

Official Journal of the European Union

L 219



English edition

Legislation

Volume 57

25 July 2014

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Implementing Regulation (EU) No 798/2014 of 23 July 2014 amending Regulation (EC) No 1484/95 as regards fixing representative prices in the poultrymeat and egg sectors and for egg albumin** 1
- ★ **Commission Implementing Regulation (EU) No 799/2014 of 24 July 2014 establishing models for annual and final implementation reports pursuant to Regulation (EU) No 514/2014 of the European Parliament and of the Council laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, prevention and combating crime and crisis management** 4
- ★ **Commission Implementing Regulation (EU) No 800/2014 of 24 July 2014 establishing reporting procedures and other practical arrangements on the financing of operating support under national programmes and in the framework of the Special Transit Scheme pursuant to Regulation (EU) No 515/2014 of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa** 10
- ★ **Commission Implementing Regulation (EU) No 801/2014 of 24 July 2014 setting out the timetable and other implementing conditions related to the mechanism for the allocation of resources for the Union Resettlement Programme under the Asylum, Migration and Integration Fund** 19
- ★ **Commission Implementing Regulation (EU) No 802/2014 of 24 July 2014 establishing models for national programmes and establishing the terms and conditions of the electronic data exchange system between the Commission and Member States pursuant to Regulation (EU) No 514/2014 of the European Parliament and of the Council laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, prevention and combating crime and crisis management** 22

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 Implementing Regulation (EU) No 803/2014 of 24 July 2014 amending Council Implementing Regulation (EU) No 412/2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ceramic tableware and kitchenware originating in the People's Republic of China	33
★ Commission Implementing Regulation (EU) No 804/2014 of 24 July 2014 derogating from Regulation (EC) No 1122/2009 as regards the reduction of the amounts of the aid for late submission of single applications and applications for allocation of payment entitlements in relation to certain areas of Italy affected by floods in 2014	35
Commission Implementing Regulation (EU) No 805/2014 of 24 July 2014 establishing the standard import values for determining the entry price of certain fruit and vegetables	37

DIRECTIVES

★ Council Directive 2014/86/EU of 8 July 2014 amending Directive 2011/96/EU on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States	40
★ Council Directive 2014/87/Euratom of 8 July 2014 amending Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations	42

DECISIONS

★ Council Decision 2014/496/CFSP of 22 July 2014 on aspects of the deployment, operation and use of the European Global Navigation Satellite System affecting the security of the European Union and repealing Joint Action 2004/552/CFSP	53
2014/497/EU:	
★ Commission Implementing Decision of 23 July 2014 as regards measures to prevent the introduction into and the spread within the Union of <i>Xylella fastidiosa</i> (Well and Raju) (notified under document C(2014) 5082)	56

Corrigenda

★ Corrigendum to Decision No 2 of the Joint Committee of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin of 21 May 2014 as regards the request of the Republic of Moldova to become a Contracting Party to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin (OJ L 217, 23.7.2014)	65
★ Corrigendum to Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (OJ L 335, 17.12.2009)	66

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 798/2014

of 23 July 2014

amending Regulation (EC) No 1484/95 as regards fixing representative prices in the poultrymeat and egg sectors and for egg albumin

THE EUROPEAN COMMISSION,

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

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

Having regard to Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009 ⁽²⁾, and in particular Article 5(6)(a) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽³⁾ lays down detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.
- (2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin.
- (3) Regulation (EC) No 1484/95 should be amended accordingly.
- (4) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

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

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 150, 20.5.2014, p. 1.

⁽³⁾ Commission Regulation (EC) No 1484/95 of 28 June 1995 laying down detailed rules for implementing the system of additional import duties and fixing additional import duties in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation No 163/67/EEC (OJ L 145, 29.6.1995, p. 47).

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, 23 July 2014.

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

ANNEX

ANNEX I

CN code	Description of goods	Representative price (EUR/100 kg)	Security under Article 3(3) (EUR/100 kg)	Origin ⁽¹⁾
0207 12 10	Fowl of the species <i>Gallus domesticus</i> , not cut in pieces, presented as "70 % chickens", frozen	121,8	0	AR
0207 12 90	Fowl of the species <i>Gallus domesticus</i> , not cut in pieces, presented as "65 % chickens", frozen	131,2 143,0	0 0	AR BR
0207 14 10	Fowl of the species <i>Gallus domesticus</i> , boneless cuts, frozen	293,6 220,0 326,7 244,2	2 24 0 17	AR BR CL TH
0207 14 60	Fowl of the species <i>Gallus domesticus</i> , legs, frozen	122,7	6	BR
0207 27 10	Turkeys, boneless cuts, frozen	344,2 310,2	0 0	BR CL
1602 32 11	Preparations of fowl of the species <i>Gallus domesticus</i> , uncooked	251,6	11	BR

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). The code "ZZ" represents "other origins".

COMMISSION IMPLEMENTING REGULATION (EU) No 799/2014**of 24 July 2014****establishing models for annual and final implementation reports pursuant to Regulation (EU) No 514/2014 of the European Parliament and of the Council laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, prevention and combating crime and crisis management**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management ⁽¹⁾, and in particular Article 54(8) thereof,

After consulting the Asylum, Migration and Integration and Internal Security Funds Committee established by Article 59(1) of Regulation (EU) No 514/2014,

Whereas:

- (1) Regulation (EU) No 514/2014 together with the Specific Regulations referred to in Article 2(a) of Regulation (EU) No 514/2014, constitute a framework for Union funding to support the development of the area of freedom, security and justice.
- (2) Regulation (EU) No 514/2014 requires Member States to submit an annual implementation report to the Commission for each national programme. Member States must also submit a final report on the implementation of their national programmes by the end of 2023. To ensure that the information provided to the Commission is consistent and comparable, it is necessary to establish a model for the annual and final implementation reports.
- (3) In order to allow for the prompt application of the measures provided for in this Regulation and not delay the approval of the national programmes, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (4) The United Kingdom and Ireland are bound by Regulation (EU) No 514/2014 and are as a consequence bound by this Regulation.
- (5) Denmark is not bound by Regulation (EU) No 514/2014 nor by this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the 'Asylum, Migration and Integration and Internal Security Funds' Committee.

HAS ADOPTED THIS REGULATION:

*Article 1***Models for implementation reports**

The model for annual and final implementation reports is set out in the Annex.

They shall be submitted to the Commission through the electronic data exchange system established by Article 2 of Commission Implementing Regulation (EU) No 802/2014 ⁽²⁾.⁽¹⁾ OJ L 150, 20.5.2014, p. 112.⁽²⁾ Commission Implementing Regulation (EU) No 802/2014 of 24 July 2014 establishing models for national programmes and establishing the terms and conditions of the electronic data exchange system between the Commission and Member States pursuant to Regulation (EU) No 514/2014 of the European Parliament and of the Council laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, prevention and combating crime and crisis management (see page 22 of this Official Journal).

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in Member States in accordance with the Treaties.

Done at Brussels, 24 July 2014.

For the Commission

The President

José Manuel BARROSO

ANNEX

MODEL FOR ANNUAL AND FINAL IMPLEMENTATION REPORTS

SECTION 1

Programme objectives (Article 54(2) of Regulation (EU) No 514/2014)

Specific objective (as laid down in the Specific Regulations): provide a summary of the progress made in implementing the strategy and achieving the national objectives over the financial year.

Provide any changes to the strategy or national objectives or any factors that may lead to changes in the future.

Set out any significant issues which affect the performance of the national programme.

National objective: list the main actions supported and carried out over the financial year, successes and problems identified (and resolved).

Specific action (as laid down in the Specific Regulations): list the main actions supported and carried out over the financial year, successes and problems identified (and resolved).

The information in the boxes must be self-contained and cannot refer to information in any attached document or contain hyperlinks.

SPECIFIC OBJECTIVE N: Title
National objective n: title
Specific action n: title

Reporting on the indicative timetable

Indicate any changes to the indicative timetable as set out in the national programme..

Indicative timetable

	Name of action	Start of planning	Start of implementing	Closing
Specific objective n: title				
National objective				

SECTION 2

Special cases

Provide the results (numbers for each category) of the pledging exercise

Pledging plan			
Categories	Pledging period	Pledging period	Pledging period
Total			

SECTION 3

Common indicators and programme specific indicators (Article 14(2)(f) of Regulation (EU) No 514/2014)

Provide the data for each indicator for the respective financial year.

Indicator ID	Indicator description	Measurement unit	Baseline value	Target value	Source of data	Financial year n	Financial year n + 1	Cumulative total
SPECIFIC OBJECTIVE: n: title								

Provide an explanation of any indication that may have a significant impact on the achievement of any targets, in particular a lack of progress.

For each financial year, a document may be attached to explain significant lack of progress or the potential to exceed the target of one or more indicators.

SECTION 4

Framework for the implementation of the programme by the Member State

4.1. Monitoring Committee (Article 12(4) of Regulation (EU) No 514/2014)

Provide a list of the main decisions taken and issues pending before the monitoring committee.

4.2. Common monitoring and evaluation framework (Article 14(2)(f) of Regulation (EU) No 514/2014)

Monitoring and evaluation measures taken by the Responsible Authority, including data collection arrangements, evaluation activities, difficulties encountered and steps taken to resolve them.

4.3 Partnership involvement in the implementation, monitoring and evaluation of the national programme (Article 12(3) of Regulation (EU) No 514/2014)

Provide a brief description of the main input and opinions given by partners during the financial year.

4.4 Information and publicity (Article 53 of Regulation (EU) No 514/2014)

Provide a link to the web site of the programme.

Provide a list of the main information and publicity activities carried out over the financial year. Examples of material should be attached.

4.5 Complementarity with other Union instruments (Article 14(2)(e) and 14(5)(f) of Regulation (EU) No 514/2014)

Briefly describe the main actions and consultations that were carried out to ensure coordination with other Union instruments, namely the following ones:

- European Structural and Investment Funds (European Regional Development Fund, European Social Fund, Cohesion Fund, European Agricultural Fund for Rural Development, European Maritime and Fisheries Fund);
- Other EU Funds or programmes (e.g. Lifelong Learning Programme, Culture Programme, Youth in Action Programme);
- EU external relations instruments (e.g. Instrument for Pre-accession Assistance, European Neighbourhood and Partnership Instrument, Instrument for Stability), as far as actions in or in relation with third countries are concerned.

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4.6. Direct award

Provide a justification for each occasion when direct award was carried out.

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SECTION 5

The financial report (Article 54(2)(a) of Regulation (EU) No 514/2014)

5.1. Financial report by specific objectives

Table

(in EUR)

Specific objective: n title	
National objective n	
Subtotal of national objectives	
Specific action n	
Total 1 SO	
National objective n + 1	
Subtotal of national objectives	
Specific action n + 1	
Total n	
Special cases	
Total special cases	
Technical assistance: (Maximum = fixed amount + (Total allocation) * 5 or 5,5 % in accordance with the Specific Regulations)	
TOTAL	

Implementation of the financing plan of the national programme specifying the total EU contribution for each financial year

5.2. Financing plan by financial year

Table

(in EUR)

YEAR	2014	2015	2016	2017	2018	2019	2020	TOTAL
Total programmed								
Total committed								

5.3. Justification for any deviation from the minimum shares set in the Specific Regulation.

(Only required if the situation is not the same as in the approved national programme, Article 14(5)(b) of Regulation (EU) No 514/2014).

Provide a detailed explanation for derogating from the minimum shares as set out in the Specific Regulations.

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COMMISSION IMPLEMENTING REGULATION (EU) No 800/2014**of 24 July 2014****establishing reporting procedures and other practical arrangements on the financing of operating support under national programmes and in the framework of the Special Transit Scheme pursuant to Regulation (EU) No 515/2014 of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa ⁽¹⁾, and in particular Articles 10(6) and 11(6) thereof,

Whereas:

- (1) Pursuant to Article 19 of Regulation (EU) No 515/2014, Regulation (EU) No 514/2014 of the European Parliament and of the Council ⁽²⁾ is applicable to the instrument for financial support for external borders and visa. Therefore any Commission delegated and implementing Regulations adopted on the basis of Regulation (EU) No 514/2014 is applicable to the instrument for financial support for external borders and visa.
- (2) Commission Implementing Regulations (EU) No 802/2014 ⁽³⁾ and (EU) No 799/2014 ⁽⁴⁾ in particular set out conditions and terms of the electronic data exchange system between the Commission and Member States, models for national programmes and models for annual and final implementation reports.
- (3) Article 10(1) of Regulation (EU) No 515/2014 allows Member States to allocate up to 40 % of the amount granted under the instrument for financial support for external borders and visa to finance operating support to the public authorities responsible for accomplishing the tasks and services which constitutes a public service for the Union. Before the approval of the national programme, the Member State that wishes to finance operating support under its national programme should be required to provide specific information notably in order to enable the Commission to assess the conditions laid down in Article 10(2) of Regulation (EU) No 515/2014. Likewise additional reporting requirements in respect of operating support should be laid down.
- (4) Article 11(2) of Regulation (EU) No 515/2014 allocates resources to Lithuania as additional specific operating support in the context of the Special Transit Scheme between Lithuania and the Commission. Lithuania should be required to provide specific information in that regard notably in order to enable the Commission to assess the eligibility of the costs referred to in Article 11(3) of Regulation (EU) No 515/2014 that Lithuania plans to charge under the instrument. Likewise additional reporting requirements regarding operating support for the Special Transit Scheme should be laid down.
- (5) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application. Given that this Regulation builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Regulation whether it will implement this Regulation in its national law.

⁽¹⁾ OJ L 150, 20.5.2014, p. 143.

⁽²⁾ Regulation (EU) No 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (OJ, L 150, 20.5.2014, p. 112).

⁽³⁾ Commission Implementing Regulation (EU) No 802/2014 of 24 July 2014 establishing models for national programmes and establishing the terms and conditions of the electronic data exchange system between the Commission and Member States pursuant to Regulation (EU) No 514/2014 of the European Parliament and of the Council laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, prevention and combating crime and crisis management (see page 22 of this Official Journal).

⁽⁴⁾ Commission Implementing Regulation (EU) No 799/2014 of 24 July 2014 establishing models for annual and final implementation reports pursuant to Regulation (EU) No 514/2014 of the European Parliament and of the Council laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, prevention and combating crime and crisis management (see page 4 of this Official Journal).

- (6) As regards Iceland and Norway, this Regulation constitutes a development of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* ⁽¹⁾ which falls within the areas referred to in Article 1, Points A and B of Council Decision 1999/437/EC ⁽²⁾.
- (7) As regards Switzerland, this Regulation constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽³⁾ which fall within the area referred to in Article 1, Points A and B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC ⁽⁴⁾.
- (8) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽⁵⁾ which fall within the area referred to in Article 1, Points A and B of Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2011/350/EU ⁽⁶⁾.
- (9) In order to allow for the prompt application of the measures provided for in this Regulation and not delay the approval of the national programmes, the Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the 'Asylum, Migration and Integration and Internal Security Funds' Committee.

HAS ADOPTED THIS REGULATION:

Article 1

Practical arrangements on operating support financed under the national programme and under the Special Transit Scheme

1. Where a Member State decides to request operating support pursuant to Article 10 of Regulation (EU) No 515/2014, it shall provide the Commission with the information listed in Annex I to this Regulation in addition to the ones required in the Annex to Implementing Regulation (EU) No 802/2014.

The Member State shall also provide the Commission with an indicative planning form drawn up in accordance with the model set out in Annex II to this Regulation.

2. If Lithuania decides to make use of the operating support available for the Special Transit Scheme pursuant to Article 11 of Regulation (EU) No 515/2014, it shall provide the Commission with the information listed in Annex III to this Regulation in addition to the ones required in the Annex to Implementing Regulation (EU) No 802/2014.

3. The information and forms referred to in this article shall be sent to the Commission via the electronic data exchange system established by Article 2 of Implementing Regulation (EU) No 802/2014.

⁽¹⁾ OJ L 176, 10.7.1999, p. 36.

⁽²⁾ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

⁽³⁾ OJ L 53, 27.2.2008, p. 52.

⁽⁴⁾ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

⁽⁵⁾ OJ L 160, 18.6.2011, p. 21.

⁽⁶⁾ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

*Article 2***Model for reporting on operating support financed under the national programme and under the Special Transit Scheme**

1. Where operating support is financed under the national programme, the Member State concerned shall report on its implementation in the implementation report referred to in Article 54 of Regulation (EU) No 514/2014 drawn up in accordance with the model set out in the Annex to Implementing Regulation (EU) No 799/2014.

In addition when submitting its implementation report to the Commission, the Member State shall provide the information listed in Annex IV to this Regulation.

2. Where operating support for the Special Transit Scheme is financed under the national programme of Lithuania, it shall report on its implementation in the implementation report referred to in Article 54 of Regulation (EU) No 514/2014 drawn up in accordance with the model set out in the Annex to Implementing Regulation (EU) No 799/2014.

In addition, when submitting its implementation report to the Commission, Lithuania shall provide the information listed in Annex V to this Regulation.

3. The information referred to in this article shall be sent to the Commission via the electronic data exchange system established by Article 2 of Implementing Regulation (EU) No 802/2014.

Article 3

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

This Regulation shall be binding in its entirety and directly applicable in Member States in accordance with the Treaties.

Done at Brussels, 24 July 2014.

For the Commission
The President
José Manuel BARROSO

ANNEX I

PROGRAMMING OF OPERATING SUPPORT UNDER THE NATIONAL PROGRAMME

Each Member State must confirm their compliance with the conditions set out in Article 10(2) of Regulation (EU) No 515/2014 when operating support is included in the national programme.

National objective: provide a general indication for the use of Operating Support, including objectives and targets to be achieved as well as indication of the services and tasks that will be financed under the Operating Support mechanism.

Further where the national programme includes operating support Visa or Borders, the 'Indicative planning form' must be completed and attached. The 'Indicative planning form' will not form part of the Commission decision approving the national programme.

SPECIFIC OBJECTIVE: Operating support/Article 10(2) Regulation (EU) No 515/2014
<input type="text"/> hereby confirms its compliance with the Union <i>acquis</i> on borders and visa.
<input type="text"/> hereby confirms its compliance with Union Standards and guidelines for good governance on borders and visa, in particular the Schengen catalogue for external border control, the Practical Handbook for borders guards and the Handbook on visa.
National Objective: Operating support for VISA
<input type="text"/>
National Objective: Operating Support for Borders
<input type="text"/>

ANNEX II

INDICATIVE PLANNING FORM FOR OPERATING SUPPORT UNDER NATIONAL PROGRAMME

This form will not form part of the Commission decision approving the national programme.

For each type of operating support (visa or borders) provide:

(i) An indicative list of beneficiary:

- name of the beneficiary (e.g. Ministry of Foreign Affairs, immigration section of the police, coast guard, port authority, immigration section of the police, armed forces) and its legal status (e.g. Public authority, public liability company, etc.)
- with their statutory responsibilities
- the main types of tasks performed in relation to border management/visas, including tasks expected to be supported;

Add more rows as necessary.

(ii) an indicative list of tasks: describe the main types of tasks performed by the beneficiary in relation to:

- visa issuance, including tasks expected to be supported under article 10 of Regulation (EU) No 515/2014; or.
- border management, which are expected to be supported under article 10 of Regulation (EU) No 515/2014. It is not necessary to describe all tasks performed by a beneficiary but only those that are linked to border management and immigration control (e.g. Armed Forces performing surveillance at sea to prevent illegal entries).

The tasks must be aggregated by geographical location where they will be performed (e.g. Consulate General in Beijing or Ministry of Foreign Affairs or Slovakian-Ukrainian border). To the extent possible provide the border section for each task described under operating support for borders.

(iii) an indicative number of staff: If applicable, please indicate the number of staff concerned and expected to be supported for each beneficiary and task (as full-time equivalent for the total duration of the operational support).

(iv) an indicative budget breakdown by type of beneficiary in the following cost categories:

Staff costs, including for training

Service costs, such as maintenance and repair

Upgrading/replacement of equipment

Real estate (depreciation, refurbishment)

IT systems (operational management of VIS, SIS and new IT systems, rental and Refurbishment of premises, communication infrastructure and security)

Operations (costs not covered by the previous above categories)

Indicative Planning Form I: Operating support for VISA		
<i>Part I.1: Indicative list of tasks</i>		
Tasks	Beneficiary	Staff
1. Consulates and other entities located in other countries		
1.1		
1.n		

2. Central and other entities (centralised specialised services in visa issuance and whose delivery is not linked to any specific location(e.g. Ministry of Foreign Affairs — Visa Affairs Department))		
2.1		
2.n		
<i>Part I.2: Indicative budget breakdown</i>		Total per beneficiary
Beneficiary:		
1.1	staff costs, including for training	
1.2	service costs, such as maintenance and repair	
1.3	upgrading/replacement of equipment	
1.4	real estate (depreciation, refurbishment)	
1.5	IT systems (operational management of VIS, SIS and new IT systems, rental and refurbishment of premises, communication infrastructure and security)	
1.6	Operations (costs not covered by the previous above categories)	
Total:		

Indicative Planning Form II: Operating support for Borders			
<i>Part II.1: Indicative list of tasks</i>			
Task	Beneficiary	Staff	
1. Land Borders			
1.1			
1.n			
2. Sea Borders			
2.1			
2.n			
3. Air Borders			
3.1			
3.n			

4. Central and other services (centralised specialised services in border management and whose delivery is not linked to any specific location (e.g. risk analysis performed at Border Guard's headquarters, training activities))			
4.1			
4.n			
<i>Part II.2: Indicative budget breakdown</i>			Total per beneficiary
1. Beneficiary:			
1.1	staff costs, including for training		
1.2	service costs, such as maintenance and repair		
1.3	upgrading/replacement of equipment		
1.4	real estate (depreciation, refurbishment)		
1.5	IT systems (operational management of VIS, SIS and new IT systems, rental and refurbishment of premises, communication infrastructure and security)		
1.6	Operations (costs not covered by the previous above categories)		
Total:			

ANNEX III

PROGRAMMING OF OPERATING SUPPORT UNDER THE SPECIAL TRANSIT SCHEME

Operating support for the Special Transit Scheme (Lithuania): provide the national strategy for the implementation of Special Transit Scheme, the requirements from that strategy and the national objectives designed to meet those requirements. Provide the results and desired outcome with this strategy.

Types of additional costs: provide an indication of the types of additional costs to be supported in relation to the implementation of the Special Transit Scheme.

Special Case: Operating support for the Special Transit Scheme (Lithuania)
Types of additional costs

ANNEX IV

REPORTING ON OPERATING SUPPORT

Summary: Provide a summary of the progress made in implementing the operating support over the financial year in relation to the baseline situation, the objectives and targets accomplished.

Actions: List the main actions carried out over the financial year, successes and problems identified (and resolved).

SPECIFIC OBJECTIVE: Operating support summary
Operating Support for VISA actions
Operating Support for Borders

ANNEX V

REPORTING ON OPERATING SUPPORT UNDER THE SPECIAL TRANSIT SCHEME (STS)

Special Transit Scheme (as laid down in the Specific Regulations): provide an overview of the implementation of the STS.

Provide any changes to the strategy or national objectives or any factors that may lead to changes in the future.

Set out any significant issues which affect the performance of the STS.

— National objectives: List the main actions carried out over the year, successes and problems identified (and resolved).

SPECIFIC OBJECTIVE: Operating support for the Special Transit Scheme (Lithuania) summary
National objective: STS Actions

COMMISSION IMPLEMENTING REGULATION (EU) No 801/2014**of 24 July 2014****setting out the timetable and other implementing conditions related to the mechanism for the allocation of resources for the Union Resettlement Programme under the Asylum, Migration and Integration Fund**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund ⁽¹⁾, in particular Article 17(8) thereof,

After consulting the Asylum, Migration and Integration and Internal Security Funds Committee established by Article 59 (1) of Regulation (EU) No 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management ⁽²⁾,

Whereas:

- (1) In addition to the amounts allocated pursuant to Article 15(1)(a) of Regulation (EU) No 516/2014, Member States receive an additional amount, every two years, for each resettled person.
- (2) The periods to be taken into account for the calculation of the additional amount should be specified. It is appropriate to establish three resettlement periods, in respect of each of which an additional amount may be allocated to a Member State.
- (3) If, in 2017, it appears necessary to provide for a revision in 2019 of the common Union resettlement priorities referred to in Article 17(2) of Regulation (EU) No 516/2014, the third resettlement period, covering the years 2018 to 2020, may be limited to the years 2018 and 2019. If so, this Regulation will be amended to provide for an additional resettlement period for the year 2020.
- (4) In order for the Commission to establish the additional amount to be allocated in respect of resettlement in any given resettlement period, each Member State should submit to the Commission an estimate of the number of persons it plans to resettle during that period. The estimate should be submitted via the electronic data exchange system established by Article 2 of Commission Implementing Regulation (EU) No 802/2014 ⁽³⁾.
- (5) Regulation (EU) No 516/2014 provides that the additional amounts for resettlement are to be allocated to the Member States for the first time in the individual financing decisions approving the national programmes referred to in Article 14 of Regulation (EU) No 514/2014. For the resettlement period covering the years 2014 and 2015, the national programmes to be submitted to the Commission should therefore contain an estimate of the number of persons the Member State plans to resettle during that period. For the other resettlement periods, each Member State should submit an estimate by 15 September of the year preceding the resettlement period concerned.
- (6) The additional amount for resettlement allocated to each Member State is based on an estimate of the number of persons it plans to resettle. To qualify for payment of the additional amount, the persons concerned should have been effectively resettled from the beginning of the period concerned and up to six months following the end of that period.
- (7) In order to be paid the additional amount, which is based on a lump sum for each resettled person, Member States should report to the Commission the number of persons qualifying for payment. They should keep the evidence of these persons qualifying for payment.

⁽¹⁾ OJ L 150, 20.5.2014, p. 168.

⁽²⁾ OJ L 150, 20.5.2014, p. 112.

⁽³⁾ Commission Implementing Regulation (EU) No 802/2014 of 24 July 2014 establishing models for national programmes and establishing the terms and conditions of the electronic data exchange system between the Commission and Member States pursuant to Regulation (EU) No 514/2014 of the European Parliament and of the Council laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, prevention and combating crime and crisis management (see page 22 of this Official Journal).

- (8) The United Kingdom and Ireland are bound by Regulation (EU) No 516/2014 and are as a consequence bound by this Regulation.
- (9) Denmark is not bound by Regulation (EU) No 516/2014 nor by this Regulation.
- (10) In order to allow for the prompt application of the measures provided for in this Regulation and not delay the approval of the national programmes, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

Allocation of an additional amount for resettled persons

1. In order to be allocated an additional amount for resettled persons as provided for in Article 17(1) of Regulation (EU) No 516/2014, each Member State shall provide the Commission with an estimate of the number of persons that it plans to resettle in any of the following periods:
- (a) the years 2014 and 2015;
 - (b) the years 2016 and 2017;
 - (c) the years 2018, 2019 and 2020.
2. The estimates shall include the number of persons falling within any of the priority categories and groups of persons defined in Article 17(2) of Regulation (EU) No 516/2014. They shall be submitted through the electronic data exchange system established by Article 2 of Implementing Regulation (EU) No 802/2014, as follows:
- (a) the estimate for the years 2014 and 2015 shall be included in the Member State's national programme submitted in accordance with Article 14 of Regulation (EU) No 514/2014;
 - (b) the estimate for the years 2016 and 2017 shall be submitted by 15 September 2015;
 - (c) the estimate for the years 2018 to 2020 shall be submitted by 15 September 2017.
3. The Commission shall examine the estimates and, as soon as possible, decide on the additional amounts to be allocated to each Member State, as provided for in Article 17(9) of Regulation (EU) No 516/2014.

Article 2

Qualification for the additional amount for resettled persons and reporting

1. In order to qualify for the additional amount, the persons concerned shall be effectively resettled from the beginning of the period concerned and up to six months following the end of that period.

The Member States shall keep the information necessary to allow proper identification of the resettled persons and of the date of their resettlement.

For persons falling within any of the priority categories and groups of persons referred to in Article 17(2) of Regulation (EU) No 516/2014, Member States shall also keep the evidence that they belong to the relevant priority category or group of persons.

2. Each Member State which has been allocated an additional amount for resettlement shall include in the annual accounts provided for in Article 39 of Regulation (EU) No 514/2014, the number of resettled persons qualifying for the additional amount, of which the number of persons falling within any of the priority categories and groups of persons defined in Article 17(2) of Regulation (EU) No 516/2014. Each resettled person may be counted only once.

*Article 3***Entry into force**

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

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Brussels, 24 July 2014.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 802/2014
of 24 July 2014

establishing models for national programmes and establishing the terms and conditions of the electronic data exchange system between the Commission and Member States pursuant to Regulation (EU) No 514/2014 of the European Parliament and of the Council laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, prevention and combating crime and crisis management

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management ⁽¹⁾, and in particular Articles 14(4) and 24(5) thereof,

Whereas:

- (1) Regulation (EU) No 514/2014 together with the Specific Regulations referred to in Article 2(a) of Regulation (EU) No 514/2014, constitute a framework for Union funding to support the development of the area of freedom, security and justice.
- (2) Regulation (EU) No 514/2014 requires each Member State to propose a multiannual national programme. To ensure that the information provided to the Commission is consistent and comparable, it is necessary to establish a model which the national programme should follow.
- (3) Pursuant to Article 24(5) of Regulation (EU) No 514/2014 all official exchanges of information between Member States and the Commission are to be carried out using an electronic data exchange system. It is therefore necessary to establish the terms and conditions with which that electronic data exchange system should comply. In order to be cost-effective and ensure overall coherence with all Union shared management Funds, the terms and conditions of the electronic data exchange system are the same, to the extent possible, as those provided for in Commission Implementing Regulation (EU) No 184/2014 ⁽²⁾.
- (4) In order to improve the quality of information exchanged, and to render the information exchange system simpler and more useful, it is necessary to lay down basic requirements regarding the form and scope of the information to be exchanged.
- (5) Principles and rules should be laid down regarding the identification of the party responsible for uploading documents into the electronic data exchange system and updating those documents
- (6) Technical characteristics for an efficient electronic exchange system should be established in order to reduce the administrative burden for Member States and the Commission.
- (7) To ensure that both Member States and the Commission can continue to exchange information in cases of *force majeure* that hinder the use of electronic data exchange system, alternative means to encode and transfer data need to be specified.

⁽¹⁾ OJ L 150, 20.5.2014, p. 112.

⁽²⁾ Commission Implementing Regulation (EU) No 184/2014 of 25 February 2014 laying down pursuant to Regulation (EU) No 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund, the terms and conditions applicable to the electronic data exchange system between the Member States and the Commission and adopting pursuant to Regulation (EU) No 1299/2013 of the European Parliament and of the Council on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal, the nomenclature of the categories of intervention for support from the European Regional Development Fund under the European territorial cooperation goal (OJ L 57, 27.2.2014, p. 7).

- (8) Member States and the Commission should ensure that transfer of data through the electronic data exchange system is performed in a secured manner allowing for availability, integrity, authenticity, confidentiality and non-repudiation of information. Therefore rules on security should be set out.
- (9) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, and notably the right to protection of personal data. This Regulation should therefore be applied in accordance with these rights and principles. Concerning personal data processed by Member States, Directive 95/46/EC of the European Parliament and of the Council ⁽¹⁾ applies. Concerning the processing of personal data by the Union institutions and bodies and the free movement of such data, Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽²⁾ applies.
- (10) In order to allow for the prompt application of the measures provided for in this Regulation and not delay the approval of the national programmes, this Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (11) The United Kingdom and Ireland are bound by Regulation (EU) No 514/2014 and are as a consequence bound by this Regulation.
- (12) Denmark is not bound by Regulation (EU) No 514/2014 nor by this Regulation.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the 'Asylum, Migration and Integration and Internal Security Funds' Committee.

HAS ADOPTED THIS REGULATION:

Article 1

Models for national programmes

The model for national programmes is set out in the Annex.

Article 2

Establishment of electronic data exchange system

The Commission shall establish an electronic data exchange system for all official exchanges of information between Member States and the Commission (hereinafter referred to as 'SFC2014').

Article 3

Content of electronic data exchange system

1. SFC2014 shall contain at least the information specified in the models, formats and templates established in accordance with Article 1 of this Regulation, that are in accordance with the Regulation (EU) No 514/2014 and the Specific Regulations referred to in Article 2(a) of Regulation (EU) No 514/2014.
2. The information provided in the electronic forms embedded in SFC2014 (hereinafter referred to as 'structured data') shall not be replaced by non-structured data, including the use of hyperlinks or other types of non-structured data such as attachment of documents or images. Where a Member State transmits the same information in the form of structured data and non-structured data, the structured data shall be used in case of inconsistencies.

⁽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***Operation of SFC2014**

1. The Commission and the competent authorities referred to in Article 25 of Regulation (EU) No 514/2014 shall enter into SFC2014 the information for the transmission of which they are responsible, and any updates thereto.
2. Any transmission of information to the Commission shall be verified and submitted by a person other than the person who entered the data for that transmission. This separation of tasks shall be supported by SFC2014 or by the Member State's management and control information systems connected automatically with SFC2014.
3. Member States shall appoint, at national or regional level or at both national and regional levels, one or more persons responsible for managing access rights to SFC2014. Those persons shall fulfil the following tasks:
 - (a) identifying users requesting access, making sure those users are employed by the organisation;
 - (b) informing users about their obligations to preserve the security of the system;
 - (c) verifying the entitlement of users to the required privilege level in relation to their tasks and their hierarchical position;
 - (d) requesting the termination of access rights when those access rights are no longer needed or justified;
 - (e) promptly reporting suspicious events that may undermine the security of the system;
 - (f) ensuring the continued accuracy of user identification data by reporting any changes;
 - (g) taking the necessary data protection and commercial confidentiality precautions in accordance with applicable Union and national rules; and
 - (h) informing the Commission of any changes affecting the capacity of the Member State authorities or users of SFC2014 to carry out the responsibilities referred to in paragraph 1 or their personal capacity to carry out the responsibilities referred to in points (a) to (g).
4. Exchanges of data and transactions shall bear a compulsory electronic signature within the meaning of Directive 1999/93/EC of the European Parliament and of the Council ⁽¹⁾. Member States and the Commission shall recognise the legal effectiveness and admissibility of the electronic signature used in SFC2014 as evidence in legal proceedings.
5. Information processed through SFC2014 shall respect the protection of privacy of personal data for individuals and commercial confidentiality for legal entities in accordance with Directive 2002/58/EC of the European Parliament and of the Council ⁽²⁾, Directive 2009/136/EC of the European Parliament and of the Council ⁽³⁾, Directive 95/46/EC and Regulation (EC) No 45/2001.

*Article 5***Characteristics of SFC2014**

In order to ensure the electronic exchange of information, SFC2014 shall have the following characteristics:

- (a) interactive forms or forms pre-filled by the system on the basis of data already previously recorded in the system;
- (b) automatic calculations, where they reduce the encoding effort of users;

⁽¹⁾ Directive 1999/93/EC of the European Parliament and of the Council of 13 December 1999 on a Community framework for electronic signatures (OJ L 13, 19.1.2000, p. 12).

⁽²⁾ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).

⁽³⁾ Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services, Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector and Regulation (EC) No 2006/2004 on cooperation between national authorities responsible for the enforcement of consumer protection laws (OJ L 337, 18.12.2009, p. 11).

- (c) automatic embedded controls to verify internal consistency of transmitted data and consistency of this data with applicable rules;
- (d) system-generated alerts warning SFC2014 users that certain actions can or cannot be performed;
- (e) online status tracking of the treatment of information entered into the system; and
- (f) availability of historical data in respect of all information entered for a national programme.

Article 6

Transmission of data through SFC2014

1. SFC2014 shall be accessible to Member States and the Commission either directly through an interactive user interface (that is to say, a Web application) or via a technical interface using predefined protocols (that is to say, Web services) that allows for automatic synchronisation and transmission of data between Member States information systems and SFC2014.
2. The date of electronic transmission of information by the Member State to the Commission and vice versa shall be considered to be the date of submission of the document concerned.
3. In cases of *force majeure*, a malfunctioning of SFC2014 or a lack of a connection with SFC2014 exceeding one working day in the last week before a regulatory deadline for the submission of information or five working days at other times, the information exchange between Member State and the Commission may take place in paper form using the models, formats and templates referred to in Article 3(1).

When the electronic exchange system ceases to malfunction, the connection with that system is re-established or the cause of *force majeure* ceases, the party concerned shall enter without delay the information already sent in paper form into SFC2014.

4. In cases referred to in paragraph 3 the date stamped by the post shall be considered to be the date of submission of the document concerned.

Article 7

Security of data transmitted through SFC2014

1. The Commission shall establish an information technology security policy (hereinafter referred to as 'SFC IT security policy') for SFC2014 applicable to personnel using SFC2014 in accordance with relevant Union rules, in particular Commission Decision C(2006)3602 ⁽¹⁾ and its implementing rules. The Commission shall designate one or more persons responsible for defining, maintaining and ensuring the correct application of the security policy for SFC2014.
2. Member States and European institutions other than the Commission, who have received access rights to SFC2014, shall comply with the IT security terms and conditions published in the SFC2014 portal and the measures that are implemented in SFC2014 by the Commission to secure the transmission of data, in particular in relation to the use of the technical interface referred to in Article 6(1) of this Regulation.
3. Member States and the Commission shall implement and ensure effectiveness of security measures adopted to protect the data they have stored and transmitted through SFC2014.
4. Member States shall adopt national, regional or local information technology security policies covering access to SFC2014 and automatic input of data into it, ensuring a minimum set of security requirements. These national, regional or local IT security policies may refer to other security documents. Each Member State shall ensure that these IT security policies apply to all authorities using SFC2014.

⁽¹⁾ Commission Decision C(2006) 3602 of 16 August 2006 concerning the security of information systems used by the European Commission.

5. These national, regional or local IT security policies shall include:
- (a) the IT security aspects of the work performed by the person or persons responsible for managing the access rights referred to in Article 4(3) of this Regulation when working directly in SFC2014; and
 - (b) the IT security measures for those national, regional or local computer systems connected to SFC2014 through a technical interface referred to in Article 6(1) of this Regulation.

For the purposes of point (b) of the first subparagraph, the following aspects of IT security shall be covered, as appropriate:

- (a) physical security;
 - (b) data media and access control;
 - (c) storage control;
 - (d) access and password control;
 - (e) monitoring;
 - (f) interconnection to SFC2014;
 - (g) communication infrastructure;
 - (h) human resources; and
 - (i) incident management.
6. The national, regional or local IT security policies shall be based on a risk assessment and the measures described shall be proportionate to the risks identified.
7. The documents setting out the national, regional or local IT security policies shall be made available to the Commission upon request.
8. Member States shall designate, at a national or regional level, one or more persons responsible for maintaining and ensuring the application of the national, regional or local IT security policies. That person or those persons shall act as contact point with the person or persons designated by the Commission and referred to in paragraph 1.
9. Both the SFC IT security policy and the relevant national, regional or local IT security policies shall be updated in the event of technological changes, the identification of new threats or other relevant developments. In any event, they shall be reviewed on an annual basis to ensure that they continue to provide an appropriate response.

Article 8

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

This Regulation shall be binding in its entirety and directly applicable in Member States in accordance with the Treaties.

Done at Brussels, 24 July 2014.

For the Commission
The President
José Manuel BARROSO

SECTION 1

Executive summary

Provide an overall summary of the entire programme, highlighting national strategies, national objectives and targets (desired outcomes and results).

SECTION 2

Baseline situation in the Member State (article 14(2)(a) and (b) of Regulation (EU) No 514/2014)

The baseline situation is a summary of the state of play as of December 2013 in the Member State for the fields relevant to the Fund. This section shall include:

- a description of the baseline situation in the Member State, completed with the necessary factual information to assess the requirements correctly,
- an analysis of requirements in the Member State, including the key issues from the outcome of the policy dialogue,
- measures undertaken so far, including measures implemented with the former Home Affairs Funds,
- national needs assessment, including challenges identified in relevant evaluations, and
- indicative annual resources from the national budget, broken down by specific objectives set in the national programmes.

The information must be self-contained and cannot refer to information in attached documents or contain hyperlinks. A document may be attached with additional details.

Any attached document will not form part of the Commission decision approving the national programme referred to in Article 14(7) of Regulation (EU) No 514/2014.

SECTION 3

Programme objectives (article 14(2)(b), (c) and (d) of Regulation (EU) No 514/2014)

The information in the specific objectives shall be self-contained and cannot refer to information in any attached document or contain hyperlinks.

Specific objective (as laid down in the Specific Regulations): provide the appropriate strategy, identifying the national objectives, including a description of how the objectives of the Specific Regulations are covered, in order to meet the requirements identified in the baseline situation.

National objective: provide a brief description of the main actions to achieve the national objective, indicating those example actions that will be supported by the national programme (i.e. funding priorities), and as part of the description provide the targets (desired outcomes and results).

Specific action (as laid down in the Specific Regulations):

- describe how the action will be carried out and provide justification for the allocated amount,
- for joint actions (transnational projects), the lead Member State only should list the participating Member States, including their role and possible financial contribution, if applicable, and
- participating Member States should describe their role and financial contribution, if applicable.

SPECIFIC OBJECTIVE N: <i>Title</i>
National objective n: <i>title</i>
Specific action n: <i>title</i>

Indicative timetable: for each national objective enter the three main actions to be supported with the national programme. For each action enter the year when it is planned (e.g. call for proposals), when it will be implemented (e.g. contracts/grants signed), and when the action will be closed or completed (e.g. final report).

Indicative timetable

(Article 14(2)(c) of Regulation (EU) No 514/2014)

	Name of action	Start of planning	Start of implementation	Closing
Specific objective n:				
National objective n:				

SECTION 4

Special cases

In the case where the national programme includes pledging, provide the numbers for each category for the respective pledging period, when applicable.

By completing the pledging plan, the Member State confirms that there is an official national commitment to honour the pledge during the respective pledging period and that the measures will be effectively carried out during the period.

Pledging plan: provide a justification for the pledge, the official commitment to honour the pledge, an indicative timetable, selection process and operations needed to carry out the pledge.

Pledging plan			
Categories	Pledging period	Pledging period	Pledging period
Total			

SECTION 5

Common indicators and programme specific indicators (article 14(2)(f) of Regulation (EU) No 514/2014)

Common indicator (as set out in the Specific Regulations): for each specific objective pursued provide the target value for each common indicator and the source of the data (e.g. project reports).

In the case where the national programme includes programme-specific indicators provide: the link to the relevant specific objective; a description of the indicator; the measurement unit; the baseline value; the target value to reach; and the source of the data. Each programme-specific indicator must be linked to a single specific objective.

Indicator ID	Indicator description	Measurement unit	Baseline value	Target value	Source of data
Specific objective n: title					

SECTION 6

Framework for preparation and implementation of the programme by the Member State

6.1. Partnership involvement in the preparation of the programme (Article 12(3) of Regulation (EU) No 514/2014)

Summary of the approach taken, the composition and involvement of partners and key stages of broader consultation, where relevant, including a list of the main partners (or types of partners) involved or consulted.

6.2. Monitoring Committee (Article 12(4) of Regulation (EU) No 514/2014)

6.3. Common monitoring and evaluation framework (Article 14(2)(f) of Regulation (EU) No 514/2014)

Provide a brief description of the planned approach and methods to be used.

Include replies to the following:

- (a) Where will the evaluation and monitoring function be located? Who will be the entity responsible for evaluation?
- (b) Will the evaluation or monitoring be outsourced?
- (c) How will data on projects and indicators be collected (monitoring system)?

6.4. Partnership involvement in the implementation, monitoring and evaluation of the national programme (Articles 12(3) and 14(2)(h) of Regulation (EU) No 514/2014)

Provide a brief description of the approach that will be taken for partners, their level of involvement and key stages of broader consultation, where relevant, including a list of the types of partners involved or consulted (or the main partners).

6.5. Information and publicity (Articles 14(2)(j) and 53 of Regulation (EU) No 514/2014)

Provide a description of the mechanisms and methods to be used to publicise the national programme.

6.6. Coordination and complementarity with other instruments (Article 14(2)(e) and 14(5)(f) of Regulation (EU) No 514/2014)

Briefly describe the mechanisms to ensure coordination between the instruments established by the Specific Regulations and with other Union and national instruments. This should include, if applicable, the identification of bodies responsible for coordination in these areas and, where appropriate, the structures or arrangements (e.g. committees, consultation procedures) used for this purpose.

As regards the complementarity with other Union instruments the following should be considered:

- European Structural and Investment Funds (European Regional Development Fund, European Social Fund, Cohesion Fund, European Agricultural Fund for Rural Development, European Maritime and Fisheries Fund),
- Other EU Funds or programmes (e.g. Lifelong learning programme, culture programme, 'Youth in action' programme),
- EU external relations instruments (e.g. Instrument for Pre-accession Assistance, European Neighbourhood and Partnership Instrument, Instrument for Stability), as far as actions in or in relation with third countries are concerned.

6.7. Beneficiaries and direct award

6.7.1. List the main types of beneficiaries of the programme (use the list below)

The types of beneficiaries are: State/federal authorities, local public bodies, non-governmental organisations, international public organisations, national Red Cross, International Committee of the Red Cross, the International Federation of Red Cross and Red Crescent Societies, private and public law companies, education/research organisations, social partners.

6.7.2. Direct award

Indicate the national objective, when it is intended to use direct award and provide a justification for each circumstance.

SECTION 7

The financing plan of the programme (article 14(2)(i) of Regulation (EU) No 514/2014)

Financing plan of the national programme specifying, for the whole programming period, the amount of the total EU contribution to each specific objective pursued. The amounts for national objectives within a specific objective are indicative. The total technical assistance expenditure is indicated.

7.1. Financing plan by specific objectives

Table

(in EUR)

Specific objective: title	
National objective n	
Subtotal of national objectives	
Specific action n	
Total 1 SO	
National objective n + 1	
Subtotal of national objectives	
Specific action n + 1	
Total n	
Special cases	
Total special cases	
Technical assistance: (Maximum = fixed amount + (Total allocation) * 5 or 5,5 % in accordance with the Specific Regulations)	
TOTAL	

Indicative financing plan of the national programme specifying the total EU contribution for each financial year

7.2. Financing plan by financial year

Table

(in EUR)

YEAR	2014	2015	2016	2017	2018	2019	2020	TOTAL
TOTAL								

7.3. Justification for any deviation from the minimum shares set in the Specific Regulations. (Only required if the minima are not met) Article 14(5)(b)

Provide a detailed explanation for derogating from the minimum shares as set out in the Specific Regulations.

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COMMISSION IMPLEMENTING REGULATION (EU) No 803/2014**of 24 July 2014****amending Council Implementing Regulation (EU) No 412/2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ceramic tableware and kitchenware originating in the People's Republic of China**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1225/2009 of 30 November 2009 on protection against dumped imports from countries not members of the European Community ⁽¹⁾ ('the basic Regulation'),Having regard to Council Implementing Regulation (EU) No 412/2013 of 13 May 2013 imposing a definitive anti-dumping duty and collecting definitively the provisional duty imposed on imports of ceramic tableware and kitchenware originating in the People's Republic of China ⁽²⁾, and in particular Article 3 thereof,

Whereas:

A. PREVIOUS PROCEDURE

- (1) On 13 May 2013 the Council imposed a definitive anti-dumping duty on imports into the Union of ceramic tableware and kitchenware ('tableware') originating in the People's Republic of China ('the PRC') with Implementing Regulation (EU) No 412/2013.
- (2) In the original investigation a large number of exporting producers from the PRC made themselves known. As a result the Commission selected a sample of Chinese exporting producers to be investigated.
- (3) The Council imposed individual duty rates on imports of tableware ranging from 13,1 % to 23,4 % on the sampled companies, and 17,9 % on other cooperating companies not included in the sample.
- (4) The Council also imposed a duty rate of 36,1 % on imports of tableware from Chinese companies which either did not make themselves known or did not cooperate with the investigation.
- (5) Article 3 of Implementing Regulation (EU) No 412/2013 states that where any new exporting producer of tableware in the PRC provides sufficient evidence to the Commission that:
 - (1) it did not export to the Union ceramic tableware and kitchenware during the investigation period from 1 January 2011 to 31 December 2011 ('the investigation period');
 - (2) it is not related to any of the exporters or producers in the PRC which are subject to the anti-dumping measures imposed by that Regulation; and
 - (3) it has actually exported to the Union the product concerned after the investigation period on which the measures are based, or it has entered into an irrevocable contractual obligation to export a significant quantity to the Union;

then Article 1(2) of that Regulation can be amended by granting the new exporting producer the duty rate applicable to the cooperating companies not included in the sample, namely the weighted average duty rate of 17,9 %.

B. REQUESTS FOR NEW EXPORTING PRODUCER TREATMENT

- (6) Four companies came forward after the publication of Implementing Regulation (EU) No 412/2013 claiming that they met all three criteria set out above in recital (5) and providing evidence.
- (7) All four companies are manufacturers and exporters of the product concerned.
- (8) Three of them were in existence during the original investigation but they did not export to the Union during the original investigation period.

⁽¹⁾ OJ L 343, 22.12.2009, p. 51.

⁽²⁾ OJ L 131, 15.5.2013, p. 1.

- (9) The fourth company did not exist during the original investigation and therefore could not have exported during the investigation period.
- (10) The Commission analysed the evidence submitted by all four companies and it found that each of the four companies meet the three criteria to be considered as New Exporting Producers. Consequently, their names can be added to the cooperating companies not included in the sample as listed in Annex I of Implementing Regulation (EU) No 412/2013.
- (11) The four companies and the Union industry were informed of the findings of this investigation and were given an opportunity to comment. No comments were received.
- (12) This Regulation is in accordance with the opinion of the Committee established by Article 15(1) of the basic Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The following companies shall be added to the list of exporting producers from the People's Republic of China in Annex I of Implementing Regulation (EU) No 412/2013:

Company	TARIC additional code
Liling Taiyu Porcelain Industries Co., Ltd	B956
Liling Xinyi Ceramics Industry Ltd	B957
T&C Shantou Daily Chemical Industry Co., Ltd	B958
Jing He Ceramics Co., Ltd	B959

Article 2

As stipulated in Article 1(3) of Implementing Regulation (EU) No 412/2013, the application of the individual anti-dumping duty rate shall be conditional upon presentation to the customs authorities of the Member States of a valid commercial invoice, which shall conform to the requirements set out in Annex II to that Regulation. If no such invoice is presented, the duty applicable to 'All other companies' mentioned in the table of Article 1(2) of that Regulation shall apply.

Article 3

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

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

Done at Brussels, 24 July 2014.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 804/2014**of 24 July 2014****derogating from Regulation (EC) No 1122/2009 as regards the reduction of the amounts of the aid for late submission of single applications and applications for allocation of payment entitlements in relation to certain areas of Italy affected by floods in 2014**

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular Article 142(c) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1122/2009 ⁽²⁾ provides, in its Article 23(1) and Article 24, for reductions to be applied in the case of late submission of a single application as well as of documents, contracts and declarations which are constitutive for the eligibility of the aid, and of an application for allocation of payment entitlements.
- (2) In accordance with Article 11(2) and Article 15(1) of Regulation (EC) No 1122/2009, Italy has fixed 15 May 2014 as the latest day until which single applications and applications for allocation of payment entitlements for 2014 can be submitted.
- (3) On 3 May 2014 certain parts of the Italian region of Marche were subject to exceptional rainfall leading to flooding, damages to infrastructure, landslides, evacuation of citizens, as well as damages to agricultural holdings and crops.
- (4) This situation has affected the ability of applicants to submit single applications and applications for allocation of payment entitlements relating to agricultural parcels in the affected municipalities within the time limits provided for in Article 11(2) and Article 15(1) of Regulation (EC) No 1122/2009.
- (5) By way of derogation from Article 23(1) and Article 24 of Regulation (EC) No 1122/2009 it is therefore appropriate not to apply reductions on grounds of late submission of single applications and applications for allocation of payment entitlements in respect of those farmers who submitted their applications relating to at least one agricultural parcel within the municipalities defined by Italy as having been subject to severe flooding in the region of Marche by 9 June 2014 at the latest.
- (6) Since the derogations should cover the single applications and applications for allocation of payment entitlements for aid year 2014, it is appropriate that this Regulation applies retroactively.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Management Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

By way of derogation from Article 23(1) of Regulation (EC) No 1122/2009, in respect of the application year 2014, no reductions on grounds of late submission shall apply to those farmers in the Italian region of Marche who submitted a single application relating to at least one agricultural parcel located in the municipalities of Senigallia, Ripe, Corinaldo, Morro d'Alba, Ostra, Ostra Vetere, Barbara, Castel Colonna, Serra de' Conti, Montemarciano, Chiaravalle or Osimo by 9 June 2014 at the latest. Such applications submitted after the 9 June 2014 shall be considered inadmissible.

⁽¹⁾ OJ L 30, 31.1.2009, p. 16.

⁽²⁾ Commission Regulation (EC) No 1122/2009 of 30 November 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for that Regulation, as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross-compliance under the support scheme provided for the wine sector (OJ L 316, 2.12.2009, p. 65).

Article 2

By way of derogation from Article 24 of Regulation (EC) No 1122/2009, in respect of the application year 2014, no reductions on grounds of late submission shall apply to those farmers in the Italian region of Marche who submitted an application for allocation of payment entitlements relating to at least one agricultural parcel located in the municipalities of Senigallia, Ripe, Corinaldo, Morro d'Alba, Ostra, Ostra Vetere, Barbara, Castel Colonna, Serra de' Conti, Montemarciano, Chiaravalle or Osimo by 9 June 2014 at the latest. Such applications submitted after the 9 June 2014 shall be considered inadmissible.

Article 3

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

It shall apply as from 1 January 2014.

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

Done at Brussels, 24 July 2014.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 805/2014**of 24 July 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, 24 July 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	MK	59,9
	TR	55,3
	XS	56,8
	ZZ	57,3
0707 00 05	MK	50,7
	TR	81,4
	ZZ	66,1
0709 93 10	TR	84,5
	ZZ	84,5
0805 50 10	AR	107,5
	BO	98,4
	CL	116,3
	NZ	145,2
	TR	74,0
	UY	125,4
	ZA	127,5
	ZZ	113,5
0806 10 10	BR	149,7
	CL	81,7
	EG	186,0
	MA	159,8
	TR	78,9
	ZZ	131,2
	ZZ	131,2
0808 10 80	AR	243,2
	BR	134,1
	CL	111,9
	NZ	124,8
	US	145,0
	ZA	142,5
	ZZ	150,3
	ZZ	150,3
0808 30 90	AR	77,9
	CL	94,9
	NZ	163,0
	ZA	63,9
	ZZ	99,9
0809 10 00	MK	91,5
	TR	245,3
	XS	80,5
	ZZ	139,1

(EUR/100 kg)

CN code	Third country code ⁽¹⁾	Standard import value
0809 29 00	CA	344,6
	TR	292,8
	US	344,6
	ZZ	327,3
0809 30	MK	72,6
	TR	137,7
	ZZ	105,2
0809 40 05	BA	54,7
	MK	53,5
	ZZ	54,1

⁽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'.

DIRECTIVES

COUNCIL DIRECTIVE 2014/86/EU

of 8 July 2014

amending Directive 2011/96/EU on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 115 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 ⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) Council Directive 2011/96/EU ⁽³⁾ exempts dividends and other profit distributions paid by subsidiary companies to their parent companies from withholding taxes and eliminates double taxation of such income at the level of the parent company.
- (2) The benefits of Directive 2011/96/EU should not lead to situations of double non-taxation and, therefore, generate unintended tax benefits for groups of parent companies and subsidiaries of different Member States when compared to groups of companies of the same Member State.
- (3) For the purpose of avoiding situations of double non-taxation deriving from mismatches in the tax treatment of profit distributions between Member States, the Member State of the parent company and the Member State of its permanent establishment should not allow those companies to benefit from the tax exemption applied to received distributed profits, to the extent that such profits are deductible by the subsidiary of the parent company.
- (4) It is appropriate to update Part A of Annex I to Directive 2011/96/EU to include other forms of companies made subject to corporation tax in Poland and other forms of companies which have been introduced in the company law of Romania.
- (5) Directive 2011/96/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 2011/96/EU is amended as follows:

- (1) in Article 4(1), point (a) is replaced by the following:

‘(a) refrain from taxing such profits to the extent that such profits are not deductible by the subsidiary, and tax such profits to the extent that such profits are deductible by the subsidiary; or’;

⁽¹⁾ Opinion of 2 April 2014 (not yet published in the Official Journal).

⁽²⁾ Opinion of 25 March 2014 (not yet published in the Official Journal).

⁽³⁾ Council Directive 2011/96/EU of 30 November 2011 on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States (OJ L 345, 29.12.2011, p. 8).

(2) in Annex I, part A, point (u) is replaced by the following:

‘(u) companies under Polish law known as: “spółka akcyjna”, “spółka z ograniczoną odpowiedzialnością”, spółka komandytowo-akcyjna;’;

(3) in Annex I, part A, point (w) is replaced by the following:

‘(w) companies under Romanian law known as: “societăți pe acțiuni”, “societăți în comandită pe acțiuni”, “societăți cu răspundere limitată”, “societăți în nume colectiv”, “societăți în comandită simplă”;’.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 31 December 2015. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 8 July 2014.

For the Council

The President

P. C. PADOAN

COUNCIL DIRECTIVE 2014/87/EURATOM**of 8 July 2014****amending Directive 2009/71/Euratom establishing a Community framework for the nuclear safety of nuclear installations**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 31 and 32 thereof,

Having regard to the proposal from the European Commission, drawn up after having obtained the opinion of a group of persons appointed by the Scientific and Technical Committee from among scientific experts in the Member States,

Having regard to the opinion of the European Parliament ⁽¹⁾,

Having regard to the opinion of the European Economic and Social Committee ⁽²⁾,

Whereas:

- (1) Council Directive 2013/59/Euratom ⁽³⁾ establishes uniform basic safety standards for the protection of the health of individuals subject to occupational, medical and public exposures against the dangers arising from ionising radiation.
- (2) Council Directive 2009/71/Euratom ⁽⁴⁾ imposes obligations on the Member States to establish and maintain a national framework for nuclear safety. That Directive reflects the provisions of the main international instruments in the field of nuclear safety, namely the Convention on Nuclear Safety ⁽⁵⁾, as well as the Safety Fundamentals ⁽⁶⁾ established by the International Atomic Energy Agency ('IAEA').
- (3) Council Directive 2011/70/Euratom ⁽⁷⁾ imposes obligations on the Member States to establish and maintain a national framework for spent fuel and radioactive waste management.
- (4) Council Conclusions of 8 May 2007 on nuclear safety and safe management of spent nuclear fuel and radioactive waste highlighted that 'nuclear safety is a national responsibility exercised where appropriate in an EU-framework. Decisions concerning safety actions and the supervision of nuclear installations remain solely with the operators and national authorities'.
- (5) The Fukushima nuclear accident in Japan in 2011 renewed attention worldwide on the measures needed to minimise risk and ensure the most robust levels of nuclear safety. Based on the European Council conclusions of 24-25 March 2011, the national competent regulatory authorities, together with the Commission in the framework of the European Nuclear Safety Regulators Group (ENSREG), established by Commission Decision 2007/530/Euratom ⁽⁸⁾, carried out Community-wide comprehensive risk and safety assessments of nuclear power plants ('stress tests'). The results identified a number of improvements which could be implemented in nuclear safety approaches and industry practices in the participating countries.

⁽¹⁾ Opinion of 2 April 2014 (not yet published in the Official Journal).

⁽²⁾ OJ C 341, 21.11.2013, p. 92.

⁽³⁾ Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom (OJ L 13, 17.1.2014, p. 1).

⁽⁴⁾ Council Directive 2009/71/Euratom of 25 June 2009 establishing a Community framework for the nuclear safety of nuclear installations (OJ L 172, 2.7.2009, p. 18).

⁽⁵⁾ Commission Decision 1999/819/Euratom of 16 November 1999 concerning the accession to the 1994 Convention on Nuclear Safety by the European Atomic Energy Community (Euratom) (OJ L 318, 11.12.1999, p. 20).

⁽⁶⁾ IAEA Safety Fundamentals: Fundamental safety principles, IAEA Safety Standard Series No SF-1 (2006).

⁽⁷⁾ Council Directive 2011/70/Euratom of 19 July 2011 establishing a Community framework for the responsible and safe management of spent fuel and radioactive waste (OJ L 199, 2.8.2011, p. 48).

⁽⁸⁾ Commission Decision 2007/530/Euratom of 17 July 2007 on establishing the European High Level Group on Nuclear Safety and Waste Management (OJ L 195, 27.7.2007, p. 44).

Moreover, the European Council also called on the Commission to review, as appropriate, the existing legal and regulatory framework for the safety of nuclear installations and propose any improvements that may be necessary. The European Council also stressed that the highest standards for nuclear safety should be implemented and continuously improved in the Union.

- (6) A strong competent regulatory authority with effective independence in regulatory decision-making is a fundamental requirement of the Community nuclear safety regulatory framework. It is of utmost importance that the competent regulatory authority has the ability to exercise its powers impartially, transparently and free from undue influence in its regulatory decision-making to ensure a high level of nuclear safety. Regulatory decisions and enforcement actions in the field of nuclear safety should be based on objective safety-related technical considerations and should be established without any undue external influence that might compromise safety, such as undue influence associated with changing political, economic or societal conditions.

The provisions of Directive 2009/71/Euratom on functional separation of competent regulatory authorities should be strengthened to ensure the regulatory authorities' effective independence from undue influence in their regulatory decision-making and to guarantee that they are provided with the appropriate means and competencies to properly carry out the responsibilities assigned to them. In particular, the regulatory authority should have sufficient legal powers, sufficient staffing and sufficient financial resources for the proper discharge of its assigned responsibilities.

The strengthened requirements should be however without prejudice to close cooperation, as appropriate, with other relevant national authorities or to general policy guidelines issued by Member States.

- (7) The regulatory decision-making process should take into account competences and expertise, which may be provided by technical support organisations. This expertise should be based on state-of-the-art scientific and technical knowledge, including from operational experience and safety-related research, knowledge management, and adequate technical resources.
- (8) In accordance with Part 1 of the IAEA General Safety Requirements, the role of the Member States in establishing the framework for nuclear safety, and the role of the regulator in implementing that framework, should both be respected.
- (9) Given the specialised nature of the nuclear industry and the limited availability of staff with the required expertise and competence, resulting in the possible rotation of staff with executive responsibility between the nuclear industry and the regulators, special attention should be given to avoiding conflicts of interest. Moreover, arrangements should be made to ensure that there is no conflict of interest for those organisations that provide the competent regulatory authority with advice or services.
- (10) The consequences of a nuclear accident can go beyond national borders, therefore close cooperation, coordination and information exchange between competent regulatory authorities of Member States in the vicinity of a nuclear installation, irrespective of whether those Member States operate nuclear installations or not, should be encouraged. In this respect, Member States should ensure that appropriate arrangements are in place to facilitate such cooperation on nuclear safety matters with cross-border impacts.
- (11) In order to ensure that the proper skills are acquired and that adequate levels of competence are achieved and maintained, all parties should ensure that all staff having responsibilities relating to the nuclear safety of nuclear installations and to on-site emergency preparedness and response arrangements, undergo a continuous learning process. That can be achieved through the establishment of training programmes and training plans, procedures for periodic review and updating of the training programmes as well as appropriate budgetary provisions for training.
- (12) Another key lesson learned from the Fukushima nuclear accident is the importance of enhancing transparency on nuclear safety matters. Transparency is also an important means of promoting independence in regulatory decision-making. Therefore, the current provisions of Directive 2009/71/Euratom on the information to be provided to the general public should be made more specific as to the type of information to be provided. In addition, the general public should be given opportunities to participate in the relevant phases of the decision-making process related to nuclear installations in accordance with the national framework for nuclear safety, taking into account the different national systems. Decisions on licensing remain the responsibility of national competent authorities.

- (13) The requirements of this Directive on transparency are complementary to those of the existing Euratom legislation. Council Decision 87/600/Euratom ⁽¹⁾ imposes obligations on Member States to notify and provide information to the Commission and to other Member States in case of a radiological emergency on their territory, whilst Directive 2013/59/Euratom includes requirements on Member States to inform the general public about health protection measures to be applied and steps to be taken in the event of a radiological emergency, and to provide at regular intervals updated information to the population likely to be affected in the event of such an emergency.
- (14) During their 6th Review Meeting, the Contracting Parties to the Convention on Nuclear Safety reiterated their commitment to the findings of the 2nd Extraordinary Meeting which took place after the Fukushima accident. In particular, they stressed that 'nuclear power plants should be designed, constructed and operated with the objectives of preventing accidents and, should an accident occur, mitigating its effects and avoiding off-site contamination', and that 'regulatory authorities should ensure that these objectives are applied in order to identify and implement appropriate safety improvements at existing plants'.
- (15) In view of the technical progress achieved through the provisions of the IAEA and by the Western European Nuclear Regulators Association ('WENRA') and responding to the lessons learnt from the stress tests and the Fukushima nuclear accident investigations, Directive 2009/71/Euratom should be amended to include a high level Community nuclear safety objective covering all stages of the lifecycle of nuclear installations (siting, design, construction, commissioning, operation, decommissioning). In particular, this objective calls for significant safety enhancements in the design of new reactors for which the state of the art knowledge and technology should be used, taking into account the latest international safety requirements.
- (16) That objective should notably be reached through nuclear safety assessments, which fall under the scope of this Directive. They should be carried out by the licence holders under the control of the national competent regulatory authority and may be used for the assessment of the risk of a major accident, as covered by Directive 2011/92/EU of the European Parliament and of the Council ⁽²⁾, provided that the requirements of this Directive are met.
- (17) The concept of defence-in-depth is fundamental to the safety of nuclear installations and is the basis for implementing high level nuclear safety objectives. Application of the defence-in-depth principles, as recognised in international standards and guidance and by WENRA, ensures that safety activities are subject to, as far as reasonably practicable, independent layers of provisions, so that in the event that a failure were to occur, it would be detected, compensated or corrected by appropriate measures. The effectiveness of each of the different layers is an essential element of defence-in-depth to prevent accidents and mitigate the consequences should they occur. Defence-in-depth is generally structured in five levels. Should one level fail, the subsequent level comes into play. The objective of the first level of protection is the prevention of abnormal operation and system failures. If the first level fails, abnormal operation is controlled or failures are detected by the second level of protection. Should the second level fail, the third level ensures that safety functions are further performed by activating specific safety systems and other safety features. Should the third level fail, the fourth level limits accident progression through accident management, so as to prevent or mitigate severe accident conditions with external releases of radioactive materials. The last objective (the fifth level of protection) is the mitigation of the radiological consequences of significant external releases through the off-site emergency response.
- (18) Together with defence-in-depth, an effective nuclear safety culture is regarded as a fundamental factor in achieving a high level of nuclear safety and its continuous improvement. Indicators for an effective nuclear safety culture include, in particular: the commitment at all levels of staff and management within an organisation to nuclear safety and its continuous improvement; the promotion of the ability of staff at all levels to question the delivery of relevant safety principles and practices to continuously improve nuclear safety; the ability of staff to report safety issues in a timely manner; the identification of the lessons learnt from operational experience; and the systematic reporting of any deviation from normal operating conditions or arrangements relevant to accident management that have the potential to have an impact on nuclear safety. Important elements which help to achieve a strong nuclear safety culture include, in particular, effective management systems, appropriate education and training and arrangements by the licence holder to register, evaluate and document internal and external safety significant operating experience and effective resolution of issues that have been raised.

⁽¹⁾ Council Decision of 14 December 1987 on Community arrangements for the early exchange of information in the event of a radiological emergency (OJ L 371, 30.12.1987, p. 76).

⁽²⁾ Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1).

- (19) Where 'reasonably practicable' is used in this Directive it should be applied in accordance with established definitions, in particular the WENRA and IAEA definitions.
- (20) Following the nuclear accidents at Three Mile Island and Chernobyl, the Fukushima nuclear accident highlighted once again the critical importance of the containment function, which is the last barrier to protect people and the environment against radioactive releases resulting from an accident. Therefore the applicant for a licence for the construction of a new power or research reactor should demonstrate that the design limits the effects of a reactor core damage to within the containment, i.e. the applicant should prove that a large or unauthorised radioactive release outside the containment is extremely unlikely, and that applicant should be able to demonstrate with a high degree of confidence that such a release will not occur.
- (21) More specific arrangements for accident management and on-site emergency response should be required to address the prevention and mitigation of accidents. Those should be in accordance and without prejudice to the relevant provisions of the Directive 2013/59/Euratom. The licence holder should provide for procedures, guidelines and arrangements that address accidents including severe accidents, that could occur in all operational modes, including full power, shutdown and transitional states, ensuring consistency and continuity between all such procedures and arrangements, and ensuring that they are exercised, reviewed and updated. Those arrangements should also provide for sufficient staff, equipment and other necessary resources. An organisational structure with clear allocation of responsibilities, and coordination amongst response bodies should be provided.
- (22) The stress tests demonstrated the key role of enhanced cooperation and coordination mechanisms between all parties that have responsibilities for nuclear safety. The peer-reviews have proved to be a good means of building confidence, with the aim of developing and exchanging experience and ensuring the common application of high nuclear safety standards.
- (23) Cooperation on nuclear safety between Member States is well established and can give added value in terms of nuclear safety, transparency and openness towards stakeholders at the European and international level.

Member States, through their competent regulatory authorities making relevant use of ENSREG, and building on the expertise of the WENRA, should every six years define a methodology, Terms of Reference and a time frame for Peer Reviews on a common specific technical topic related to the nuclear safety of their nuclear installations. The common specific technical topic to be considered should be identified among the WENRA safety reference levels or on the basis of operating experience feed-back, incidents and accidents and technological and scientific developments. Member States should perform a national self-assessment and make arrangements for common peer reviews by other Member States' competent regulatory authorities of their national self-assessment.

Reports on the findings of those peer reviews should be produced. Member States should establish national action plans for addressing any relevant findings and their own national assessment, taking into account the results of those peer review reports. The peer review reports should also form the basis of any summary report of the outcome of the Union-wide topical peer review exercise prepared collectively by the competent regulatory authorities of the Member States. The summary report should not aim to rank the safety of nuclear installations but rather focus on the process and technical findings of the topical peer review so that the knowledge gained from the exercise can be shared.

Reciprocal trust should prevail in peer reviews, and it would therefore be appropriate for the Commission, whenever practicable, to inform Member States when it intends to use the results of peer review reports in its policy documents.

- (24) The obligations of the Member States to report on the implementation of this Directive and the obligation of the Commission to draw up a report on the basis of the national reports should provide an opportunity to take stock of, and evaluate, the various aspects of the implementation of this Directive as well as its effectiveness. A number of relevant reporting obligations, such as the Convention on Nuclear Safety reports, exist at international level, the results of which might be used for the evaluation of the implementation of this Directive. Moreover, additional reporting requirements should be established under this Directive in relation to the findings of the topical peer reviews of nuclear installations. Consequently, with a view to simplifying the legislation and reducing the administrative burden, the reporting obligation for the Member States should be made less onerous both as regards the frequency of reporting and the content of the reports.
- (25) In line with a graded approach, the implementation of the provisions of this Directive depends on the types of nuclear installations on the territory of a Member State. Therefore, when implementing these provisions in national law, Member States should take into account the potential magnitude and nature of risks posed by the nuclear installations that they plan or operate. In particular, the graded approach should concern those Member

States that keep only a small inventory of nuclear and radioactive materials, e.g. those linked to the operation of smaller research reactor facilities, which in case of a severe accident would not engender consequences comparable to those generated by nuclear power plants.

- (26) The provisions of this Directive which are intrinsically linked to the existence of nuclear installations, namely those concerning the licence holder's obligations, the new specific requirements for nuclear installations and the provisions concerning on-site emergency preparedness and response should not be applicable to Member States without nuclear installations. The provisions of this Directive should be transposed and implemented in a proportionate manner in accordance with national circumstances and taking into account the fact that those Member States do not have nuclear installations, whilst ensuring that nuclear safety receives appropriate attention by the government or by the competent authorities.
- (27) According to Directive 2009/71/Euratom, the Member States have to establish and maintain a national legislative, regulatory and organisational framework for the nuclear safety of nuclear installations. The decision as to how the provisions of the national framework are adopted and through which instrument they are applied rests with the competence of the Member States.
- (28) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the provisions of a directive and the corresponding parts of national transposition instruments. With regard to this Directive the legislator considers the transmission of such documents to be justified.
- (29) Directive 2009/71/Euratom should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 2009/71/Euratom is amended as follows:

- (1) the heading of Chapter 1 is replaced by the following:

'OBJECTIVES, SCOPE AND DEFINITIONS'.

- (2) Article 2 is amended as follows:

- (a) paragraph 1 is replaced by the following:

'1. This Directive shall apply to any civilian nuclear installation subject to a licence.'

- (b) paragraph 3 is replaced by the following:

'3. This Directive supplements the basic standards referred to in Article 30 of the Treaty as regards the nuclear safety of nuclear installations and is without prejudice to the existing Community legislation for the protection of the health of the workers and the general public against the dangers arising from ionising radiation, and in particular Council Directive 2013/59/Euratom (*).

(*) Council Directive 2013/59/Euratom of 5 December 2013 laying down basic safety standards for protection against the dangers arising from exposure to ionising radiation, and repealing Directives 89/618/Euratom, 90/641/Euratom, 96/29/Euratom, 97/43/Euratom and 2003/122/Euratom (OJ L 13, 17.1.2014, p. 1).'

- (3) Article 3 is amended as follows:

- (a) paragraph 1(a) is replaced by the following:

'(a) a nuclear power plant, enrichment plant, nuclear fuel fabrication plant, reprocessing plant, research reactor facility, spent fuel storage facility; and'

- (b) the following paragraphs are added:

'6. "accident" means any unintended event, the consequences or potential consequences of which are significant from the point of view of radiation protection or nuclear safety;

7. "incident" means any unintended event, the consequences or potential consequences of which are not negligible from the point of view of radiation protection or nuclear safety;

8. “abnormal operations” means an operational process deviating from normal operation which is expected to occur at least once during the operating lifetime of a facility but which, in view of appropriate design provisions, does not cause any significant damage to items important to safety or lead to accident conditions;
9. “design basis” means the range of conditions and events taken explicitly into account in the design, including upgrades, of a nuclear installation, according to established criteria, so that the installation can withstand them without exceeding authorised limits by the planned operation of safety systems;
10. “design basis accident” means accident conditions against which a nuclear installation is designed according to established design criteria, and for which the damage to the fuel, where applicable, and the release of radioactive material are kept within authorised limits;
11. “severe conditions” means conditions that are more severe than conditions related to design basis accidents; such conditions may be caused by multiple failures, such as the complete loss of all trains of a safety system, or by an extremely unlikely event.’

(4) In Chapter 2, the following title is inserted after the heading ‘OBLIGATIONS’:

‘SECTION 1

General obligations’.

(5) Article 4(1) is replaced by the following:

‘1. Member States shall establish and maintain a national legislative, regulatory and organisational framework (“national framework”) for the nuclear safety of nuclear installations. The national framework shall provide in particular for:

- (a) the allocation of responsibilities and coordination between relevant state bodies;
- (b) national nuclear safety requirements, covering all stages of the lifecycle of nuclear installations;
- (c) a system of licensing and prohibition of operation of nuclear installations without a licence;
- (d) a system of regulatory control of nuclear safety performed by the competent regulatory authority;
- (e) effective and proportionate enforcement actions, including, where appropriate, corrective action or suspension of operation and modification or revocation of a licence.

The determination on how national nuclear safety requirements referred to in point (b) are adopted and through which instrument they are applied remains within the competences of the Member States.’

(6) In Article 5, paragraphs 2 and 3 are replaced by the following:

‘2. Member States shall ensure the effective independence from undue influence of the competent regulatory authority in its regulatory decision-making. For this purpose, Member States shall ensure that the national framework requires that the competent regulatory authority:

- (a) is functionally separate from any other body or organisation concerned with the promotion or utilisation of nuclear energy, and does not seek or take instructions from any such body or organisation when carrying out its regulatory tasks;
- (b) takes regulatory decisions founded on robust and transparent nuclear safety-related requirements;
- (c) is given dedicated and appropriate budget allocations to allow for the delivery of its regulatory tasks as defined in the national framework and is responsible for the implementation of the allocated budget;
- (d) employs an appropriate number of staff with qualifications, experience and expertise necessary to fulfil its obligations. It may use external scientific and technical resources and expertise in support of its regulatory functions;

- (e) establishes procedures for the prevention and resolution of any conflicts of interest;
- (f) provides nuclear safety-related information without clearance from any other body or organisation, provided that this does not jeopardise other overriding interests, such as security, recognised in relevant legislation or international instruments.

3. Member States shall ensure that the competent regulatory authority is given the legal powers necessary to fulfil its obligations in connection with the national framework described in Article 4(1). For this purpose, Member States shall ensure that the national framework entrusts the competent regulatory authorities with the following main regulatory tasks, to:

- (a) propose, define or participate in the definition of national nuclear safety requirements;
 - (b) require that the licence holder complies and demonstrates compliance with national nuclear safety requirements and the terms of the relevant licence;
 - (c) verify such compliance through regulatory assessments and inspections;
 - (d) propose or carry out effective and proportionate enforcement actions.
- (7) Articles 6, 7 and 8 are replaced by the following:

Article 6

Licence holders

Member States shall ensure that the national framework requires that:

- (a) the prime responsibility for the nuclear safety of a nuclear installation rests with the licence holder. That responsibility cannot be delegated and includes responsibility for the activities of contractors and sub-contractors whose activities might affect the nuclear safety of a nuclear installation;
- (b) when applying for a licence, the applicant is required to submit a demonstration of nuclear safety. Its scope and level of detail shall be commensurate with the potential magnitude and nature of the hazard relevant for the nuclear installation and its site;
- (c) licence holders are to regularly assess, verify, and continuously improve, as far as reasonably practicable, the nuclear safety of their nuclear installations in a systematic and verifiable manner. That shall include verification that measures are in place for the prevention of accidents and mitigation of the consequences of accidents, including the verification of the application of defence-in-depth provisions;
- (d) licence holders establish and implement management systems which give due priority to nuclear safety;
- (e) licence holders provide for appropriate on-site emergency procedures and arrangements, including severe accident management guidelines or equivalent arrangements, for responding effectively to accidents in order to prevent or mitigate their consequences. Those shall in particular:
 - (i) be consistent with other operational procedures and periodically exercised to verify their practicability;
 - (ii) address accidents and severe accidents that could occur in all operational modes and those that simultaneously involve or affect several units;
 - (iii) provide arrangements to receive external assistance;
 - (iv) be periodically reviewed and regularly updated, taking account of experience from exercises and lessons learned from accidents;
- (f) licence holders provide for and maintain financial and human resources with appropriate qualifications and competences, necessary to fulfil their obligations with respect to the nuclear safety of a nuclear installation. Licence holders shall also ensure that contractors and subcontractors under their responsibility and whose activities might affect the nuclear safety of a nuclear installation have the necessary human resources with appropriate qualifications and competences to fulfil their obligations.

*Article 7***Expertise and skills in nuclear safety**

Member States shall ensure that the national framework requires all parties to make arrangements for the education and training for their staff having responsibilities related to the nuclear safety of nuclear installations so as to obtain, maintain and to further develop expertise and skills in nuclear safety and on-site emergency preparedness.

*Article 8***Transparency**

1. Member States shall ensure that necessary information in relation to the nuclear safety of nuclear installations and its regulation is made available to workers and the general public, with specific consideration to local authorities, population and stakeholders in the vicinity of a nuclear installation. That obligation includes ensuring that the competent regulatory authority and the licence holders, within their fields of responsibility, provide in the framework of their communication policy:

- (a) information on normal operating conditions of nuclear installations to workers and the general public; and
- (b) prompt information in case of incidents and accidents to workers and the general public and to the competent regulatory authorities of other Member States in the vicinity of a nuclear installation.

2. Information shall be made available to the public in accordance with relevant legislation and international instruments, provided that this does not jeopardise other overriding interests, such as security, which are recognised in relevant legislation or international instruments.

3. Member States shall, without prejudice to Article 5(2), ensure that the competent regulatory authority engages, as appropriate, in cooperation activities on the nuclear safety of nuclear installations with competent regulatory authorities of other Member States in the vicinity of a nuclear installation, inter alia, via the exchange and/or sharing of information.

4. Member States shall ensure that the general public is given the appropriate opportunities to participate effectively in the decision-making process relating to the licensing of nuclear installations, in accordance with relevant legislation and international instruments.

(8) The following Section is inserted after Article 8:

*SECTION 2****Specific obligations****Article 8a***Nuclear safety objective for nuclear installations**

1. Member States shall ensure that the national nuclear safety framework requires that nuclear installations are designed, sited, constructed, commissioned, operated and decommissioned with the objective of preventing accidents and, should an accident occur, mitigating its consequences and avoiding:

- (a) early radioactive releases that would require off-site emergency measures but with insufficient time to implement them;
- (b) large radioactive releases that would require protective measures that could not be limited in area or time.

2. Member States shall ensure that the national framework requires that the objective set out in paragraph 1:

- (a) applies to nuclear installations for which a construction licence is granted for the first time after 14 August 2014;
- (b) is used as a reference for the timely implementation of reasonably practicable safety improvements to existing nuclear installations, including in the framework of the periodic safety reviews as defined in Article 8c(b).

*Article 8b***Implementation of the nuclear safety objective for nuclear installations**

1. In order to achieve the nuclear safety objective set out in Article 8a, Member States shall ensure that the national framework requires that where defence-in-depth applies, it shall be applied to ensure that:

- (a) the impact of extreme external natural and unintended man-made hazards is minimised;
- (b) abnormal operation and failures are prevented;
- (c) abnormal operation is controlled and failures are detected;
- (d) accidents within the design basis are controlled;
- (e) severe conditions are controlled, including prevention of accidents progression and mitigation of the consequences of severe accidents;
- (f) organisational structures according to Article 8d(1) are in place.

2. In order to achieve the nuclear safety objective set out in Article 8a, Member States shall ensure that the national framework requires that the competent regulatory authority and the licence holder take measures to promote and enhance an effective nuclear safety culture. Those measures include in particular:

- (a) management systems which give due priority to nuclear safety and promote, at all levels of staff and management, the ability to question the effective delivery of relevant safety principles and practices, and to report in a timely manner on safety issues, in accordance with Article 6(d);
- (b) arrangements by the licence holder to register, evaluate and document internal and external safety significant operating experience;
- (c) the obligation of the licence holder to report events with a potential impact on nuclear safety to the competent regulatory authority; and,
- (d) arrangements for education and training, in accordance with Article 7.

*Article 8c***Initial assessment and periodic safety reviews**

Member States shall ensure that the national framework requires that:

- (a) any grant of a licence to construct a nuclear installation or operate a nuclear installation, is based upon an appropriate site and installation-specific assessment, comprising a nuclear safety demonstration with respect to the national nuclear safety requirements based on the objective set in Article 8a;
- (b) the licence holder under the regulatory control of the competent regulatory authority, re-assesses systematically and regularly, at least every 10 years, the safety of the nuclear installation as laid down in Article 6(c). That safety reassessment aims at ensuring compliance with the current design basis and identifies further safety improvements by taking into account ageing issues, operational experience, most recent research results and developments in international standards, using as a reference the objective set in Article 8a.

*Article 8d***On-site emergency preparedness and response**

1. Without prejudice to the provisions of the Directive 2013/59/Euratom, Member States shall ensure that the national framework requires that an organisational structure for on-site emergency preparedness and response is established with a clear allocation of responsibilities and coordination between the licence holder, and competent authorities and organisations, taking into account all phases of an emergency.

2. Member States shall ensure that there is consistency and continuity between the on-site emergency preparedness and response arrangements required by the national framework and other emergency preparedness and response arrangements required under Directive 2013/59/Euratom.

(9) The following Chapter is inserted after Article 8d:

‘CHAPTER 2a

PEER REVIEWS AND REPORTING

Article 8e

Peer reviews

1. Member States shall, at least once every 10 years, arrange for periodic self-assessments of their national framework and competent regulatory authorities and invite an international peer review of relevant segments of their national framework and competent regulatory authorities with the aim of continuously improving nuclear safety. Outcomes of such peer reviews shall be reported to the Member States and the Commission, when available.

2. Member States shall ensure that, on a coordinated basis:

- (a) a national assessment is performed, based on a specific topic related to nuclear safety of the relevant nuclear installations on their territory;
- (b) all other Member States, and the Commission as observer, are invited to peer review the national assessment referred to in point (a);
- (c) appropriate follow-up measures are taken of relevant findings resulting from the peer review process;
- (d) relevant reports are published on the above mentioned process and its main outcome when results are available.

3. Member States shall ensure that arrangements are in place to allow for the first topical peer review to start in 2017, and for subsequent topical peer reviews to take place at least every six years thereafter.

4. In case of an accident leading to situations that would require off-site emergency measures or protective measures for the general public, the Member State concerned shall ensure that an international peer review is invited without undue delay.’

(10) Article 9 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. Member States shall submit a report to the Commission on the implementation of this Directive for the first time by 22 July 2014, and then by 22 July 2020.’;

(b) paragraph 3 is deleted.

(11) In Article 10, the following paragraph is inserted after paragraph 1:

‘1a. The obligations of transposition and implementation of Articles 6, 8a, 8b, 8c and 8d shall not apply to Member States without nuclear installations, unless they decide to develop any activity related to nuclear installations subject to a licence under their jurisdiction.’

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 15 August 2017. They shall immediately inform the Commission thereof.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive and of any subsequent amendments to those provisions.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 8 July 2014.

For the Council
The President
P. C. PADOAN

DECISIONS

COUNCIL DECISION 2014/496/CFSP

of 22 July 2014

on aspects of the deployment, operation and use of the European Global Navigation Satellite System affecting the security of the European Union and repealing Joint Action 2004/552/CFSP

THE COUNCIL OF THE EUROPEAN UNION

Having regard to the Treaty on European Union, and in particular Article 28 thereof,

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

Whereas

- (1) In view, in particular, of its strategic dimension, regional and global coverage and multiple usage, the European Global Navigation Satellite System ('GNSS') constitutes sensitive infrastructure the deployment and usage of which are susceptible to affect the security of the European Union and its Member States.
- (2) Where the international situation requires operational action by the Union and where the operation of the GNSS could affect the security of the European Union or its Member States, or in the event of a threat to the operation of the system, the Council should decide on the necessary measures to be taken.
- (3) For this reason, the Council adopted on 12 July 2004 Joint Action 2004/552/CFSP ⁽¹⁾.
- (4) Following the entry into force of the Treaty of Lisbon, the tasks and responsibilities formerly exercised by the Secretary-General of the Council/High Representative should now be exercised by the High Representative of the Union for Foreign Affairs and Security Policy ('the HR').
- (5) The progress of the development, the commencement of the deployment and the forthcoming start of the usage of the system established under the Galileo programme require that the procedure as foreseen in Joint Action 2004/552/CFSP be adapted.
- (6) The information and the expertise concerning whether an event related to the system constitutes a threat to the Union, to the Member States or to the GNSS as such should be provided to the Council and the HR by the European Global Navigation Satellite System Agency ('the GSA'), the Member States, and the Commission. In addition, third States may also provide such information.
- (7) The respective roles of the Council, the HR, the GSA as operator of the Galileo Security Monitoring Centre ('GSMC') and the Member States should be clarified within the chain of operational responsibilities to be set up in order to react to a threat to the Union, to the Member States or to the GNSS.
- (8) In this regard, the basic references to threats are contained in the System-Specific Security Requirement Statement which contains the main generic threats to be handled by the GNSS as a whole, and the System Security Plan which includes the security risk register set up in the security accreditation process. These will serve as references to identify the threats specifically to be dealt with by this Decision and to complete the operational procedures for the implementation of this Decision.

⁽¹⁾ Council Joint Action 2004/552/CFSP of 12 July 2004 on aspects of the operation of the European satellite radio-navigation system affecting the security of the European Union (OJ L 246, 20.7.2004, p. 30).

- (9) Decisions in cases of urgency may have to be taken within very few hours of the arrival of the information concerning the threat.
- (10) In the event that the circumstances do not allow for the Council to take a decision to avert a threat or to mitigate serious harm to the essential interests of the Union or of one or more of its Member States, the HR should be empowered to take the necessary provisional measures.
- (11) Regulation (EU) No 683/2008 of the European Parliament and the Council ⁽¹⁾ and Regulation (EU) No 1285/2013 of the European Parliament and of the Council ⁽²⁾ modified the governance of the European GNSS. In particular, Article 14 of Regulation (EU) No 1285/2013 provides that the GSA is to ensure the operation of the GSMC.
- (12) Regulation (EU) No 512/2014 of the European Parliament and of the Council ⁽³⁾ assigns to the GSA Executive Director the responsibility to ensure that the GSA, as the operator of the GSMC is able to respond to instructions provided under Joint Action 2004/552/CFSP, as replaced by this Decision. In addition, Decision No 1104/2011/EU of the European Parliament and of the Council ⁽⁴⁾ lays down the rules under which the Member States, the Council, the Commission, the European External Action Service, Union agencies, third States and international organisations may access the public regulated service ('PRS') provided by the global navigation satellite system established under the Galileo programme. In particular, Article 6 of Decision 1104/2011/EU defines the GSMC as the operational interface between the competent PRS authorities, the Council and the HR and the control centres,

HAS ADOPTED THIS DECISION:

Article 1

This Decision sets out the responsibilities to be exercised by the Council and the HR to avert a threat to the security of the Union or one or more Member States or to mitigate serious harm to the essential interests of the Union or of one or more Member States arising from the deployment, operation or use of the European Global Navigation Satellite System, in particular as a result of an international situation requiring action by the Union or in the event of a threat to the operation of the system itself or its services.

Article 2

In the event of such a threat, the Member States, the Commission or the GSA, as appropriate, shall immediately inform the Council and the HR of all the elements at their disposal which they consider relevant.

Article 3

1. The Council, acting unanimously upon a proposal from the HR, shall decide on the necessary instructions to the GSA.
2. The GSA and the Commission shall provide advice to the Council on the likely wider impact on the GNSS of any instructions which it intends to issue.
3. The Political and Security Committee ('PSC') shall provide an opinion to the Council on any instructions proposed, as appropriate.

Article 4

1. If the urgency of the situation requires immediate action to be taken before the Council has taken a decision under Article 3(1), the HR is authorised to issue the necessary provisional instructions to the GSA. The HR may direct the Executive Secretary-General or one of the Deputy Secretaries-General of the European External Action Service to issue such instructions to the GSA. The HR shall immediately inform the Council and the Commission of any instructions issued pursuant to this paragraph.

⁽¹⁾ Regulation (EC) No 683/2008 of the European Parliament and of the Council of 9 July 2008 on the further implementation of the European satellite navigation programmes (EGNOS and Galileo) (OJ L 196, 24.7.2008, p. 1).

⁽²⁾ Regulation (EU) No 1285/2013 of the European Parliament and of the Council of 11 December 2013 on the implementation and exploitation of European satellite navigation systems and repealing Council Regulation (EC) No 876/2002 and Regulation (EC) No 683/2008 of the European Parliament and the Council (OJ L 347, 20.12.2013, p. 1).

⁽³⁾ Regulation (EU) No 512/2014 of 16 April 2014 of the European Parliament and of the Council amending Regulation (EU) No 912/2010 setting up the European GNSS Agency (OJ L 150, 20.5.2014, p. 72).

⁽⁴⁾ Decision No 1104/2011/EU of the European Parliament and of the Council of 25 October 2011 on the rules for access to the public regulated service provided by the global navigation satellite system established under the Galileo programme (OJ L 287, 4.11.2011, p. 1).

2. The Council shall confirm, modify or revoke the provisional instructions of the HR as soon as possible.
3. The HR shall keep his/her provisional instructions under constant review, amend them as appropriate or revoke them if immediate action is no longer required. In any event, the provisional instructions shall expire four weeks after being issued, or upon a decision by the Council pursuant to paragraph 2.

Article 5

Within six months from the adoption of this Decision, the HR shall prepare, with the support of experts from the Member States, and submit for approval to the PSC, the necessary early operational procedures for the practical implementation of the provisions set out in this Decision. Complete operational procedures shall be submitted for approval to the PSC within one year from the adoption of this Decision. The operational procedures shall be reviewed and updated by the PSC at least every two years.

Article 6

1. In accordance with prior international agreements concluded by the Union or the Union and its Member States, including those granting access to PRS pursuant to Article 3(5) of Decision 1104/2011/EU, the HR shall have the authority to conclude administrative arrangements with third States concerning cooperation in the context of this Decision. Such arrangements shall be subject to approval by the Council acting unanimously.
2. If such arrangements require access to Union classified information, the release or exchange of classified information shall be approved in accordance with the applicable security rules.

Article 7

The Council shall review and, as necessary, amend the rules and procedures set out in this Decision no later than three years from the date of its adoption, or at the request of a Member State, or following any measures taken pursuant to Article 3.

Article 8

Member States shall, if appropriate, take the necessary measures to ensure the implementation of this Decision in their respective area of responsibility, in accordance with, inter alia, Article 28 of Regulation (EU) No 1285/2013. For this purpose, Member States shall designate points of contact to assist in the operational management of a threat. These points of contact may be natural or legal persons.

Article 9

Joint Action 2004/552/CFSP is hereby repealed.

Article 10

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

Done at Brussels, 22 July 2014.

For the Council
The President
C. ASHTON

COMMISSION IMPLEMENTING DECISION**of 23 July 2014****as regards measures to prevent the introduction into and the spread within the Union of *Xylella fastidiosa* (Well and Raju)***(notified under document C(2014) 5082)*

(2014/497/EU)

THE EUROPEAN COMMISSION,

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

Having regard to 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 ⁽¹⁾, and in particular the fourth sentence of Article 16(3), thereof,

Whereas:

- (1) The Commission adopted Implementing Decision 2014/87/EU ⁽²⁾ as regards measures to prevent the spread within the Union of *Xylella fastidiosa* (Well and Raju) (hereinafter 'the specified organism').
- (2) Since the adoption of that Decision, the Italian authorities have carried out investigations in the infected areas and the areas surrounding them concerning the presence and nature of the specified organism. Those investigations have produced preliminary results which are sufficient to allow the adoption of more precise measures.
- (3) The investigations of the Italian authorities, as well as the available scientific and technical evidence, have confirmed that plants of *Catharanthus* G. Don, *Nerium* L., *Olea* L., *Prunus* L., and *Vinca* L. are host plants of the specified organism. Taking into account the evidence available, it is likely that plants of *Malva* L., *Portulaca* L., *Quercus* L. and *Sorghum* L. may also be host plants of that organism. Therefore, the measures should apply to plants for planting, other than seeds, of *Catharanthus* G. Don, *Nerium* L., *Olea* L., *Prunus* L., *Vinca* L., *Malva* L., *Portulaca* L., *Quercus* L. and *Sorghum* L. (hereinafter 'specified plants').
- (4) It is appropriate to establish conditions for the introduction into the Union of specified plants from third countries where the specified organism is known to be present. Specific requirements should be adopted concerning the registration, supervision and status of production sites, as well as for the inspections, sampling, testing and transport of the specified plants, to ensure that plants which are introduced into the Union are free from the specified organism.
- (5) Specified plants which have been grown for at least part of their life in a demarcated area, or which have been moved through such an area, are more likely than other plants to have been infected with the specified organism. Their movement should therefore be subject to specific requirements. Those requirements should be similar to the requirements for specified plants introduced from third countries where the specified organism is known to be present.
- (6) Member States should carry out annual surveys for the presence of the specified organism in their territories in order to prevent its introduction and spread.
- (7) In order to ensure the earliest possible action against the potential presence of the specified organism, anyone who might be aware of the presence of that organism should inform the Member States thereof. Moreover, and in order to ensure appropriate action by stakeholders, Member States should inform professional operators concerned about the potential presence of the specified organism in their territories and the measures to be taken.
- (8) To eradicate the specified organism and prevent its spread, Member States should establish demarcated areas and take the necessary measures. Those demarcated areas should consist of an infected zone and a buffer zone. The width of the buffer zone should be calculated in view of the risk of the specified organism spreading to other areas.

⁽¹⁾ OJ L 169, 10.7.2000, p. 1.⁽²⁾ Commission Implementing Decision 2014/87/EU of 13 February 2014 as regards measures to prevent the spread within the Union of *Xylella fastidiosa* (Well and Raju) (OJ L 45, 15.2.2014, p. 29).

- (9) Where the establishment of a demarcated area does not seem necessary to eliminate the specified organism, the Member State concerned should have the possibility not to establish a demarcated area immediately. In that case, it should eliminate the specified organism on the plants where it was first found to be present and carry out a survey to determine whether any further plants have been infected.
- (10) Specific measures should be established to ensure the eradication of the specified organism where it has been found to be present.
- (11) In the interest of clarity, Implementing Decision 2014/87/EU should be repealed.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plant Health,

HAS ADOPTED THIS DECISION:

Article 1

Definitions

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

- (a) 'specified plants' means all plants for planting, other than seeds, of *Catharanthus* G. Don, *Nerium* L., *Olea* L., *Prunus* L., *Vinca* L., *Malva* L., *Portulaca* L., *Quercus* L. and *Sorghum* L.;
- (b) 'specified organism' means *Xylella fastidiosa* (Well and Raju).

Article 2

Introduction into the Union of specified plants originating in third countries where the specified organism is known to be present

Specified plants originating in third countries where the specified organism is known to be present shall only be introduced into the Union if they fulfil the following conditions:

- (a) they comply with the specific requirements for introduction, as set out in Section 1 of Annex I;
- (b) on introduction into the Union they have been inspected by the responsible official body in accordance with Section 2 of Annex I for the presence of the specified organism;
- (c) neither presence nor symptoms of the specified organism have been found when they were inspected in accordance with Section 2 of Annex I.

Article 3

Movement of specified plants within the Union

Specified plants which have been grown for at least part of their life in a demarcated area established in accordance with Article 7, or which have been moved through such an area, shall only be moved to and within areas other than infected zones, if they meet the conditions set out in Annex II.

Article 4

Surveys of the specified organism

1. Member States shall conduct annual surveys for the presence of the specified organism in their territory on the specified plants and on other possible host plants.

Those surveys shall be carried out by the responsible official body, or under the official supervision of the responsible official body. They shall consist of visual examinations and, in the case of any suspicion of infection by the specified organism, collection of samples and testing. Those surveys shall be based on sound scientific and technical principles, and shall be carried out at appropriate times with regard to the possibility to detect the specified organism.

Those surveys shall take account of the available scientific and technical evidence, the biology of the specified organism and its vectors, the presence and biology of specified plants or plants likely to be host plants of the specified organism, and any other appropriate information, concerning the presence of the specified organism.

2. Member States shall notify the results of those surveys to the Commission and the other Member States by 31 December of each year.

Article 5

Information about the specified organism

1. Where anyone becomes aware of the presence of the specified organism, or has reason to suspect such a presence, that person shall immediately inform the responsible official body.

The responsible official body shall immediately record such information.

2. Where appropriate, the responsible official body shall request the person referred to in paragraph 1 to provide that body with any other information concerning the presence of the specified organism which is in the possession of that person.

Article 6

Confirmation of presence

1. Where the responsible official body has been informed of a presence, or suspected presence, of the specified organism on the basis of the surveys referred to in Article 4(1), or in accordance with Article 5, it shall take all necessary steps to confirm that presence.

2. Where the presence of the specified organism is confirmed in an area where that presence was previously unknown, the Member State concerned shall, within five working days from the time of the confirmation, notify the Commission and the other Member States of that presence.

The same shall apply in the case of the official confirmation of the presence of the specified organism on a plant species previously not known to be a host plant. Those notifications shall be submitted in writing.

3. Member States shall ensure that professional operators whose specified plants may be affected by the specified organism, are immediately informed of the presence of the specified organism in the territory of that Member State, and become aware of the respective risks and measures to be taken.

Article 7

Demarcated areas

1. Where the results of the surveys referred to in Article 4(1) show the presence of the specified organism, or where such a presence is confirmed in accordance with Article 6(1), the Member State concerned shall without delay demarcate an area, hereinafter 'demarcated area'.

2. The demarcated area shall consist of a zone in which the specified organism was found to be present, hereinafter 'the infected zone'. That zone shall be defined in accordance with Section 1 of Annex III. The demarcated area shall further consist of a zone surrounding the infected zone, hereinafter 'the buffer zone'. That zone shall be defined in accordance with Section 1 of Annex III.

3. Member States shall take measures in the demarcated areas, as set out in Section 2 of Annex III.

4. By way of derogation from paragraph 1, the Member State may decide not to establish a demarcated area immediately where all of the following conditions are fulfilled:

- (a) there is evidence that the specified organism has been recently introduced into the area with the plants on which it was found;
- (b) there is an indication that those plants were infected before their introduction into the area concerned;
- (c) no relevant vectors have been detected in the vicinity of these plants providing evidence that no further spread of the specified organism has occurred.

In that case, it shall carry out a survey to determine whether any plants have been infected other than those on which it was first found to be present. On the basis of that survey, the Member State shall determine whether there is a need to establish a demarcated area. The Member State concerned shall notify to the Commission and the other Member States the conclusions of those surveys, as well as the justification for not establishing a demarcated area.

5. Member States shall set time periods for the implementation of the measures provided for in paragraph 3 and, where relevant, for the carrying out of the survey referred to in paragraph 4.

Article 8

Reporting on measures

1. Member States shall, within 30 days of the notification referred to in the first subparagraph of Article 6(2), report to the Commission and the other Member States on the measures they have taken or intend to take in accordance with Article 7(3), as well as the time periods referred to in Article 7(5).

The report shall also include the following elements:

- (a) information on the location of the demarcated area, and description of its characteristics which may be relevant for the eradication and prevention of the spread of the specified organism;
- (b) a map showing the delimitation of the demarcated area;
- (c) information on the presence of the specified organism and its vectors;
- (d) measures to comply with the requirements concerning the movement of specified plants within the Union as set out in Article 3.

That report shall describe the evidence and criteria on which the measures are based.

2. Member States shall by 31 December of each year communicate to the Commission and the other Member States a report including an up-to-date version of the information referred to in paragraph 1.

Article 9

Repeal

Implementing Decision 2014/87/EC is repealed.

Article 10

Addressees

This Decision is addressed to the Member States.

Done at Brussels, 23 July 2014.

For the Commission
Tonio BORG
Member of the Commission

ANNEX I

REQUIREMENTS FOR THE INTRODUCTION OF SPECIFIED PLANTS, AS REFERRED TO IN ARTICLE 2

SECTION 1

Statements to be included in the certificate, as referred to in Article 13(1)(ii) of Directive 2000/29/EC

1. Specified plants originating in third countries, where the specified organism is known to be present, shall only be introduced into the Union if they are accompanied by a phytosanitary certificate, as referred to in Article 13(1)(ii) of Directive 2000/29/EC, which satisfies the conditions set out in point (2) or point (3).
2. The phytosanitary certificate shall include under the rubric 'Additional Declaration' the statement that the plants have been grown throughout their life in a site of production which is registered and supervised by the national plant protection organisation in the country of origin, and situated in a pest-free area established by that organisation in accordance with relevant International Standards for Phytosanitary Measures.

The name of the pest-free area shall be indicated under the rubric 'place of origin'.

3. The phytosanitary certificate shall include under the rubric 'Additional Declaration' the following statements:
 - (a) the specified plants have been grown throughout their life in a site of production fulfilling the following conditions:
 - (i) it is established as free from the specified organism and its vectors in accordance with the relevant International Standards for Phytosanitary Measures.
 - (ii) it is registered and supervised by the national plant protection organisation in the country of origin.
 - (iii) it is physically protected against the introduction of the specified organism by its vectors.
 - (iv) it is subject to appropriate phytosanitary treatments to maintain freedom from vectors of the specified organism.
 - (v) it is subjected annually to at least two official inspections carried out at appropriate times. During past inspections neither symptoms of the specified organism nor its vectors were found or, if suspect symptoms were observed, testing has been undertaken and absence of the specified organism has been confirmed.
 - (b) phytosanitary treatments against the vectors of the specified organism are applied in the close proximity of the site of production.
 - (c) the lots of the specified plants have been subjected to annual testing, on the basis of sampling, and asymptomatic presence of the specified organism has been excluded.
 - (d) the specified plants have been transported outside the flight season of any of the known vectors of the specified organism, or in closed containers or packaging, ensuring that infection with the specified organism or any of its known vectors cannot occur.
 - (e) immediately prior to export, the lots of the specified plants were subjected to official visual inspection, sampling and testing, using a sampling scheme able to confirm with 99 % reliability that the level of presence of the specified organism in those plants is below 1 % and targeted especially at plants displaying suspect symptoms of that organism.
4. Points (2) and (3) shall apply mutatis mutandis to specified plants which have been grown both within a pest-free area and outside a pest-free area.

SECTION 2

Inspection

Specified plants shall be meticulously inspected by the responsible official body at the point of entry or the place of destination established in accordance with Commission Directive 2004/103/EC ⁽¹⁾. The inspection shall take the form of visual inspections, and, in the case of suspicion of the presence of the specified organism, of sampling and testing of each lot of the specified plants. Samples shall be of a size that allows confirming with 99 % reliability that the level of presence of the specified organism in those plants is below 1 %.

⁽¹⁾ Commission Directive 2004/103/EC of 7 October 2004 on identity and plant health checks of plants, plant products or other objects, listed in Part B of Annex V to Council Directive 2000/29/EC, which may be carried out at a place other than the point of entry into the Community or at a place close by and specifying the conditions related to these checks (OJ L 313, 12.10.2004, p. 16).

ANNEX II

CONDITIONS FOR MOVEMENT OF SPECIFIED PLANTS WITHIN THE UNION AS REFERRED TO IN ARTICLE 3

1. Specified plants which have been grown for at least part of their life in a demarcated area shall only be moved to and within areas other than infected zones if they are accompanied by a plant passport prepared and issued in accordance with Commission Directive 92/105/EEC ⁽¹⁾.
2. Specified plants which have been grown for at least part of their life in a demarcated area shall only be moved to and within areas other than infected zones if, for the whole period they have spent within the demarcated area, they fulfil the following requirements in addition to point (1):
 - (a) the site of production in which they have been grown within the demarcated area fulfils the following conditions:
 - (i) it is established as free from the specified organism.
 - (ii) it is registered in accordance with Commission Directive 92/90/EEC ⁽²⁾.
 - (iii) it is physically protected against the introduction of the specified organism by its vectors.
 - (iv) it is subject to appropriate phytosanitary treatments to maintain freedom from vectors of the specified organism.
 - (v) it is subjected annually to at least two official inspections carried out at appropriate times. During past inspections neither symptoms of the specified organism nor its vectors were found or, if suspect symptoms were observed, testing has been undertaken and the absence of the specified organism has been confirmed.
 - (b) representative samples of each species of specified plants from each site of production have been subject to annual testing, and the asymptomatic presence of the specified organism has been excluded.
 - (c) phytosanitary treatments against the vectors of the specified organism are applied in the close proximity of the site of production.
3. Specified plants moving through or within demarcated areas shall be transported outside the flight season of any of the known vectors of the specified organism, or in closed containers or packaging, ensuring that infection with the specified organism or any of its known vectors cannot occur.

⁽¹⁾ Commission Directive 92/105/EEC of 3 December 1992 establishing a degree of standardization for plant passports to be used for the movement of certain plants, plant products or other objects within the Community, and establishing the detailed procedures related to the issuing of such plant passports and the conditions and detailed procedures for their replacement (OJ L 4, 8.1.1993, p. 22).

⁽²⁾ Commission Directive 92/90/EEC of 3 November 1992 establishing obligations to which producers and importers of plants, plant products or other objects are subject and establishing details for their registration (OJ L 344, 26.11.1992, p. 38).

ANNEX III

ESTABLISHMENT OF DEMARCATED AREAS AND MEASURES, AS PROVIDED FOR IN ARTICLE 7

SECTION 1

Establishment of demarcated areas

1. The infected zone shall include all plants known to be infected by the specified organism, all plants showing symptoms indicating possible infection by that organism, and all other plants liable to be infected by that organism due to their close proximity to infected plants, or common source of production, if known, with infected plants, or plants grown from them.
2. The buffer zone shall have a width of at least 2 000 m.

The width of the buffer zone may be reduced to at least 1 000 m if all of the following conditions are fulfilled:

- (a) the infected plants have been removed, together with all plants showing symptoms indicating possible infection by the specified organism and all plants which have been identified as likely to be infected. The removal shall be carried out in such a way that no material of the removed plant remains;
 - (b) a delimiting survey has been carried out, which includes testing using a sampling scheme able to confirm with 99 % reliability that the level of presence of the specified organism in plants within 2 000 m from the border of the infected zone, is below 0,1 %.
3. The exact delimitation of the zones shall be based on sound scientific principles, the biology of the specified organism and its vectors, the level of infection, the presence of the vectors, and the distribution of possible host plants in the area concerned.
 4. If the presence of the specified organism is confirmed outside the infected zone, the delimitation of the infected zone and buffer zone shall be reviewed and changed accordingly.
 5. Where in a demarcated area, based on the surveys referred to in Article 4(1) and on the monitoring referred to in point (h) of Section 2 of this Annex, the specified organism is not detected for a period of 5 years, this demarcation may be lifted.

SECTION 2

Measures to be taken in demarcated areas

In a demarcated area the Member State concerned shall take the following measures to eradicate the specified organism:

- (a) it shall, as soon as possible, remove all plants infected by the specified organism, as well as all plants showing symptoms indicating possible infection by that organism and all plants which have been identified as likely to be infected. That removal shall be carried out in such a way that no material of the removed plant remains and taking all necessary precautions to avoid spreading of the specified organism during and after removal.
- (b) it shall carry out sampling and testing of specified plants, plants of the same genus as the infected plants, and all other plants showing symptoms of the specified organism within a radius of 200 m around infected plants, using a sampling scheme able to confirm with 99 % reliability that the level of presence of the specified organism in those plants is below 0,1 %.
- (c) it shall destroy, *in situ* or in a nearby location within the demarcated area designated for this purpose, the entire plants, parts of plants or wood which may contribute to the spread of the specified organism. The destruction shall be carried out in a manner appropriate to ensure that the specified organism is not spread.
- (d) it shall destroy *in situ* or in a nearby location, any plant material originated from pruning of specified plants and of plants of the same genus as the infected plants. The destruction shall be carried out in a manner appropriate to ensure that the specified organism is not spread by its vector.

- (e) it shall carry out appropriate phytosanitary treatments of specified plants and of plants that may host the vectors of the specified organism to prevent the spread of the specified organism by those vectors.
 - (f) it shall trace back to the origin of the infection and tracing forward of specified plants associated with the case of infection concerned, which may have been moved before a demarcated area was established. Relevant authorities of the area of destination of those plants shall be informed of all respective details of such movements to allow examination of the plants and the application of appropriate measures, where relevant.
 - (g) it shall prohibit the planting of the specified plants and plants of the same genus as the infected plants in sites which are not vector-proof.
 - (h) it shall carry out intensive monitoring for the presence of the specified organism by at least annual inspections at appropriate times, with specific focus on the buffer zone and on the specified plants and the plants of the same genus as the infected plants, including testing, in particular of any symptomatic plants. The number of samples shall be indicated in the report referred to in Article 8.
 - (i) it shall carry out activities to raise public awareness concerning the threat of the specified organism and concerning the measures adopted to prevent its introduction into and spread within the Union, including the conditions regarding movement of specified plants from the demarcated area established under Article 7.
 - (j) it shall, where necessary, take specific measures to address any particularity or complication that could reasonably be expected to prevent, hinder or delay eradication, in particular those related to the accessibility and adequate eradication of all plants that are infected or suspected of infection, irrespective of their location, public or private ownership or the person or entity responsible for them.
 - (k) it shall take any other measure, which may contribute to the eradication of the specified organism, taking account of ISPM No 9 ⁽¹⁾ and applying an integrated approach according to the principles set out in ISPM No 14 ⁽²⁾.
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⁽¹⁾ Guidelines for pest eradication programmes — Reference Standard ISPM No 9 by the Secretariat of the International Plant Protection Convention, Rome. Published 15 December 2011.

⁽²⁾ The use of integrated measures in a systems approach for pest risk management — Reference Standard ISPM No 14 by the Secretariat of the International Plant Protection Convention, Rome. Published 8 January 2014.

CORRIGENDA

Corrigendum to Decision No 2 of the Joint Committee of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin of 21 May 2014 as regards the request of the Republic of Moldova to become a Contracting Party to the Regional Convention on pan-Euro-Mediterranean preferential rules of origin

(Official Journal of the European Union L 217 of 23 July 2014)

On page 88, footnote 2:

for: '(2)',

read: '(*)'.

Corrigendum to Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II)

(Official Journal of the European Union L 335 of 17 December 2009)

On page 132, Annex VII, Correlation table, column 'This Directive', penultimate row:

for: '—',

read: 'Article 13(27)';

on page 133, column 'This Directive', 10th and 11th rows:

for: 'Article 18, point (g)

Article 18, point (h)',

read: 'Article 18(1), point (g)

Article 18(1), point (h)';

on page 136, column 'Directive 2002/83/EC', 10th row:

for: 'Articles 28 and 28, point (a)',

read: 'Articles 28 and 28a';

on page 136, column 'Directive 2002/83/EC', final row:

for: 'Article 13(3), FIRST AND SECOND subparagraphs 1 and 2(a) and (b)',

read: 'Article 13(3), first subparagraph and second subparagraph, points (a) and (b)';

on page 148, column 'This Directive', fourth row:

for: 'Article 210(1), point (f)',

read: 'Article 212(1), point (f)';

on page 148, column 'This Directive', fifth row:

for: 'Article 210(1), point (g)',

read: 'Article 212(1), point (g)';

on page 152, column 'Directive 2002/83/EC', 8th row:

for: 'Article 19(1), SECOND SUBPARAGRAPH, second indent',

read: 'Article 19(1), first subparagraph, second indent'.

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



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

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