

Official Journal

of the European Union

L 3



English edition

Legislation

Volume 60

6 January 2017

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EN

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2017/5

of 5 January 2017

**making imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel
originating in Russia and Brazil subject to registration**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union ⁽¹⁾ ('the basic Regulation'), and in particular Article 14(5) thereof,

After informing the Member States,

Whereas:

- (1) On 7 July 2016, the European Commission ('the Commission') announced by a notice published in the *Official Journal of the European Union* ⁽²⁾, the initiation of an anti-dumping proceeding concerning imports of certain hot-rolled flat steel products originating in Brazil, Iran, Russia, Serbia and Ukraine following a complaint lodged on 23 May 2016 by EUROFER ('the complainant') on behalf of producers representing more than 25 % of the total Union production of certain hot-rolled flat steel products of iron, non-alloy or other alloy steel.

1. PRODUCT CONCERNED

- (2) The product subject to registration ('the product concerned') is certain flat-rolled products of iron, non-alloy steel or other alloy steel, whether or not in coils (including 'cut-to-length' and 'narrow strip' products), not further worked than hot-rolled, not clad, plated or coated, originating in Brazil, Iran, Russia, Serbia and Ukraine ('the countries concerned').
- (3) The product concerned does not include:
- products of stainless steel and grain-oriented silicon electrical steel,
 - products, not in coils, without patterns in relief, of a thickness exceeding 10 mm and of a width of 600 mm or more,
 - and products, not in coils, without patterns in relief, of a thickness of 4,75 mm or more but not exceeding 10 mm and of a width of 2 050 mm or more.
- (4) The product concerned is currently falling within CN codes 7208 10 00, 7208 25 00, 7208 26 00, 7208 27 00, 7208 36 00, 7208 37 00, 7208 38 00, 7208 39 00, 7208 40 00, 7208 52 10, 7208 52 99, 7208 53 10, 7208 53 90, 7208 54 00, 7211 13 00, 7211 14 00, 7211 19 00, ex 7225 19 10, 7225 30 10, 7225 30 30, 7225 30 90, ex 7225 40 12, ex 7225 40 15, ex 7225 40 60, 7225 40 90, ex 7226 19 10, ex 7226 20 00, 7226 91 20, 7226 91 91 and 7226 91 99. These CN codes are given for information only.

⁽¹⁾ OJ L 176, 30.6.2016, p. 21.

⁽²⁾ Notice of initiation of an anti-dumping proceeding concerning imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in Brazil, Iran, Russia, Serbia and Ukraine (OJ C 246, 7.7.2016, p. 7).

2. REQUEST

- (5) On 11 October 2016, the complainant submitted a request for registration of imports of the product concerned originating in the countries concerned. On 21 November 2016, the complainant updated the request by providing more recent financial data. The complainant requested that imports of the product concerned from the countries concerned are made subject to registration so that measures may subsequently be applied against those imports from the date of such registration.
- (6) Following this request, four interested parties came forward, alleging that the initial request for registration from the complainant did not contain sufficient evidence to justify the registration of imports of the product concerned from respectively Iran ⁽³⁾, Russia ⁽⁴⁾, Serbia ⁽⁵⁾ and Ukraine ⁽⁶⁾.

3. GROUNDS FOR THE REGISTRATION

- (7) According to Article 14(5) of the basic Regulation, the Commission may direct the customs authorities to take the appropriate steps to register imports, so that measures may subsequently be applied against those imports. Imports may be made subject to registration following a request from the Union industry, which contains sufficient evidence to justify such action.
- (8) The complainant claimed that importers were well aware of dumping practices which stretched over an extended period of time and were causing injury to the Union industry. Imports from the countries concerned were causing injury to the Union industry and there was a substantial increase in the level of these imports, even following the investigation period. This would seriously undermine the remedial effect of the anti-dumping duty, if such a duty is to be applied.
- (9) The Commission examined the request in the light of Article 10(4) of the basic Regulation. In particular, it verified whether the importers were aware of, or should have been aware of, the dumping as regards the extent of the dumping and the injury alleged or found. It also analysed whether there was a further substantial rise in imports which, in the light of its timing and volume and other circumstances, is likely to seriously undermine the remedial effect of the definitive anti-dumping duty to be applied.

3.1. Awareness of the importers of the dumping, the extent thereof and the alleged injury

- (10) The EUROFER complaint of 23 May 2016 contained sufficient *prima facie* evidence on alleged dumping from the five countries concerned. The non-confidential version of the complaint estimated dumping margins to exceed at least 20 % for the five countries concerned. For four (Brazil, Iran, Russia and Ukraine) out of the five countries concerned, the complainant provided in the complaint evidence on the normal value based on the pricing information of either Steel First or other market reports. For the one remaining country concerned (Serbia), the complainant provided evidence on a constructed normal value (estimated manufacturing costs, SG&A and profit). The evidence of dumping is based on a comparison of the normal values thus established with the export price (at ex-works level) of the product concerned when sold for export to the Union. The export prices for the countries concerned were determined on the basis of either information from Steel First or established using Eurostat data. The complaint also provided *prima facie* evidence of alleged injury.
- (11) These points were spelled out in the notice of initiation for this proceeding on 7 July 2016 ⁽⁷⁾. As this notice is a public document accessible to all importers the Commission considered that the importers were aware, or should have been aware of the alleged dumping practices, the extent thereof and the alleged injury at the latest at that moment. It thus concluded that the first criterion for registration was met.

⁽³⁾ Submission of 9 November 2016 by Mobarakeh Steel Company.

⁽⁴⁾ Submission of 10 November 2016 by MMK Group and Severstal Group.

⁽⁵⁾ Submission of 28 October 2016 by Zelezara Smederevo d.o.o.

⁽⁶⁾ Submission of 5 December 2016 by Metinvest Group.

⁽⁷⁾ Section 3 of the notice of initiation (see footnote 2).

3.2. Further substantial rise in imports

- (12) In its updated request for registration, the complainant compared the aggregate average monthly volume of imports of the product concerned from all countries concerned in the period 1 July 2015-30 June 2016 with the period from 1 July 2016-31 October 2016. This comparison showed an increase of 24 % in average monthly import volume from the five countries concerned.
- (13) The Commission considered that it was inappropriate to use data from the month of July 2016. As explained in recital 12, the importers should have been aware of alleged dumping and injury only as of 7 July. Taking data prior to that date cannot be conclusive for a registration exercise. Given that import statistics are done on a monthly basis, the Commission thus decided to compare the average volumes of imports from the countries concerned during the period 1 July 2015 to 30 June 2016 with the period of 1 August 2016 to 30 November 2016 (i.e. 4 months following the initiation on 7 July 2016).
- (14) For that period, the Commission observed a substantial increase of 14 % for the countries concerned when comparing the total average monthly volume of imports. However, at the same time, the Commission noted significant differences between the five country's individual export performances, highlighted in the different submissions referred to in recital 6.
- (15) In particular, the increase of 14 % of total monthly *average* volumes of imports for the five countries concerned for the period as mentioned under recital 13 was the combined effect of a substantial rise in Russian imports (+ 73 %) and in Brazilian imports (+ 26 %), a decrease in imports from two other countries concerned (Ukraine and Iran) and a status quo for Serbia in imports of the product concerned.
- (16) Hence, the increase in volume of the dumped imports from the five countries concerned is fully attributable to the substantial increase in volumes of the Russian and Brazilian imports only. Under these exceptional circumstances, the Commission saw no reason to register imports for the other three countries as well. Even if the Commission was to conduct a cumulative assessment of injury from all five countries under Article 3(4) of the basic Regulation in the main investigation, a retroactive imposition of duties for imports from countries where exports have stagnated or even decreased after the initiation of the case would seem to be disproportionate. Hence, the Commission concluded that registration for such imports was not necessary either.

3.3. Other circumstances

- (17) In its complaint of 23 May 2016, the complainant had included *prima facie* evidence on the decreasing trend of the import sales prices for the countries concerned. The average sales prices to the Union decreased between 2011 and 2015, undercutting as such the average sales prices of the Union steel producers by 30 % at least. As a whole, and given the extent of the dumping margins alleged in the complaint, the evidence provided sufficient support at this stage that the exporters from the countries concerned practise dumping. However, in its registration request of 11 October 2016, the complainant did not include any updated information on import prices following the initiation of the present investigation.
- (18) The Commission considered that the price evolution after the initiation of the case constitutes another relevant circumstance for a registration request. Therefore, it analysed import prices on the basis of figures in Eurostat. It established that the import prices of the countries concerned went up to a certain degree following the initiation of the present investigation.
- (19) Assessing this rising trend of import prices from Russia and Brazil, the Commission found that the absolute level of those prices remained still at a critically low level. In particular, it was lower than the costs of production of the Union industry at the end of 2015, as established by the Commission in the parallel HRF case on China ⁽⁸⁾. Under these circumstances, the Commission concluded that registration of imports from those two countries is warranted.

⁽⁸⁾ Commission Implementing Regulation (EU) 2016/1778 of 6 October 2016 imposing a provisional anti-dumping duty on imports of certain hot-rolled flat products of iron, non-alloy or other alloy steel originating in the People's Republic of China (OJ L 272, 7.10.2016, p. 33) (Table at recital 104).

3.4. Conclusion

- (20) In conclusion, the increase in volume of the dumped imports from the five countries concerned is fully attributable to the substantial increase in volumes of the Russian and Brazilian imports. In light of the timing, this substantial increase in the level of these Russian and Brazilian imports is likely to seriously undermine the remedial effect of any definitive duties, unless such duties would be applied retroactively.

4. PROCEDURE

- (21) In view of the above, the Commission concluded that there is sufficient *prima facie* evidence to justify making Russian and Brazilian imports of the product concerned subject to registration in accordance with Article 14(5) of the basic Regulation.
- (22) All interested parties are invited to make their views known in writing and to provide supporting evidence. Furthermore, the Commission may hear interested parties, provided that they make a request in writing and show that there are particular reasons why they should be heard.

5. REGISTRATION

- (23) Pursuant to Article 14(5) of the basic Regulation Russian and Brazilian imports of the product concerned should be made subject to registration for the purpose of ensuring that, should the investigation result in findings leading to the imposition of anti-dumping duties, those duties can, if the necessary conditions are fulfilled, be levied retroactively on the registered Russian and Brazilian imports in accordance with Article 10(4) of the basic Regulation.
- (24) The complainant estimated in the complaint an average dumping margin of 20-40 % for Russia and an average dumping margin of 40-70 % for Brazil. It also estimated an average underselling margin of 20-50 % for both Russia and Brazil for the product concerned. The estimated amount of possible future liability is set for Russia and Brazil at the level of the average dumping margin estimated on the basis of the complaint, i.e. 20-50 % ad valorem on the CIF import value of the product concerned.

6. PROCESSING OF PERSONAL DATA

- (25) Any personal data collected in the context of this registration will be treated in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽⁹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

1. The Customs authorities are hereby directed, pursuant to Article 14(5) of Regulation (EU) 2016/1036, to take the appropriate steps to register the imports into the Union of certain flat-rolled products of iron, non-alloy steel or other alloy steel, whether or not in coils (including 'cut-to-length' and 'narrow strip' products), not further worked than hot-rolled, not clad, plated or coated, originating in Brazil and Russia.

⁽⁹⁾ 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).

The product concerned does not include:

- products of stainless steel and grain-oriented silicon electrical steel,
- products, not in coils, without patterns in relief, of a thickness exceeding 10 mm and of a width of 600 mm or more,
- and products, not in coils, without patterns in relief, of a thickness of 4,75 mm or more but not exceeding 10 mm and of a width of 2 050 mm or more.

2. The product concerned currently falls within CN codes 7208 10 00, 7208 25 00, 7208 26 00, 7208 27 00, 7208 36 00, 7208 37 00, 7208 38 00, 7208 39 00, 7208 40 00, 7208 52 10, 7208 52 99, 7208 53 10, 7208 53 90, 7208 54 00, 7211 13 00, 7211 14 00, 7211 19 00, ex 7225 19 10, 7225 30 10, 7225 30 30, 7225 30 90, ex 7225 40 12, ex 7225 40 15, ex 7225 40 60, 7225 40 90, ex 7226 19 10, ex 7226 20 00, 7226 91 20, 7226 91 91 and 7226 91 99 (TARIC codes: 7225 19 10 90, 7225 40 12 95, 7225 40 15 95, 7225 40 60 90, 7226 19 10 90, 7226 20 00 95).

3. Registration shall expire 9 months following the date of entry into force of this Regulation.

4. All interested parties are invited to make their views known in writing, to provide supporting evidence or to request to be heard within 20 days from the date of publication of this Regulation.

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 all Member States.

Done at Brussels, 5 January 2017.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2017/6
of 5 January 2017
on the European Rail Traffic Management System European deployment plan

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU ⁽¹⁾, and in particular Article 47(2) thereof,

Whereas:

- (1) The aim of the European Rail Traffic Management System (ERTMS) European deployment plan is to ensure that vehicles referred to in point 1.1 of the Annex to Commission Regulation (EU) 2016/919 ⁽²⁾ equipped with ERTMS can gradually have access to an increasing number of lines, ports, terminals and marshalling yards without needing Class B systems in addition to ERTMS. The ERTMS European deployment plan established in the Commission Decision 2012/88/EU ⁽³⁾ should be adapted in order to take into account the state of ERTMS deployment made by the Member States, and to align it with the requirements of Article 39(2) of Regulation (EU) No 1315/2013 and with the definition of core network corridors provided for in Article 2(14) of Regulation (EU) No 1316/2013 of the European Parliament and of the Council ⁽⁴⁾. This plan in combination with the National Implementation Plan as referred to in point 7.4.4 of the Annex to Regulation (EU) 2016/919 should give sufficient visibility to the vehicles owners to allow appropriate business planning.
- (2) A deployment plan for the core network corridors should include stations, junctions, access to core maritime ports and inland ports, airports, rail/road terminals and infrastructure components as referred to in Article 11 of Regulation (EU) No 1315/2013 as they are essential to achieve interoperability in the European railway network.
- (3) Full compliance with Regulation (EU) 2016/919 is a critical prerequisite for ERTMS deployment. Member States have not yet reached this objective, in particular because they introduced national or project specific solutions.
- (4) For new ERTMS track-side deployment, Member States should use the most recent set of specifications, referred to in Annex A to Regulation (EU) 2016/919, which corrects errors and misinterpretations of the previous baseline, leads to simpler technical solutions and ensures compatibility with Baseline 3 on-board units.
- (5) Trackside implementation rules are complementary to the on-board implementation rules laid down in the Regulation (EU) 2016/919; therefore it is necessary to align the ERTMS European Deployment Plan with the technical specifications for interoperability relating to the control command and signalling subsystems set out in that Regulation.
- (6) ERTMS deployment at cross-border sections can be technically challenging and therefore should be the subject of priority intervention by the Union, the Member States and the infrastructure managers concerned. Rail freight corridors within the meaning in Regulation (EU) No 913/2010 of the European Parliament and of the Council ⁽⁵⁾ could also play a crucial role in ERTMS deployment on cross-border sections, in particular by implementing coordinated solutions.

⁽¹⁾ OJ L 348, 20.12.2013, p. 1.

⁽²⁾ Commission Regulation (EU) 2016/919 of 27 May 2016 on the technical specification for interoperability relating to the 'control-command and signalling' subsystems of the rail system in the European Union (OJ L 158, 15.6.2016, p. 1).

⁽³⁾ Commission Decision 2012/88/EU of 25 January 2012 on the technical specification for interoperability relating to the control-command and signalling subsystems (OJ L 51, 23.2.2012, p. 1).

⁽⁴⁾ Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 (OJ L 348, 20.12.2013, p. 129).

⁽⁵⁾ Regulation (EU) No 913/2010 of the European Parliament and of the Council of 22 September 2010 concerning a European rail network for competitive freight (OJ L 276, 20.10.2010, p. 22).

- (7) As synchronisation of cross-border deployment is an important element for the railway undertakings' business cases, the infrastructure managers concerned should sign an agreement ensuring coordination of deployment dates and technical solutions. In case of a disagreement, the Commission can provide support in identifying solutions.
- (8) In order to follow the progress of ERTMS deployment on the core network corridors, Member States should notify to the Commission the timely implementation of their sections by means of the TENtec system and the European Register of Infrastructure. Postponement of the relevant dates can be granted at the Member State's request and only in exceptional circumstances.
- (9) The revision of Regulation (EU) No 1316/2013 could have consequences on the alignment of the core network corridors. This Regulation should be reviewed accordingly. This Regulation sets out implementation dates of those corridor sections where ERTMS can be put into operation by 2023 at the latest. All dates beyond 2023 will be subject to review by 31 December 2023 in relation to the time horizon defined in Regulation (EU) No 1315/2013 with the objective of a realistic implementation timeline and to identify possibilities for earlier implementation dates.
- (10) As of the date of application of this Regulation, which is an implementing act within the meaning of Article 13 of Regulation (EU) 2016/919, points 7.3.1, 7.3.2, 7.3.2.1, 7.3.2.2, 7.3.2.4, 7.3.2.5, 7.3.2.6, 7.3.4 and 7.3.5 of Annex III to Decision 2012/88/EU will cease to apply. However, point 7.3.2.3 should not be covered by this Regulation, because it is beyond the scope of its legal basis. Therefore point 7.3.2.3 of Annex III to Decision 2012/88/EU should continue to apply until the adoption of another implementing act.
- (11) Regarding high-speed lines located on the core network corridors covered by this Regulation, if one of the conditions laid down in point 7.3.2.3 in Annex III to Decision 2012/88/EU is fulfilled before the date specified for the same section in Annex I, the railway infrastructure managers should fit ERTMS trackside on that section in accordance with that provision.
- (12) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 52 of Regulation (EU) No 1315/2013,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

1. This Regulation lays down the timetable for the deployment of the European Rail Traffic Management System ('ERTMS') on core network corridors as set out in Annex I.
2. This Regulation does not apply to ERTMS on-board implementation laid down in point 7.3.3 of Annex III to Decision 2012/88/EU.

Article 2

ETCS specific implementation rules regarding trackside installations

1. Railway infrastructure managers shall equip the core network corridors with ERTMS and put ERTMS into operation in those corridors at the latest by the dates specified in Annex I to this Regulation, including in railway stations and junctions. The railway link to the elements listed in Annex II of Regulation (EU) No 1315/2013 and to the infrastructure components as referred to in Article 11 of Regulation (EU) No 1315/2013 that are located on the core network corridor shall be equipped and put into operation at the date specified for the respective core network corridor section.

Deployment shall be in compliance with Articles 1(4), 7(2c) and 39(3) of Regulation (EU) No 1315/2013.

2. A core network corridor shall be considered equipped with ERTMS when ERTMS is authorised for the placing in service in accordance with Article 15 of Directive 2008/57/EC of the European Parliament and of the Council ⁽¹⁾ or Article 18 of Directive (EU) 2016/797 of the European Parliament and of the Council ⁽²⁾, allowing passenger and freight traffic in both directions in particular in case of works or disturbances, and, to the extent necessary for operations of ERTMS-only equipped vehicles, sidings.
3. Railway infrastructure managers, acting in cooperation, shall make an effort to equip and put into operation ERTMS on cross-border sections simultaneously, in a technically consistent manner. The railway infrastructure managers shall, after having consulted the railway undertakings affected, sign an agreement on technical and operational aspects of the deployment for each cross-border section. The railway infrastructure managers shall conclude such an agreement not later than one year before the earlier of the deployment dates for the given cross-border section. This agreement shall provide transitional provisions for taking into account the needs of the railway undertakings' cross-border operations. In case of a disagreement, the Member States concerned shall initiate an active dialogue in order to find common convergent solutions. They may request support from the Commission. The Member States shall notify such agreements to the Commission not later than one month after the conclusion.
4. The completion dates set out in agreements for projects co-funded by the Union which are earlier than the dates set out in Annex I shall prevail over those dates.
5. Member States may decide to keep the existing Class B systems, as defined in point 2.2 of the Annex to Regulation (EU) 2016/919. However, by the dates set out in Annex I, the vehicles referred to in point 1.1 of the Annex to Regulation (EU) 2016/919 which are equipped with ERTMS in a version compatible with the track-side equipment, shall be given access to those lines and to the infrastructure components as referred to in Article 11 of Regulation (EU) No 1315/2013 without requiring them to be equipped with a Class B system.

Article 3

Notifications

1. Once ERTMS is put into operation on a core network corridor section, the Member State concerned shall notify the Commission of that fact within one month, through the systems established under Article 49(1) of Regulation (EU) No 1315/2013 and Article 5(1) of Commission Implementing Decision 2014/880/EU ⁽³⁾.
2. Member States shall notify the Commission of any delays in putting ERTMS in operation on a given core network corridor section to be equipped. The railway infrastructure managers shall inform the Member States about those delays accordingly.
3. When notifying the delays referred in paragraph 2, the Member State concerned shall send to the Commission a file containing a technical description of the project and specifying a new date for putting ERTMS into operation. The file shall specify the causes for the delay and shall indicate the corrective measures taken by the railway infrastructure manager.
4. If the delay results from an exceptional circumstance, the Commission may accept to postpone the relevant date by a maximum of three years. If a postponement is granted, the Member State shall make the necessary amendments to its national implementation plan as referred to in point 7.4.4 of the Annex to Regulation (EU) 2016/919 within one month of granting that postponement.

Exceptional circumstance referred to in the first subparagraph means a circumstance resulting from the planning phase and which is related to specific geological findings, environmental or species protection, archaeological finds, permitting procedures, implementation of an environmental impact assessment pursuant to Directive 2014/52/EU of the European Parliament and of the Council ⁽⁴⁾; or a circumstance resulting from the construction and authorisation phases that are out of the control of the project promoter and do not fall into the category of the usual risks that should be addressed at project management level in this type of projects.

⁽¹⁾ Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community (OJ L 191, 18.7.2008, p. 1).

⁽²⁾ Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).

⁽³⁾ Commission Implementing Decision 2014/880/EU of 26 November 2014 on the common specifications of the register of railway infrastructure and repealing Implementing Decision 2011/633/EU (OJ L 356, 12.12.2014, p. 489).

⁽⁴⁾ Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (OJ L 124, 25.4.2014, p. 1).

5. If ERTMS specifications set out in Regulation (EU) 2016/919 are changed by legislative act in an incompatible way the Member States shall provide the Commission with an analysis of the impact of the application of the modified legal reference on their network and on the ERTMS planning without unreasonable delay, but at latest at the time of the formal opinion of the Committee referred to in Article 51 of Directive (EU) 2016/797. If a direct impact of the changes can be demonstrated in terms of cost or timeline for specific implementations, Annex I shall be adapted accordingly.

Article 4

Review

Not later than 31 December 2023, the Commission shall, after consultation with the Member States, and with the assistance of the European ERTMS Coordinator referred to in Article 45 of Regulation (EU) No 1315/2013, carry out a review of the dates after 1 January 2024 that are laid down in Annex I to this Regulation.

Article 5

References

References to Annex III to Decision 2012/88/EU shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex II.

Article 6

Entry into force

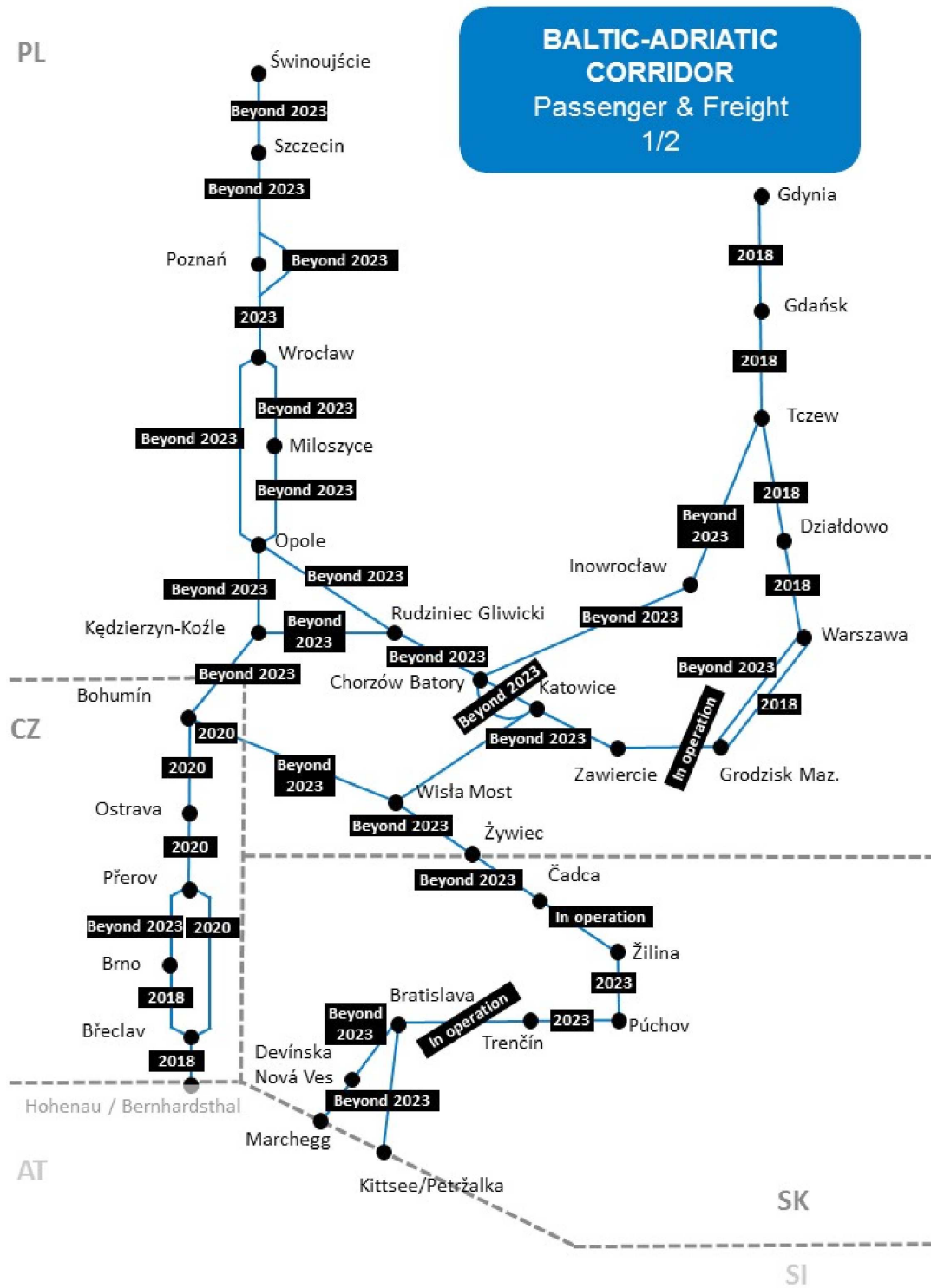
This Regulation shall enter into force on 26 January 2017.

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

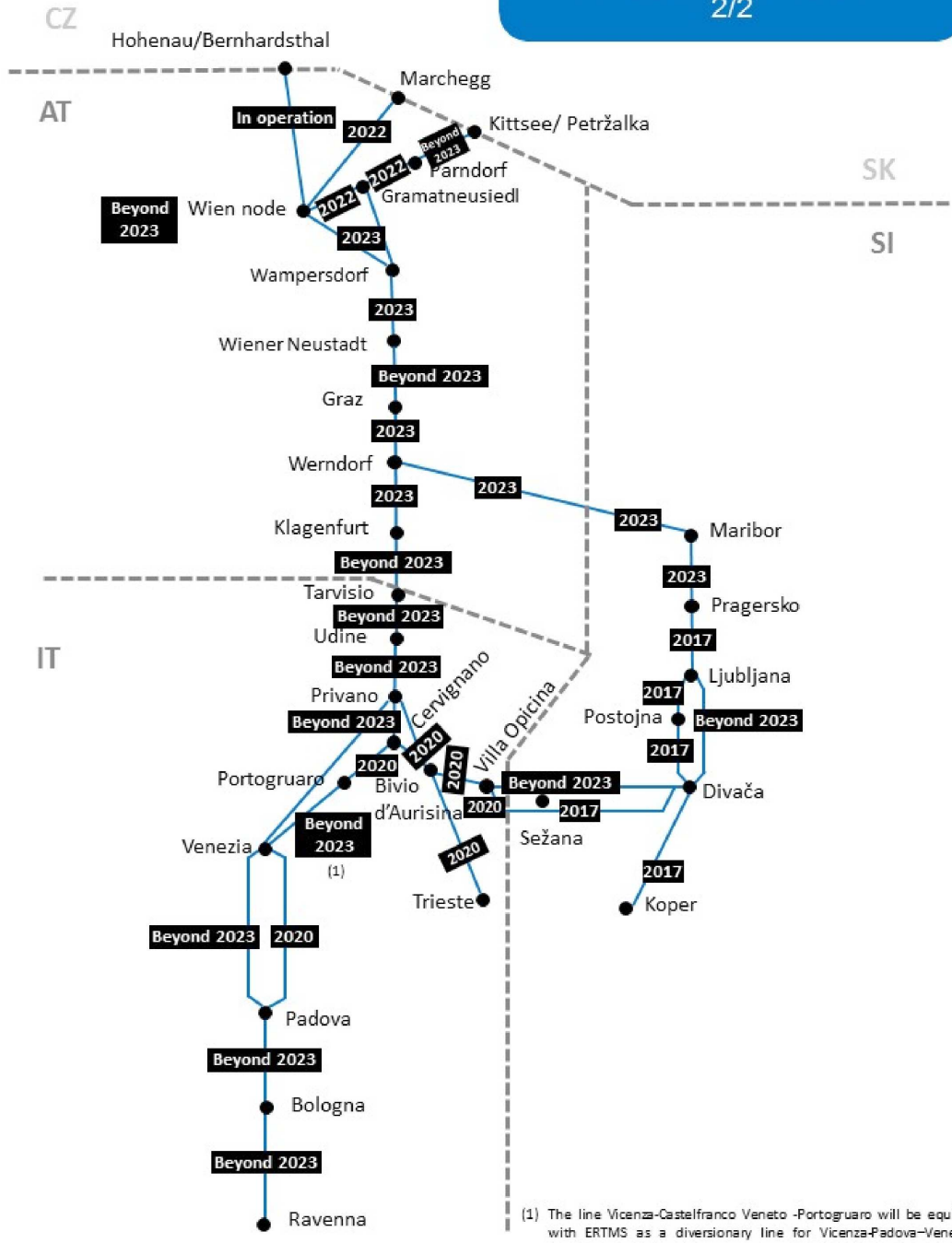
Done at Brussels, 5 January 2017.

For the Commission
The President
Jean-Claude JUNCKER

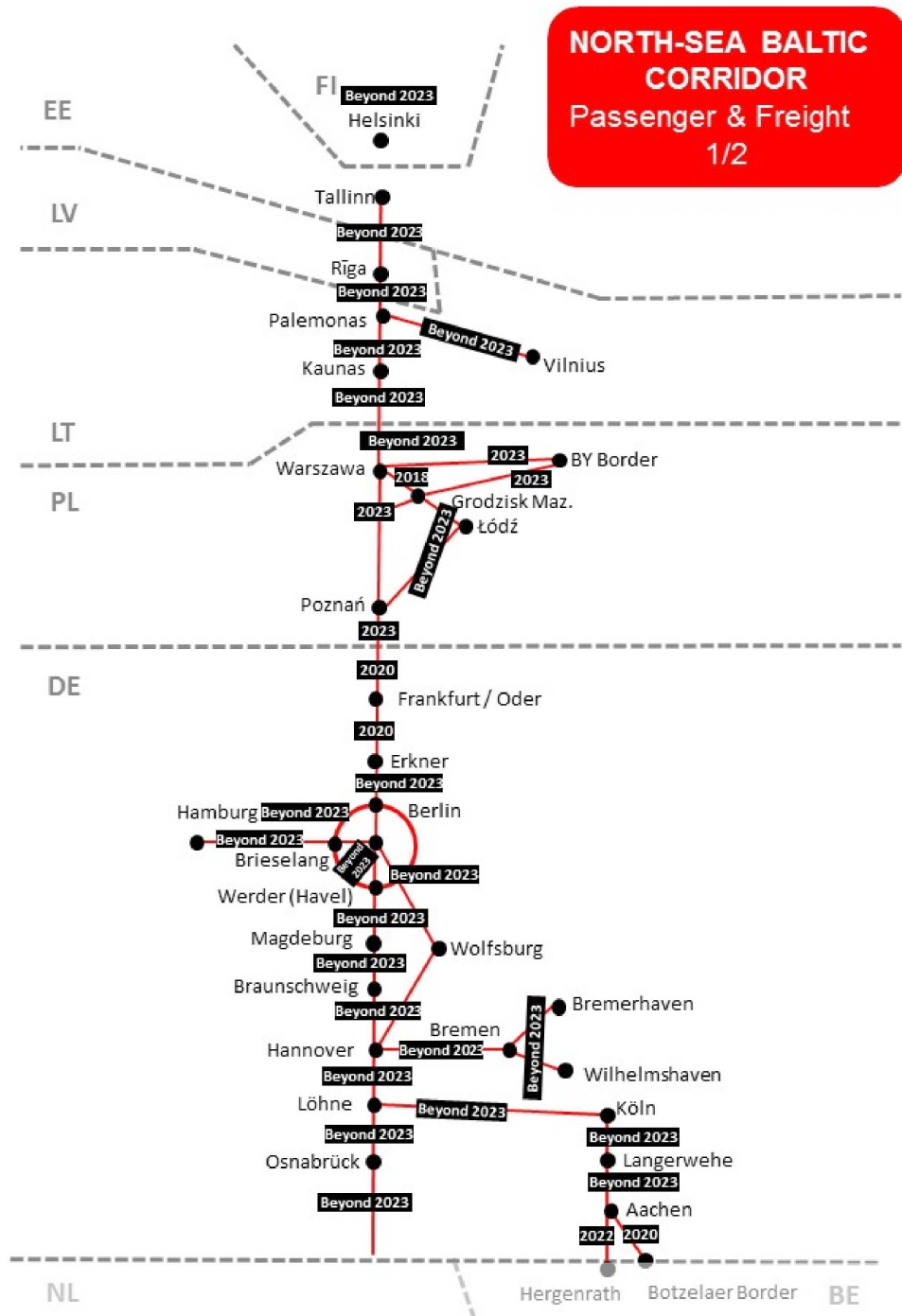
ANNEX I

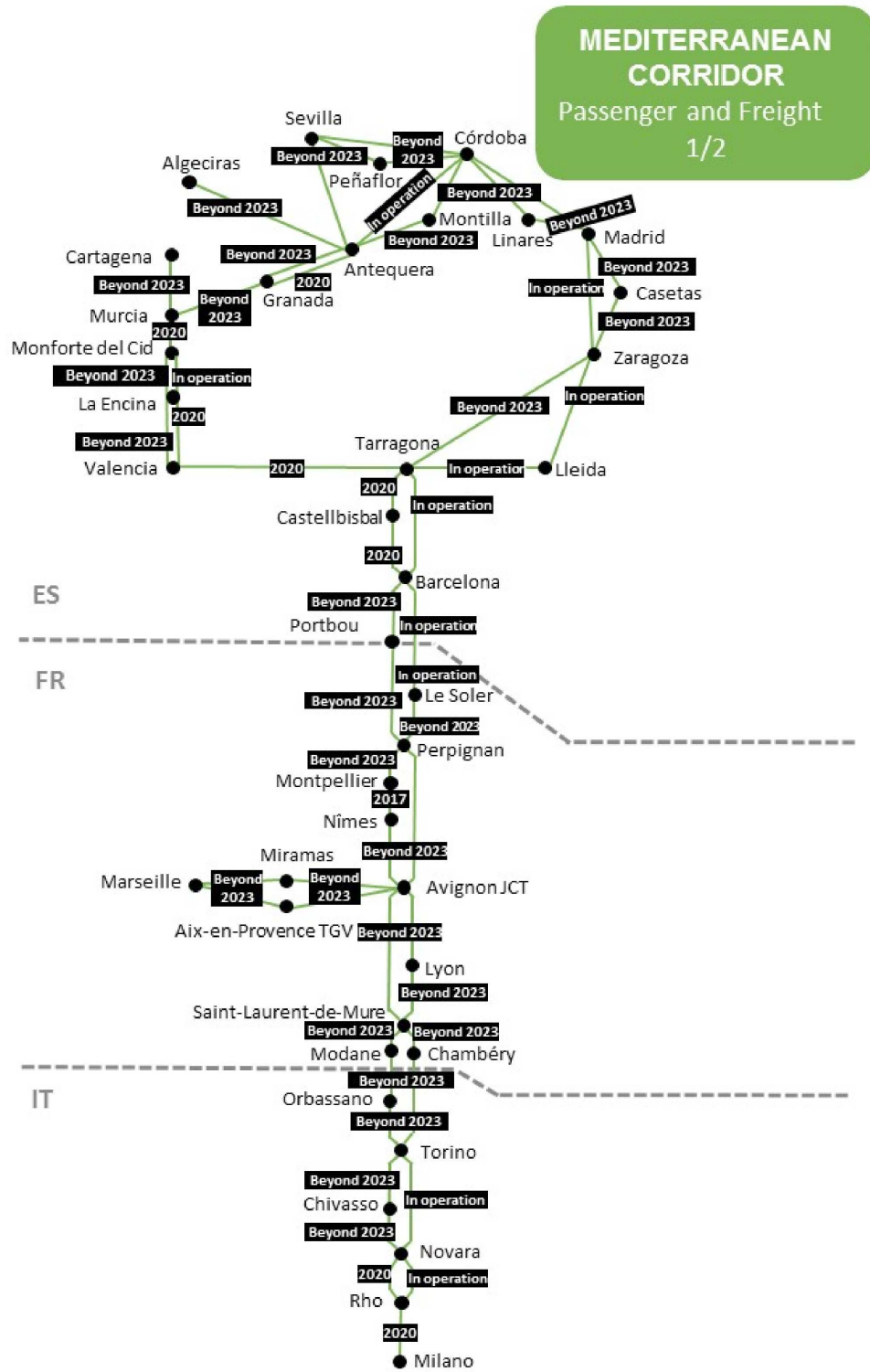


**BALTIC-ADRIATIC
CORRIDOR**
Passenger & Freight
2/2

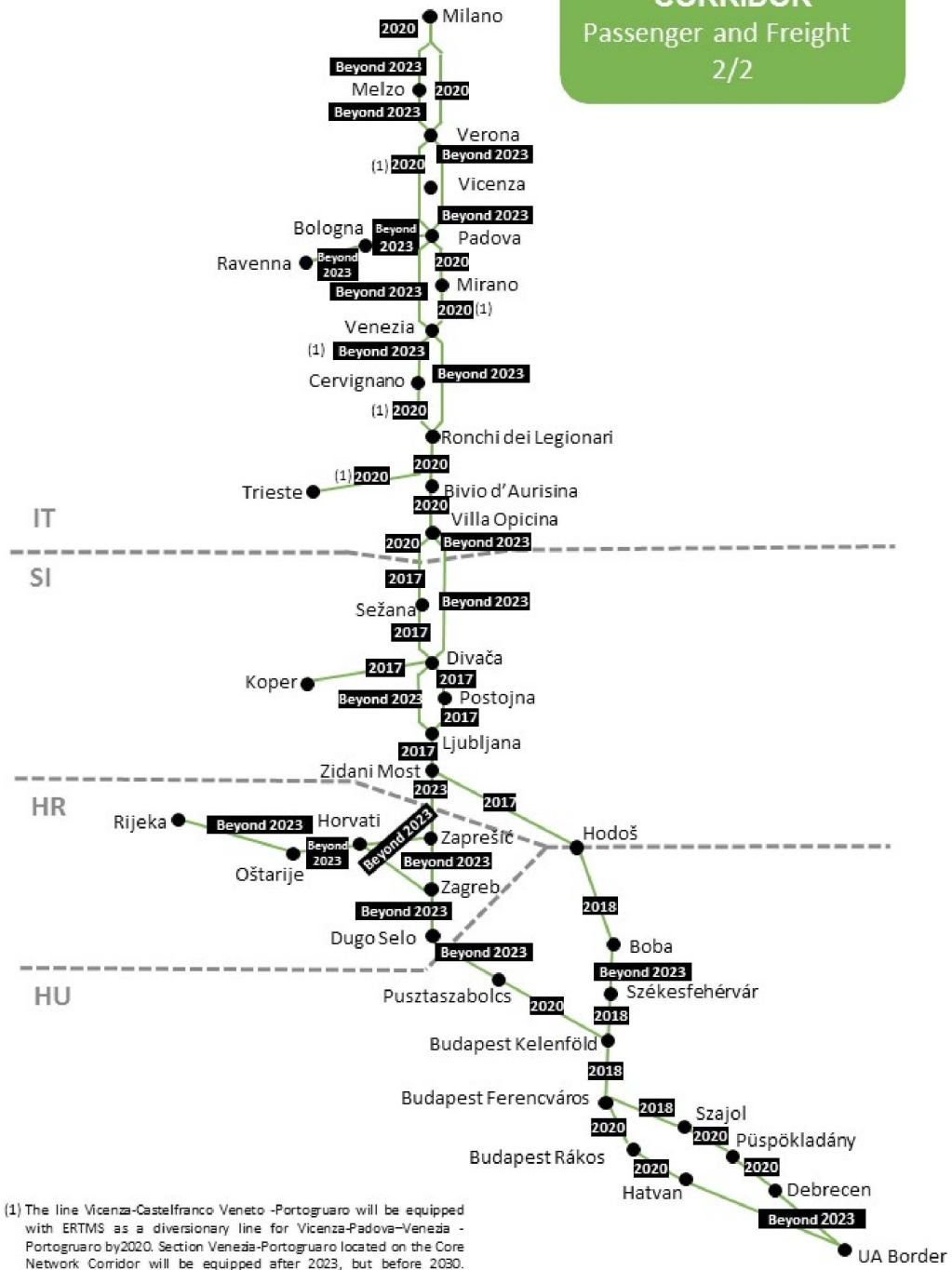


(1) The line Vicenza-Castelfranco Veneto -Portogruaro will be equipped with ERTMS as a diversionary line for Vicenza-Padova-Venezia - Portogruaro by 2020. Section Venezia-Portogruaro located on the Core Network Corridor will be equipped after 2023, but before 2030.

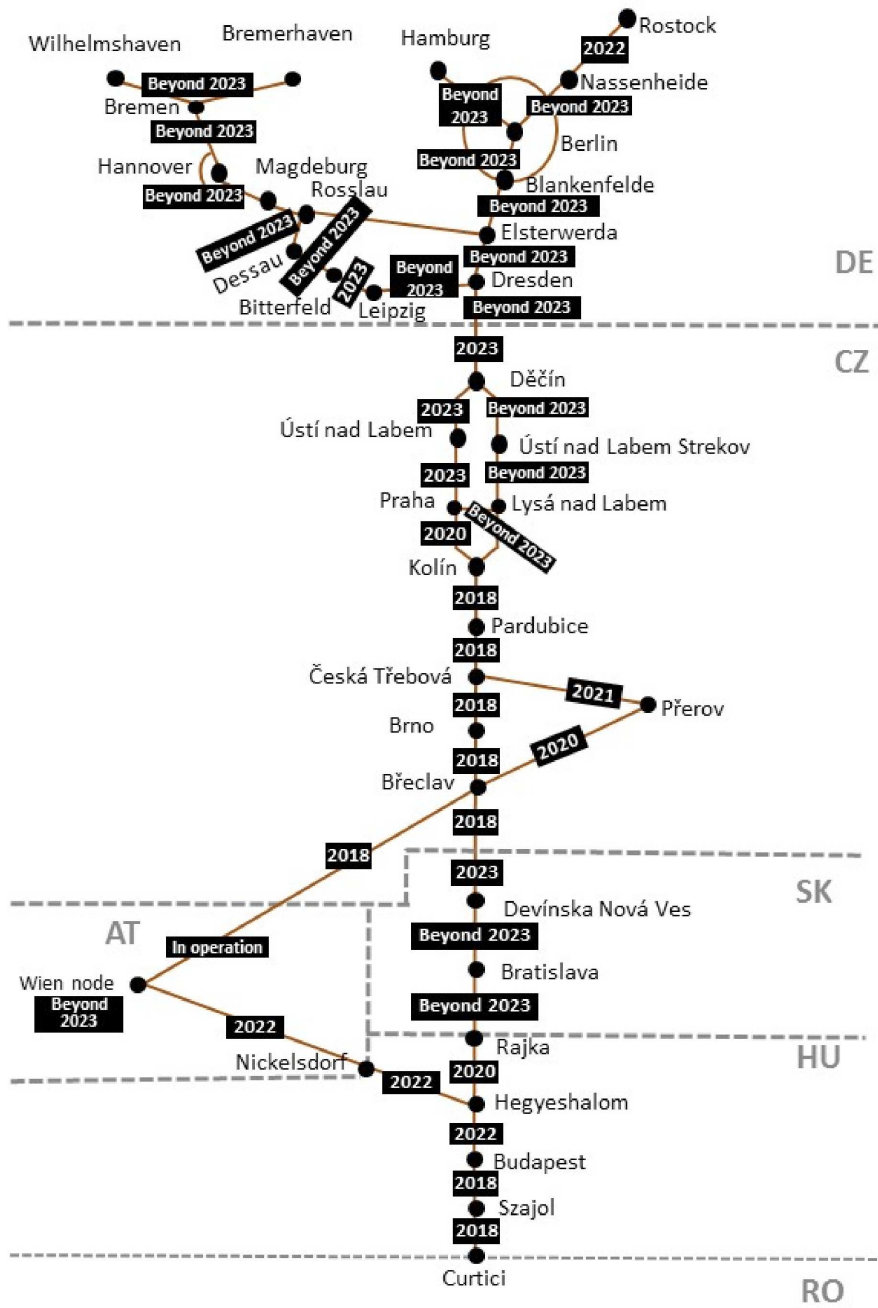


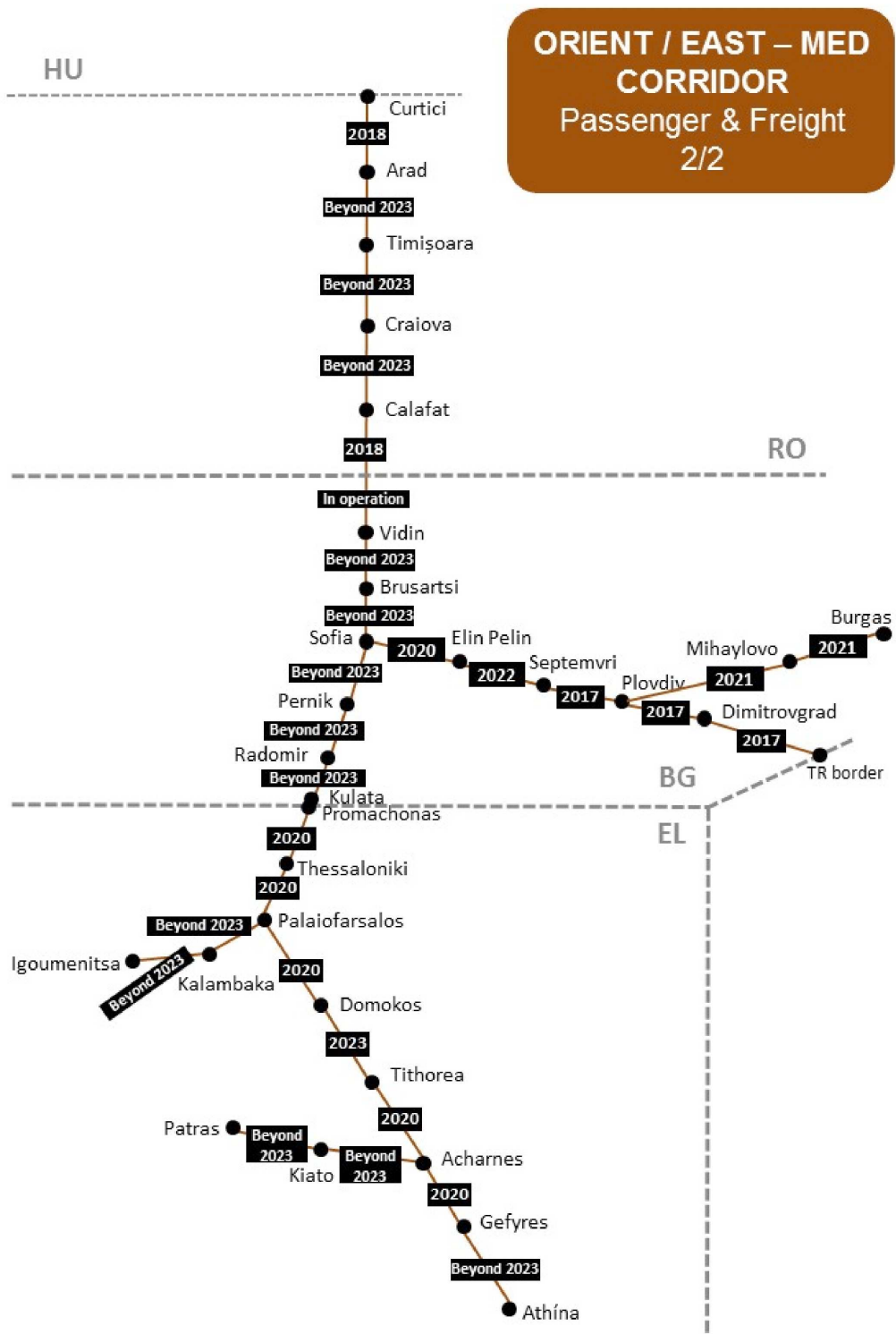


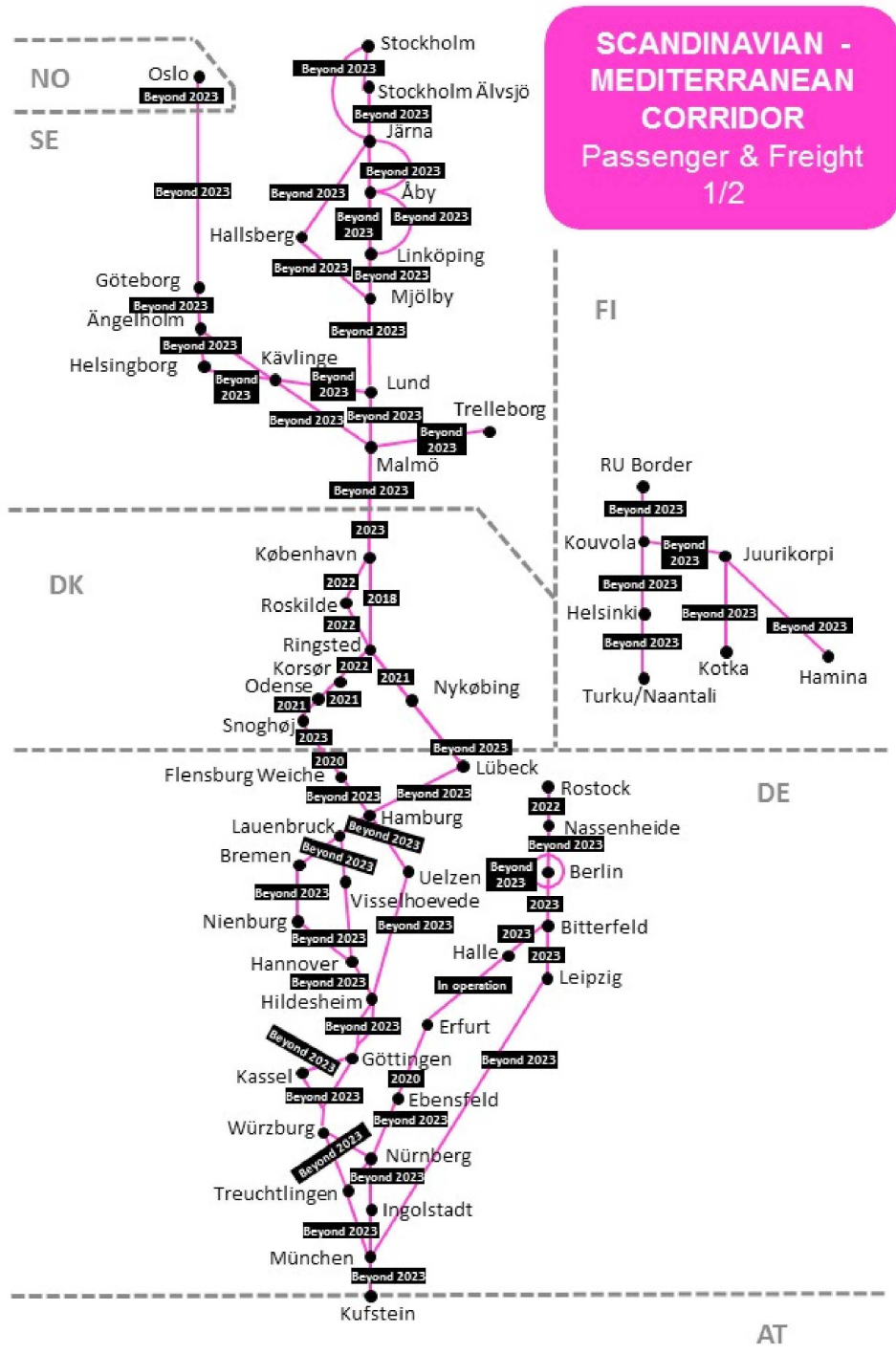
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Passenger and Freight
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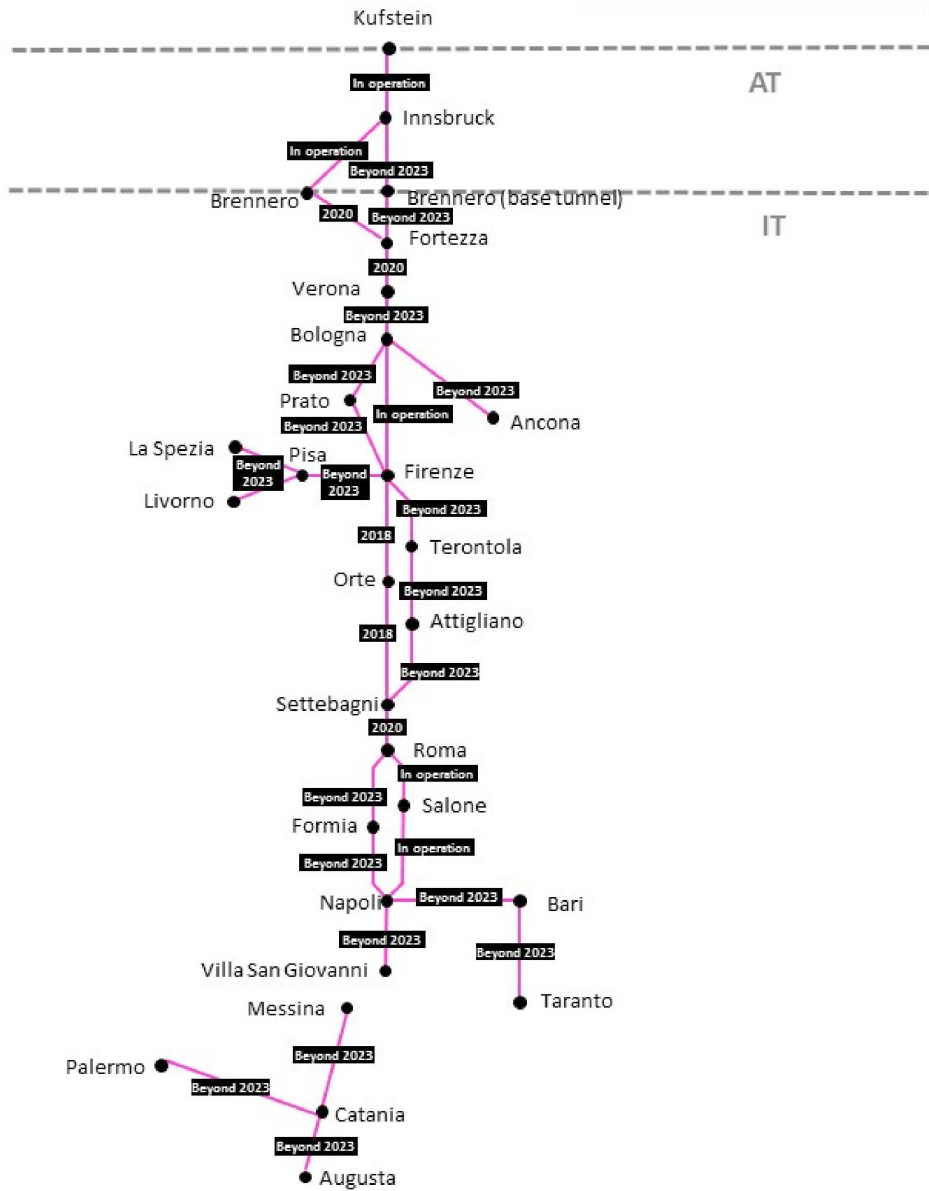
**ORIENT / EAST – MED
CORRIDOR
Passenger & Freight
1/2**

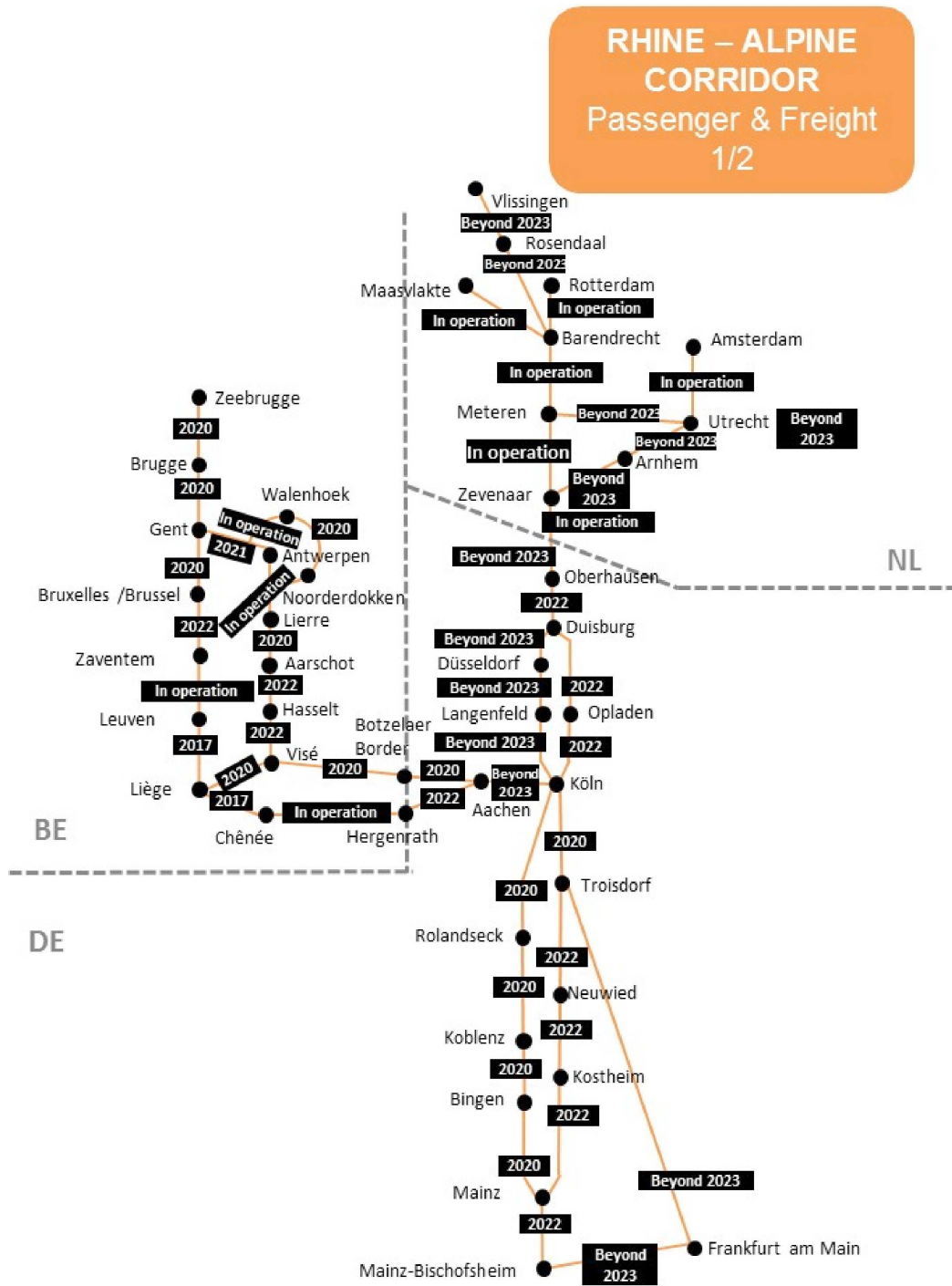




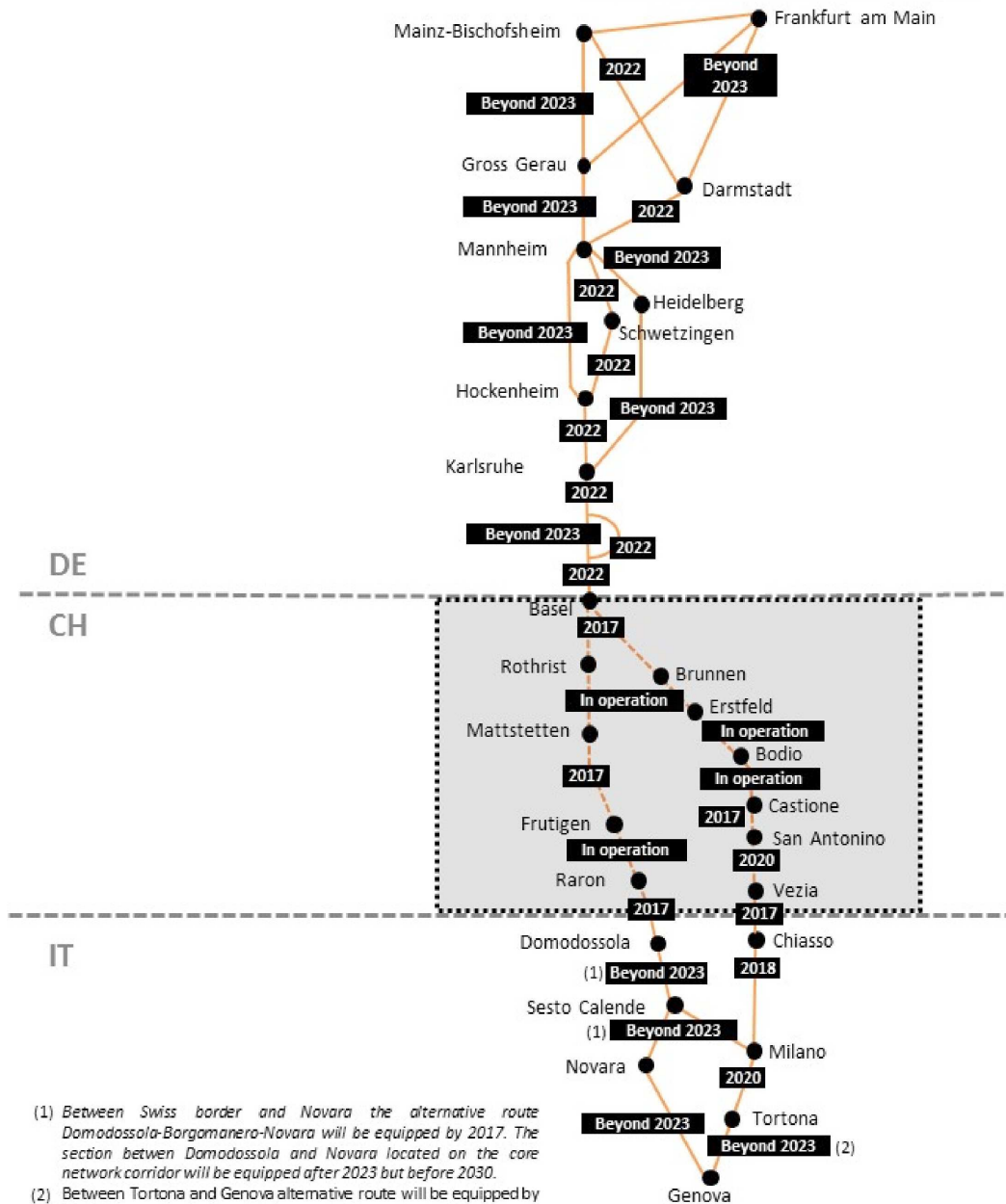


**SCANDINAVIAN -
MEDITERRANEAN
CORRIDOR**
Passenger & Freight
2/2



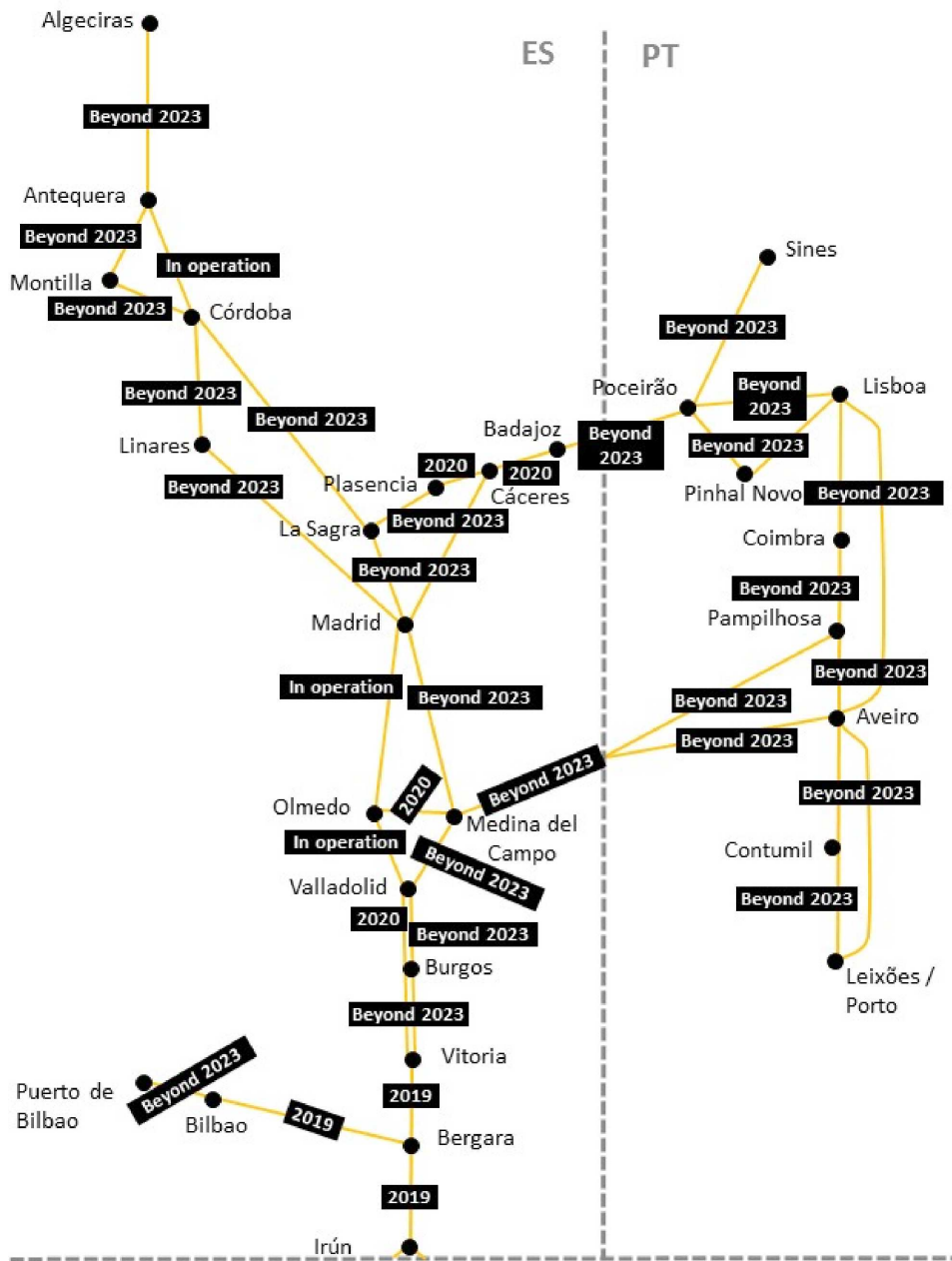


**RHINE – ALPINE
CORRIDOR**
Passenger & Freight
2/2

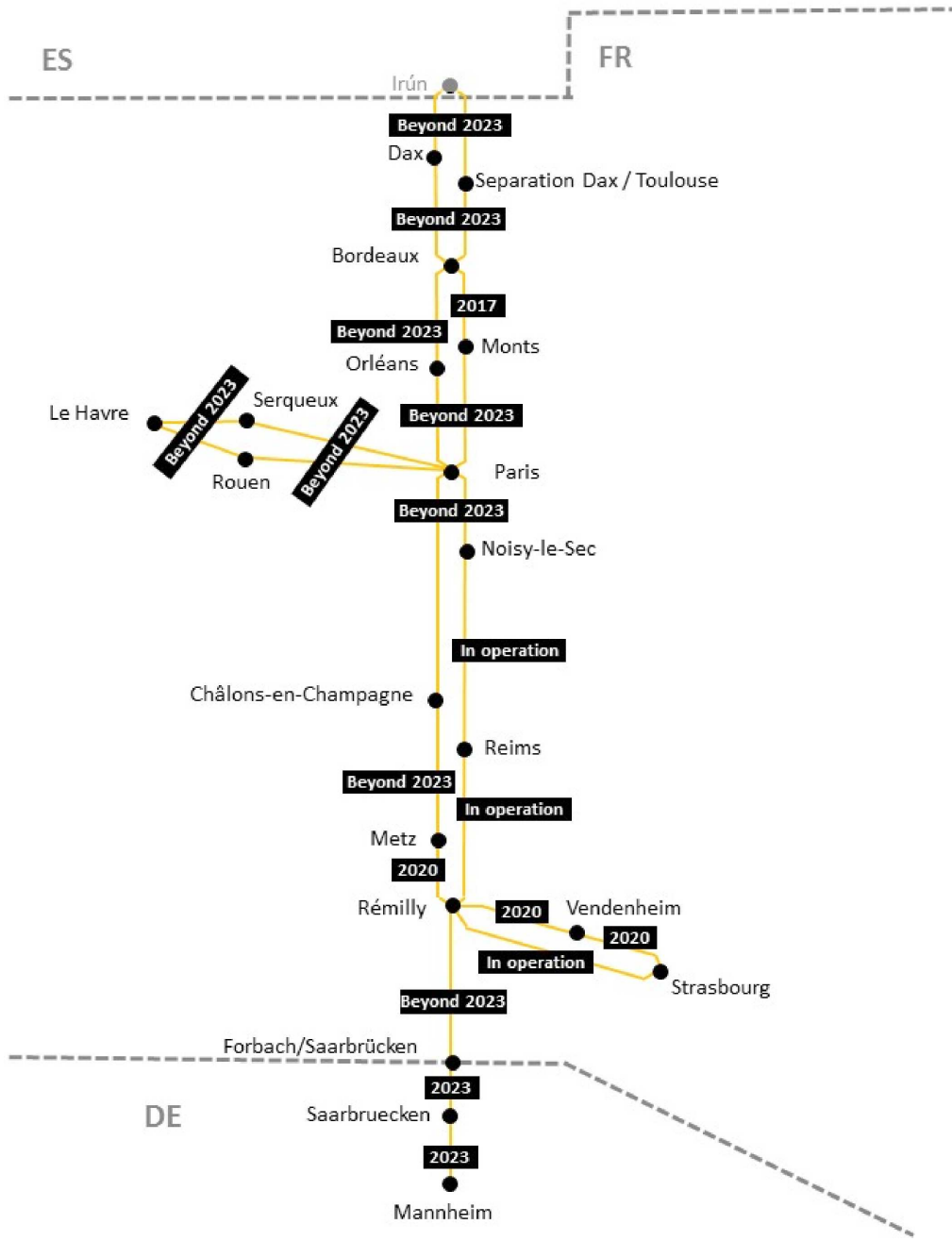


(1) Between Swiss border and Novara the alternative route Domodossola-Borgomanero-Novara will be equipped by 2017. The section between Domodossola and Novara located on the core network corridor will be equipped after 2023 but before 2030.
 (2) Between Tortona and Genova alternative route will be equipped by 2020. The section between Tortona and Genova located on the core network corridor will be equipped after 2023 but before 2030.

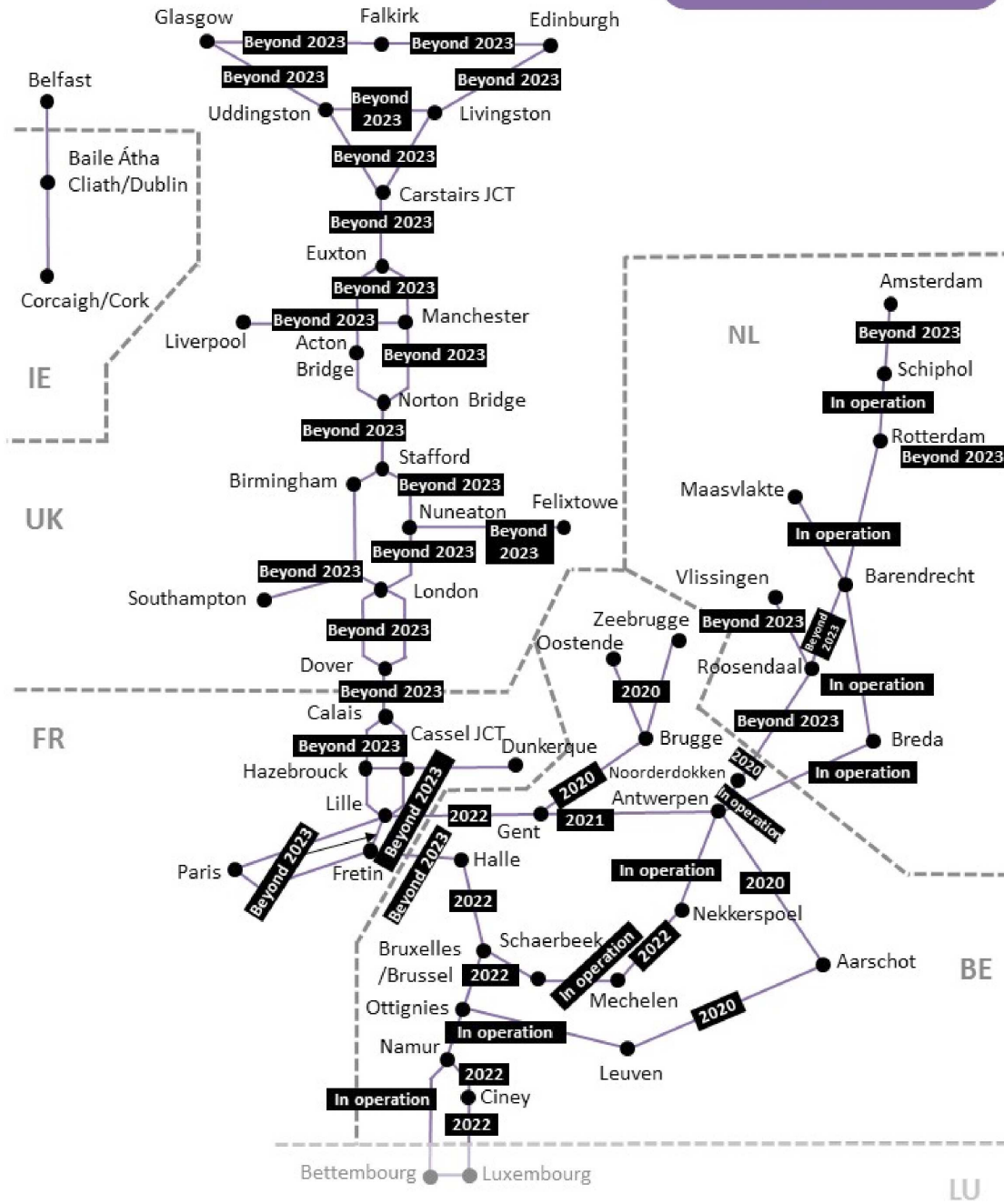
ATLANTIC CORRIDOR
Passenger & Freight
1/2



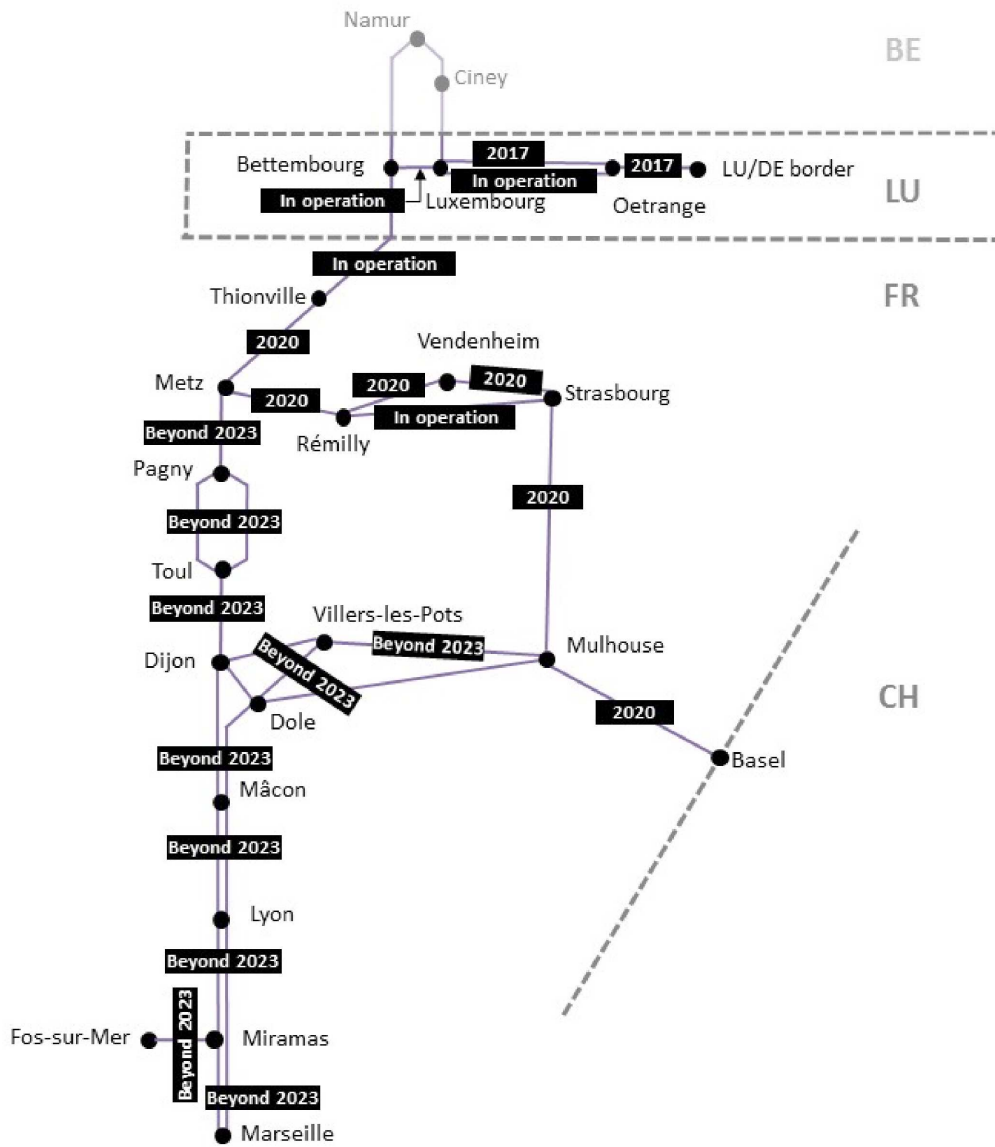
ATLANTIC CORRIDOR
Passenger & Freight
2/2

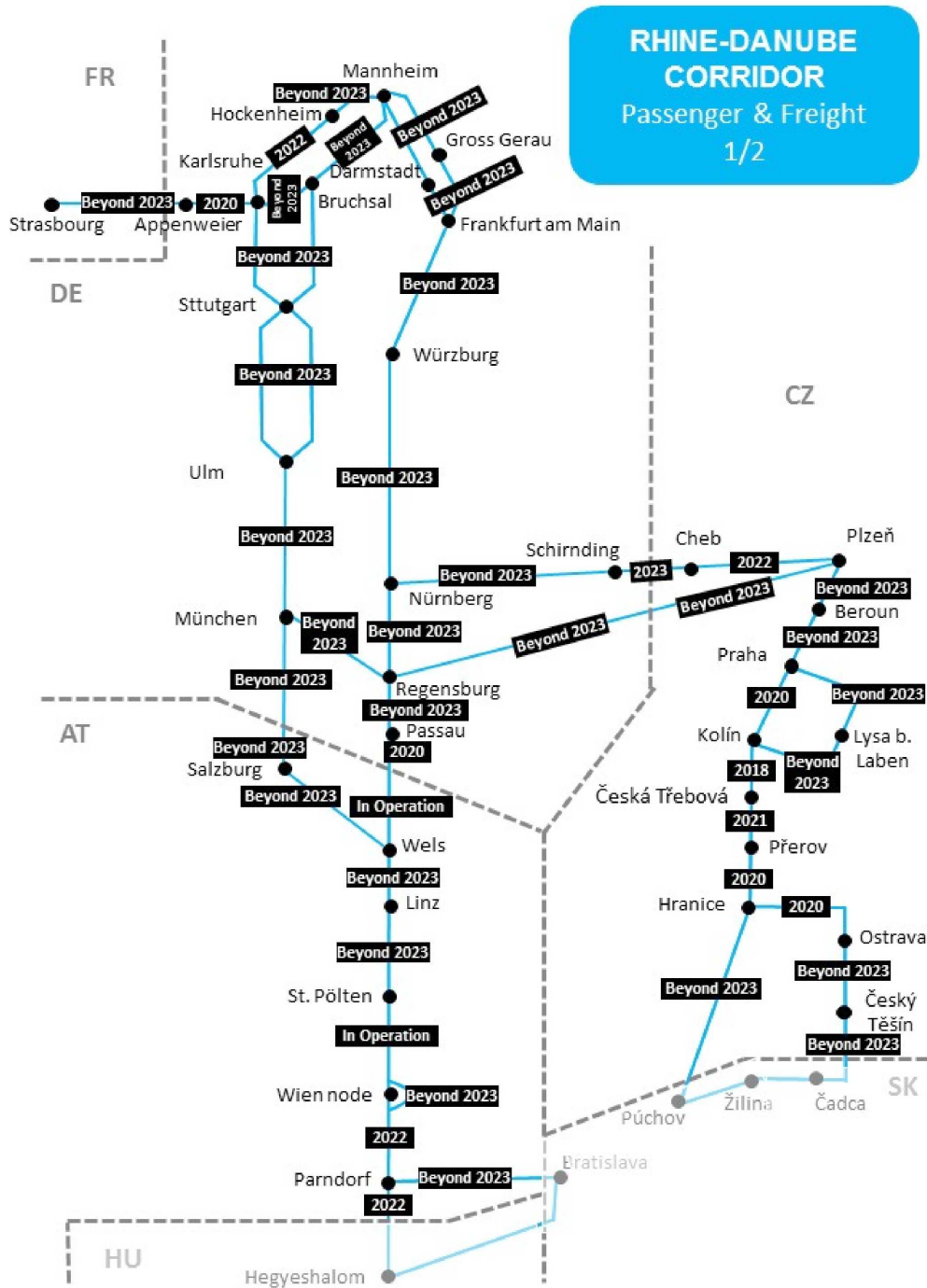


**NORTH SEA – MED
CORRIDOR
Passenger & Freight
1/2**



**NORTH SEA – MED
CORRIDOR**
Passenger & Freight
2/2

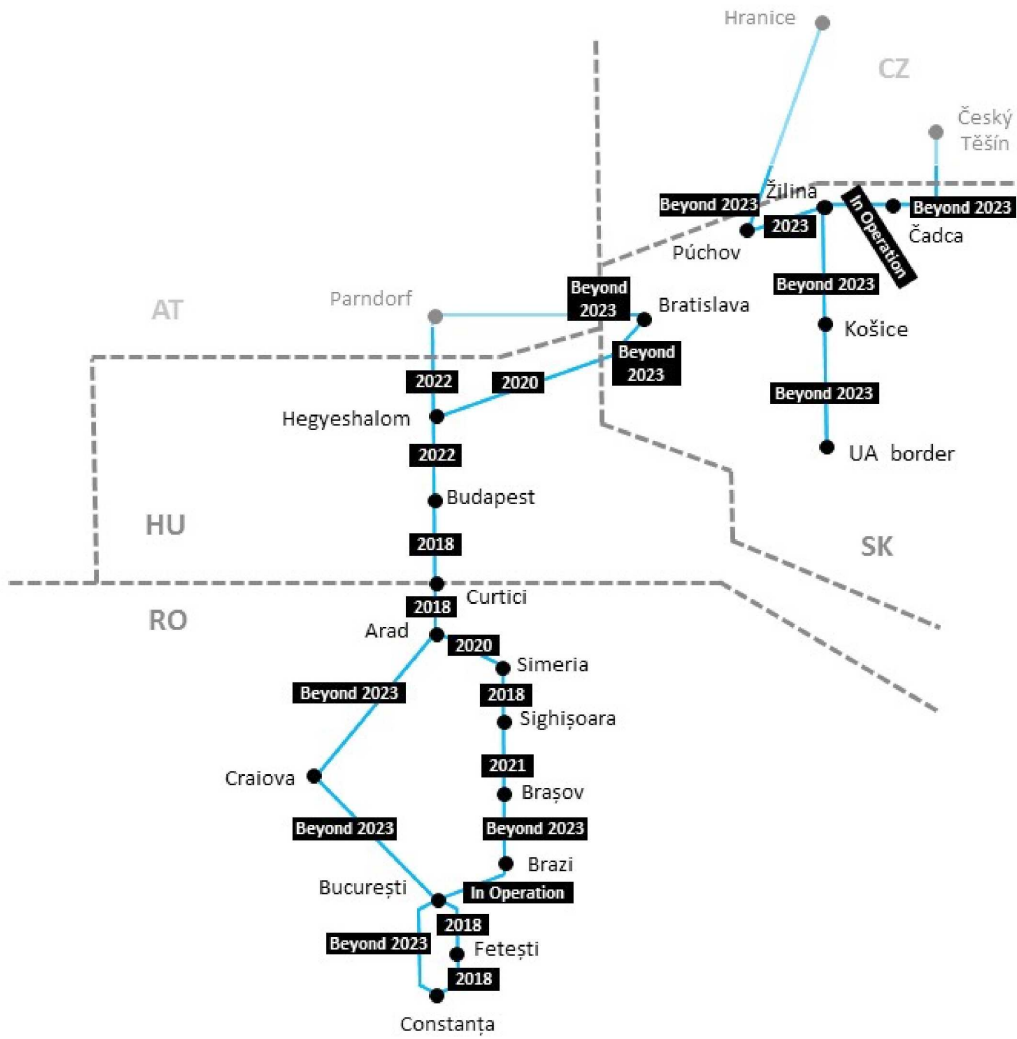




RHINE-DANUBE CORRIDOR

Passenger & Freight

2/2



ANNEX II

Correlation table

Decision 2012/88/EU	This Regulation
Point 7.3.1 of Annex III	Article 1
Point 7.3.2 of Annex III	Article 1 and 2
Point 7.3.2.1 of Annex III	Article 2(1)
Point 7.3.2.2 of Annex III	Article 2(1)
Point 7.3.2.4 of Annex III	—
Point 7.3.2.5 of Annex III	Article 3(1)
Point 7.3.2.6 of Annex III	Article 3(2), (3) and (4)
Point 7.3.4 of Annex III	Annex I
Point 7.3.5 of Annex III.	Article 2(1)

COMMISSION IMPLEMENTING REGULATION (EU) 2017/7**of 5 January 2017****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 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⁾,

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, 5 January 2017.

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

Jerzy PLEWA

Director-General

Directorate-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	269,9
	MA	96,4
	SN	188,2
	TR	111,6
	ZZ	166,5
0707 00 05	MA	85,5
	TR	161,7
	ZZ	123,6
0709 91 00	EG	134,8
	ZZ	134,8
0709 93 10	MA	165,5
	TR	176,1
	ZZ	170,8
0805 10 20	EG	48,9
	MA	54,8
	TR	80,1
	ZZ	61,3
0805 20 10	IL	171,2
	MA	67,6
	ZZ	119,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	164,1
	TR	97,5
	ZZ	130,8
0805 50 10	TR	81,6
	ZZ	81,6
0808 10 80	US	105,5
	ZZ	105,5
0808 30 90	TR	133,1
	ZZ	133,1

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

COMMISSION IMPLEMENTING REGULATION (EU) 2017/8**of 5 January 2017****on the minimum selling price for skimmed milk powder for the second partial invitation to tender within the tendering procedure opened by Implementing Regulation (EU) 2016/2080**

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⁾,Having regard to Commission Implementing Regulation (EU) 2016/1240 of 18 May 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage ⁽²⁾, and in particular Article 32 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2016/2080 ⁽³⁾ has opened the sale of skimmed milk powder by a tendering procedure.
- (2) In the light of the tenders received for the second partial invitation to tender, a minimum selling price should not be fixed.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

For the second partial invitation to tender for the selling of skimmed milk powder within the tendering procedure opened by Implementing Regulation (EU) 2016/2080, in respect of which the period during which tenders were to be submitted ended on 3 January 2017, a minimum selling price has not been fixed.

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, 5 January 2017.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General*

Directorate-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 206, 30.7.2016, p. 71.

⁽³⁾ Commission Implementing Regulation (EU) 2016/2080 of 25 November 2016 opening the sale of skimmed milk powder by a tendering procedure (OJ L 321, 29.11.2016, p. 45).

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2017/9

of 4 January 2017

authorising certain laboratories in Morocco and Taiwan to carry out serological tests to monitor the effectiveness of rabies vaccines in dogs, cats and ferrets

(notified under document C(2016) 8803)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2000/258/EC of 20 March 2000 designating a specific institute responsible for establishing the criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines ⁽¹⁾, and in particular Article 3(2) thereof,

Whereas:

- (1) Decision 2000/258/EC designates the *Agence française de sécurité sanitaire des aliments* (AFSSA) in Nancy, France, as the specific institute responsible for establishing the criteria necessary for standardising the serological tests to monitor the effectiveness of rabies vaccines. The AFSSA has now been integrated into the *Agence nationale de sécurité sanitaire de l'alimentation, de l'environnement et du travail* (ANSES) in France.
- (2) Decision 2000/258/EC provides, inter alia, that the ANSES is to appraise laboratories in third countries that have applied for approval to carry out serological tests to monitor the effectiveness of rabies vaccines.
- (3) The competent authority of Morocco has submitted an application for the approval of the laboratory 'Service du Contrôle et des Expertises de l'Office National de Sécurité Sanitaire des Produits Alimentaires' in Rabat, and the ANSES has established and submitted to the Commission a favourable appraisal report dated 19 October 2016 for this laboratory.
- (4) The competent authority of Taiwan has submitted an application for the approval of the laboratories of the Epidemiology Research Division and the Biologics Division of the Animal Health Research Institute in New Taipei City, and the ANSES has established and submitted to the Commission a favourable appraisal report dated 19 October 2016 for those two laboratories.
- (5) The laboratory 'Service du Contrôle et des Expertises de l'Office National de Sécurité Sanitaire des Produits Alimentaires' in Rabat and the laboratories of the Biologics Division and the Epidemiology Research Division of the Animal Health Research Institute in New Taipei City should therefore be authorised to carry out serological tests to monitor the effectiveness of rabies vaccines in dogs, cats and ferrets.
- (6) The measures provided for in this Decision are in accordance with the opinion of Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 79, 30.3.2000, p. 40.

HAS ADOPTED THIS DECISION:

Article 1

In accordance with Article 3(2) of Decision 2000/258/EC, the following laboratories are hereby authorised to perform serological tests to monitor the effectiveness of rabies vaccines in dogs, cats and ferrets:

- (a) The laboratory 'Service du Contrôle et des Expertises de l'Office National de Sécurité Sanitaire des Produits Alimentaires'

Direction de la Pharmacie et des Intrants Vétérinaires
Rue Ikhlass,
Cité Yacoub El Mansour,
BP 4509 Akkari
10120 Rabat
MOROCCO

- (b) Animal Health Research Institute

Biologics Division
No 376, Zhongzheng Rd, Tamsui District
New Taipei City 251
TAIWAN (R.O.C.)

- (c) Animal Health Research Institute

Epidemiology Research Division
No 376, Zhongzheng Rd, Tamsui District
New Taipei City 251
TAIWAN (R.O.C.)

Article 2

This Decision shall apply from 1 February 2017.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 4 January 2017.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2017/10**of 5 January 2017****amending Implementing Decision 2013/328/EU and Implementing Decision 2012/807/EU establishing specific control and inspection programmes for certain demersal and pelagic fisheries in the Union waters of the North Sea and in the Union waters of ICES Division IIa**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Commission Implementing Decision 2013/328/EU ⁽²⁾ establishes a specific control and inspection programme for fisheries exploiting cod, plaice and sole in the Kattegat, the North Sea, the Skagerrak, the eastern Channel, the waters west of Scotland and the Irish Sea.
- (2) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽³⁾ establishes a landing obligation for pelagic and demersal fisheries in order to reduce the current high levels of unwanted catches and to gradually eliminate discards. Details for the implementation of the landing obligation are laid down in Commission Delegated Regulation (EU) No 1395/2014 ⁽⁴⁾ and Commission Delegated Regulation (EU) 2015/2440 ⁽⁵⁾. Compliance with the landing obligation should be controlled and inspected.
- (3) In addition to the fisheries of sole, plaice and cod in the North Sea covered by Implementing Decision 2013/328/EU, which should continue to be covered by a specific control and inspection programme, the fisheries defined in the annex to the discard plans referred to in Delegated Regulation (EU) No 1395/2014 and Delegated Regulation (EU) 2015/2440 should also be included in the specific control and inspection programme in order to enable Member States concerned to undertake efficiently and effectively joint inspection and surveillance activities.
- (4) On the basis of the results of the Member States' risk assessment carried out in respect of each of the fisheries covered by the discard plans, the overall inspection benchmarks laid down by the present specific control and inspection programme have to be implemented by the Member States.
- (5) In order to take into account the regional specificities and the need to harmonise and increase the effectiveness of the control and inspection procedures, the present specific control and inspection programme covers the Union Waters of the North Sea as defined in Regulation (EU) No 1380/2013 (ICES zone IIIa, i.e. including the Kattegat and the Skagerrak and ICES zone IV), as well as Union waters of ICES Division IIa.
- (6) The present specific control and inspection programme covers certain demersal species and fisheries in the Union waters of the North Sea and in Union waters of ICES Division IIa, and certain pelagic fisheries in the Union

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

⁽²⁾ Commission Implementing Decision 2013/328/EU of 25 June 2013 establishing a specific control and inspection programme for fisheries exploiting cod, plaice and sole in the Kattegat, the North Sea, the Skagerrak, the eastern Channel, the waters west of Scotland and the Irish Sea (OJ L 175, 27.6.2013, p. 61).

⁽³⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

⁽⁴⁾ Commission Delegated Regulation (EU) No 1395/2014 of 20 October 2014 establishing a discard plan for certain small pelagic fisheries and fisheries for industrial purposes in the North Sea (OJ L 370, 30.12.2014, p. 35).

⁽⁵⁾ Commission Delegated Regulation (EU) 2015/2440 of 22 October 2015 establishing a discard plan for certain demersal fisheries in the North Sea and in Union waters of ICES Division IIa (OJ L 336, 23.12.2015, p. 42).

waters of the North Sea (ICES Area IIIa and IV) and in Union waters of ICES Division IIa. Commission Implementing Decision 2012/807/EU ⁽¹⁾, as amended by Implementing Decision 2015/1944/EU ⁽²⁾, establishes a specific control and inspection programme for pelagic fisheries in the western waters of the north-east Atlantic and in the northern North Sea (ICES Area IVa). It is therefore appropriate to align the scope of Implementing Decision 2012/807/EU with the present Decision.

- (7) Council Regulation (EC) No 850/98 ⁽³⁾ and in particular Title IIIa thereof establishes measures to reduce discarding. The specific control and inspection programme should ensure compliance with the prohibition of highgrading, the moving-on provisions and the prohibition on slipping.
- (8) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS DECISION:

Article 1

Amendments to Implementing Decision 2013/328/EU

Implementing Decision 2013/328/EU is amended as follows:

- (1) The title is replaced by the following:

‘Commission Implementing Decision of 25 June 2013 establishing a specific control and inspection programme for certain demersal and pelagic fisheries in the Union waters of the North Sea and in the Union waters of ICES Division IIa’.

- (2) Article 1 is replaced by the following:

‘Article 1

Subject matter

This Decision establishes a single specific control and inspection programme applicable to the fisheries exploiting cod, sole, plaice in the Union waters of ICES zones IIIa and IV, and certain fisheries exploiting mackerel, herring, horse mackerel, blue whiting, argentine, sprat; sand eel, and Norway pout; cod, haddock, whiting, saithe, Norway lobster, common sole, plaice, hake, Northern prawn, in the Union waters of ICES zones IIIa and IV and in the Union waters of ICES Division IIa (“Areas concerned”).

- (3) In Article 2, the following paragraph 1a is inserted:

‘1a. The specific control and inspection programme shall apply to:

- (a) the fisheries defined in the Annex to Commission Delegated Regulation (EU) No 1395/2014 (*);
- (b) the fisheries defined in the Annex to Commission Delegated Regulation (EU) 2015/2440 (**);
- (c) the stocks covered by Regulations (EC) No 1342/2008 and (EC) No 676/2007.

(*) Commission Delegated Regulation (EU) No 1395/2014 of 20 October 2014 establishing a discard plan for certain small pelagic fisheries and fisheries for industrial purposes in the North Sea (OJ L 370, 30.12.2014, p. 35).

(**) Commission Delegated Regulation (EU) 2015/2440 of 22 October 2015 establishing a discard plan for certain demersal fisheries in the North Sea and in Union waters of ICES Division IIa (OJ L 336, 23.12.2015, p. 42).’

⁽¹⁾ Commission Implementing Decision 2012/807/EU of 19 December 2012 establishing a specific control and inspection programme for pelagic fisheries in Western waters of the North East Atlantic (OJ L 350, 20.12.2012, p. 99).

⁽²⁾ Commission Implementing Decision (EU) 2015/1944 of 28 October 2015 amending Implementing Decision 2012/807/EU establishing a specific control and inspection programme for pelagic fisheries in Western Waters of the North East Atlantic (OJ L 283, 29.10.2015, p. 13).

⁽³⁾ Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (OJ L 125, 27.4.1998, p. 1).

(4) Article 3 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. The specific control and inspection programme shall ensure the uniform and effective implementation of conservation and control measures applicable to the fisheries and stocks referred to in Article 2(1a);

(b) in paragraph 2, point (c) is replaced by the following:

'(c) the obligation to land all catches of species subject to the landing obligation pursuant to Regulation (EU) No 1380/2013 of the European Parliament and of the Council (*), and the measures to reduce discarding provided for in Title IIIa of Council Regulation (EC) No 850/98 (**);

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

(**) Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms (OJ L 125, 27.4.1998, p. 1).'

(5) In Article 4, paragraph 2 is replaced by the following:

'2. Each fishing vessel, group of fishing vessels, fishing gear category, operator, and/or fishing-related activity, for each fishery and stocks referred to in Article 2(1a), shall be subject to control and inspection according to the level of priority attributed pursuant to paragraph 3.'

(6) Article 5 is replaced by the following:

'Article 5

Procedures for risk assessment

1. Member States concerned shall assess risks with regard to the stocks and area(s) listed in Article 1 according to the methodology established in cooperation with the European Fisheries Control Agency (EFCA).

2. The risk assessment methodology referred to in paragraph 1 shall provide that the Member State concerned:

(a) considers, on the basis of past experience and using all available and relevant information, how likely a non-compliance is to happen and, if it were to happen, the potential consequence(s);

(b) establishes the level of risk — by fisheries and stocks, area covered, time of the year — based on occurrence (frequent, medium, seldom, not) and potential consequences (serious, significant, acceptable or marginal). The estimated risk level shall be expressed as "very low", "low", "medium", "high" or "very high".

3. Member States concerned shall establish and regularly update a list of their vessels indicating, at least the high and very high risk vessels. The up-to date list of vessels graded by risks shall be used during the relevant joint deployment plan campaigns.

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

(7) Article 7(1) is replaced by the following:

'1. In the framework of a joint deployment plan, where applicable, each Member State concerned shall communicate to the EFCA the results of its risk assessment carried out in accordance with Article 5(2) and, in particular, a list of estimated levels of risk with corresponding targets for inspection.'

(8) Article 8 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. Without prejudice to target benchmarks defined in Annex I to Regulation (EC) No 1224/2009 and in Article 9(1) of Council Regulation (EC) No 1005/2008 (*), for the stocks referred to in Article 2(1a)(c), the target benchmarks defined in Annex II shall apply for “high” and “very high” risk level fishing vessels and/or other operators.

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

(b) paragraph 2 is replaced by the following:

‘2. For the fisheries referred to in Article 2(1a)(a) and (b), the target benchmarks defined in Annex II shall apply for “high” and “very high” risk level fishing vessels and/or other operators.’

(9) Annex I is deleted.

(10) Annex II is replaced by the text in Annex I to this Decision.

(11) Annex IV is replaced by the text in Annex II to this Decision.

Article 2

Amendments to Implementing Decision 2012/807/EU

Implementing Decision 2012/807/EU is amended as follows:

(1) The title is replaced by the following:

‘Commission Implementing Decision of 19 December 2012 establishing a specific control and inspection programme for pelagic fisheries in western waters of the north-east Atlantic’.

(2) Article 1 is replaced by the following:

‘Article 1

Subject matter

This Decision establishes a specific control and inspection programme applicable to the stocks of mackerel, herring, horse mackerel, blue whiting, boarfish, anchovy, argentine, sardine and sprat in EU waters of ICES sub-areas V, VI, VII, VIII and IX and in EU waters of CECAF 34.1.11 (hereafter referred to as “Western Waters”).’

(3) In Article 3(2), point (b) is replaced by the following:

‘(b) reporting obligations applicable to fishing activities in Western Waters, in particular the reliability of the information recorded and reported;’

(4) Article 5 is replaced by the following:

‘Article 5

Procedures for risk assessment

1. Member States concerned shall assess risks with regard to the stocks and area(s) listed in Article 1 according to the methodology established in cooperation with the European Fisheries Control Agency (EFCA).

2. The risk assessment methodology referred to in paragraph 1 shall provide that the Member State concerned:
 - (a) considers, on the basis of past experience and using all available and relevant information, how likely a non-compliance is to happen and, if it were to happen, the potential consequence(s);
 - (b) establishes the level of risk — by fisheries and stocks, area covered, time of the year — based on occurrence (frequent, medium, seldom, not) and potential consequences (serious, significant, acceptable or marginal). The estimated risk level shall be expressed as “very low”, “low”, “medium”, “high” or “very high”.
 3. Member States concerned shall establish and regularly update a list of their vessels indicating, at least the high and very high risk vessels. The up-to date list of vessels graded by risks shall be used during the relevant joint deployment plan campaigns.
 4. In cases where a fishing vessel flying the flag of a Member State which is not a Member State concerned, or a third country fishing vessel, operates in the area(s) referred to in Article 1, it shall be attributed a level of risk in accordance with paragraph 2. In the absence of information and unless its flag authorities provide, in the framework of Article 9, the results of their own risk assessment performed according to Article 4(2) and to paragraph 3 leading to a different risk level, it shall be considered as a “very high” risk level fishing vessel.’
- (5) Article 7(1) is replaced by the following:
- ‘1. In the framework of a joint deployment plan, where applicable, each Member State concerned shall communicate to the EFCA the results of its risk assessment carried out in accordance with Article 5(2) and, in particular, a list of estimated levels of risk with corresponding targets for inspection.’

Article 3

Entry into force

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

It shall apply from 1 January 2017.

Done at Brussels, 5 January 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

ANNEX II

TARGET BENCHMARKS FOR DEMERSAL SPECIES

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

On a yearly basis, the following target benchmarks ⁽¹⁾ shall be reached for the inspections at sea of fishing vessels engaged in the fisheries and stocks referred to in Article 2(1a)(b) and (c), in the case that inspections at sea are relevant in relation to the step in the fishery chain and are part of the risk management strategy:

Benchmarks per year (*)	Level of estimated risk for fishing vessels in accordance with Article 5(2)	
	High	very high
Fishery	Inspection at sea of at least 2,5 % of fishing trips by "high risk" level fishing vessels targeting the fishery in question	Inspection at sea of at least 5 % of fishing trips by "very high risk" level fishing vessels targeting the fishery in question

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

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

On a yearly basis, the following target benchmarks ⁽²⁾ shall be reached for the inspections on land (including document-based controls and inspections in ports or at first sale) of fishing vessels and other operators engaged in the fisheries and stocks referred to in Article 2(1a)(b) and (c), in the case that inspections on land are relevant in relation to the step in the fishery/marketing chain and are part of the risk management strategy.

Benchmarks per year (*)	Level of risk for fishing vessels and/or other operators (first buyer)	
	high	very high
Fishery	Inspection in port of at least 10 % of overall landed quantities by "high risk" level fishing vessels	Inspection in port of at least 15 % of overall landed quantities by "very high risk" level fishing vessels

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

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

⁽¹⁾ For vessels spending less than 24 hours at sea per fishing trip, and according to the risk management strategy, the target benchmarks may be reduced by half.

⁽²⁾ For vessels landing less than 10 tonnes per landing, and according to the risk management strategy, the target benchmarks may be reduced by half.

TARGET BENCHMARKS FOR PELAGIC SPECIES

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

On a yearly basis, the following target benchmarks ⁽³⁾ shall be reached for the inspections at sea of fishing vessels engaged in the fishery of herring, mackerel, horse mackerel, blue whiting, Norway pout, sprat, sand eel in the fisheries, referred to in Article 2(1a)(a), in the case that inspections at sea are relevant in relation to the step in the fishery chain and are part of the risk management strategy:

Benchmarks per year (*)	Level of estimated risk for fishing vessels in accordance with Article 5(2)	
	high	very high
Herring, mackerel and horse mackerel	Inspection at sea of at least 5 % of fishing trips by "high risk" level fishing vessels targeting the fishery in question	Inspection at sea of at least 7,5 % of fishing trips by "very high risk" level fishing vessels targeting the fishery in question
Norway pout, sprat and sand eel	Inspection at sea of at least 2,5 % of fishing trips by "high risk" level fishing vessels targeting the fishery in question	Inspection at sea of at least 5 % of fishing trips by "very high risk" level fishing vessels targeting the fishery in question
Blue whiting	Inspection at sea of at least 5 % of fishing trips by "high risk" level fishing vessels targeting the fishery in question	Inspection at sea of at least 7,5 % of fishing trips by "very high risk" level fishing vessels targeting the fishery in question

(*) expressed in a % of fishing trips in the area (when fishing with gears with mesh sizes for which the species is a target species) by high/very high risk fishing vessels/per year.

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

On a yearly basis, the following target benchmarks ⁽⁴⁾ shall be reached for the inspections on land (including document-based controls and inspections in ports or at first sale) of fishing vessels and other operators engaged in the fishery of herring, mackerel, horse mackerel, blue whiting, Norway pout, sprat, sand eel in the fisheries, referred to in Article 2(1a)(a), in the case that inspections on land are relevant in relation to the step in the fishery/marketing chain and are part of the risk management strategy.

Benchmarks per year (*)	Level of risk for fishing vessels and/or other operators (first buyer)	
	high	very high
Herring, mackerel and horse mackerel	Inspection in port of at least 5 % of overall landed quantities by "high risk" level fishing vessels	Inspection in port of at least 7,5 % of overall landed quantities by "very high risk" level fishing vessels
Norway pout, sprat and sand eel	Inspection in port of at least 2,5 % of overall landed quantities by "high risk" level fishing vessels	Inspection in port of at least 5 % of overall landed quantities by "very high risk" level fishing vessels
Blue whiting	Inspection in port of at least 5 % of overall landed quantities by "high risk" level fishing vessels	Inspection in port of at least 7,5 % of overall landed quantities by "very high risk" level fishing vessels

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

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

⁽³⁾ See footnote 1.

⁽⁴⁾ See footnote 2.

CONTENT OF THE EVALUATION REPORT

I. Data on the control, inspection and enforcement activities carried out by [Member State concerned] at sea and on land

Table 1

Analysis of inspection activities at sea

Patrol days		No of inspections (total/very high/high risk)	No of confirmed serious infringements detected (total/very high/high risk)	Serious infringement rate average (confirmed infringements/inspections)	Serious infringement rate on low and medium risk vessels (infringements/inspections)	Serious infringement rate on high and very high risk vessels (infringements/inspections)
Provided	Committed					
30 (*)	30	100/70/30	4/3/1	4:100 = 4 %	3:70 = 4,3 %	1/30 = 3,3 %

Table 2

Analysis of inspection activities on land

Inspection men/days on land		No of inspections (total/very high/high risk)	No of confirmed serious infringements detected (total/very high/high risk)	Serious infringement rate average (confirmed infringements/inspections)	Serious infringement rate on low and medium risk vessels (infringements/inspections)	Serious infringement rate on high and very high risk vessels (infringements/inspections)
Provided	Committed					
200 (*)	200	400/350/50	40/30/10	40:400 = 10 %	30:350 = 8,6 %	10:50 = 20 %

(*) 2nd row in Tables 1 and 2 give an example aiming to facilitate completing the table.

II. Analysis of target benchmarks expressed in terms of improved compliance levels

If the Member State applies alternative target benchmarks, referred to in Article 8(3) of this Decision, the following information shall be reported:

Table 3

Achievement of improved compliance levels.

Description of the activity threat/risk/vessel segment	Very high risk/high risk/medium risk/low risk/very low risk — Level of the threat/risk at the beginning of the year, expressed in compliance level — Target improvement of the compliance level — Level of the threat/risk at the end of the year, expressed in compliance level — No of inspections — No of serious infringements detected — <i>ex post</i> analysis, explanation in case the target compliance level has not been reached
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III. Analysis of other inspection and control activities: transshipment, aerial surveillance, importation/exportation, as well as other actions such as training or information sessions designed to have an impact on compliance by fishing vessels and other operators

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

COMMISSION DECISION (EU) 2017/11**of 5 January 2017****approving, on behalf of the European Union, amendments to the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco**

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2013/785/EU of 16 December 2013 on the conclusion, on behalf of the European Union, of the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco ⁽¹⁾, and in particular Article 3 thereof,

Whereas:

- (1) Article 10 of the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco ⁽²⁾, hereinafter referred to as 'the Agreement', approved by Regulation (EC) No 764/2006 ⁽³⁾, establishes a Joint Committee responsible for monitoring the application of the Agreement and, in particular, for supervising the implementation, interpretation and smooth operation thereof. Chapter X of the Annex to the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco, hereinafter referred to as 'the Protocol', approved by Decision 2013/785/EU, sets out the arrangements for landing a proportion of the catches made under the Protocol in Moroccan ports,
- (2) The Joint Committee met in Rabat from 18 to 20 October 2016 to adopt amendments to certain arrangements for implementing the Protocol with regard to landing, in view of the recurring difficulties associated with meeting this obligation,
- (3) Prior to the Joint Committee meeting in question, the Commission sent a preparatory document setting out the particulars of the envisaged Union position to the Council,
- (4) The envisaged Union position was approved by the Council in accordance with point 3 of the Annex to Decision 2013/785/EU,
- (5) The amendments adopted, which concern increasing the penalties in the event of non-compliance with the landing obligation and extending the financial incentives in the event of landing above the compulsory threshold to all categories subject to compulsory landing, have been recorded in Annex 8 of the minutes to the Joint Committee meeting in question,
- (6) These amendments should be approved on behalf of the European Union,
- (7) It is necessary to provide for the retroactive applicability of these measures from 20 October 2016,

HAS ADOPTED THIS DECISION:

Article 1

The amendments to points 1 and 4 of Chapter X of the Annex to the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco, adopted by the Joint Committee established by Article 10 of the Agreement and resulting from Annex 8 to the minutes set out in the Annex to this Decision, are hereby approved on behalf of the Union.

⁽¹⁾ OJ L 349, 21.12.2013, p. 1.

⁽²⁾ OJ L 141, 29.5.2006, p. 4.

⁽³⁾ Council Regulation (EC) No 764/2006 of 22 May 2006 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco (OJ L 141, 29.5.2006, p. 1).

Article 2

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

It shall apply from 20 October 2016.

Done at Brussels, 5 January 2017.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

Annex 8 to the minutes of the meeting of 18-20 October 2016 of the Joint Committee established by the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco

CHAPTER X 'LANDING OF CATCHES'

Point 1 'Landings'

EU vessels in the categories subject to compulsory landing which have been granted a licence in accordance with this Protocol and which land more than the compulsory landing percentages provided for in datasheets 1, 4, 5 and 6 in a Moroccan port shall benefit from a 5 % reduction in the fee for each tonne landed above the compulsory threshold which has gone through the fish market.

Point 4 'Penalties in the event of non-compliance with the applicable landing requirements':

Vessels in the categories subject to compulsory landing which do not comply with this requirement in accordance with the relevant datasheets may be subject to a 15 % increase in the payment of the next fee.

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



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

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