the work programmes approved for the following year, so as to take into account any duly justified changes compared with initial conditions. Member States should also be able to stipulate the conditions required to amend the work programmes and redistribute the amounts allocated without exceeding the annual amounts withheld by producer Member States pursuant to Article 29(2) of Regulation (EU) No 1308/2013. In the event of amendments to a work programme and with a view to enabling flexibility in the implementation of the work programmes, the deadline for submission of requests needs to be set.
- (4) To enable beneficiary olive oil producer organisations to start implementing the work programmes in a timely fashion, provision should be made for them to receive, subject to the lodging of a security under the conditions laid down in Regulation (EU) No 1306/2013, an advance of a maximum of 90 % of the EU contribution planned for each year concerned by the approved work programme. The arrangements for the payment of this advance need to be laid down.
- (5) Provision should be made that requests for financing must be submitted by recognised producer organisations, associations of recognised producer organisations and recognised interbranch organisations (hereinafter, 'beneficiary organisations') to the Member State's paying agency in accordance with a precise time schedule. It should also be stipulated that the request must be drawn up in accordance with a model to be provided by the competent authority and be accompanied by documentary evidence of the implementation of the work programmes and expenditure incurred. It should be established that the Member State paying agency shall disburse the financing and release the security after completion of the entire work programme, verifying the documentary evidence and checks.

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ OJ L 347, 20.12.2013, p. 671.

⁽³⁾ Commission Delegated Regulation (EU) No 611/2014 of 11 March 2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council in respect of programmes to support the olive oil and table olives sector (see page 55 of this Official Journal).

- (6) In order to ensure sound management of the work programmes, the Member States concerned should establish plans for on-the-spot checks of a sample of beneficiary organisations selected on the basis of a risk analysis and must check that the conditions for granting EU financing have been fulfilled. Provision should be made for a detailed inspection report to be drawn up for each on-the-spot check. In addition, Member States must be required to establish a suitable system of corrections and penalties for irregularities enabling the recovery of any amount unduly paid plus interest, where appropriate.
- (7) To ensure the implementation of work programmes and their development is monitored throughout the period of implementation, beneficiary organisations should draw up a report of their activities and forward it to the national authorities of the Member States concerned. Provision should also be made for these reports to be forwarded to the Commission.
- (8) In order to increase the overall impact of the work programmes carried out in the area of market follow-up and administrative management in the olive oil and table olives sector, provision should be made for beneficiary organisations and Member States to publish on their internet sites the results of the measures undertaken.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Scope

This Regulation lays down implementing rules for Regulation (EU) No 1308/2013 as regards the implementation of work programmes in the olive oil and table olives sector, amendments to these, the disbursement of aid, including advance payments, the procedures to be followed and the amount of the security to be lodged when submitting a request for approval of a work programme and when an advance on aid is paid.

Article 2

Amendments to work programmes

1. Beneficiary organisations may, in accordance with a procedure to be laid down by the Member State, request amendments to the content and budget of their approved work programme, provided that the amendments do not involve an overrun on the amount allocated to the Member State in question pursuant to Article 29(2) of Regulation (EU) No 1308/2013.
2. All requests for amendments to a work programme, including merging different work programmes, shall be accompanied by supporting documents setting out the reasons for and the nature and implications of the proposed changes. Requests shall be submitted by beneficiary organisations to the competent authority of the Member State at the latest by 31 December of the year preceding the year of implementation of the work programme.
3. In the event of a merger, beneficiary organisations that were previously carrying out separate work programmes shall operate the separate programmes in parallel until 1 January of the year following the merger.

Notwithstanding the first subparagraph, Member States may authorise beneficiary organisations which so request, for duly substantiated reasons, to implement their respective work programmes in parallel without merging them.

4. Amendments to a work programme shall become applicable two months after the request for amendments has been received by the competent authority unless the competent authority considers that the amendments submitted do not meet the applicable conditions. In this case, it shall inform the beneficiary organisation which shall, if necessary, submit a revised its work programme.
5. In the event that the EU financing obtained by the beneficiary organisation is less than the amount in the approved work programme, a beneficiaries may adapt its programme to the financing obtained. The beneficiary shall ask the competent authority to approve such an amendment to the work programme.
6. By way of derogation to paragraphs 2 and 4, the competent authority may, during the implementation of a work programme, accept amendments to a work programme measure provided that:
 - (a) the amendment to the measure is notified to the competent authority by the beneficiary organisation two months before the start of implementation of the measure in question;
 - (b) the notification is accompanied by supporting documentation specifying the aim, nature and implications of the proposed amendment and demonstrates that the amendment concerned does not alter the initial objective of the work programme;
 - (c) the budget allocated to the measure in question remains stable;
 - (d) the financial breakdown to other measures in the area of the measure concerned does not exceed EUR 40 000.
7. If the competent authority does not issue any objections based on non-compliance with the conditions indicated in paragraph 6 within one month of notification of the amendment of the measure, the amendment shall be deemed to have been accepted.

Article 3

Advances

1. A beneficiary organisation which has lodged an application for an advance as provided for in Article 7(3)(h) of Delegated Regulation (EU) No 611/2014 shall receive, under the conditions referred to in paragraph 2 of this Article, a total advance of a maximum of 90 % of the EU contribution planned for each year covered by the approved work programme.
2. Before the end of the month following the month of the beginning of the implementation of each year of the approved work programme, the Member State shall pay the beneficiary organisation concerned an initial instalment of half of the amount referred to in paragraph 1. A second instalment of the advance equivalent to the remaining half of that amount shall be paid after the check indicated in paragraph 3.
3. The Member State shall check that the first instalment of the advance has been spent and the related measures carried out before disbursing the second instalment. This check shall be carried out by the Member State on the basis of the annual report referred to in Article 9 or on the basis of the inspection report referred to in Article 7.

Article 4

Security to be lodged

1. The advances referred to in Article 3 shall be subject to the lodging of a security by the beneficiary organisation concerned in accordance with Article 66(1) of Regulation (EU) No 1306/2013 in an amount equal to 110 % of the advance requested.
2. Before a date to be stipulated by the Member State and at the latest by 31 March, beneficiary organisations may lodge with the Member State concerned a request for the release of the security indicated in paragraph 1 up to an amount equal to the total expenditure corresponding to the amount of the first instalment of the advance that has actually been deployed and checked by the Member State. The Member State shall stipulate which supporting documents are to accompany the application, and shall check these documents and release the security corresponding to the expenditure concerned no later than in the course of the second month following that in which the application is lodged.

*Article 5***Payment of EU funding**

1. For the purposes of payment of EU financing under Article 29(2) of Regulation (EU) No 1308/2013, a beneficiary organisation shall lodge an application for financing with the paying agency of the Member State by a date to be determined by the Member State but no later than 30 June of the year following each year of implementation of the work programme.

The paying agency of the Member State may pay beneficiary organisations the balance of EU financing corresponding to each year of implementation of the work programme after checking, on the basis of the annual report referred to in Article 9 or the inspection report referred to in Article 7, that the measures corresponding to each instalment of the advance referred to in Article 3(3) have actually been carried out.

Any application for EU financing submitted after 30 June shall be ineligible and any amounts paid as an advance on financing of the work programme shall be repaid in accordance with the procedure laid down in Article 8.

2. Applications for EU financing shall be drawn up in accordance with a model to be provided by the competent authority of the Member State. To be eligible, an application shall be accompanied by:

(a) a summary report comprising the following elements:

- (i) a detailed description of the stages of the work programme that have been implemented, broken down by areas and measures as detailed in Article 3 of Delegated Regulation (EU) No 611/2014;
- (ii) where appropriate, the justification for and the financial repercussions of the gaps between the stages of the work programme approved by the Member State and the stages of the work programme actually implemented;
- (iii) an evaluation of the work programme as implemented based on the criteria laid down in Article 6 of Delegated Regulation (EU) No 611/2014;

(b) invoices and bank documents providing payment of the expenses incurred during the period of implementation of the work programme,

(c) where appropriate, documentary proof of payment of the financial contributions of beneficiary organisations and of the Member State concerned.

3. Applications for financing which do not comply with the conditions set out in paragraphs 1 and 2 shall be deemed ineligible and rejected. The beneficiary organisation concerned may submit a new application for financing together with the justificatory evidence and missing elements within a time period to be established by the Member State.

4. Applications concerning expenditure for measures carried out that have been paid more than two months after the end of the period of implementation of the work programme shall be rejected.

5. No later than three months after the date of submission of the application for financing and the supporting documents referred to in paragraph 2, and once they have carried out the examination of the supporting documents and the checks referred to in Article 6, the Member State shall pay the EU financing that is due and, as appropriate, release the security referred to in Article 4. The security referred to in Article 7(3)(g) of Delegated Regulation (EU) No 611/2014 shall be released after completion of the entire work programme, examination of the supporting documents and the checks referred to in Article 6.

*Article 6***On-the-spot checks**

1. Member States shall verify that the conditions for granting EU financing are met, in particular as regards compliance with the following aspects:

(a) compliance with the conditions for the recognition of beneficiaries laid down in Articles 152, 154, 156, 157 and 158 of Regulation (EU) No 1308/2013;

- (b) implementation of the approved work programmes, in particular investment and service measures;
- (c) the expenditure actually incurred as compared to the financing applied for and the financial contribution by the olive operators concerned.

2. The competent authorities of the Member State shall implement a work programme inspection plan focusing on a sample of beneficiary organisations selected on the basis of a risk analysis and each year covering a minimum of 30 % of the beneficiary organisations in receipt of EU financing under Article 29 of Regulation (EU) No 1308/2013. The selection shall be made in such a way as to ensure that:

- (a) producer organisations and their associations are all subjected to on-the-spot checks at least once during the implementation of the approved work programme after payment of the advance and before payment of the final instalment of EU financing;
- (b) all inter-branch organisations are inspected in each year of implementation of each approved work programme. If they have received an advance in the course of the year, the check shall be scheduled after the date on which the advance was disbursed.

If the checks reveal irregularities, the competent authority shall carry out additional checks in the course of the year and shall increase the number of beneficiary organisations to be checked the following year.

3. The competent authority shall select the beneficiary organisations to be checked on the basis of a risk analysis based on the following criteria:

- (a) the amount of financing for the approved work programme;
- (b) the nature of the measures financed under the work programme;
- (c) the degree of progress in implementing the work programmes;
- (d) the conclusions of previous on-the-spot checks or checks carried out during the recognition procedure indicated in Articles 154(4) and 158(5) of Regulation (EU) No 1308/2013;
- (e) other risk criteria to be defined by the Member States.

4. The on-the-spot checks shall be unannounced. However, in order to facilitate the practical organisation of checks, advance warning of no more than 48 hours may be given to the beneficiary organisation to be checked.

5. The duration of each on-the-spot check shall correspond to the degree of progress in implementing the approved work programme and expenditure committed to investments and services.

Article 7

Inspection reports

A detailed inspection report shall be drawn up for every on-the-spot check required under Article 6, indicating in particular:

- (a) the date and duration of the check;
- (b) a list of those present;
- (c) a list of invoices checked;
- (d) reference numbers of invoices selected from the register of sales or of purchases, and the VAT register in which the selected invoices have been recorded;
- (e) bank documents proving payment of the amounts selected;
- (f) an indication of the measures already carried out which have been specifically analysed on-the-spot;
- (g) the results of the check.

*Article 8***Undue payments and penalties**

1. In the event that recognition under Articles 154 and 158 of Regulation (EU) No 1308/2013 is withdrawn because the beneficiary organisation has failed to fulfil its obligations intentionally or through gross negligence, the beneficiary organisation in question shall be ineligible to receive EU financing under the entire work programme.
2. If a measure has not been implemented in conformity with a work programme, the beneficiary organisation shall be ineligible for financing for the measure in question.
3. In the case of a measure which is subsequently found to be ineligible, and which has been implemented in conformity with an approved work programme, the Member State may decide to pay the financing due or not to recover amounts which have already been paid out, if such a decision is permitted in comparable cases financed from the national budget and if the beneficiary organisation has not acted negligently or intentionally.
4. In the event of gross negligence or false declaration, the beneficiary organisation shall be ineligible to receive:
 - (a) public financing under the entire work programme; and
 - (b) EU financing under Article 29 of Regulation (EU) No 1308/2013 for the entire three-year period following that in which the irregularity was discovered.
5. Where a beneficiary organisation is deemed ineligible for financing pursuant to paragraphs 1, 2 or 4, the competent authority shall recover the public financing already disbursed to that organisation.
6. Interest shall be added, where necessary, to the EU contribution recovered pursuant to paragraph 5, calculated on the basis of:
 - (a) the period elapsing between payment and reimbursement by the beneficiary;
 - (b) the rate applied by the European Central Bank to its main refinancing operations as published in the C series of the *Official Journal of the European Union* and in force on the date on which the undue payment is made, plus three percentage points.
7. EU financing recovered under this Article shall be paid to the paying agency and deducted from expenditure financed by the European Agricultural Guarantee Fund.

*Article 9***Report of beneficiary organisations**

1. Before 1 May each year, beneficiary organisations shall submit to the competent national authorities an annual report on the implementation of the work programmes during the preceding year of implementation. This report shall cover:
 - (a) the stages of the work programme implemented or being implemented;
 - (b) the main amendments to the work programmes;
 - (c) an evaluation of the results already obtained based on the indicators laid down in Article 7(3)(f) of Delegated Regulation (EU) No 611/2014.

For the final year of implementation of the work programme, a final report shall replace the reports provided for in the first subparagraph.

2. The final report shall evaluate the work programme and shall comprise at least the following:
 - (a) an account, based at least on the indicators set out in Article 7(3)(f) of Delegated Regulation (EU) No 611/2014 and any other relevant criteria, showing the extent to which the objectives pursued by the programmes have been achieved;
 - (b) an account of the changes to the work programme;
 - (c) where appropriate, an indication of the factors to be taken into account in drawing up the next work programme.

3. Data collected and studies drawn up in implementing the measures under Article 3(1)(a) of Delegated Regulation (EU) No 611/2014 shall be published on the internet site of the beneficiary organisation following completion of the relevant measure.

Article 10

Communications from Member States

1. Before the start of the new three-year work programme and at the latest by 31 January of the year following the end of the previous programme, the competent authorities shall notify to the Commission the national measures implementing this Regulation, and in particular those relating to:

- (a) the conditions for recognising beneficiary organisations referred to in Articles 152, 156 and 157 of Regulation (EU) No 1308/2013;
- (b) the additional conditions specifying the eligible measures adopted pursuant to Article 3(3) of Delegated Regulation (EU) No 611/2014;
- (c) the goals and priorities of the olive sector referred to in Article 6(1)(a) of Delegated Regulation (EU) No 611/2014 and the quantitative and qualitative indicators referred to in Article 7(1)(f) of that Delegated Regulation;
- (d) the period referred to in Article 2(3);
- (e) the arrangements for the system of advances referred to in Article 3 and, where appropriate, the system for paying the national financing;
- (f) the performance of the checks referred to in Article 6 and application of the penalties and corrections provided for in Article 8.

2. No later than 1 May of each year of implementation of the approved work programme, Member States shall transmit to the Commission data on:

- (a) the work programmes and their characteristics, broken down by type of beneficiary organisation, area, measure and regional area;
- (b) the amount of financing allocated to each work programme;
- (c) the planned schedule of EU financing by budget year for the entire period covered by the work programmes.

3. No later than 20 October of each year of implementation of the approved work programmes, the competent authorities shall transmit to the Commission a report on the implementation of this Regulation comprising at least the following information:

- (a) the number of work programmes financed, beneficiaries, areas under olive trees, mills, processing facilities and volumes of oil and table olives concerned;
- (b) the characteristics of the measures developed in each of the areas;
- (c) any discrepancies between measures planned and measures actually carried out, and their implications at the level of expenditure;
- (d) an assessment and evaluation of the work programmes, taking into consideration, among other things, the evaluation referred to in Article 5(2)(a)(iii);
- (e) statistics on the checks and reports on inspections carried out in accordance with Articles 6 and 7 and the penalties or corrections applied in accordance with Article 8;
- (f) expenditure by programme, area and by measure, and the financial contributions from the EU and national and beneficiary organisations.

4. The notifications referred to in this Article shall be made in accordance with Commission Regulation (EC) No 792/2009 ⁽¹⁾.

⁽¹⁾ Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands (OJ L 228, 1.9.2009, p. 3).

5. The competent authorities of the Member States concerned shall publish on their internet sites all data collected and studies drawn up in execution of measures under Article 3(1)(a) of Delegated Regulation (EU) No 611/2014, upon completion thereof.

Article 11

Entry into force

This Regulation shall enter into force on the seventh day following 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 June 2014.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 616/2014**of 6 June 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 June 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	AL	46,1
	MK	38,5
	TR	74,3
	ZZ	53,0
0707 00 05	MK	30,7
	TR	106,0
	ZZ	68,4
0709 93 10	MA	68,1
	TR	114,2
	ZZ	91,2
0805 50 10	AR	120,1
	TR	118,2
	ZA	130,7
	ZZ	123,0
0808 10 80	AR	106,1
	BR	84,0
	CL	107,1
	CN	98,5
	NZ	142,1
	US	169,1
	UY	164,7
	ZA	96,8
	ZZ	121,1
	0809 10 00	TR
ZZ		248,1
0809 29 00	TR	372,3
	ZZ	372,3

⁽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

COUNCIL DECISION

of 26 May 2014

on the system of own resources of the European Union

(2014/335/EU, Euratom)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the third paragraph of Article 311 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Parliament,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) The own resources system of the Union must ensure adequate resources for the orderly development of the policies of the Union, subject to the need for strict budgetary discipline. The development of the own resources system can and should also contribute to wider budgetary consolidation efforts undertaken in Member States and participate, to the greatest extent possible, in the development of the policies of the Union.
- (2) This Decision should enter into force only once it has been approved by all Member States in accordance with their respective constitutional requirements, thus fully respecting national sovereignty.
- (3) The European Council of 7 and 8 February 2013 concluded, *inter alia*, that the own resources arrangements should be guided by the overall objectives of simplicity, transparency and equity. Those arrangements should therefore ensure, in line with the relevant conclusions of the 1984 Fontainebleau European Council, that no Member State sustain a budgetary burden which is excessive in relation to its relative prosperity. It is therefore appropriate to introduce provisions covering specific Member States.
- (4) The European Council of 7 and 8 February 2013 concluded that Germany, the Netherlands and Sweden are to benefit from reduced call rates for the own resource based on value added tax (VAT) for the period 2014-2020 only. It also concluded that Denmark, the Netherlands and Sweden are to benefit from gross reductions in their annual contributions based on gross national income (GNI) for the period 2014-2020 only and that Austria is to benefit from gross reductions in its annual GNI-based contributions for the period 2014-2016 only. The European Council of 7 and 8 February 2013 concluded that the existing correction mechanism in favour of the United Kingdom is to continue to apply.
- (5) The European Council of 7 and 8 February 2013 concluded that the system for collection of traditional own resources is to remain unchanged. However, from 1 January 2014, Member States are to retain, by way of collection costs, 20 % of the amounts collected by them.

- (6) In order to ensure strict budgetary discipline, and taking into account the Commission Communication of 16 April 2010 on the adaptation of the ceiling of own resources and of the ceiling for appropriations for commitments following the decision to apply FISIM for own resources purposes, the ceiling of own resources should be equal to 1,23 % of the sum of the Member States' GNIs at market prices for appropriations for payments and the ceiling of 1,29 % of the sum of the Member States' GNIs should be set for appropriations for commitments. Those ceilings are based on ESA 95 including financial intermediation services indirectly measured (FISIM) as the data based on the revised European System of Accounts set up by Regulation (EU) No 549/2013 of the European Parliament and of the Council ⁽¹⁾ ('ESA 2010') has not been available at the time of the adoption of this Decision. In order to maintain unchanged the amount of financial resources put at the disposal of the Union, it is appropriate to adapt these ceilings expressed in percentages of GNI. Those ceilings should be adapted as soon as all Member States have transmitted their data on the basis of ESA 2010. In the event that there are any amendments to ESA 2010 which entail a significant change in the level of GNI, the ceilings for own resources and for commitment appropriations should be adapted again.
- (7) The European Council of 7 and 8 February 2013 called upon the Council to continue working on the proposal of the Commission for a new own resource based on VAT to make it as simple and transparent as possible, to strengthen the link with EU VAT policy and actual VAT receipts, and to ensure equal treatment of taxpayers in all Member States. The European Council concluded that the new VAT own resource could replace the existing own resource based on VAT. The European Council also noted that on 22 January 2013 the Council adopted the Council Decision authorising enhanced cooperation in the area of financial transaction tax ⁽²⁾. It invited the participating Member States to examine if it could become the base for a new own resource for the EU budget. It concluded that this would not impact non-participating Member States and would not impact the calculation of the United Kingdom correction.
- (8) The European Council of 7 and 8 February 2013 concluded that a Council regulation laying down implementing measures for the Union's own resources system will be established, as set out under the fourth paragraph of Article 311 of the Treaty on the Functioning of the European Union (TFEU). Accordingly, provisions of a general nature, applicable to all types of own resources and for which appropriate parliamentary oversight, as set out in the Treaties, is required, should be included in that regulation, such as, in particular, the procedure for calculating and budgeting the annual budgetary balance and aspects of control and supervision of revenues.
- (9) For reasons of coherence, continuity and legal certainty, provisions should be laid down to cover the transition from the system introduced by Council Decision 2007/436/EC, Euratom ⁽³⁾ to that arising from this Decision.
- (10) Decision 2007/436/EC, Euratom should be repealed.
- (11) For the purposes of this Decision, all monetary amounts should be expressed in euros.
- (12) The European Court of Auditors and the European Economic and Social Committee were consulted and have adopted opinions ⁽⁴⁾.
- (13) In order to ensure transition to the revised system of own resources and to coincide with the financial year, this Decision should apply from 1 January 2014,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter

This Decision lays down rules on the allocation of own resources of the Union in order to ensure, pursuant to Article 311 of the Treaty on the Functioning of the European Union (TFEU), the financing of the Union's annual budget.

⁽¹⁾ Regulation (EU) No 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts in the European Union (OJ L 174, 26.6.2013, p. 1).

⁽²⁾ OJ L 22, 25.1.2013, p. 11.

⁽³⁾ Council Decision 2007/436/EC, Euratom of 7 June 2007 on the system of the European Communities' own resources (OJ L 163, 23.6.2007, p. 17).

⁽⁴⁾ Opinion No 2/2012 of the European Court of Auditors of 20 March 2012 (OJ C 112, 18.4.2012, p. 1) and Opinion of the European Economic and Social Committee of 29 March 2012 (OJ C 181, 21.6.2012, p. 45).

*Article 2***Categories of own resources and specific methods for their calculation**

1. Revenue from the following shall constitute own resources entered in the budget of the Union:
 - (a) traditional own resources consisting of levies, premiums, additional or compensatory amounts, additional amounts or factors, Common Customs Tariff duties and other duties established or to be established by the institutions of the Union in respect of trade with third countries, customs duties on products under the expired Treaty establishing the European Coal and Steel Community, as well as contributions and other duties provided for within the framework of the common organisation of the markets in sugar;
 - (b) without prejudice to the second subparagraph of paragraph 4, the application of a uniform rate valid for all Member States to the harmonised VAT assessment bases determined in accordance with Union rules. For each Member State the assessment base to be taken into account for this purpose shall not exceed 50 % of gross national income (GNI), as defined in paragraph 7;
 - (c) without prejudice to the second subparagraph of paragraph 5, the application of a uniform rate, to be determined pursuant to the budgetary procedure in the light of the total of all other revenue, to the sum of GNI of all the Member States.
2. Revenue deriving from any new charges introduced within the framework of a common policy, in accordance with the TFEU, provided that the procedure laid down in Article 311 TFEU has been followed, shall also constitute own resources entered in the budget of the Union.
3. Member States shall retain, by way of collection costs, 20 % of the amounts referred to in point (a) of paragraph 1.
4. The uniform rate referred to in paragraph 1(b) shall be fixed at 0,30 %.

For the period 2014-2020 only, the rate of call of the VAT-based own resource for Germany, the Netherlands and Sweden shall be fixed at 0,15 %.

5. The uniform rate referred to in paragraph 1(c) shall apply to the GNI of each Member State.

For the period 2014-2020 only, Denmark, the Netherlands and Sweden shall benefit from gross reductions in their annual GNI-based contribution of EUR 130 million, EUR 695 million and EUR 185 million respectively. Austria shall benefit from a gross reduction in its annual GNI-based contribution of EUR 30 million in 2014, EUR 20 million in 2015 and EUR 10 million in 2016. All these amounts shall be measured in 2011 prices and adjusted to current prices by applying the most recent GDP deflator for the EU expressed in euro, as provided by the Commission, which is available when the draft budget is drawn up. These gross reductions shall be granted after the calculation of the correction in favour of the United Kingdom and its financing referred to in Articles 4 and 5 of this Decision and shall have no impact thereon. These gross reductions shall be financed by all Member States.

6. If, at the beginning of the financial year, the budget has not been adopted, the existing VAT and GNI rates of call shall remain applicable until the entry into force of the new rates.
7. GNI referred to in paragraph 1(c) shall mean an annual GNI at market price, as provided by the Commission in application of Regulation (EU) No 549/2013 ('ESA 2010').

Should amendments to ESA 2010 result in significant changes in the GNI referred to in paragraph 1(c), the Council, acting unanimously on a proposal of the Commission and after consulting the European Parliament, shall decide whether these amendments are to apply for the purposes of this Decision.

*Article 3***Own resources ceiling**

1. The total amount of own resources allocated to the Union to cover annual appropriations for payments shall not exceed 1,23 % of the sum of all the Member States' GNIs.

2. The total annual amount of appropriations for commitments entered in the Union's budget shall not exceed 1,29 % of the sum of all the Member States' GNIs.

An orderly ratio between appropriations for commitments and appropriations for payments shall be maintained to guarantee their compatibility and to enable the ceiling pursuant to paragraph 1 to be respected in subsequent years.

3. For the purposes of this Decision, as soon as all Member States have transmitted their data on the basis of ESA 2010, the Commission shall recalculate the ceilings set out in paragraphs 1 and 2 on the basis of the following formula:

$$1,23\%(1,29\%) \times \frac{\text{GNIt} - 2 + \text{GNIt} - 1 + \text{GNIt ESA 95}}{\text{GNIt} - 2 + \text{GNIt} - 1 + \text{GNIt ESA 2010}}$$

In that formula, 't' is the latest full year for which the data for the calculation of GNI are available.

4. Where amendments to ESA 2010 result in significant changes in the level of GNI, the Commission shall recalculate the ceilings set out in paragraphs 1 and 2, as recalculated in accordance with paragraph 3, on the basis of the following formula:

$$x\%(y\%) \times \frac{\text{GNIt} - 2 + \text{GNIt} - 1 + \text{GNIt ESA current}}{\text{GNIt} - 2 + \text{GNIt} - 1 + \text{GNIt ESA amended}}$$

In that formula, 't' is the latest full year for which the data for the calculation of GNI are available.

In that formula, 'x' and 'y' respectively are the ceilings as recalculated according to paragraph 3.

Article 4

Correction mechanism in favour of the United Kingdom

The United Kingdom shall be granted a correction in respect of budgetary imbalances.

This correction shall be established by:

- (a) calculating the difference, in the preceding financial year, between:
 - the percentage share of the United Kingdom in the sum of uncapped VAT assessment bases, and
 - the percentage share of the United Kingdom in total allocated expenditure;
- (b) multiplying the difference thus obtained by total allocated expenditure;
- (c) multiplying the result under point (b) by 0,66;
- (d) subtracting from the result under point (c) the effects arising for the United Kingdom from the transition to capped VAT and the payments referred to in Article 2(1)(c), namely the difference between:
 - what the United Kingdom would have had to pay for the amounts financed by the resources referred to in Article 2(1)(b) and (c), if the uniform rate had been applied to non-capped VAT bases, and
 - the payments of the United Kingdom pursuant to Article 2(1)(b) and (c);
- (e) subtracting from the result under point (d) the net gains of the United Kingdom resulting from the increase in the percentage of resources referred to in Article 2(1)(a) retained by Member States to cover collection and related costs;
- (f) adjusting the calculation, by reducing total allocated expenditure by total allocated expenditure in Member States that have acceded to the Union after 30 April 2004, except for agricultural direct payments and market-related expenditure as well as that part of rural development expenditure originating from the EAGGF, Guarantee Section.

*Article 5***Financing the correction mechanism in favour of the United Kingdom**

1. The cost of the correction set out in Article 4 shall be borne by the Member States other than the United Kingdom in accordance with the following arrangements:
 - (a) the distribution of the cost shall first be calculated by reference to each Member State's share of the payments referred to in Article 2(1)(c), the United Kingdom being excluded and without taking account of the gross reductions in the GNI-based contributions of Denmark, the Netherlands, Austria and Sweden referred to in Article 2(5);
 - (b) it shall then be adjusted in such a way as to restrict the financing share of Germany, the Netherlands, Austria and Sweden to one fourth of their normal share resulting from this calculation.
2. The correction shall be granted to the United Kingdom by a reduction in its payments resulting from the application of Article 2(1)(c). The costs borne by the other Member States shall be added to their payments resulting from the application for each Member State of Article 2(1)(c).
3. The Commission shall perform the calculations required for the application of Article 2(5), Article 4 and this Article.
4. If, at the beginning of the financial year, the budget has not been adopted, the correction granted to the United Kingdom and the costs borne by the other Member States as entered in the last budget finally adopted shall remain applicable.

*Article 6***Universality principle**

The revenue referred to in Article 2 shall be used without distinction to finance all expenditure entered in the Union's annual budget.

*Article 7***Surplus carry-over**

Any surplus of the Union's revenue over total actual expenditure during a financial year shall be carried over to the following financial year.

*Article 8***Collecting own resources and making them available to the Commission**

1. The Union's own resources referred to in Article 2(1)(a) shall be collected by the Member States in accordance with the national provisions imposed by law, regulation or administrative action, which shall, where appropriate, be adapted to meet the requirements of Union rules.

The Commission shall examine the relevant national provisions communicated to it by Member States, transmit to Member States the adjustments it deems necessary in order to ensure that they comply with Union rules and report, if necessary, to the budgetary authority.

2. Member States shall make the resources provided for in Article 2(1)(a), (b) and (c) available to the Commission, in accordance with regulations adopted under Article 322(2) TFEU.

*Article 9***Implementing measures**

The Council shall, in accordance with the procedure set out in the fourth paragraph of Article 311 TFEU, lay down implementing measures as regards the following elements of the own resources system:

- (a) the procedure for calculating and budgeting the annual budgetary balance as set out in Article 7;
- (b) the provisions and arrangements necessary for controlling and supervising the revenue referred to in Article 2, including any relevant reporting requirements.

*Article 10***Final and transitional provisions**

1. Subject to paragraph 2, Decision 2007/436/EC, Euratom is repealed. Any references to the Council Decision 70/243/ECSC, EEC, Euratom ⁽¹⁾, to Council Decision 85/257/EEC, Euratom ⁽²⁾, to Council Decision 88/376/EEC, Euratom ⁽³⁾, to Council Decision 94/728/EC, Euratom ⁽⁴⁾, to Council Decision 2000/597/EC, Euratom ⁽⁵⁾ or to Decision 2007/436/EC, Euratom shall be construed as references to this Decision and shall be read in accordance with the correlation table set out in the Annex to this Decision.

2. Articles 2, 4 and 5 of Decisions 94/728/EC, Euratom, 2000/597/EC, Euratom and 2007/436/EC, Euratom shall continue to apply to the calculation and adjustment of revenue accruing from the application of a rate of call to the VAT base determined in a uniform manner and limited between 50 % and 55 % of the GNP or GNI of each Member State, depending on the relevant year, and to the calculation of the correction of budgetary imbalances granted to the United Kingdom for the years 1995 to 2013.

3. Member States shall continue to retain, by way of collection costs, 10 % of the amounts referred to in Article 2(1) (a) which should have been made available by the Member States before 28 February 2001 in accordance with the applicable Union rules.

Member States shall continue to retain, by way of collection costs, 25 % of the amounts referred to in Article 2(1)(a) which should have been made available by the Member States between 1 March 2001 and 28 February 2014 in accordance with the applicable Union rules.

4. For the purposes of this Decision, all monetary amounts shall be expressed in euros.

*Article 11***Entry into force**

Member States shall be notified of this Decision by the Secretary-General of the Council.

Member States shall notify the Secretary-General of the Council without delay of the completion of the procedures for the adoption of this Decision in accordance with their respective constitutional requirements.

This Decision shall enter into force on the first day of the month following receipt of the last of the notifications referred to in the second paragraph.

It shall apply from 1 January 2014.

⁽¹⁾ Council Decision 70/243/ECSC, EEC, Euratom of 21 April 1970 on the replacement of financial contributions from Member States by the Communities' own resources (OJ L 94, 28.4.1970, p. 19).

⁽²⁾ Council Decision 85/257/EEC, Euratom of 7 May 1985 on the Communities' system of own resources (OJ L 128, 14.5.1985, p. 15).

⁽³⁾ Council Decision 88/376/EEC, Euratom of 24 June 1988 on the system of the Communities' own resources (OJ L 185, 15.7.1988, p. 24).

⁽⁴⁾ Council Decision 94/728/EC, Euratom of 31 October 1994 on the system of the Communities' own resources (OJ L 293, 12.11.1994, p. 9).

⁽⁵⁾ Council Decision 2000/597/EC, Euratom of 29 September 2000 on the system of the Communities' own resources (OJ L 253, 7.10.2000, p. 42).

Article 12

Publication

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 26 May 2014.

For the Council
The President
Ch. VASILAKOS

ANNEX

CORRELATION TABLE

Decision 2007/436/EC, Euratom	This Decision
Article 1	Article 1
Article 2	Article 2
Article 3(1)	Article 3(1)
Article 3(2)	Article 3(2)
—	Article 3(3)
Article 3(3)	Article 3(4)
Article 4(1), first subparagraph	Article 4, first paragraph
Article 4(1), second subparagraph, point (a) to (e)	Article 4, second paragraph, point (a) to (e)
Article 4(1), second subparagraph, point (f)	—
Article 4(1), second subparagraph, point (g)	Article 4, second paragraph, point (f)
Article 4(2)	—
Article 5	Article 5
Article 6	Article 6
Article 7	Article 7
Article 8(1), first and second subparagraph	Article 8(1)
Article 8(1), third subparagraph	Article 8(2)
Article 8(2)	—
—	Article 9
Article 9	—
Article 10	—
—	Article 10
Article 11	—
—	Article 11
Article 12	Article 12

COMMISSION DECISION**of 5 June 2014****amending Decisions 2006/799/EC, 2007/64/EC, 2009/300/EC, 2009/894/EC, 2011/330/EU, 2011/331/EU and 2011/337/EU in order to prolong the validity of the ecological criteria for the award of the EU Ecolabel to certain products***(notified under document C(2014) 3674)***(Text with EEA relevance)**

(2014/336/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 66/2010 of the European Parliament and of the Council of 25 November 2009 on the EU Ecolabel ⁽¹⁾, and in particular point (c) of Article 8(3) thereof,

After consulting the European Union Eco-Labeling Board,

Whereas:

- (1) Commission Decision 2006/799/EC ⁽²⁾ expires on 31 December 2014.
- (2) Commission Decision 2007/64/EC ⁽³⁾ expires on 31 December 2014.
- (3) Commission Decision 2009/300/EC ⁽⁴⁾ expires on 31 October 2014.
- (4) Commission Decision 2009/894/EC ⁽⁵⁾ expires on 31 December 2014.
- (5) Commission Decision 2011/330/EU ⁽⁶⁾ expires on 6 June 2014.
- (6) Commission Decision 2011/331/EU ⁽⁷⁾ expires on 31 December 2014.
- (7) Commission Decision 2011/337/EU ⁽⁸⁾ expires on 9 June 2014.
- (8) An assessment has been carried out to evaluate the relevance and appropriateness of the current ecological criteria, as well as of the related assessment and verification requirements, established by Decisions 2006/799/EC, 2007/64/EC, 2009/300/EC, 2009/894/EC, 2011/330/EU, 2011/331/EU and 2011/337/EU. As the current ecological criteria and the related assessment and verification requirements set out in those Decisions are still under revision, it is appropriate to prolong the periods of validity of those ecological criteria and the related assessment and verification requirements until 31 December 2015.
- (9) Decisions 2006/799/EC, 2007/64/EC, 2009/300/EC, 2009/894/EC, 2011/330/EU, 2011/331/EU and 2011/337/EU should therefore be amended accordingly.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Committee set up by Article 16 of Regulation (EC) No 66/2010,

⁽¹⁾ OJ L 27, 30.1.2010, p. 1.⁽²⁾ Commission Decision 2006/799/EC of 3 November 2006 establishing revised ecological criteria and the related assessment and verification requirements for the award of the Community eco-label to soil improvers (OJ L 325, 24.11.2006, p. 28).⁽³⁾ Commission Decision 2007/64/EC of 15 December 2006 establishing revised ecological criteria and the related assessment and verification requirements for the award of the Community eco-label to growing media (OJ L 32, 6.2.2007, p. 137).⁽⁴⁾ Commission Decision 2009/300/EC of 12 March 2009 establishing the revised ecological criteria for the award of the Community Eco-label to televisions (OJ L 82, 28.3.2009, p. 3).⁽⁵⁾ Commission Decision 2009/894/EC of 30 November 2009 on establishing the ecological criteria for the award of the Community Eco-label for wooden furniture (OJ L 320, 5.12.2009, p. 23).⁽⁶⁾ Commission Decision 2011/330/EU of 6 June 2011 on establishing the ecological criteria for the award of the EU Ecolabel for notebook computers (OJ L 148, 7.6.2011, p. 5).⁽⁷⁾ Commission Decision 2011/331/EU of 6 June 2011 on establishing the ecological criteria for the award of the EU Ecolabel for light sources (OJ L 148, 7.6.2011, p. 13).⁽⁸⁾ Commission Decision 2011/337/EU of 9 June 2011 on establishing the ecological criteria for the award of the EU Ecolabel for personal computers (OJ L 151, 10.6.2011, p. 5).

HAS ADOPTED THIS DECISION:

Article 1

Article 6 of Decision 2006/799/EC is replaced by the following:

'Article 6

The ecological criteria for the product group "soil improvers" and the related assessment and verification requirements shall be valid until 31 December 2015.'

Article 2

Article 5 of Decision 2007/64/EC is replaced by the following:

'Article 5

The ecological criteria for the product group "growing media" and the related assessment and verification requirements shall be valid until 31 December 2015.'

Article 3

Article 3 of Decision 2009/300/EC is replaced by the following:

'Article 3

The ecological criteria for the product group "televisions", as well as the related assessment and verification requirements, shall be valid until 31 December 2015.'

Article 4

Article 3 of Decision 2009/894/EC is replaced by the following:

'Article 3

The ecological criteria for the product group "wooden furniture", as well as the related assessment and verification requirements, shall be valid until 31 December 2015.'

Article 5

Article 3 of Decision 2011/330/EU is replaced by the following:

'Article 3

The ecological criteria for the product group "notebook computers", as well as the related assessment and verification requirements, shall be valid until 31 December 2015.'

Article 6

Article 3 of Decision 2011/331/EU is replaced by the following:

'Article 3

The criteria for the product group "light sources", as well as the related assessment and verification requirements, shall be valid until 31 December 2015.'

Article 7

Article 4 of Decision 2011/337/EU is replaced by the following:

'Article 4

The criteria for the product group "personal computers", as well as the related assessment and verification requirements, shall be valid until 31 December 2015.'

Article 8

This Decision is addressed to the Member States.

Done at Brussels, 5 June 2014.

For the Commission
Janez POTOČNIK
Member of the Commission

DECISION OF THE EUROPEAN CENTRAL BANK
of 5 June 2014
on the remuneration of deposits, balances and holdings of excess reserves
(ECB/2014/23)
(2014/337/EU)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first and fourth indents of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular the first and fourth indents of Article 3.1 and Articles 17, 18 and 22 thereof,

Having regard to Guideline ECB/2011/14 of 20 September 2011 on monetary policy instruments and procedures of the Eurosystem ⁽¹⁾,

Having regard to Guideline ECB/2012/27 of 5 December 2012 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) ⁽²⁾,

Having regard to Guideline ECB/2014/9 of 20 February 2014 on domestic assets and liability management operations by the national central banks ⁽³⁾,

Whereas:

- (1) The Governing Council may decide from time to time to lower the deposit facility rate to below zero per cent.
- (2) In the event of a reduction of the deposit facility rate, rules for the remuneration of deposits, balances and holdings of excess reserves under Guidelines ECB/2011/14, ECB/2012/27 and ECB/2014/9 need to be adjusted accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Remuneration of deposits

'Remuneration' in provisions of Annex I to Guideline ECB/2011/14 relating to the collection of fixed-term deposits and the deposit facility may be: (a) at a positive interest rate; (b) at an interest rate of zero per cent; or (c) at a negative interest rate. A negative interest rate entails a payment obligation of the deposit holder to the relevant Eurosystem central bank including the right of that Eurosystem central bank to debit the account of the counterparty accordingly.

Article 2

Remuneration of holdings of excess reserves

Reserve holdings exceeding the required minimum reserves shall be remunerated at zero per cent or the deposit facility rate, whichever is lower.

Article 3

Remuneration of balances in TARGET2

Payments Module accounts and their sub-accounts shall either be remunerated at zero per cent or the deposit facility rate, whichever is lower, unless they are used to hold required minimum reserves.

⁽¹⁾ OJ L 331, 14.12.2011, p. 1.

⁽²⁾ OJ L 30, 30.1.2013, p. 1.

⁽³⁾ OJ L 159, 28.5.2014, p. 56.

*Article 4***Remuneration of government deposits**

1. On any calendar day, the total amount of overnight and fixed term deposits of all governments with an NCB exceeding the higher of either: (a) EUR 200 million; or (b) 0,04 % of the gross domestic product of the Member State in which the NCB is domiciled, shall be remunerated with an interest rate of zero per cent. If the deposit facility rate on this day is negative, then an interest rate no higher than the deposit facility rate shall apply. A negative interest rate entails a payment obligation of the deposit holder to the relevant NCB including the right of that NCB to debit the relevant government deposit account accordingly.
2. Paragraph 1 shall (a) only apply once the Governing Council decides to lower the deposit facility rate to below zero per cent, and (b) be read in conjunction with Article 5(3) and Article 11 of Guideline ECB/2014/9, provided that Article 11 of Guideline ECB/2014/9 shall only apply to the outstanding balance and the remaining applicable maturity of fixed-term deposits held with the NCBs on the calendar day before the day on which the Governing Council decides to lower the deposit facility rate to below zero per cent.
3. The government deposits related to European Union/International Monetary Fund and other comparable financial support programmes that are held in accounts with NCBs shall be subject to the remuneration rates referred in Article 5(1) of Guideline ECB/2014/9 or remunerated at zero per cent, whichever is higher, but they shall not count towards the threshold amount mentioned in paragraph 1.

*Article 5***Remuneration of certain deposits held with the ECB**

Accounts maintained with the ECB in accordance with Decision ECB/2003/14 ⁽¹⁾, Decision ECB/2010/31 ⁽²⁾ and Decision ECB/2010/17 ⁽³⁾ shall continue to be remunerated at the deposit facility rate. However, when deposits are required to be held in those accounts in advance of the date on which a payment needs to be made in accordance with the legal or contractual rules applicable to the relevant facility, such deposits shall be remunerated during this advance period at the deposit facility rate or at zero per cent, whichever is higher.

*Article 6***Entry into force**

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

Done at Frankfurt am Main, 5 June 2014.

The President of the ECB

Mario DRAGHI

⁽¹⁾ Decision ECB/2003/14 of 7 November 2003 concerning the administration of the borrowing-and-lending operations concluded by the European Community under the medium-term financial assistance facility (OJ L 297, 15.11.2003, p. 35).

⁽²⁾ Decision ECB/2010/31 of 20 December 2010 concerning the opening of accounts for the processing of payments in connection with EFSF loans to Member States whose currency is the euro (OJ L 10, 14.1.2011, p. 7).

⁽³⁾ Decision ECB/2010/17 of 14 October 2010 concerning the administration of the borrowing and lending operations concluded by the Union under the European financial stabilisation mechanism (OJ L 275, 20.10.2010, p. 10).

DECISION OF THE EUROPEAN CENTRAL BANK
of 5 June 2014
amending Decision ECB/2010/23 on the allocation of monetary income of the national central
banks of Member States whose currency is the euro
(ECB/2014/24)
(2014/338/EU)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 32 thereof,

Whereas:

- (1) Decision ECB/2010/23 ⁽¹⁾ establishes a mechanism for the pooling and allocation of monetary income arising from monetary policy operations.
- (2) Article 5(2) of Decision ECB/2010/23 specifies that the amount of each NCB's monetary income is to be reduced by an amount equivalent to any interest accrued or paid on liabilities included within the liability base, and in accordance with any decision of the Governing Council under the second subparagraph of Article 32.4 of the Statute of the European System of Central Banks and of the European Central Bank. It should be clarified that any income earned on liabilities included within the liability base should be added to the NCBs' monetary income to be pooled.
- (3) Decision ECB/2010/23 should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendment

Article 5(2) of Decision ECB/2010/23 is replaced by the following:

'2. The amount of each NCB's monetary income shall be adjusted by an amount equivalent to any interest accrued, paid or received on liabilities included within the liability base, and in accordance with any decision of the Governing Council under the second subparagraph of Article 32.4 of the Statute of the ESCB.'

Article 2

Entry into force

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

Done at Frankfurt am Main, 5 June 2014.

The President of the ECB
Mario DRAGHI

⁽¹⁾ Decision ECB/2010/23 of 25 November 2010 on the allocation of monetary income of the national central banks of Member States whose currency is the euro (OJ L 35, 9.2.2011, p. 17).

GUIDELINES

GUIDELINE OF THE EUROPEAN CENTRAL BANK

of 5 June 2014

amending Guideline ECB/2014/9 on domestic asset and liability management operations by the national central banks

(ECB/2014/22)

(2014/339/EU)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first indent of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Articles 12.1 and 14.3 thereof,

Whereas:

- (1) The Governing Council may decide from time to time to lower the deposit facility rate to below zero per cent.
- (2) In the event of a reduction of the deposit facility rate, rules for the remuneration of government deposits under Guideline ECB/2014/9 ⁽¹⁾ need to be adjusted accordingly,

HAS ADOPTED THIS GUIDELINE:

Article 1

Amendment

1. Article 5(2) of Guideline ECB/2014/9 is replaced by the following:

‘2. On any calendar day, the total amount of overnight and fixed term deposits of all governments with an NCB exceeding the higher of either: (a) EUR 200 million; or (b) 0,04 % of the gross domestic product of the Member State in which the NCB is domiciled, shall be remunerated with an interest rate of zero per cent. If the deposit facility rate on this day is negative, then an interest rate no higher than the deposit facility rate shall apply. This provision shall be subject to Article 11, which shall only apply to the outstanding balance and the remaining applicable maturity of fixed-term deposits held with the NCBs on the calendar day before the day on which the Governing Council decides to lower the deposit facility rate to below zero per cent. A negative interest rate entails a payment obligation of the deposit holder to the relevant NCB including the right of that NCB to debit the relevant government deposit account accordingly.’

2. Article 5(3) of Guideline ECB/2014/9 is replaced by the following:

‘3. The government deposits related to European Union/International Monetary Fund and other comparable financial support programmes that are held in accounts with NCBs shall be subject to the remuneration rates referred in paragraph 1 or remunerated at zero per cent, whichever is higher, but they shall not count towards the threshold amount mentioned in paragraph 2.’

⁽¹⁾ Guideline ECB/2014/9 of 20 February 2014 on domestic asset and liability management operations by the national central banks (OJ L 159, 28.5.2014, p. 56).

*Article 2***Taking effect and implementation**

1. This Guideline shall take effect on the day of its publication in the *Official Journal of the European Union*.
2. The NCBs shall take the necessary measures to comply with this Guideline and apply them from 1 December 2014. They shall notify the ECB of the texts and means relating to those measures by 31 October 2014 at the latest.

*Article 3***Addressees**

This Guideline is addressed to the national central banks of Member States whose currency is the euro.

Done at Frankfurt am Main, 5 June 2014.

For the Governing Council of the ECB

The President of the ECB

Mario DRAGHI

GUIDELINE OF THE EUROPEAN CENTRAL BANK**of 5 June 2014****amending Guideline ECB/2012/27 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2)****(ECB/2014/25)****(2014/340/EU)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first and fourth indents of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 3.1 and Articles 17, 18 and 22 thereof,

Whereas:

- (1) The Governing Council may decide from time to time to lower the deposit facility rate to below zero per cent.
- (2) The Governing Council has decided on certain ceilings to the remuneration of government deposits, which are specified in Guideline ECB/2014/9 ⁽¹⁾.
- (3) Limitations on the remuneration of government deposits held by NCBs as fiscal agents pursuant to Article 21.2 of the Statute of the European System of Central Banks and of the European Central Bank must be specified to achieve the single monetary policy, in particular in order to provide incentives for government deposits to be placed in the market, which facilitates the Eurosystem's liquidity management and monetary policy implementation. In addition, the introduction of a ceiling on the remuneration of government deposits based on money market rates clarifies the criteria and facilitates the monitoring of the NCBs' compliance with the prohibition on monetary financing carried out by the ECB in accordance with Article 271(d) of the Treaty.
- (4) Guideline ECB/2012/27 ⁽²⁾ specifies the remuneration on the Payments Module accounts and their sub-accounts, which may interfere with the general principles on the remuneration of government deposits as approved by the Governing Council and the Governing Council decision to lower the deposit facility rate to below zero per cent referred to in recital 1.
- (5) Therefore Guideline ECB/2012/27 should be amended accordingly.
- (6) For the purposes of the limitation on the remuneration of government deposits, Guideline ECB/2012/27 should be considered as a *lex specialis* in relation to Guideline ECB/2014/9. In case of discrepancy with the general principles on the remuneration of government deposits as approved by the Governing Council, the former shall prevail. Hence, PM accounts and their sub-accounts shall necessarily be remunerated at zero per cent or at the deposit facility rate, whichever is lower, disregarding for these purposes any possibly higher remuneration available for governments under Guideline ECB/2014/9,

HAS ADOPTED THIS GUIDELINE:

*Article 1***Amendments**

Guideline ECB/2012/27 is amended as follows:

1. in Article 2, the following definitions are added:

- (54) "deposit facility" means a Eurosystem standing facility which counterparties may use to make overnight deposits with an NCB at the pre-specified deposit rate;
- (55) "deposit facility rate" means the interest rate applicable to the deposit facility.;

⁽¹⁾ Guideline ECB/2014/9 of 20 February 2014 on domestic asset and liability management operations by the national central banks (OJ L 159, 28.5.2014, p. 56).

⁽²⁾ Guideline ECB/2012/27 of 5 December 2012 on a Trans-European Automated Real-time Gross settlement Express Transfer system (TARGET2) (OJ L 30, 30.1.2013, p. 1).

2. in Annex II, the following definitions are added:

— “deposit facility” means a Eurosystem standing facility which counterparties may use to make overnight deposits with an NCB at a pre-specified deposit rate,

— “deposit facility rate” means the interest rate applicable to the deposit facility’;

3. in Annex II, Article 12(5) is replaced by the following:

‘5. PM accounts and their sub-accounts shall either be remunerated at zero per cent or the deposit facility rate, whichever is lower, unless they are used to hold required minimum reserves. In such a case, the calculation and payment of remuneration of holdings of minimum reserves shall be governed by Council Regulation (EC) No 2531/98 of 23 November 1998 concerning the application of minimum reserves by the European Central Bank (*) and Regulation (EC) No 1745/2003 of the European Central Bank of 12 September 2003 on the application of minimum reserves (ECB/2003/9) (**).

(*) OJ L 318, 27.11.1998, p. 1.

(**) OJ L 250, 2.10.2003, p. 10.’

Article 2

Taking effect and implementation

1. This Guideline shall take effect on the day of its publication in the *Official Journal of the European Union*.

2. The NCBs whose currency is the euro shall take the necessary measures to comply with this Guideline and apply them from the day six weeks following the day on which this Guideline takes effect. They shall notify the European Central Bank of the texts and means relating to those measures by the day four weeks following the day on which this Guideline takes effect at the latest.

Article 3

Addressees

This Guideline is addressed to all Eurosystem central banks.

Done at Frankfurt am Main, 5 June 2014.

The President of the ECB

Mario DRAGHI

CORRIGENDA

Corrigendum to Commission Implementing Regulation (EU) No 12/2014 of 8 January 2014 entering a name in the register of traditional specialities guaranteed [Salinātā rudzu rupjmaize (TSG)]

(Official Journal of the European Union L 4 of 9 January 2014)

On page 41, Annex:

for: **'Class 2.4. Bread, pastry, cakes, confectionery, biscuits and other baker's wares'**,

read: **'Class 2.3. Confectionery, bread, pastry, cakes, biscuits and other baker's wares'**.

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN