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<sup>(1)</sup> Text with EEA relevance.

## II

(Non-legislative acts)

## INTERNATIONAL AGREEMENTS

## COUNCIL DECISION (EU) 2017/1960

of 23 October 2017

**on the signing, on behalf of the Union, and provisional application of the Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 28 January 2014, the Council adopted Decision 2014/146/EU <sup>(1)</sup> on the conclusion of the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius ('the Agreement').
- (2) The first Protocol <sup>(2)</sup> to the Agreement set out, for a period of three years, the fishing opportunities granted to Union vessels in the fishing zone under the sovereignty or jurisdiction of the Republic of Mauritius ('Mauritius') and the financial contribution granted by the Union. The period of application of that Protocol expired on 27 January 2017.
- (3) The Commission has negotiated, on behalf of the Union, a new Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius ('the Protocol'). The Protocol was initialled on 26 April 2017.
- (4) The objective of the Protocol is to enable the Union and Mauritius to work more closely on promoting a sustainable fisheries policy, sound exploitation of fisheries resources in Mauritius waters, and Mauritius's efforts to develop its sustainable ocean economy.
- (5) The Protocol should be signed.
- (6) In order to ensure an expeditious start to fishing activities of Union vessels, the Protocol should be applied on a provisional basis, pending the completion of the procedures necessary for its entry into force,

HAS ADOPTED THIS DECISION:

*Article 1*

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

The text of the Protocol is attached to this Decision.

<sup>(1)</sup> Council Decision 2014/146/EU of 28 January 2014 on the conclusion of the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius (OJ L 79, 18.3.2014, p. 2).

<sup>(2)</sup> Protocol setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius (OJ L 79, 18.3.2014, p. 9).

*Article 2*

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

*Article 3*

In accordance with Article 15 of the Protocol, the Protocol shall be applied on a provisional basis, as from the signature thereof, pending the completion of the procedures necessary for its entry into force.

*Article 4*

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

Done at Luxembourg, 23 October 2017.

*For the Council*  
*The President*  
K. IVA

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## PROTOCOL

### setting out the fishing opportunities and the financial contribution provided for by the Fisheries Partnership Agreement between the European Union and the Republic of Mauritius

#### Article 1

#### Duration

This Protocol and its Annex shall apply for a period of four years from the date of provisional application.

#### Article 2

#### Principles

1. As provided for under Article 6 of the Fisheries Partnership Agreement (the 'Agreement'), vessels flying the flag of a Member State of the Union ('Union vessels') may engage in fishing activities in Mauritius waters only if they are in possession of a fishing authorisation issued under this Protocol in accordance with Chapter II of the Annex.
2. With a view to the continued development of responsible and sustainable fishing, the Parties agree to cooperate against illegal, unreported and unregulated fishing.
3. The Parties hereby undertake to promote responsible fishing in Mauritius waters based on the principle of non-discrimination between the different fleets fishing in Mauritius waters. Mauritius undertakes to apply the same technical and conservation measures to all industrial fleets operating in its waters.
4. In the interest of transparency, Mauritius authorities undertake to provide the Union, through the Joint Committee provided for in Article 9 of the Agreement (the 'Joint Committee'), with relevant information on the fishing activities taking place in Mauritius waters, in line with the requirements of the Indian Ocean Tuna Commission (IOTC).
5. The Parties hereby undertake to implement this Protocol in accordance with Article 9 of the Cotonou Agreement concerning essential elements regarding human rights, democratic principles and the rule of law, and fundamental elements regarding good governance.
6. The employment of seamen on board Union vessels shall be governed by the International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work, which shall apply as of right to the corresponding contracts and general terms of employment. This concerns in particular freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.

#### Article 3

#### Fishing opportunities

1. The fishing opportunities granted under Article 5 of the Agreement for highly migratory species as listed in Annex 1 to the 1982 United Nations Convention on the Law of the Sea shall be as follows:
  - (a) 40 purse seiners; and
  - (b) 45 surface long liners.
2. Mauritius shall authorise a maximum of 20 supply vessels to assist in the operations of Union vessels authorised in Mauritius waters, unless set otherwise by the IOTC.
3. Paragraphs 1 and 2 shall apply subject to Articles 8 and 9 of this Protocol.

*Article 4***Financial contribution**

1. For the period referred to in Article 1, the total financial contribution referred to in Article 7 of the Agreement shall be EUR 2 300 000.
2. That total financial contribution shall comprise:
  - (a) an annual amount for access to Mauritius waters of EUR 220 000 equivalent to a reference tonnage of 4 000 tonnes per year;
  - (b) a specific amount of EUR 220 000 per year for the support and implementation of Mauritius's sectoral fisheries policy; and
  - (c) an additional amount of EUR 135 000 to support the development of maritime policy and ocean economy in line with the objectives set out in Article 9 of this Protocol.
3. Paragraph 1 shall apply subject to Articles 5 to 9 of this Protocol.
4. The Union shall pay the amount referred to in paragraph 2(a) no later than 60 days after the start of the provisional application for the first year and, for each subsequent year, no later than the anniversary of the date of provisional application of this Protocol in the year concerned.
5. If the annual level of catches of tuna by Union vessels in Mauritius waters exceeds the annual reference tonnage referred to in point (a) of paragraph 2, the amount of the annual financial contribution for access rights shall be increased by EUR 55 for each additional tonne caught.
6. The total annual amount paid by the Union shall not be more than twice the amount indicated in point (a) of paragraph 2. Where the quantities caught by Union vessels in Mauritius waters exceed the quantities corresponding to twice the total annual amount, the amount due for the quantity exceeding that limit shall be paid in the subsequent year.
7. Mauritius shall have full discretion regarding the use to which the financial contribution specified in point (a) of paragraph 2 is put.
8. The financial contribution shall be paid into a single Mauritian Public Treasury account opened with the Bank of Mauritius. The financial contribution referred to in points (b) and (c) of paragraph 2 shall be made available to the Mauritian entity responsible for implementing fishery and maritime policies. The account number shall be provided annually by the Mauritius authorities to the Union.
9. The detailed implementing rules regarding the use of the financial contribution referred to in point (c) of paragraph 2 shall be agreed upon in the first Joint Committee meeting held under this Protocol. Those rules shall include the definition of actions referred to in Article 9, the responsible departments, the corresponding budgetary approximations, the disbursement modalities as well as the reporting mechanisms.

*Article 5***Sectoral support**

1. No later than three months after the date of the provisional application of this Protocol, the Joint Committee shall agree on a multiannual sectoral programme and detailed implementing rules covering, in particular:
  - (a) an annual and multiannual programme for using the specific amount of the financial contribution referred to in point (b) of Article 4(2);
  - (b) the objectives, both annual and multiannual, to be achieved with a view to developing, over time, responsible and sustainable fisheries, taking into account the priorities expressed by Mauritius in its national fisheries policy and maritime policy, and other policies relating to or having an impact on the promotion of responsible and sustainable fishing; and
  - (c) the criteria and procedures for evaluating the results obtained each year.

2. Any amendment to the annual or multiannual sectoral programme shall be approved by the Joint Committee.
3. Each year, Mauritius shall present an annual report on the actions implemented and the results achieved with sectoral support, which shall be examined by the Joint Committee. Mauritius shall report before expiry of this Protocol on the implementation of sectoral support throughout the duration of this Protocol.
4. The specific amount of the financial contribution referred to in point (b) of Article 4(2) shall be paid in instalments. For the first year of application of this Protocol, the instalment shall be paid on the basis of the needs identified as part of the agreed programming. For the subsequent years of application, the instalments shall be paid on the basis of an analysis of the results achieved in the implementation of the sectoral support and the agreed annual programme. In light of the results of such analysis, if the results obtained are inconsistent with the programming or if the financial execution is found to be insufficient by the Joint Committee, the payment of the specific financial contribution provided for in Article point (b) of 4(2) may be revised or suspended, in part or in full.
5. Payment of the financial contribution shall resume after consultation and agreement by the Parties when it is justified on the basis of the results of the implementation of the agreed programming referred to in paragraph 1.
6. The specific financial contribution provided for in point (b) of Article 4(2) may not be paid beyond a period of six months after the expiry of this Protocol. Whenever necessary, the Parties shall continue to monitor the implementation of sectoral support after the expiry of this Protocol.

#### *Article 6*

### **Scientific cooperation on responsible fishing**

1. The Parties undertake to comply with the applicable resolutions, recommendations and the relevant management measures adopted by the IOTC regarding conservation and responsible management of fisheries.
2. Based on the recommendations and resolutions taken within the IOTC and the best available scientific advice and, where appropriate, the results of the joint scientific meeting provided for by Article 4 of the Agreement, the Parties may consult each other within the Joint Committee and, where necessary, may agree on the measures to ensure sustainable management of Mauritius's fisheries resources covered by this Protocol as far as the activities of Union vessels are concerned.

#### *Article 7*

### **Experimental fisheries and new fishing opportunities**

1. The Joint Committee may consider and approve the possibility of experimental fisheries campaigns in Mauritius waters with a view to testing the technical feasibility and economic viability of new fisheries not provided for in Article 3. To that end, the Joint Committee shall determine on a case-by-case basis the species, the conditions, including the participation of Mauritian scientists in such campaigns, and any other relevant parameters. An authorisation for experimental fishing shall not exceed a period of six months.
2. Taking into account the best available scientific advice and on the basis of the results of the experimental fisheries campaigns, if the Union becomes interested in new fishing opportunities, the Joint Committee shall, on approval, prescribe the conditions applicable to such new fishing activities.
3. In the event that the Parties consider that experimental campaigns have given positive results, Mauritius may allocate fishing opportunities for the new species to the Union fleet until the expiry of this Protocol. The financial contribution referred to in point (a) of Article 4(2) of this Protocol shall consequently be adjusted by the Joint Committee. Shipowners' fees and conditions as provided for in the Annex shall be amended accordingly.

#### *Article 8*

### **Adjustment of fishing opportunities, reference tonnage and technical measures by mutual agreement**

1. The Joint Committee may review and adjust the fishing opportunities referred to in Article 3 insofar as the recommendations and resolutions adopted within the IOTC confirm that such an adjustment will secure the sustainable management of tuna and tuna-like species in the Indian Ocean.

2. In that case, the financial contribution referred to in point (a) of Article 4(2) shall be adjusted proportionately and *pro rata temporis* by decision of the Joint Committee. However, the total annual amount paid by the Union shall not be more than twice the amount indicated in point (a) of Article 4(2). The adjustment of fishing opportunities referred to in this Article may also be based on the results of experimental fisheries conducted in accordance with Article 7.
3. Three months before the end of the second year following the start of the provisional application of this Protocol, and provided that the actual reported level of catches by Union vessels in Mauritius waters exceeds the reference tonnage, the Parties may review and adjust the reference tonnage. In that case, the financial contribution referred to in point (a) of Article 4(2) may be adjusted for the remaining period of implementation.
4. The Joint Committee may, where necessary, examine and adapt the provisions governing the pursuit of fishing activities and the rules for implementing this Protocol and its Annex.

#### Article 9

### Cooperation in the field of ocean economy

1. The Parties shall undertake to develop a framework to enhance cooperation in the field of ocean economy. This may cover, *inter alia*, aquaculture, sustainable development of the oceans, maritime spatial planning, marine energy and marine environment.
2. The Parties shall cooperate in the development of joint actions to further attain those objectives, including through existing cooperation tools and programmes.
3. The Parties agree to initiate action through the establishment of focal points and the exchange of information and expertise in this field.

#### Article 10

### Suspension of the implementation of this Protocol

1. Implementation of this Protocol shall be suspended at the initiative of either one of the Parties, in any of the following circumstances:
  - (a) if exceptional circumstances, other than natural phenomena, prevent fishing activities in Mauritius waters;
  - (b) where a dispute arises between the Parties over the interpretation and implementation of this Protocol and its Annex which cannot be settled;
  - (c) if either of the Parties fails to comply with the provisions of this Protocol and its Annex, in particular in relation to a breach of essential and fundamental elements on human rights as laid out in Article 9 of the Cotonou Agreement, and following the procedure set out in Articles 8 and 96 thereof;
  - (d) in the event that the Union fails to make the payment provided for in point (a) of Article 4(2) in due time for reasons not covered by point (c) of this paragraph.
2. Before taking any decision to suspend, the Parties shall hold consultations to find an amicable solution.
3. Suspension of the implementation of this Protocol shall require the Party concerned to notify its intention in writing at least three months before the date on which the suspension is due to take effect.
4. In the event of suspension of implementation, the Parties shall continue to consult with a view to finding an amicable settlement to their dispute. Where such settlement is reached, implementation of this Protocol shall resume and the amount of the financial contribution referred to in Article 4 shall be reduced proportionately and *pro rata temporis* according to the period during which implementation of this Protocol was suspended.



*Article 11***Legal framework**

1. The activities of Union vessels in Mauritius waters are subject to the laws and regulations of Mauritius unless otherwise provided under this Protocol and its Annex.
2. Both Parties shall notify each other in writing, in a timely manner, of any changes in their respective relevant fisheries policies and legislation.

*Article 12***Confidentiality**

1. Both Parties shall ensure that all personal data related to the Union vessels and their fishing activities in Mauritius waters obtained in the framework of the Agreement and this Protocol shall be treated at all times in conformity with their respective confidentiality and data protection principles.
2. Both Parties shall ensure that only aggregated data for fishing activities of the Union vessels in Mauritius waters shall be made public, in conformity with the corresponding provisions of the IOTC and other relevant international fisheries organisations.
3. Data which may be considered as otherwise confidential shall be used exclusively for the implementation of the Agreement, and for the purposes of fisheries management, monitoring, control and surveillance.

*Article 13***Electronic exchanges of data**

1. Mauritius and the Union undertake to implement the necessary systems for the electronic exchange of all information and documents related to the implementation of this Protocol. The electronic form of a document at any point will be considered equivalent to the paper version.
2. Both Parties will immediately notify any disruption of a computer system impeding such exchanges. In such circumstances, the information and documents related to the implementation of this Protocol shall be automatically replaced by their paper version in the manner defined in the Annex.

*Article 14***Termination**

1. This Protocol may be terminated at the initiative of either one of the Parties in the cases and under the conditions referred to in Article 12 of the Agreement.
2. In the event of the termination of this Protocol, the Party wishing to terminate this Protocol shall notify the other Party in writing of its intention to terminate it at least six months before the date on which such termination should take effect.
3. Dispatch of the notification referred to in paragraph 2 shall open consultations by the Parties.
4. In the case of expiry of this Protocol, or its termination as provided for in Article 12 of the Agreement, Union vessel owners shall continue to be liable for any breach of the provisions of the Agreement or this Protocol or applicable laws of Mauritius which occurred before the expiry or termination of this Protocol, or for any outstanding licence fee or any outstanding dues not paid at the time of expiry or termination.

*Article 15***Provisional application**

This Protocol shall apply provisionally from the moment of its signature by the Parties.

*Article 16***Entry into force**

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

*For the European Union*

*For the Republic of Mauritius*

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## ANNEX

**CONDITIONS FOR THE EXERCISE OF FISHING ACTIVITIES BY UNION VESSELS IN MAURITIUS WATERS**

## CHAPTER I

**GENERAL PROVISIONS**

## 1. Designation of competent authority

For the purposes of this Annex and notwithstanding any indication to the contrary, any reference to the European Union (the Union) or to Mauritius as a competent authority shall mean:

- for the Union: the European Commission, where applicable via the Delegation of the European Union in Mauritius;
- for Mauritius: the Ministry responsible for Fisheries.

## 2. Mauritius waters

All the provisions of this Protocol and its Annex apply exclusively to Mauritius waters defined as beyond 15 nautical miles from the base lines.

Information relating to other areas closed to navigation and fishing shall be provided to the Union, and any subsequent amendment must be announced at least two months before its entry into force.

## 3. Bank account

Mauritius shall notify the Union before the date of provisional application of this Protocol of the details of the Mauritian Public Treasury bank account(s) into which the financial sums payable by Union vessels under the Agreement should be paid. The associated bank transfer costs shall be borne by shipowners.

## CHAPTER II

**FISHING AUTHORISATIONS**

## 1. Condition for obtaining a fishing authorisation — eligible vessels

The fishing authorisations referred to in Article 6 of the Agreement shall be issued on the condition that the vessel is included in the Union register of fishing vessels in the list of authorised fishing vessels of the IOTC, is not on the IUU listing of the IOTC or any other regional fisheries management organisation and that all previous obligations of the shipowner, the master or the vessel itself arising out of fishing activities in Mauritius under the Agreement and the Mauritian fisheries legislation have been met.

## 2. Application for a fishing authorisation

The Union shall submit to Mauritius, by electronic means, an application for a fishing authorisation in respect of any vessel wishing to fish under the Agreement at least 21 calendar days before the start of the period of validity requested using the form attached to this Annex as Appendix 1. The application must be typed or legibly written in block capitals.

For each initial application for a fishing authorisation under this Protocol, or following a technical change to the vessel concerned, the application shall be accompanied by:

- (a) the proof of payment of the advance payment fee for the period of validity of the fishing authorisation requested, which is non-refundable;

- (b) the name, address and contact details of:
  - the owner of the fishing vessel;
  - the owner's agent for the fishing vessel, if appropriate; and
  - the operator of the fishing vessel;
- (c) a recent digital colour photograph of the vessel, showing a detailed lateral view of the vessel with the vessel's name and identification number clearly visible on the hull;
- (d) the certificate of registry of the vessel; and
- (e) the contact details of the fishing vessel (fax, email, etc).

For renewal of a fishing authorisation under this Protocol in force for a vessel whose technical specifications have not been modified, the renewal application shall only be accompanied by proof of payment of the fee.

### 3. Advance payment fee

1. The amount of the advance payment fee is set on the basis of the annual rate as follows. It shall include all local and national taxes with the exception of port taxes, landing taxes, transshipment taxes and charges for the provision of services.
2. The fees to be paid by shipowners shall be calculated on the basis of the following rate per tonne of fish caught:
  - for the first and second year of application of this Protocol: EUR 65 per tonne;
  - for the third and fourth year of application of this Protocol: EUR 70 per tonne;
3. The annual advance payment fee to be paid by the shipowners at the time of application for a fishing authorisation to be issued by the Mauritian authorities shall be as follows:

#### (a) Tuna purse seine vessels

EUR 8 500, which is the equivalent of:

- 130,8 tonnes of tuna and tuna-like species caught within Mauritius waters for the first two years of application of this Protocol,
- 121,4 tonnes of tuna and tuna-like species caught within Mauritius waters for the last two years of application of this Protocol,

#### (b) Long-line vessels (above 100 GT)

EUR 4 125, which is the equivalent of:

- 63,5 tonnes of tuna and tuna-like species caught within Mauritius waters for the first two years of application of this Protocol,
- 58,9 tonnes of tuna and tuna-like species caught within Mauritius waters for the last two years of application of this Protocol.

#### (c) Long-line vessels (below 100 GT)

EUR 2 050, which is the equivalent of:

- 31,5 tonnes of tuna and tuna-like species caught within Mauritius waters for the first two years of application of this Protocol,
- 29,3 tonnes of tuna and tuna-like species caught within Mauritius waters for the last two years of application of this Protocol.

#### 4. Supply vessels

Supply vessels must fly the flag of a Member State of the Union and must not be equipped for fishing.

The support provided must not include refuelling or transhipment of catches.

Supply vessels are subject to the same procedure as regards the sending of applications for fishing authorisations set out in this Chapter, to the extent applicable.

The annual licence fee applicable to the supply vessel shall be EUR 4 000.

#### 5. Provisional list of authorised vessels

Once it has received the fishing authorisation applications, the national body responsible for supervising fishing activities shall promptly draw up, for each category of vessel, including supply vessels, the provisional list of applicant vessels. That list shall be sent without delay to the Union by the Mauritian competent authority.

The Union shall forward the provisional list to the shipowner or its agent. If the Union offices are closed, Mauritius may send the provisional list directly to the shipowner or its agent with a copy to the EU Delegation in Mauritius.

#### 6. Issue of fishing authorisation

Fishing authorisations for all vessels shall be issued to shipowners or their agent, and in an electronic form, within 21 calendar days of receiving the full application by the competent authority. A copy of the fishing authorisation shall be sent electronically immediately to the EU Delegation in Mauritius. An electronic version of the fishing authorisation may be used for a maximum period of 60 calendar days after the issuing date of the fishing authorisation. During that period, the copy shall be considered equivalent to the original.

After that period of 60 days, the original of the fishing authorisation shall be held on board at all times.

#### 7. List of authorised vessels

Once the fishing authorisation is issued, the national body responsible for supervising fishing activities shall draw up within 14 days from the issuance of authorisation, for each category of vessel, including supply vessels, the final list of authorised vessels. That list shall be sent to the Union and shall replace the provisional list referred to above.

#### 8. Period of validity of the fishing authorisation

Fishing authorisations shall be valid for one year and shall be renewable.

In order to establish the start of the period of validity, 'annual period' shall mean:

- (a) for the first year of application of this Protocol, the period between the date of its entry into force and 31 December of the same year;
- (b) then, each complete calendar year;
- (c) for the last year of application of this Protocol, the period between 1 January and the date of expiry of this Protocol.

For the first and for the last year of this Protocol, the advance payment fee shall be calculated on a *pro rata temporis* basis.

#### 9. Documents to be carried on board

While in Mauritius waters or in Mauritius port, the following documents must be carried on board fishing vessel at all times:

- (a) the fishing authorisation;

- (b) documents issued by a competent authority of the flag State of such fishing vessel, showing:
  - the vessel certificate of registry, including the number under which the fishing vessel is registered;
  - up-to-date certified drawings or descriptions of the layout of the fishing vessel and, in particular, the number of fish holds of the fishing vessels, with the storage capacity expressed in cubic metres;
- (c) if any modification was made to the characteristics of the fishing vessel with respect to its length overall, its gross registered tonnage, the horsepower of its main engine or engines or its hold capacity, a certificate, certified by a competent authority of the flag State of the fishing vessel, describing the nature of such modification; and
- (d) the seaworthiness certificate of the vessel.

#### 10. Transfer of fishing authorisation

The fishing authorisation shall be issued for a given vessel and shall not be transferable.

However, where *force majeure* is proven, at the request of the Union, a fishing authorisation may be replaced by a new authorisation, issued for another similar vessel or a substitute vessel of the same fishing category as the vessel being replaced, without payment of a new advance payment. In such case, the statement of fees for freezer tuna seiners and surface long liners referred to in point 5 of Chapter III shall take into account the total catch of the two vessels in Mauritius waters.

In the event of a transfer, the fishing authorisation to be replaced shall be returned by the shipowner or its agent in Mauritius and a replacement authorisation shall immediately be drawn up by Mauritius. The replacement authorisation shall be issued without further delay to the shipowner or its agent when the authorisation to be replaced is returned. The replacement authorisation shall take effect on the day on which the cancelled authorisation is returned. The EU Delegation to Mauritius shall be informed of the transfer of the fishing authorisation.

Mauritius shall update the list of authorised vessels on a regular basis. The new list shall be sent without delay to the national body responsible for supervising fishing activities and to the Union.

### CHAPTER III

#### CATCH REPORTING

##### 1. Fishing logbook

The master of a Union vessel fishing under the Agreement shall keep a fishing logbook, in accordance with the relevant IOTC resolutions for longliners and seiners.

The fishing logbook shall be completed by the master for each day the vessel is present in Mauritius waters.

Each day the master shall record in the fishing logbook the quantity of each species, identified by its FAO alpha-3 code, caught and kept on board, expressed in kilograms of live weight or, where necessary, the number of individual fish. For each main species, the master shall also include reports of zero catches, by-catches and discards.

The fishing logbook shall be filled in legibly, in block capitals, and shall be signed by the master.

The master shall be responsible for the accuracy of the data recorded in the fishing logbook.

##### 2. Catch reporting

The master shall notify the vessel's catch by submitting to Mauritius its fishing logbooks for the period of its presence in the Mauritius waters.

The fishing logbooks shall be transmitted in one of the following ways:

- (a) when calling into a port of Mauritius, the original of each fishing logbook shall be submitted to the local representative of Mauritius, who shall confirm receipt thereof in writing; a copy of the logbook shall be handed over to the Mauritius inspection team;
- (b) when leaving the Mauritius waters without first passing through a Mauritian port, the original of each fishing logbook shall be sent by electronic means within a period of seven calendar days after arrival in any other port;
- (c) by email, to the email address given by the national body supervising fishing activities, or otherwise;
- (d) by fax, to the number given by the national body supervising fishing activities; or
- (e) by letter sent to the national body supervising fishing activities, within 15 calendar days after exiting the Mauritius waters.

The Parties shall make every effort to establish a system for the electronic exchange of all the data, with a view to accelerating its transmission.

The master shall send a copy of all the fishing logbooks to the Union and the competent authority of the flag State. The master of any Union vessel operating under the Agreement shall also send a copy of all the fishing logbooks to:

- (a) the Albion Fisheries Research Centre, and
- (b) one of the following scientific institutes:
  - (i) Institut de recherche pour le développement (IRD);
  - (ii) Instituto Español de Oceanografía (IEO);
  - (iii) Instituto Português do Mar e da Atmosfera (IPMA).

The return of the vessel into Mauritius waters within the period of validity of its fishing authorisation shall give rise to further catch reporting.

Where the provisions concerning catch reporting are not complied with, Mauritius may suspend the fishing authorisation of the vessel concerned until the missing catch report is obtained and take any action against the shipowner in accordance with the relevant provisions under the national legislation in force. If the offence is repeated, Mauritius may refuse to renew the fishing authorisation. Mauritius shall inform the Union immediately of any sanction applied in that context.

### 3. Regular monitoring of catches

The Union shall provide Mauritius, before the end of each quarter, with catch data for each authorised Union vessel, and any other relevant information, including fishing efforts (number of days at sea), corresponding to the previous quarter(s).

Mauritius shall provide, on a quarterly basis, catch data of authorised Union vessels obtained through logbooks as well as any other relevant information.

The Parties will jointly analyse the consistency of data sets on a regular basis and at the request of any of the Parties.

Those aggregated data shall be considered provisional until notification by the Union of a definitive annual statement referred to in point 5.

### 4. Transition to an electronic reporting system (ERS)

The Parties indicate their shared willingness to ensure a transition to an electronic system for declaring catches. Relevant technical characteristics for operational transmission arrangements should be discussed and agreed between the Parties as soon as possible. Mauritius shall inform the Union as soon as the conditions for such transition have been met. However, during the transition period, the current catch reporting provisions will continue to apply.

#### 5. Final statement of fees for the tuna-fishing vessels and surface long liners

For each purse seiner and surface long liner, the Union shall draw up, on the basis of its catch reporting confirmed by the scientific institutes referred to in point (b) of the fourth subparagraph of point (2), a final statement of the fees owed by the vessel in respect of its annual season for the previous calendar year.

The Union shall send such final statement of fees to Mauritius and to the shipowner, simultaneously, before 31 July of the year in progress. Mauritius shall notify the Union of receipt of the statement and may request from the Union any clarifications it deems necessary. In that case, the Union shall consult the national administrations of the flag States and the Union's scientific institutes and shall make every effort to provide to Mauritius any additional information needed. Where applicable, a dedicated joint scientific meeting may be organised in order to examine the catch data and the methodologies used for cross-checking information.

Mauritius may contest the final statement, on the basis of documentary proof, within 30 calendar days of its being sent. In the case of disagreement, the Parties shall consult each other in the Joint Committee. If Mauritius does not object within 30 calendar days, the final statement shall be considered to be adopted.

Where the amount in the final statement is greater than the advance payment fee referred to in point 3 of Chapter II which was paid to obtain the fishing authorisation, the shipowner shall pay the outstanding balance to Mauritius by 30 September of the year in progress. Where the final statement is less than the expected flat-rate fee, the remaining amount shall not be reimbursed to the shipowner.

### CHAPTER IV

#### LANDINGS AND TRANSHIPMENTS

Transshipment at sea is prohibited. All transshipment operations in port are monitored under the presence of Mauritian fishing inspectors.

The master of a Union vessel wishing to land or to tranship must notify Mauritius, at least 24 hours before landing or transshipment, of the following:

- (a) the name and international radio call sign (IRCS) of the fishing vessel which must land or tranship and its number in the IOTC record of fishing vessels;
- (b) the port of landing or transshipment;
- (c) the date and time scheduled for the landing or transshipment;
- (d) the quantity (expressed in kilograms of live weight or, if necessary, the number of individual fish) of each species to be landed or transhipped (identified by its FAO alpha-3 code); and
- (e) in the case of transshipment, the name and IRCS of the receiving vessel.

For the receiving vessels, not later than 24 hours before the beginning and at the end of the transshipment, masters of the receiving carrier vessels shall inform the Mauritian authorities of the quantities of tuna and tuna-like species transhipped to their vessels and complete and transmit the transshipment declaration to the Mauritian authority within 24 hours.

The transshipment operation is subject to a prior authorisation delivered by Mauritius to the captain or its agent within 24 hours after the notification referred to in the second paragraph. The transshipment operation must be carried out in a Mauritian port authorised for that purpose.

The designated fishing port where transshipment operations are permitted in Mauritius is Port Louis.

Non-compliance with the provisions of this Chapter shall lead to the application of the relevant sanctions provided for under the legislation of Mauritius.

The Parties undertake to encourage authorised vessels to increase their landings in Mauritius, taking into account operation considerations.



## CHAPTER V

**CONTROL**

## 1. Entering and leaving Mauritius waters

Any entry into or departure from the Mauritius waters of a Union vessel holding a fishing authorisation must be notified to Mauritius within 12 hours prior to entry or exit.

When notifying its entry or exit, the vessel shall notify in particular:

- (a) the date, time and point of passage scheduled;
- (b) the quantity of all species held on board, as identified by its FAO alpha-3 code and expressed in kilograms of live weight or, if necessary, the number of individual fish; and
- (c) the product presentation.

Notification shall be given preferably by email or, failing that, by fax, to an email address or a fax number communicated by Mauritius. Mauritius shall confirm receipt thereof immediately by return email or fax.

Mauritius shall immediately inform the vessels concerned and the Union of any change to the email address or transmission frequency.

Any Union vessel found to be fishing in the Mauritius waters without having previously notified its presence shall be considered to be an unauthorised fishing vessel.

## 2. Periodic catch report

When a Union vessel is operating in Mauritius waters, the captain of a Union vessel holding a fishing authorisation must notify the Mauritius Authority every three days with the catch made in Mauritius waters. The first catch declaration will start three days after the date of entry in Mauritius waters.

Every three days when notifying its periodic catch report, the vessel shall notify in particular:

- (a) the date, time and position on reporting;
- (b) the quantity of each target species caught and held on board during the three-day period, as identified by its FAO alpha-3 code and expressed in kilograms of live weight or, if necessary, the number of individual fish;
- (c) the quantity of each by-catch species during the three-day period, as identified by its FAO alpha-3 code and expressed in kilograms of live weight or, if necessary, the number of individual fish;
- (d) the product presentation;
- (e) for tuna purse seine fishing vessels:
  - (i) the number of successful sets on FAD since last report;
  - (ii) the number of successful sets on free school since last report;
  - (iii) the number of unsuccessful sets; and
- (f) for tuna long line fishing vessels:
  - (i) the number of sets since last report;
  - (ii) the number of hooks deployed since last report.

Notification shall be given preferably by email or by fax, to an email address or a telephone number communicated by Mauritius. Mauritius shall immediately inform the vessels concerned and the Union of any change to the email address, telephone number or transmission frequency.

Any vessel found to be fishing in the Mauritius waters without having notified its three-day periodic catch report shall be considered to be an unauthorised fishing vessel. Any person infringing that requirement shall be liable to the penalties and sanctions provided for in the relevant Mauritius legislation.

The periodic catch reports must be kept on board at least one year from the date of the report transmission.

### 3. Inspection in port or at sea

The inspection in port or while at sea in Mauritius waters of Union vessels holding a fishing authorisation shall be carried out by vessels and inspectors of Mauritius who are clearly identified as being assigned to carry out fishing checks.

Before going on board, the authorised inspectors shall inform the Union vessel of their decision to carry out an inspection. The inspection shall be carried out by fisheries inspectors, who must provide proof of their identity and official position as an inspector before carrying out the inspection. The master of the vessel shall cooperate while the inspection procedure is being carried out.

The authorised inspectors shall only stay on board the Union vessel for the time necessary to carry out tasks linked to the inspection. They shall carry out the inspection in a way which minimises the impact on the vessel, its fishing activity, cargo or landing or transshipping activities.

Mauritius may authorise the Union to participate in the inspections as an observer.

At the end of each inspection, the authorised inspectors shall draw up an inspection report. The master of the Union vessel shall have the right to make comments in the inspection report. The inspection report shall be signed by the inspector drawing up the report and the master of the Union vessel.

The signature of the inspection report by the master shall be without prejudice to the vessel owner's right of defence in respect of an infringement. If the master refuses to sign that document, he or she shall specify the reasons for doing so in writing and the inspector shall write 'refusal to sign' on it. The authorised inspectors shall give a copy of the inspection report to the master of the Union vessel before leaving the vessel. In the case of an infringement, a copy of the notification of the infringement shall also be transmitted to the Union as provided in Chapter VII.

### 4. Cooperation in the fight against IUU fishing

In order to strengthen the fight against IUU fishing, masters of Union fishing vessels shall report the presence of any vessels in Mauritius waters engaged in activities which may constitute IUU fishing, seeking as much information as possible about what has been sighted. Sighting reports shall be sent without delay to Mauritius and the competent authority of the Member State of the sighting vessel, which shall immediately transmit them to the Union or to the body designated by it.

Mauritius shall send the Union any sighting report it has on fishing vessels engaged in activities which may constitute IUU fishing in Mauritius waters.

## CHAPTER VI

### SATELLITE-BASED VESSEL MONITORING SYSTEM (VMS)

#### 1. Vessel position messages

Whilst in Mauritius waters, Union vessels holding a fishing authorisation must be equipped with a vessel monitoring system (VMS) to enable automatic and continuous communication of their position, every hour, to the Fisheries Monitoring Centre (FMC) of their flag State.

Each position message must contain:

- (a) the vessel identification;
- (b) the most recent geographical position of the vessel (longitude, latitude), with a position error of less than 500 metres, and with a confidence interval of 99 %;

- (c) the date and time the position is recorded; and
- (d) the speed and the course of the vessel.

The first position recorded after entry into the Mauritius waters shall be identified by the code 'ENT'. All subsequent positions shall be identified by the code 'POS', with the exception of the first position recorded after exit from the Mauritius waters, which shall be identified by the code 'EXI'. The FMC of the flag State shall ensure the automatic processing and, if necessary, the electronic transmission of the position messages. The position messages shall be recorded in a secure manner and kept for a period of three years.

Each position message shall be provided according to the format laid out in Appendix 2 to this Annex until Mauritius has the capacity to receive those reports in the format based on the standard P 1000 of the United Nations Centre for Trade Facilitation and Electronic Business (CEFACT).

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

Masters shall ensure at all times that the VMS of their vessels is fully operational and that the position messages are correctly transmitted to the FMC of the flag State.

Union vessels with defective VMS are not authorised to enter the Mauritius waters. When already operating in the Mauritius waters, in the event of breakdown, the VMS of the vessel shall be repaired at the end of the trip or replaced within 15 calendar days. After that period, the vessel shall no longer be authorised to fish in the Mauritius waters.

Vessels fishing in the Mauritius waters with a defective VMS must communicate their position messages by email or fax to the FMC of the flag State and of Mauritius, at least every two hours, and must provide all the compulsory information.

## 3. Secure communication of the position messages to Mauritius

The FMC of the flag State shall automatically send the position messages of the vessels concerned to the FMC of Mauritius. The FMC of the flag State and Mauritius shall exchange their contact email addresses and inform each other without delay of any change to those addresses.

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

The FMC of Mauritius shall inform the FMC of the flag State and the Union of any interruption in the reception of consecutive position messages from a vessel holding a fishing authorisation, where the vessel concerned has not notified its departure from Mauritius waters.

## 4. Malfunction of the communication system

Mauritius shall ensure the compatibility of its electronic equipment with that of the FMC of the flag State and inform the Union immediately of any malfunction as regards the communication and receiving of position messages with a view to finding a technical solution as soon as possible. The Joint Committee shall deal with any possible dispute arising.

The master shall be considered to be responsible for any proven manipulation of the vessel's VMS aimed at disturbing its operation or falsifying its position messages. Any infringement shall be subject to the penalties provided for by Mauritian legislation in force.

## 5. Revision of the frequency of position messages

On the basis of documentary evidence proving an infringement, Mauritius may ask the FMC of the flag State, copying in the Union, to reduce the interval for sending position messages from a vessel to every 30 minutes for a set period of investigation. This documentary evidence must be sent by Mauritius to the FMC of the flag State and the Union. The FMC of the flag State shall immediately send the position messages to Mauritius at the new frequency.

The FMC of Mauritius shall then immediately notify the Control Centre of the flag State and the Union of the end of the inspection procedure.

## CHAPTER VII

## INFRINGEMENTS

Failure to observe any of the rules and provisions of this Protocol, the management and conservation of living resources measures or Mauritius fisheries legislation may be penalised by means of fines, suspension, revocation or non-renewal of the vessel's fishing authorisation, as defined in Mauritius legislation.

## 1. Handling of infringements

Any infringement committed in the Mauritius waters by a Union vessel holding a fishing authorisation in accordance with the Agreement must be mentioned in an inspection report. The notification of the infringement and the relevant applicable sanctions for which the master or the fishing company may be liable shall be sent directly to the vessel owner in accordance with the procedure set in the applicable Mauritius legislation. A copy of the notification shall be sent to the flag State of the vessel and to the Union within 24 hours.

## 2. Detention of a vessel

Where permitted under the Mauritius fisheries legislation regarding the infringement, any Union vessel having committed an infringement may be forced to cease its fishing activity and, where the vessel is at sea, to return to a Mauritian port.

Mauritius shall notify the Union and the flag State authorities within 24 hours of any detention of a Union vessel holding a fishing authorisation. The notification will provide the reasons and include documentary evidence supporting the detention of the vessel, subject to any legal confidentiality requirements.

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

## 3. Penalties for infringements — compromise procedure

The penalty for the infringement shall be set by Mauritius in accordance with the national legislation in force.

Prior to launching legal procedures, a compromise procedure shall be undertaken between the Mauritian authorities and the Union vessel to settle the issue amicably in so far as is legally feasible. A representative of the flag State of the vessel may participate in such compromise procedure. The compromise procedure shall finish at the latest 72 hours after the notification of the detention of the vessel. Any agreement reached shall be final and binding for all Parties concerned. Where the compromise procedure, which may include a compounding process, fails, the matter may be proceeded with before a court of law in Mauritius.

## 4. Legal proceedings — bank guarantee

The owner of the vessel which committed the infringement may deposit a bank guarantee at a bank designated by Mauritius, the amount of which, as set by Mauritius, shall cover the costs linked to the detention of the vessel, the estimated fine and any compensation. The bank guarantee may not be recovered until the legal proceedings have been concluded.

The bank guarantee shall be released and returned to the shipowner without delay after the judgment has been given:

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

Mauritius shall inform the Union of the outcome of the legal proceedings within eight calendar days of the judgment being given.

#### 5. Release of the vessel and the crew

The vessel and its crew shall be authorised to leave the port once the fine has been paid in a compromise procedure, or once the bank guarantee has been deposited in accordance with Mauritian legislation.

### CHAPTER VIII

#### **SIGNING-ON OF SEAMEN**

##### 1. Number of seamen to sign on

During their activities in Mauritius waters 12 Mauritian qualified seamen shall embark the Union fleet. The owners of Union vessels shall endeavour to sign on additional Mauritian seamen.

In the case of non-embarkation of Mauritian seamen, the shipowners shall pay a lump sum equivalent to the wage of the seamen non-embarked for the duration for the fishing campaign in the Mauritius waters. In the event that the fishing campaign lasts less than one month, shipowners shall be required to pay the sum corresponding to one month's wage of the seamen.

##### 2. Seamen's contracts

The employment contract shall be drawn up by the shipowner or its agent and the seaman, if necessary represented by their union, in liaison with Mauritius. It shall stipulate in particular the date and port of signing on.

Those contracts shall guarantee the seamen the social security cover applicable to them in Mauritius, including life assurance and sickness and accident insurance.

A copy of the contract shall be given to the signatories.

The basic working rights laid down in the declaration of the International Labour Organisation (ILO) shall be afforded to Mauritian seamen. This concerns in particular the freedom of association and the effective recognition of the right to collective bargaining, and the elimination of discrimination in respect of employment and occupation.

##### 3. Seamen's wages

The wages of the Mauritian seamen shall be paid by the shipowner. They shall be set before the fishing authorisation is issued and by mutual agreement between the shipowner and its agent in Mauritius.

The wages shall not be lower than those of crews on national vessels or lower than the level determined by the ILO.

##### 4. Seamen's obligations

The seamen shall report to the master of the vessel to which they have been appointed the day before the signing-on date stipulated in their contract. The master shall inform the seaman of the date and time of signing-on. If the seaman withdraws or does not present himself at the date and time stipulated for his signing-on, his contract shall be considered to be null and void and the shipowner shall be automatically discharged from its obligation to sign him on. In this case, the shipowner shall not be liable for any financial penalty or compensation payment.

### CHAPTER IX

#### **OBSERVERS**

##### 1. Observation of fishing activities

Vessels holding a fishing authorisation shall be subject to a scheme for observing their fishing activities carried out within the framework of the Agreement.

That observation scheme shall conform to the provisions provided for in the resolutions adopted by the IOTC.

Union vessels with a tonnage equal to or less than 100 GT shall be exempt from the provisions laid down in this Chapter.

## 2. Designated vessels and observers

Mauritius authorities shall draw up a list of vessels designated to take an observer on board and a list of the appointed observers. Those lists shall be kept up to date. They shall be forwarded to the Union as soon as they have been drawn up and when they have been updated. The Union vessels designated to receive an observer must allow the observer to embark. When drawing up those lists, Mauritius shall take into account the presence of an observer embarked, or to be embarked, under a regional observation scheme. Observers' reports related to the observations carried out in Mauritius waters shall be sent to the Albion Fisheries Research Centre.

Mauritius' authorities shall inform the shipowners concerned of the name of the observers appointed to be taken on board of their vessel no later than 15 calendar days before the observer's planned embarkation date.

The observers shall not spend more time on board the vessel than is necessary to carry out their duties.

## 3. Observer's salary

The salary and social contributions of the observer designated by Mauritius shall be borne by the Mauritian authorities.

## 4. Embarkation conditions

The embarkation conditions for the observer, in particular the duration of presence on board, shall be defined by mutual agreement between the shipowner or its agent and Mauritius.

Observers shall be treated on board as officers. However, receiving the observer on board shall take into account the technical structure of the vessel.

The shipowner shall bear the costs of providing accommodation and food for the observer on board.

The master shall take all the measures for which he is responsible to guarantee the physical safety and general wellbeing of the observer.

Observers shall be granted access to every facility on board the vessel needed to carry out their duties. They shall have access to the bridge and the means of communication and navigation equipment of the vessel, and any documents on board, and to documents relating to the fishing activities of the vessel, in particular the fishing logbook, freeze log and navigation log, and the parts of the vessel directly linked to their duties.

The master shall permit the observer at all times to:

- (a) receive and transmit messages and communicate with the shore and other vessels by means of the vessel's communications equipment;
- (b) take, measure, remove from the vessel and retain samples or whole specimens of any fish;
- (c) store samples and whole specimens on the vessel, including samples and whole specimens held in the vessel's freezing facilities;
- (d) take photographs or recordings of the fishing activities, including fish, gear, equipment, documents, charts and records, and remove from the vessel such photographs or recordings as the observer may have taken or used on board the vessel. Such information shall be used only for scientific purpose unless specifically requested by Mauritius in cases where those data could be used in support of an ongoing judicial inquiry.

## 5. Embarkation and landing of observers

The observer shall sign on in a port chosen by the shipowner.

The shipowner or its representative shall notify Mauritius, with a notice period of 10 calendar days before the embarkation, of the date, time and port of embarkation of the observer. If observers are embarked in a foreign country, their travel costs to the port of embarkation shall be borne by the shipowner.

If the observer is not present at the time and place agreed within 12 hours of the date and time set, the shipowner shall be automatically discharged from its obligation to allow the observer to embark. The vessel is thereby entitled to leave the port and start fishing operations.

Where the observer is not disembarked in a port of Mauritius, the shipowner shall bear the costs of accommodation and food during the time the observer is waiting for repatriation flight.

## 6. Observer's obligations

Whilst they are on board, observers shall:

- (a) take all appropriate measures so as not to interrupt or hinder fishing operations;
- (b) not damage or use without authorisation of the master any property or equipment onboard; and
- (c) abide by the applicable legislation and rules of confidentiality as regards any document belonging to the vessel.

## 7. Observer's duties

The observer shall carry out the following duties:

- (a) collate all information relating to the vessel's fishing activities, in particular as regards:
  - (i) the fishing gears used;
  - (ii) the position of the vessel during fishing operations;
  - (iii) the volumes or, where appropriate, the number of fish caught for each target species and each associated species, as well as the number of accidental catches and by-catches; and
  - (iv) an estimated number of catches retained on board and discards;
- (b) conduct biological sampling provided for in scientific programmes; and
- (c) communicate, on a daily basis, observations by radio, fax or email while the vessel is operating in Mauritius waters, including the quantity of catches and by-catches on board and carry out any other duties as required by the Mauritian FMC.

## 8. Observer's report

Before leaving the vessel, observers shall submit a report of their observations to the master of the vessel. The master of the vessel shall have the right to make comments in the observer's report. The report shall be signed by the observer and the master. The master shall receive a copy of the observer's report.

Observers shall send their reports to Mauritius, which shall send a copy of it and the information identified under point 7 of this Chapter, to the Union within 15 calendar days of the disembarkation of the observer.

*Appendices to this Annex*

1. Appendix 1 — Application form for a fishing authorisation
  2. Appendix 2 — Format of VMS message position
-



Appendix 1

APPLICATION FOR A FOREIGN FISHING VESSEL LICENCE

Name of applicant: .....

Address of applicant: .....

Name and address of charterers of vessels, if different from above: .....

Name and address of agent in Mauritius: .....

Name of vessel: .....

Type of vessel: .....

Country of registry: .....

Port and registration number: .....

Fishing vessel external identification: .....

Radio call sign and frequency: .....

Fax number of vessel: .....

IMO number, if applicable: .....

Length of vessel: .....

Width of vessel: .....

Engine type and power: .....

Gross registered tonnage of vessel: .....

Net registered tonnage of vessel: .....

Minimum crew complement: .....

Type of fishing practised: .....

Proposed species of fish: .....

Period of validity requested: .....

I certify that the above particulars are correct.

Date: .....

Signature: .....

\_\_\_\_\_

## Appendix 2

## Format of VMS message position

## COMMUNICATION OF VMS MESSAGES POSITION REPORT

Data Element	Code	Mandatory/Optional	Content
Start record	SR	M	System detail — indicates start of record
Addressee	AD	M	Message detail — addressee. Alpha-3 ISO country code
From	FR	M	Message detail — sender. Alpha-3 ISO country code
Flag State	FS	M	Message detail — flag State
Type of message	TM	M	Message detail — message type [ENT, POS, EXI]
Radio call sign	RC	M	Vessel detail — international radio call sign of vessel
Contracting Party internal reference number	IR	O	Vessel detail — unique Contracting Party number (flag State ISO3 code followed by number)
External registration number	XR	M	Vessel detail — number marked on side of vessel
Latitude	LT	M	Vessel position detail — position in degrees and minutes N/S DDMM (WGS84)
Longitude	LG	M	Vessel position detail — position in degrees and minutes E/W DDMM (WGS84)
Course	CO	M	Vessel course 360° scale
Speed	SP	M	Vessel speed in tenths of knots
Date	DA	M	Vessel position detail — date of record of UTC position (YYYYMMDD)
Time	TI	M	Vessel position detail — time of record of UTC position (HHMM)
End record	ER	M	System detail — indicates end of record

M = mandatory data element

O = optional data element

Data transmission formats may be adapted to UN CEFACT standards

# REGULATIONS

## COMMISSION DELEGATED REGULATION (EU) 2017/1961

of 2 August 2017

### amending Regulation (EC) No 606/2009 as regards certain oenological practices

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 <sup>(1)</sup>, and in particular Article 75(2) and (3)(g) thereof,

Whereas:

- (1) In accordance with Article 3 of Commission Regulation (EC) No 606/2009 <sup>(2)</sup>, authorised oenological practices are laid down in Annex I A to that Regulation. The International Organisation of Vine and Wine (OIV) has adopted 12 oenology resolutions that were included in the Council Decision of 7 October 2016 among which two new oenological practices, concerning the use of filter plates containing zeolites  $\gamma$ -faujasite to adsorb haloanisoles and the treatment of wine with potassium polyaspartate. In order to take account of technical progress and to provide Union producers with the same possibilities as those available to third-country producers, those new oenological practices should be authorised in the Union under the conditions of use defined by the OIV.
- (2) In accordance with Article 80(3)(b) of Regulation (EU) No 1308/2013, when authorising oenological practices for wine, the Commission has to take into account the protection of human health. The use of food additives should comply with Regulation (EC) No 1333/2008 of the European Parliament and of the Council <sup>(3)</sup>. Potassium polyaspartate was not included in the Union list of food additives approved for use in foods set out in Annex II to Regulation (EC) No 1333/2008. However, Annex II to Regulation (EC) No 1333/2008 has recently been amended by Commission Regulation (EU) 2017/1399 <sup>(4)</sup> to include it in that Union list of food additives. Therefore, the treatment of wine with potassium polyaspartate can now be authorised in the Union.
- (3) Regulation (EC) No 606/2009 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

#### Article 1

Annex I A to Regulation (EC) No 606/2009 is amended in accordance with the Annex to this Regulation.

#### Article 2

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

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> Commission Regulation (EC) No 606/2009 of 10 July 2009 laying down certain detailed rules for implementing Council Regulation (EC) No 479/2008 as regards the categories of grapevine products, oenological practices and the applicable restrictions (OJ L 193, 24.7.2009, p. 1).

<sup>(3)</sup> Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives (OJ L 354, 31.12.2008, p. 16).

<sup>(4)</sup> Commission Regulation (EU) 2017/1399 of 28 July 2017 amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council and the Annex to Commission Regulation (EU) No 231/2012 as regards potassium polyaspartate (OJ L 199, 29.7.2017, p. 8).

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

Done at Brussels, 2 August 2017.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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## ANNEX

Annex I A to Regulation (EC) No 606/2009 is amended as follows:

(1) in the table, the following rows 57 and 58 are added:

1		2	3
Oenological practice		Conditions of use	Limits on use Applications
'57	Use of filter plates containing zeolites $\gamma$ -faujasite to adsorb haloanisoles	Under the conditions laid down in Appendix 23	
58	Treatment with potassium polyaspartate in wine	Under the conditions laid down in Appendix 24	No more than 10 g/hl'

(2) the following Appendices 23 and 24 are added:

*Appendix 23*

**Requirements for the use of filter plates containing zeolites  $\gamma$ -faujasite**

The purpose of the use of a filter plate containing zeolites Y-faujasite applied during filtration is to reduce the concentration of haloanisoles responsible for off-flavour in wines, below their sensory perception threshold.

*Prescriptions:*

- (a) The treatment should be carried out on clarified wines;
- (b) the filter plates should be cleaned and disinfected before filtration;
- (c) the application of zeolites Y-faujasite should comply with the prescriptions in the International Oenological Codex.

*Appendix 24*

**Requirements for the treatment with potassium polyaspartate in wine**

The purpose of the addition of potassium polyaspartate to wines is to contribute to the tartaric stabilization of wines.

*Prescriptions:*

- (a) The optimum dose of potassium polyaspartate used to stabilize wines, also those with a high degree of tartaric instability, must not exceed 10 g/hL. At higher doses, the potassium polyaspartate's (KPA) stabilizing performance is not improved and, in some cases, an increase of wine turbidity could be induced;
- (b) for red wines with high colloidal instability, prior treatment with bentonite is recommended;
- (c) the application of potassium polyaspartate must be in accordance with the prescriptions of the International Oenological Codex.

**COMMISSION DELEGATED REGULATION (EU) 2017/1962****of 9 August 2017****amending Delegated Regulation (EU) No 611/2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the support programmes for the olive-oil and table-olives sector**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 <sup>(1)</sup>, and in particular Article 30 thereof,

Whereas:

- (1) In light of the experience gained during the implementation of the three-year work programmes that started on 1 April 2015, certain provisions of Commission Delegated Regulation (EU) No 611/2014 <sup>(2)</sup> should be simplified or clarified. At the same time, it is appropriate to further limit the administrative burden for operators and national administrations.
- (2) Given that Member States are in the best position to assess the actual risk of double funding of the different aid schemes they manage, they should lay down clear demarcation criteria that allow to make a distinction between operations or actions that are supported under the three-year work programmes and those that are funded under any other Union instruments.
- (3) The minimum allocation of Union funding to specific areas of activities should be laid down by the Member States concerned, as they are in the best position to identify the sensitive priority areas in their territory. With a view to ensuring a balanced implementation of the priorities in the territory of the Member State concerned, that minimum allocation should apply to all work programmes.
- (4) The evaluation of work programmes carried out previously by the recipient organisations within the framework of Delegated Regulation (EU) No 611/2014 should be included in the list of criteria for the selection of new work programmes.
- (5) For the sake of simplification, it is appropriate to allow using a flat rate for the purpose of calculating the overheads.
- (6) In order to better match the applications for advance payment to the liquidity of the beneficiary during the implementation of the three-year work programme, it should no longer be required that an application for an advance is included in the initial approval application.
- (7) Delegated Regulation (EU) No 611/2014 should therefore be amended accordingly.
- (8) Work programmes approved before 1 April 2018 should continue to be governed by the provisions of Delegated Regulation (EU) No 611/2014 applicable at the time of their approval until those programmes come to an end,

HAS ADOPTED THIS REGULATION:

*Article 1*

Delegated Regulation (EU) No 611/2014 is amended as follows:

- (1) the following Article 2a is inserted:

*'Article 2a***Prohibition of double funding**

Member States shall lay down clear demarcation criteria to ensure that no support is granted under Article 29 of Regulation (EU) No 1308/2013 for operations or actions that are supported under any other Union instruments.;

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> Commission Delegated Regulation (EU) No 611/2014 of 11 March 2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the support programmes for the olive-oil and table-olives sector (OJ L 168, 7.6.2014, p. 55).

(2) in Article 3(4), the introductory phrase is replaced by the following:

‘Outsourcing the measures of a producer organisation or an association of producer organisations in accordance with Article 155 of Regulation (EU) No 1308/2013 may be authorised for the measures referred to in paragraph 1, subject to the following conditions:’;

(3) in Article 4(1), point (a) is deleted;

(4) Article 5 is replaced by the following:

‘Article 5

#### **Allocation of Union funding**

Member States shall lay down the minimum allocation of Union funding available under Article 29 of Regulation (EU) No 1308/2013 to specific areas referred to in Article 3(1) of this Regulation. That minimum allocation shall apply to all work programmes to be approved under this Regulation in the Member State concerned’;

(5) In Article 6(1), point (g) is replaced by the following:

‘(g) the evaluation of programmes which may have been carried out previously by the recipient organisations within the framework of Commission Regulation (EC) No 1334/2002 (\*), Commission Regulation (EC) No 2080/2005 (\*\*), Regulation (EC) No 867/2008 or this Regulation.

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(\*) Commission Regulation (EC) No 1334/2002 of 23 July 2002 laying down detailed rules for the application of Council Regulation (EC) No 1638/98 as regards the work programmes of operators organisations in the olive sector for the marketing years 2002/2003, 2003/2004 and 2004/2005 (OJ L 195, 24.7.2002, p. 16).

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

(6) Article 7(3) is amended as follows

(a) point (h) is deleted;

(b) the following second subparagraph is added:

‘For the purposes of point (d) of the first subparagraph, Member States may decide whether overheads are eligible on the basis of a flat rate or of actual costs established on the basis of supporting documents to be submitted by the beneficiaries.’.

#### *Article 2*

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

It shall apply to work programmes that will start from 1 April 2018 and their approval processes.

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

Done at Brussels, 9 August 2017.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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**COMMISSION IMPLEMENTING REGULATION (EU) 2017/1963****of 9 August 2017****amending Implementing Regulation (EU) No 615/2014 laying down detailed rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council and Regulation (EU) No 1308/2013 of the European Parliament and of the Council in respect of work programmes to support the olive oil and table olives sectors**

THE EUROPEAN COMMISSION,

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

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 <sup>(2)</sup>, and in particular Article 31 thereof,

Whereas:

- (1) In the light of the experience gained during the implementation of the 3-year work programmes that started on 1 April 2015, certain provisions of Commission Implementing Regulation (EU) No 615/2014 <sup>(3)</sup> should be simplified or clarified. At the same time, it is appropriate to further limit the administrative burden for operators and the national administrations.
- (2) As the year of implementation of the work programmes starts on 1 April, in the context of amendments to approved work programmes in the event of a merger of beneficiary organisations, the separate work programmes of the merging beneficiary organisations should be operated in parallel until the start of the year of implementation that follows the year of implementation in which the merger occurred. In the same context, certain conditions to accept amendments to work programme measures should be adapted to make clear that the budget allocated to the area concerned remains stable.
- (3) In order to better match the applications for advance payment to the liquidity of the beneficiary, Member States should have the possibility to allow beneficiary organisations to submit applications for advance payments during the implementation of the 3-year work programme.
- (4) A minimum amount for the security to be lodged when submitting an application for approval of a work programme should be laid down in order to ensure the implementation of the approved work programme. The rules on releasing the security related to advances before the end of each year of implementation of the work programme should be more flexible and aligned with the rules relating to the payment of EU funding.
- (5) Taking into account that the main objective of having strict deadlines for submitting a payment application is to respect the annual budget life-cycle, Member States should have more flexibility when fixing the deadline to lodge an application for payment as long as payments are made by the Member States by 15 October of the calendar year in which the year of implementation of the work programme ends.
- (6) To prevent liquidity difficulties, a system of partial payments during each year of implementation of the work programme should be provided for the reimbursement of expenditure already incurred.
- (7) For the sake of simplification, it should be possible to carry out the verification of the compliance with the conditions for the recognition of beneficiaries on the basis of documents only.
- (8) Finally, some dates for notifying the Commission of certain information and cross-references between certain provisions of Implementing Regulation (EU) No 615/2014 should be expressed in a clearer way.

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 549.

<sup>(2)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(3)</sup> Commission Implementing Regulation (EU) No 615/2014 of 6 June 2014 laying down detailed rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council and Regulation (EU) No 1308/2013 of the European Parliament and of the Council in respect of work programmes to support the olive oil and table olives sectors (OJ L 168, 7.6.2014, p. 95).



- (9) Implementing Regulation (EU) No 615/2014 should therefore be amended accordingly.
- (10) Work programmes approved before 1 April 2018 should continue to be governed by the provisions of Implementing Regulation (EU) No 615/2014 applicable at the time of their approval until those programmes come to an end.
- (11) 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*

Implementing Regulation (EU) No 615/2014 is amended as follows:

(1) Article 2 is amended as follows:

(a) in paragraph 3, the first subparagraph is replaced by the following:

‘In the event of a merger, beneficiary organisations that were previously carrying out separate work programmes shall operate the separate programmes in parallel until 31 March of the year following the merger.’;

(b) in paragraph 6, points (c) and (d) are replaced by the following:

‘(c) the budget allocated to the area concerned as referred to in Article 3(1) of Delegated Regulation (EU) No 611/2014 remains stable;

(d) the transfer of budget from the measure in question to other measures in the area concerned does not exceed EUR 40 000.’;

(2) Articles 3 and 4 are replaced by the following:

‘*Article 3*

#### **Advance payments**

1. A beneficiary organisation may submit applications for advance payments by dates to be laid down by the Member State.

2. The total advances paid for a given year of implementation of a work programme may not exceed 90 % of the initially approved amount of aid for that work programme.

3. Member State may set a minimum amount for advances and the deadlines for the payment of advances.

*Article 4*

#### **Securities to be lodged**

1. The security referred to in Article 7(3)(g) of Delegated Regulation (EU) No 611/2014 shall be at least 10 % of the Union financing applied for.

2. Advances referred to in Article 3 shall be paid subject to the lodging of a security in accordance with Chapter IV of Commission Delegated Regulation (EU) No 907/2014 (\*). The amount of the security shall be equal to 110 % of the advance.

3. Before a date to be stipulated by the Member State and at the latest before the end of each year of implementation of the work programme, beneficiary organisations may lodge with the Member State concerned a request for the release of the security referred to in paragraph 2. In addition to the documents referred to in Article 5(2)(b) and (c), the request shall be accompanied by a detailed description of the stages of the work programme that have been implemented, broken down by areas and measures as detailed in Article 3 of Delegated Regulation (EU) No 611/2014. The Member State shall check those documents and release the security corresponding to the expenditure concerned no later than in the course of the second month following that in which the application is lodged.

(\*) Commission Delegated Regulation (EU) No 907/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro (OJ L 255, 28.8.2014, p. 18).’;

(3) Article 5 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. For the purposes of payment of EU financing under Article 29(2) of Regulation (EU) No 1308/2013, a beneficiary organisation shall lodge an application for financing with the paying agency of the Member State in the calendar year in which the year of implementation of the work programme ends and at the latest by a date to be determined by the Member State allowing to comply with paragraph 5.

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

(b) in paragraph 5, the first sentence is replaced by the following:

‘No later than 15 October of the calendar year in which the year of implementation of the work programme ends and once it has carried out the examination of the supporting documents and the checks referred to in Article 6, the Member State shall pay the EU financing that is due and, as appropriate, release the security referred to in Article 4(2).’;

(4) the following Article 5a is inserted:

‘Article 5a

#### **Partial payments**

1. Member States may permit beneficiary organisations to apply for the payment of the part of the aid corresponding to the amounts already spent under the work programme.

2. The applications referred to in paragraph 1 may be submitted at any time, but no more than twice each year of implementation of the work programme. In addition to the documents referred to in Article 5(2)(b) and (c), applications shall be accompanied by a detailed description of the stages of the work programme that have been implemented, broken down by areas and measures as detailed in Article 3 of Delegated Regulation (EU) No 611/2014.

3. Payments in respect of the applications referred to in paragraph 1 shall not exceed 80 % of the part of the aid corresponding to the amounts already spent under the work programme for the period concerned. Member States may set a minimum amount for partial payments and deadlines for the submission of applications.’;

(5) in Article 6, the following paragraph 6 is added:

‘6. Member States may carry out the verification of the compliance with the conditions for the recognition of beneficiaries as referred to in paragraph 1(a) on the basis of documents only.’;

(6) Article 10 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) the introductory phrase is replaced by the following:

‘At the latest by 31 January before the start of the new 3-year work programme, the competent authorities shall notify the Commission of the national measures implementing this Regulation, and in particular those relating to’;

(ii) points (c) and (d) are replaced by the following:

‘(c) the minimum allocation of Union funding to specific areas referred to in Article 5 of Delegated Regulation (EU) No 611/2014, the goals and priorities of the olive sector referred to in Article 6(1)(a) of that Delegated Regulation and the quantitative and qualitative indicators referred to in Article 7(3)(f) of that Delegated Regulation;

(d) the dates referred to in Articles 5(1) and 5a(3) of this Regulation.’;

(b) in paragraph 3, the introductory phrase is replaced by the following:

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

*Article 2*

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

It shall apply to work programmes that will start from 1 April 2018 and their approval processes.

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

Done at Brussels, 9 August 2017.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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**COMMISSION IMPLEMENTING REGULATION (EU) 2017/1964****of 17 August 2017****amending Implementing Regulation (EU) 2016/1239 as regards certain rules on time limits and notifications of the quantities covered by licences in the rice sector****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 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 <sup>(1)</sup>, and in particular Article 223(3)(b) and (c) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2016/1239 <sup>(2)</sup> lays down rules for the application of Regulation (EU) No 1308/2013 with regard to the system of import and export licences, including those for rice. It also sets out detailed rules for notifications by Member States to the Commission.
- (2) It is necessary to clarify certain rules on time limits, including those for notifications of quantities of products covered by tariff quotas.
- (3) It is appropriate to include the obligation for Member States to notify the Commission of the quantities of rice covered by licences, as it existed in previous Regulations.
- (4) Implementing Regulation (EU) 2016/1239 should therefore be amended accordingly.
- (5) For reasons of clarity and legal certainty, this Regulation should enter into force on the same day as Commission Delegated Regulation (EU) 2017/1965 <sup>(3)</sup> that amends Delegated Regulation (EU) 2016/1237 <sup>(4)</sup> in relation to notifications in the rice sector.
- (6) 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*

Implementing Regulation (EU) 2016/1239 is amended as follows:

(1) Article 3 is amended as follows:

(a) paragraph 3 is replaced by the following:

‘3. Where in this Regulation a period for procedures is set, and the opening or closing date is a Saturday, Sunday, or public holiday as defined in Regulation (EEC, Euratom) No 1182/71:

(a) the applicable opening date shall be the following working day and shall start at 0.00 hours, taking account of official office opening hours;

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> Commission Implementing Regulation (EU) 2016/1239 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 the system of import and export licences (OJ L 206, 30.7.2016, p. 44).

<sup>(3)</sup> Commission Delegated Regulation (EU) 2017/1965 of 17 August 2017 amending Delegated Regulation (EU) 2016/1237 as regards the nature and type of information to be notified for licences in the rice sector (see page 36 of this Official Journal).

<sup>(4)</sup> Commission Delegated Regulation (EU) 2016/1237 of 18 May 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the rules for applying the system of import and export licences and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the rules on the release and forfeit of securities lodged for such licences, amending Commission Regulations (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 951/2006, (EC) No 341/2007 and (EC) No 382/2008 and repealing Commission Regulations (EC) No 2390/98, (EC) No 1345/2005, (EC) No 376/2008 and (EC) No 507/2008 (OJ L 206, 30.7.2016, p. 1).

(b) by way of derogation from Article 3(2)(b) and (4) of that Regulation, the applicable closing date shall be the following working day and shall end at 13.00 hours Brussels time.;

(b) the following paragraph 4 is added:

‘4. By way of derogation from paragraph 3, where for the purposes of this Regulation a time limit applies for the notification of quantities of products covered by applications for licences under a tariff quota or for the notification of unused quantities under a tariff quota, that time limit shall end with the expiry of the last hour of the last day, irrespective of whether that day is a Saturday, Sunday or public holiday.’

(2) The following Article 19a is inserted:

‘Article 19a

**Notifications relating to rice**

Member States shall notify the Commission on a daily basis of the following:

(a) as regards import licences other than those intended for the management of import tariff quotas, the total quantities covered by the licences issued, by origin and by product code;

(b) as regards export licences, the total quantities covered by the licences issued and by product code.’

*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, 17 August 2017.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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**COMMISSION DELEGATED REGULATION (EU) 2017/1965****of 17 August 2017****amending Delegated Regulation (EU) 2016/1237 as regards the nature and type of information to be notified for licences in the rice sector****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 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 <sup>(1)</sup>, and in particular Article 223(2)(a) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2016/1237 <sup>(2)</sup> supplements Regulation (EU) No 1308/2013 as regards the rules for applying the system of import and export licences. It sets out the relevant rules for rice and also lays down the nature and type of information to be notified by Member States to the Commission.
- (2) It is appropriate to include the obligation for Member States to notify the Commission of the quantities of rice covered by licences, as it existed in previous Regulations.
- (3) At the occasion of the amendment of Delegated Regulation (EU) 2016/1237 it is appropriate to align a term used in Article 2(2)(c)(iii) of that Regulation with the customs terminology used in the Union Customs Code and to make a more precise reference to relevant provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council <sup>(3)</sup>.
- (4) Delegated Regulation (EU) 2016/1237 should therefore be amended accordingly.
- (5) As the main reason for amending Delegated Regulation (EU) 2016/1237 is formally confirming a longstanding notification obligation and given the need to ensure continuity and legal certainty for notifications concerning rice, this Regulation should enter into force on the day following that of its publication,

HAS ADOPTED THIS REGULATION:

*Article 1*

Delegated Regulation (EU) 2016/1237 is amended as follows:

- (1) in Article 2(2)(c), point (iii) is replaced by the following:

‘(iii) products that are subject to the repayment or remission of the amount of import or export duty as set out in Section 3 of Chapter 3 of Title III of Regulation (EU) No 952/2013 of the European Parliament and of the Council (\*) in respect of which a final decision has not yet been taken.

(\*) Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).’;

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> Commission Delegated Regulation (EU) 2016/1237 of 18 May 2016 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to the rules for applying the system of import and export licences and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to the rules on the release and forfeit of securities lodged for such licences, amending Commission Regulations (EC) No 2535/2001, (EC) No 1342/2003, (EC) No 2336/2003, (EC) No 951/2006, (EC) No 341/2007 and (EC) No 382/2008 and repealing Commission Regulations (EC) No 2390/98, (EC) No 1345/2005, (EC) No 376/2008 and (EC) No 507/2008 (OJ L 206, 30.7.2016, p. 1).

<sup>(3)</sup> Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

(2) in Article 8, the following point (ea) is inserted after point (e):

‘(ea) as regards rice, the quantities referred to in Article 19a of Implementing Regulation (EU) 2016/1239.’

*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, 17 August 2017.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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**COMMISSION IMPLEMENTING REGULATION (EU) 2017/1966****of 27 October 2017****amending Implementing Regulation (EU) No 1189/2011 as regards the communication of assistance requests and the follow-up to those requests**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2010/24/EU of 16 March 2010 concerning mutual assistance for the recovery of claims relating to taxes, and other measures <sup>(1)</sup>, and in particular Article 26 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 1189/2011 <sup>(2)</sup> lays down detailed rules concerning the communication of tax recovery assistance requests, the follow-up of those requests, the use of standard request forms and uniform instruments between the authorities in Member States and the transfer of recovered amounts in relation to certain mutual assistance provisions of Directive 2010/24/EU.
- (2) In order to ensure that the applicant Member State is fully informed about the follow-up of a request for notification, it is appropriate to specify that the requested authority should inform the applicant authority about the manner of notification.
- (3) In order to facilitate the handling of requests for precautionary measures, a standard form for the communication of specific reasons and circumstances for such requests should be developed.
- (4) In order to ensure legal certainty, it is appropriate to specify which claims can be mentioned in the uniform instrument permitting enforcement in the requested Member State.
- (5) In order to facilitate the handling of requests for recovery, the rules concerning the exchange rate and the transfer of recovered amounts should be adapted and it should be clarified how an increase in the amount of a claim should be communicated.
- (6) The structure and lay-out of the standard form accompanying the request for notification and of the uniform instrument permitting enforcement in the requested Member State should be also adapted so as to align them to the requirements of an electronic communication system and for future use in international agreements.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Recovery Committee,

HAS ADOPTED THIS REGULATION:

*Article 1*

Regulation (EU) No 1189/2011 is amended as follows:

- (1) in Article 12, paragraph 2 is replaced by the following:

‘2. The requested authority shall inform the applicant authority of the date and the manner of notification as soon as this has been effected, by certifying the notification in the request form returned to the applicant authority.’;

- (2) Article 15 is replaced by the following:

*‘Article 15*

1. Requests for recovery or for precautionary measures shall include a declaration that the conditions laid down in Directive 2010/24/EU for initiating the mutual assistance procedure have been fulfilled.

<sup>(1)</sup> OJ L 84, 31.3.2010, p. 1.

<sup>(2)</sup> Commission Implementing Regulation (EU) No 1189/2011 of 18 November 2011 laying down detailed rules in relation to certain provisions of Council Directive 2010/24/EU concerning mutual assistance for the recovery of claims relating to taxes, duties and other measures (OJ L 302, 19.11.2011, p. 16).



2. In case of a request for precautionary measures, this declaration may be supplemented by a declaration specifying the reasons and circumstances of the request, established in accordance with the model set out in Annex III.;

(3) Article 16 is amended as follows:

(a) paragraph 2 is replaced by the following:

‘2. A single uniform instrument permitting enforcement in the requested Member State may be issued in respect of several claims and several persons, corresponding to the initial instrument or instruments permitting enforcement in the applicant Member State.’;

(b) the following paragraphs 3a and 3b are inserted:

‘3a. Where the initial instrument referred to in paragraph 2 or the global instrument referred to in paragraph 3 contains several claims, one or more of which have already been collected or recovered, the uniform instrument permitting enforcement in the requested Member State shall only refer to those claims for which recovery assistance is requested.

3b. Where the initial instrument referred to in paragraph 2 or the global instrument referred to in paragraph 3 contains several claims, the applicant authority may list those claims in different uniform instruments permitting enforcement in the requested Member State, in line with the tax type related division of competences of the respective recovery offices in the requested Member State.’;

(4) in Article 18, paragraph 2 is replaced by the following:

‘2. The exchange rate to be used for the purposes of the recovery assistance shall be the exchange rate published by the European Central Bank on the date before the date the request is sent. Where there is no such rate available on that date, the exchange rate used shall be the latest exchange rate published by the European Central Bank before the date the request is sent.’;

(5) in Article 22, paragraph 5 is replaced by the following:

‘5. Where the adjustment referred to in paragraph 2 entails an increase in the amount of the claim, the applicant authority may address to the requested authority an amended request for recovery or for precautionary measures.

That amended request shall, as far as possible, be dealt with by the requested authority at the same time as the initial request from the applicant authority. Where, in view of the state of progress of the existing procedure, consolidation of the amended request with the initial request is not possible, the requested authority shall comply with the amended request only if it concerns an amount not less than that referred to in Article 18(3) of Directive 2010/24/EU.’;

(6) in Article 23(1), the first and second subparagraphs are replaced by the following:

‘The amounts that have to be remitted to the applicant authority, in accordance with Article 13(5) of Directive 2010/24/EU, shall be transferred to the applicant authority in Euro unless the Member States have agreed to transfer recovered amounts in another currency.

The transfer of the recovered amounts shall take place within two months of the date on which recovery was effected unless otherwise agreed between the Member States.’;

(7) Annex I is replaced by the text set out in Annex I to this Regulation.

(8) Annex II is replaced by the text set out in Annex II to this Regulation.

(9) Annex III to this Regulation is added as Annex III.

## Article 2

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

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

Done at Brussels, 27 October 2017.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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ANNEX I

'ANNEX I

**Uniform notification form providing information about notified document(s)  
(to be transmitted to the addressee of the notification) <sup>(1)</sup> <sup>(2)</sup>**

This document, established in accordance with  Article 10 of Commission Implementing Regulation (EU) No 1189/2011 accompanies document(s) hereby notified by the competent authority of the following State: [name of requested State].

This notification concerns documents of the competent authorities of the following State: [name of applicant State], which asked for notification assistance, in accordance with  Article 8 of Council Directive 2010/24/EU.

## A. ADDRESSEE OF THE NOTIFICATION

- Name:
- Address (known or assumed):
- Other data relevant to the identification of the addressee:

## B. PURPOSE OF THE NOTIFICATION

This notification is intended:

- to inform the addressee, about the document(s) to which this document is attached.
- to interrupt the period of limitation with regard to the claim(s) mentioned in the notified document(s).
- to confirm the addressee, about his/her obligation to pay the amounts mentioned under point D.

Please note that in case of non-payment, the authorities may take enforcement and/or precautionary measures to ensure the recovery of the claim(s). This may cause extra costs charged to the addressee.

You are the addressee of this notification, as you are considered to be:

- the principal debtor*
- a co-debtor*
- a person other than the (co-)debtor, liable for settlement of the taxes, duties and other measures, or for other claims relating to these taxes, duties and other measures, under the laws in force in the applicant State*
- a person other than the (co-)debtor, holding assets belonging to, or having debts towards, the (co-)debtor or to any other person liable*
- a third party which may become affected by enforcement measures concerning other persons*

*(The following information will appear if the addressee of the notification is a person other than the (co-)debtor, holding assets belonging to, or having debts towards, the (co-)debtor or to any other person liable, or a third party which may become affected by enforcement measures concerning other persons:*

*The notified documents concern claims relating to taxes and duties, for which the following person(s) is (are) liable as*

- the principal debtor: [name and address (known or assumed)]*
- a co-debtor: [name and address (known or assumed)]*
- a person other than the (co-)debtor, liable for settlement of the taxes, duties and other measures, or for other claims relating to these taxes, duties and other measures, under the laws in force in the applicant State: [name and address (known or assumed)].*

The applicant authority of the applicant State (name of the applicant State) invited the competent authorities of the requested State (name of the requested State) to make this notification before [date]. Please note that this date is not specifically related to any period of limitation.

<sup>(1)</sup> The elements put in *italic* are optional.

<sup>(2)</sup> Where this form is transmitted by electronic means, its structure and lay-out may be adapted to the requirements of the electronic communication system, provided that the set of data and information contained therein is not substantially altered.

## C. OFFICE(S) RESPONSIBLE FOR THE NOTIFIED DOCUMENT(S)

Office responsible with regard to the attached document(s):

- Name:
- Address:
- Other contact details:
- Language(s) in which this office can be contacted:

Further information about  the notified document(s)  and/or the possibility to contest the obligations can be obtained

at the abovementioned office responsible with regard to the attached document(s), and/or

from the following office:

- Name:
- Address:
- Other contact details:
- Language(s) in which this office can be contacted:

## D. DESCRIPTION OF THE NOTIFIED DOCUMENT(S)

Document [number]

- Reference number:
- Date of establishment:
- Nature of the notified document:
  - Tax assessment
  - Payment order
  - Decision following an administrative appeal
  - Other administrative document:
  - Judgment or order of:
  - Other judicial document:
- Name of the claim(s) concerned (in the language of the applicant State):

— Nature of the claim(s) concerned:

- a) customs duties
- b) value added tax
- c) excise duties
- d) tax on income or capital
- e) tax on insurance premiums
- f) inheritance and gift taxes
- g) national taxes and duties on immovable property, other than the abovementioned ones
- h) national taxes and duties on the use or ownership of means of transport
- i) other taxes and duties levied by or on behalf of the applicant State
- j) taxes and duties levied by or on behalf of territorial or administrative subdivisions of the applicant State, excluding taxes and duties levied by local authorities
- k) taxes and duties levied by or on behalf of local authorities
- l) other tax-based claim
- m) refunds, interventions and other measures forming part of the system of total or partial financing of the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD), including sums to be collected in connection with these actions, and levies and other duties provided for under the common organisation of the market for the sugar sector

- Amount of the claim(s) concerned:
    - Principal amount:
    - Administrative penalties and fines:
    - Interest up to [date]:
    - Costs up to [date]:
    - Fees for certificates and similar documents issued in connection with administrative procedures related to the claim mentioned under point [x]:
    - Total amount for this (these) claim(s):
  - The amount mentioned under point [x] should be paid:
    - before:
    - within [number] days following the date of this notification
    - without any further delay
  - This payment should be made to:
    - Holder of the bank account:
    - International Bank Account Number (IBAN):
    - Bank Identification Code (BIC):
    - Name of the bank:
  - Reference to be used for the payment:
  - The addressee can reply to the document(s) that is (are) hereby notified.
    - Last day for replying:
    - Time period for replying:
      - Name and address of the authority to whom a reply can be sent:
  - Possibility to contest:
    - The period to contest the claim or the notified document(s) has already come to its end.
    - Last day for contesting the claim:
    - Time period to contest the claim: [number of days] following
      - the date of this notification.
      - the establishment of the notified document(s)
      - another date:
    - Name and address of the authority where a contestation has to be submitted:
- Please note that disputes concerning the claim, the instrument permitting enforcement or any other document originating from the authorities of the applicant State (name of applicant State), fall within the competence of the competent bodies of the applicant State (name of applicant State), in accordance with  Article 14 of Directive 2010/24/EU.
- Any such dispute is governed by the procedural and language rules applying in the applicant State (name of applicant State).
- Please note that the recovery may begin before the end of the period within which the claim may be contested.
- Other information:
-

## ANNEX II

## 'ANNEX II

**Uniform instrument permitting enforcement of claims covered by  Directive 2010/24/EU <sup>(1)</sup> <sup>(2)</sup>**

UNIFORM INSTRUMENT PERMITTING ENFORCEMENT OF CLAIMS COVERED BY  DIRECTIVE 2010/24/EU

- *Date of issue:*
- *Reference number:*

REVISED UNIFORM INSTRUMENT PERMITTING ENFORCEMENT OF CLAIMS COVERED BY  DIRECTIVE 2010/24/EU

- *Date of issue of the original uniform instrument:*
- *Date of revision:*
- *Reason for the revision:*

- judgment or order of [name of the Court] of [date]*
- administrative decision of [date]*
- *Reference number:*

State where this document is issued: [name of applicant State]

*Each EU Member State can request recovery assistance from other Member States for unpaid claims referred to in Article 2 of Directive 2010/24/EU. This Directive has been adopted by the Council of the European Union on 16 March 2010 and is to be applied in all EU Member States.*

Recovery measures taken by the requested State are based on:

- a uniform instrument permitting enforcement, in accordance with  Article 12 of Directive 2010/24/EU.*
- a revised uniform instrument permitting enforcement, in accordance with  Article 15 of Directive 2010/24/EU (to take account of the decision of the competent body referred to in Article 14(1) of that Directive).*

This document is the uniform instrument permitting enforcement (including precautionary measures). It concerns the claim(s) mentioned below, which remain(s) unpaid in the applicant State (name of applicant State). The initial instrument for the enforcement of this/these claim(s) has been notified in so far as required under the national law of the applicant State (name of applicant State).

Disputes concerning the claim(s) fall exclusively within the competence of the competent bodies of the applicant State (name of applicant State), in accordance with  Article 14 of Directive 2010/24/EU. Any such action shall be brought before them in accordance with the procedural and language rules in force in the applicant State (name of applicant State).

**DESCRIPTION OF THE CLAIM(S) AND THE PERSON(S) CONCERNED****Identification of the claim(s) [number]**

1. Reference:
2. Nature of the claim(s) concerned:
  - a) *customs duties*
  - b) *value added tax*
  - c) *excise duties*
  - d) *tax on income or capital*
  - e) *tax on insurance premiums*
  - f) *inheritance and gift taxes*
  - g) *national taxes and duties on immovable property, other than the abovementioned ones*

<sup>(1)</sup> The elements put in *italic* are optional.

<sup>(2)</sup> Where this form is transmitted by electronic means, its structure and lay-out may be adapted to the requirements and possibilities of the electronic communication system, provided that the set of data and information contained therein is not substantially altered.

- h) *national taxes and duties on the use or ownership of means of transport*
- i) *other taxes and duties levied by or on behalf of the (applicant) State*
- j) *taxes and duties levied by or on behalf of territorial or administrative subdivisions of the (applicant) State, excluding taxes and duties levied by local authorities*
- k) *taxes and duties levied by or on behalf of local authorities*
- l) *other tax-based claim*
- m) *refunds, interventions and other measures forming part of the system of total or partial financing of the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD), including sums to be collected in connection with these actions, and levies and other duties provided for under the common organisation of the market for the sugar sector*

3. Name of the tax/duty concerned:

4. Period or date concerned:

5. Date of establishment of the claim:

6. Date on which enforcement becomes possible:

7. Amount of the claim still due:

- principal amount:*
- administrative penalties and fines:*
- interest till date before the day the request is sent:*
- costs till date before the day the request is sent:*
- fees for certificates and similar documents issued in connection with administrative procedures related to the tax/duty concerned:*
- total amount of this claim:*

8. Date of notification of the initial instrument permitting enforcement in the applicant State: (name of the applicant State):

- Date:*
- No date available*

9. Office responsible for the assessment of the claim:

- *Name:*
- *Address:*
- *Other contact details:*
- *Language(s) in which this office can be contacted:*

10. Further information concerning the claim or the possibilities for contesting the payment obligation can be obtained from:

- the office indicated above*
- the following office responsible for the Uniform instrument permitting enforcement:*
  - *Name:*
  - *Address:*
  - *Other contact details:*
  - *Language(s) in which this office can be contacted:*

#### **Identification of the person(s) concerned in the national instrument(s) permitting enforcement**

a) The following person is mentioned in the national instrument(s) permitting enforcement

- natural person*       *other*

- *Name*
- *Address (known or assumed)*
- *Other data relevant to the identification of the addressee*

Legal representative

— Name

— Address (known or assumed)

— Other data relevant to the identification of the addressee

Cause of liability:

principal debtor

a co-debtor

a person other than the (co-)debtor, liable for settlement of the taxes, duties and other measures, or for other claims relating to these taxes, duties and other measures under the laws in force in the applicant State

b) the following person(s) is (are) also mentioned in the national instrument(s) permitting enforcement:

natural person       other

— Name:

— Address (known or assumed):

— Other data relevant to the identification of the addressee:

Legal representative

— Name:

— Address (known or assumed):

— Other data relevant to the identification of the addressee:

Cause of liability:

principal debtor

a co-debtor

a person other than the (co-)debtor, liable for settlement of the taxes, duties and other measures, or for other claims relating to these taxes, duties and other measures under the laws in force in the applicant State

### **Other information**

#### **Overall total amount of the claim(s)**

— in the currency of the applicant State:

— in the currency of the requested State:

— in EUR:'

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## ANNEX III

**Declaration specifying reasons and circumstances for a request for precautionary measures**

Name of the language(s) of this document	
Declaration specifying reasons and circumstances for a request for precautionary measures <sup>(1)</sup> <sup>(2)</sup>	
based on:	Article 16 of Directive 2010/24/EU ...

This declaration is linked to the request for precautionary measures

with the following reference:	Ref. ...
sent by the following applicant State:	
to the following requested State:	

The following information on specific reasons and circumstances for this request is provided:

1. General information	
	<i>1.1. The claim(s) is (are) the subject of an instrument permitting enforcement in the applicant State which is contested.</i>
	<i>1.2. The claim(s) is (are) the subject of an instrument permitting enforcement in the applicant State which is not contested.</i>
	<i>1.3. The claim(s) is (are) not yet subject of an instrument permitting enforcement in the applicant State.</i>
	<i>1.4. The claim(s) is (are) not contested.</i>
	<i>1.5. The claim(s) may no longer be contested by and administrative appeal/by an appeal to the courts.</i>
	<i>1.6. The claim(s) is (are) contested but the laws, regulations and administrative practices in force in the State of the applicant authority allow to take precautionary measures.</i>
2. Justifying documents and/or reasons	
	<i>2.1. This request is accompanied by a uniform instrument permitting recovery in the requested State.</i> <i>Note: this uniform instrument permitting enforcement in the requested State also allows the requested State to take precautionary measures (for requests based on Directive 2010/24/EU: see the second subparagraph of Article 12(1) of that Directive).</i>

<sup>(1)</sup> The elements put in *Italic* are optional. It is suggested to remove subsections that are not selected.

<sup>(2)</sup> Where this form is transmitted by electronic means, its structure and lay-out may be adapted to the requirements and possibilities of the electronic communication system, provided that the set of data and information contained therein is not substantially altered.

2.2. This request is based on an <u>administrative decision</u> (attached) permitting precautionary measures in the applicant State, which contains the following evaluation:	
2.2.1. Administrative evaluation of the need to take precautionary measures assessed by:	
name of the authority:	
address of the authority:	
date of this decision:	DD/MM/YYYY
details contact person:	
2.2.2. Circumstances	
	The instrument permitting enforcement is contested.
	The claim(s) is (are) not yet the subject of an instrument permitting enforcement.
	The contesting of the claim(s) by the debtor was already rejected in first instance, but this decision is not final.
2.2.3. This authority has allowed precautionary measures in the applicant State in accordance with its national law, on the following date:	DD/MM/YYYY
2.2.4. The precautionary measures are considered to be justified for the following reasons, demonstrating the urgency and the risk that collection and recovery could be thwarted or seriously hindered:	
	high (estimated) amount of the (expected) debt/significant debiting
	suspicion of fraud
	Person(s) concerned making themselves insolvent
	restructuring of assets
	alienation of property
	attempt to hide/conceal/dissipate assets
	careless business management
	frequent change of residence
	relocation of property abroad
	debtor not respecting earlier payment agreements
	other elements/reasons: ...
	Short explanation (recommended): ...

2.3. This request is based on a <u>judicial</u> confirmation (attached) that precautionary measures are justified:	
2.3.1. Judicial evaluation of the need to take precautionary measures assessed by:	
name of the Court:	
address of the Court:	
date of the decision:	DD/MM/YYYY
(Details contact person:)	
2.3.2. The Court decided:	
	at the unilateral request of the tax authorities
	following the contesting of the claim by the debtor, by another person liable or by another person subject to the precautionary measures
2.3.3. This Court has allowed precautionary measures in the applicant State in accordance with its national law, on the following date:	DD/MM/YYYY
2.4. This request for precautionary measures is based on the reasons mentioned in the attached document(s).	
2.5. Precautionary measures are justified for the following reasons, demonstrating the urgency and the risk that collection and recovery could be thwarted or seriously hindered:	
	high (estimated) amount of the (expected) debt/significant levels of debt
	Suspicion of fraud
	Person(s) concerned making themselves insolvent
	restructuring of assets
	alienation of property
	attempt to hide/conceal/dissipate assets
	careless business management
	frequent change of residence
	relocation of property abroad
	debtor not respecting earlier payment agreements
	other elements/reasons: ...
	Short explanation (recommended): ...
3. Other information	
3.1. The authorities of the requested State are requested not to inform the debtor or other person concerned before the start of the precautionary measures.	
3.2. Other information: ...	

# DECISIONS

## COUNCIL DECISION (EU) 2017/1967

of 23 October 2017

**on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee concerning an amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms (The Union's preparatory action on defence research)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area <sup>(1)</sup>, and in particular Article 1(3) thereof,

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 <sup>(2)</sup>, and in particular Articles 54(2)(b), 84(2) and Article 124 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area <sup>(3)</sup> ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend, *inter alia*, Protocol 31 to the EEA Agreement.
- (3) Protocol 31 to the EEA Agreement contains provisions on cooperation in specific fields outside the four freedoms.
- (4) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include the participation of the EFTA States in the Union's preparatory action on defence research which is funded from the general budget of the European Union.
- (5) It is appropriate that the participation of the EFTA States in the activities financed from budget line 02 04 77 03 commence from 11 April 2017 even if the attached decision of the EEA Joint Committee is adopted, or if the fulfilment of constitutional requirements for that decision, if any, is notified, after 10 July 2017.
- (6) Institutions, undertakings, organizations and nationals of the EFTA States should be entitled to participate in activities which start before the entry into force of this Decision. The costs incurred for their participation in such activities, the implementation of which starts after 11 April 2017, should be considered eligible under the same conditions as those applicable to costs incurred by institutions, undertakings, organizations and nationals of the EU Member States, provided that the attached decision of the EEA Joint Committee has entered into force before the end of the preparatory action concerned.
- (7) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for that extended cooperation to take place from 11 April 2017.
- (8) The position of the Union within the EEA Joint Committee should be based on the attached draft decision,

<sup>(1)</sup> OJ L 305, 30.11.1994, p. 6.

<sup>(2)</sup> OJ L 298, 26.10.2012, p. 1.

<sup>(3)</sup> OJ L 1, 3.1.1994, p. 3.

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be adopted, on the Union's behalf, within the EEA Joint Committee on the proposed amendment to Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms, shall be based on the draft decision of the EEA Joint Committee attached to this Decision.

*Article 2*

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

Done at Luxembourg, 23 October 2017.

*For the Council*  
*The President*  
K. IVA

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DRAFT

## DECISION OF THE EEA JOINT COMMITTEE No .../2017

of ...

**amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area ('the EEA Agreement'), and in particular Articles 86 and 98 thereof,

Whereas:

- (1) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include the participation of the EFTA States in the Union's preparatory action on defence research which is funded from the general budget of the European Union.
- (2) It is appropriate that the participation of the EFTA States in the activities financed from budget line 02 04 77 03 commence from 11 April 2017 even if this Decision is adopted, or if the fulfilment of constitutional requirements for this Decision, if any, is notified, after 10 July 2017.
- (3) Institutions, undertakings, organizations and nationals of the EFTA States should be entitled to participate in activities which start before the entry into force of this Decision. The costs incurred for their participation in such activities, the implementation of which starts after 11 April 2017, should be considered eligible under the same conditions as those applicable to costs incurred by institutions, undertakings, organizations and nationals of the EU Member States, provided that this Decision has entered into force before the end of the preparatory action concerned.
- (4) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to take place from 11 April 2017,

HAS ADOPTED THIS DECISION:

*Article 1*

The following paragraph is added in Article 1 of Protocol 31 to the EEA Agreement:

- '13. (a) The EFTA States shall, as from 11 April 2017, participate in Union activities related to the following budget line, entered into the general budget of the European Union for the financial year 2017:
- **Budget line 02 04 77 03:** "Preparatory action on defence research".
- (b) The EFTA States shall contribute financially to the activities referred to in point (a) in accordance with Article 82(1)(a) of the Agreement.
- (c) The costs incurred by institutions, undertakings, organizations and nationals of the EFTA States for their participation in the activities referred to in point (a), the implementation of which starts after 11 April 2017, shall be considered eligible as from the beginning of the action under the same conditions as those applicable to costs incurred by institutions, undertakings, organizations and nationals of the EU Member States and pursuant to the relevant grant agreement or grant decision, provided that Decision of the EEA Joint Committee No .../2017 of ... [this Decision] has entered into force before the end of the preparatory action.
- (d) Iceland and Liechtenstein shall not participate in that preparatory action, and shall not financially contribute to the activities referred to in point (a).'

*Article 2*

This Decision shall enter into force on the day following the last notification under Article 103(1) of the EEA Agreement (\*).

It shall apply from 11 April 2017.

*Article 3*

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels,

*For the EEA Joint Committee*

*The President*

*The Secretaries to the EEA Joint Committee*

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(\*) [No constitutional requirements indicated.] [Constitutional requirements indicated.]

## ANNEX

Declaration by the EFTA States to Decision No .../2017 amending Protocol 31 to the EEA Agreement to extend the cooperation of the Contracting Parties to include the participation of the EFTA States in the Union's preparatory action on defence research

This Decision extends the cooperation of the Contracting Parties to include the participation of the EFTA States in the Union's preparatory action on defence research. The EFTA States consider that defence matters fall outside the scope of the EEA Agreement, and therefore that the adoption of this Decision does not extend the scope of the EEA Agreement to include defence matters beyond the participation of the EFTA States in that preparatory action. The EFTA States also stress that Iceland and Liechtenstein shall not participate in, and shall not financially contribute to, this preparatory action.

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**POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2017/1968****of 26 October 2017****on the appointment of the EU Operation Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) (ATALANTA/3/2017)**

THE POLITICAL AND SECURITY COMMITTEE,

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

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

Whereas:

- (1) Pursuant to Article 6(1) of Joint Action 2008/851/CFSP, the Council authorised the Political and Security Committee ('PSC') to take decisions on the appointment of the EU Operation Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast ('EU Operation Commander').
- (2) On 18 May 2016, the PSC adopted Decision (CFSP) 2016/808 <sup>(2)</sup> appointing Brigadier General Robert A. MAGOWAN as EU Operation Commander.
- (3) The United Kingdom has proposed that Major General Charlie STICKLAND OBE succeed Brigadier General Robert A. MAGOWAN as EU Operation Commander.
- (4) The EU Military Committee supports that proposal.
- (5) In accordance with Article 5 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications,

HAS ADOPTED THIS DECISION:

*Article 1*

Major General Charlie STICKLAND OBE is hereby appointed EU Operation Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast, as from 7 November 2017.

*Article 2*

Decision (CFSP) 2016/808 is hereby repealed.

*Article 3*

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

It shall apply from 7 November 2017.

Done at Brussels, 26 October 2017.

*For the Political and Security Committee**The Chairperson*

W. STEVENS

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<sup>(1)</sup> OJ L 301, 12.11.2008, p. 33.

<sup>(2)</sup> Political and Security Committee Decision (CFSP) 2016/808 of 18 May 2016 on the appointment of the EU Operation Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) (ATALANTA/2/2016) (OJ L 132, 21.5.2016, p. 103).

**COMMISSION IMPLEMENTING DECISION (EU) 2017/1969****of 27 October 2017****amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States***(notified under document C(2017) 7317)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market <sup>(1)</sup>, and in particular Article 9(4) thereof,Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market <sup>(2)</sup>, and in particular Article 10(4) thereof,

Whereas:

- (1) Commission Implementing Decision (EU) 2017/247 <sup>(3)</sup> was adopted following outbreaks of highly pathogenic avian influenza of subtype H5 in a number of Member States ('the concerned Member States'), and the establishment of protection and surveillance zones by the competent authority of the concerned Member States in accordance with Article 16(1) of Council Directive 2005/94/EC <sup>(4)</sup>.
- (2) Implementing Decision (EU) 2017/247 provides that the protection and surveillance zones established by the competent authorities of the concerned Member States in accordance with Directive 2005/94/EC are to comprise at least the areas listed as protection and surveillance zones in the Annex to that Implementing Decision. Implementing Decision (EU) 2017/247 also lays down that the measures to be applied in the protection and surveillance zones, as provided for in Article 29(1) and Article 31 of Directive 2005/94/EC, are to be maintained until at least the dates for those zones set out in the Annex to that Implementing Decision.
- (3) Since the date of its adoption, Implementing Decision (EU) 2017/247 has been amended several times to take account of developments in the epidemiological situation in the Union as regards avian influenza. In particular, Implementing Decision (EU) 2017/247 was amended by Commission Implementing Decision (EU) 2017/696 <sup>(5)</sup> in order to lay down rules regarding the dispatch of consignments of day-old chicks from the areas listed in the Annex to Implementing Decision (EU) 2017/247. That amendment took into account the fact that day-old chicks pose a very low risk for the spread of highly pathogenic avian influenza compared to other poultry commodities.
- (4) Implementing Decision (EU) 2017/247 was also subsequently amended by Commission Implementing Decision (EU) 2017/1841 <sup>(6)</sup> in order to strengthen the disease control measures applicable where there is an increased risk for the spread of highly pathogenic avian influenza. Consequently, Implementing Decision (EU) 2017/247 now provides for the establishment at Union level of further restricted zones in the concerned Member States, as referred to in Article 16(4) of Directive 2005/94/EC, following an outbreak or outbreaks of highly pathogenic avian influenza, and the duration of the measures to be applied therein. Implementing Decision (EU) 2017/247 now also lays down rules for the dispatch of live poultry, day-old chicks and hatching eggs from the further restricted zones to other Member States, subject to certain conditions.

<sup>(1)</sup> OJ L 395, 30.12.1989, p. 13.

<sup>(2)</sup> OJ L 224, 18.8.1990, p. 29.

<sup>(3)</sup> Commission Implementing Decision (EU) 2017/247 of 9 February 2017 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 36, 11.2.2017, p. 62).

<sup>(4)</sup> Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.1.2006, p. 16).

<sup>(5)</sup> Commission Implementing Decision (EU) 2017/696 of 11 April 2017 amending Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 101, 13.4.2017, p. 80).

<sup>(6)</sup> Commission Implementing Decision (EU) 2017/1841 of 10 October 2017 amending Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member States (OJ L 261, 11.10.2017, p. 26).

- (5) In addition, the Annex to Implementing Decision (EU) 2017/247 has been amended numerous times to take account of changes in the boundaries of the protection and surveillance zones established by the concerned Member States in accordance with Directive 2005/94/EC. The Annex to Implementing Decision (EU) 2017/247 was last amended by Commission Implementing Decision (EU) 2017/1930 <sup>(1)</sup>, following the notification by Italy and Bulgaria of further outbreaks of highly pathogenic avian influenza in those two Member States. Italy notified the Commission of outbreaks of highly pathogenic avian influenza of subtype H5N8 in poultry holdings in the regions of Lombardia, Veneto and Emilia Romagna, and the establishment of protection, surveillance and further restricted zones by that Member State around the infected poultry holdings in accordance with Directive 2005/94/EC. Bulgaria notified the Commission of an outbreak of highly pathogenic avian influenza of subtype H5N8 in a holding keeping ducks in the region of Dobrich, and the establishment of protection and surveillance zones around the infected holding in accordance with Directive 2005/94/EC.
- (6) Since the date of the last amendment made to Implementing Decision (EU) 2017/247 by Implementing Decision (EU) 2017/1930, Italy has notified the Commission of new outbreaks of highly pathogenic avian influenza of subtype H5N8 in poultry holdings, located in the regions of Lombardia and Veneto of that Member State. In addition, Bulgaria has notified the Commission of a further outbreak of highly pathogenic avian influenza of subtype H5N8 in a poultry holding located in the region of Haskovo of that Member State.
- (7) Bulgaria and Italy have also notified the Commission that they have taken the necessary measures required in accordance with Directive 2005/94/EC following those recent outbreaks, including the establishment of protection and surveillance zones around all the infected poultry holdings.
- (8) The Commission has examined the measures taken by Bulgaria and Italy in accordance with Directive 2005/94/EC, following the recent outbreaks of highly pathogenic avian influenza in those Member States, and it is satisfied that the boundaries of the protection and surveillance zones established by the competent authorities of Bulgaria and Italy are at a sufficient distance to any poultry holding where an outbreak of highly pathogenic avian influenza of subtype H5N8 has been confirmed.
- (9) In order to prevent any unnecessary disturbance to trade within the Union, and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly describe at Union level, in collaboration with Bulgaria and Italy, the protection and surveillance zones established in Bulgaria and Italy, in accordance with Directive 2005/94/EC, following the recent outbreaks of highly pathogenic avian influenza in those Member States. Therefore, the entries for Bulgaria and Italy in the Annex to Implementing Decision (EU) 2017/247 should be updated to take account of the up-to-date epidemiological situation in those two Member States as regards that disease. In particular, new entries for the protection and surveillance zones in the region of Haskovo in Bulgaria, and in the regions of Lombardia and Veneto in Italy, now subject to restrictions in accordance with Directive 2005/94/EC, should be added to the lists in the Annex to Implementing Decision (EU) 2017/247.
- (10) The Annex to Implementing Decision (EU) 2017/247 should therefore be amended to update regionalization at Union level to include the protection and surveillance zones established in Bulgaria and Italy, in accordance with Directive 2005/94/EC, following the recent outbreaks of highly pathogenic avian influenza in those two Member States, and the duration of the restrictions applicable therein.
- (11) Implementing Decision (EU) 2017/247 should therefore be amended accordingly.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

#### *Article 1*

The Annex to Implementing Decision (EU) 2017/247 is amended in accordance with the Annex to this Decision.

<sup>(1)</sup> Commission Implementing Decision (EU) 2017/1930 of 20 October 2017 amending the Annex to Implementing Decision (EU) 2017/247 on protective measures in relation to outbreaks of the highly pathogenic avian influenza in certain Member (OJ L 272, 21.10.2017, p. 18).

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 27 October 2017.

*For the Commission*  
Vytenis ANDRIUKAITIS  
*Member of the Commission*

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## ANNEX

The Annex to Implementing Decision (EU) 2017/247 is amended as follows:

(1) Part A is amended as follows:

(a) the entry for Bulgaria is replaced by the following:

**Member State: Bulgaria**

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
<b>Dobrich Region, Dobrich Municipality</b>	
Stefanovo	12.11.2017
<b>Haskovo Region, Haskovo Municipality</b>	
Uzundjovo	10.11.2017'

(b) the entry for Italy is replaced by the following:

**Member State: Italy**

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
— The area of the parts of Emilia Romagna Region (ADNS 17/0042) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N44,841419 E12,076444	7.11.2017
— The area of the parts of Veneto Region (ADNS 17/0043) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,307356 E11,503742	30.10.2017
— The area of the parts of Lombardia Region (ADNS 17/0044) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,722409 E9,919093	1.11.2017
— The area of the parts of Veneto Region (ADNS 17/0045) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,290336 E11,519548	31.10.2017
— The area of the parts of Lombardia Region (ADNS 17/0046) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,756437 E9,455312	4.11.2017
— The area of the parts of Veneto Region (ADNS 17/0047) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,349331 E11,62633	3.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0048) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,29094 E10,155602	3.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0049) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,83366 E9,569411	6.11.2017

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
— The area of the parts of Lombardia Region (ADNS 17/0050) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45.29899 E10.160651	7.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0051) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N46,159367 E 9,952605	6.11.2017
— The area of the parts of Lombardia and Veneto Regions (ADNS 17/0052) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,265801 E10.648984	8.11.2017
— The area of the parts of Veneto Region (ADNS 17/0053) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,380042 E11,797878	9.11.2017
— The area of the parts of Veneto Region (ADNS 17/0054) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,367753 E 11,845547	9.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0055) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,273174 E10,147377	15.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0056) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,258721 E10,137106	12.11.2017'

(2) Part B is amended as follows:

(a) the entry for Bulgaria is replaced by the following:

**Member State: Bulgaria**

Area comprising	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
<b>Dobrich Region, Dobrich-village Municipality</b>	
Stefanovo	From 13.11.2017 to 21.11.2017
Bogdan	21.11.2017
Branishte	
Dobrich	
Draganovo	
Opanetz	
Pchelino	
Plachi dol	
Pop Grigorovo	
Slaveevo	

Area comprising	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Sokolnik	
Stozher	
<b>Haskovo Region, Haskovo Municipality, Dimitrovgrad Municipality</b>	
Uzundjovo, Haskovo Municipality	From 11.11.2017 to 20.11.2017
Municipality of <b>Haskovo</b> :	20.11.2017'
Alexandrovo	
Dinevo	
Lubenovo	
Nova Nadejda	
Rodopi	
Stamboliiski	
Stoykovo	
Haskovo	
Municipality of <b>Dimitrovgrad</b> :	
Brod	
Chernogorovo	
Krepost	
Rainovo	
Voden	
Zlatopole	

(b) the entry for Italy is replaced by the following:

**Member State: Italy**

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
— The area of the parts of Veneto Region (ADNS 17/0038) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,347216 and E11,557848	From 22.10.2017 to 30.10.2017
— The area of the parts of Veneto Region (ADNS 17/0040) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,310657 and E11,518548	From 21.10.2017 to 29.10.2017

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
— The area of the parts of Veneto Region (ADNS 17/0039) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,433670 and E11,080676	From 20.10.2017 to 28.10.2017
— The area of the parts of Lombardia Region (ADNS 17/0041) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45.308910 and E9.870331	From 21.10.2017 to 29.10.2017
— The area of the parts of Veneto Region (ADNS 17/0038) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,347216 and E11,557848	30.10.2017
— The area of the parts of Veneto Region (ADNS 17/0040) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,310657 and E11,518548	29.10.2017
— The area of the parts of Veneto Region (ADNS 17/0039) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,433670 and E11,080676	28.10.2017
— The area of the parts of Lombardia Region (ADNS 17/0041) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45.308910 and E9.870331	29.10.2017
— The area of the parts of Emilia Romagna Region (ADNS 17/0042) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N44,841419 E12,076444	From 8.11.2017 to 16.11.2017
— The area of the parts of Emilia Romagna Region (ADNS 17/0042) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N44,841419 E12,076444	16.11.2017
— The area of the parts of Veneto Region (ADNS 17/0043) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,307356 E11,503742	From 31.10.2017 to 8.11.2017
— The area of the parts of Veneto Region (ADNS 17/0043) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N 45,307356 E 11,503742	8.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0044) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,722409 E9,919093	From 2.11.2017 to 10.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0044) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,722409 E9,919093	10.11.2017



Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
— The area of the parts of Veneto Region (ADNS 17/0045) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,290336 E11,519548	From 1.11.2017 to 9.11.2017
— The area of the parts of Veneto Region (ADNS 17/0045) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,290336 E11,519548	9.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0046) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45.756437 E9.455312	From 5.11.2017 to 13.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0046) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45.756437 E9.455312	13.11.2017
— The area of the parts of Veneto Region (ADNS 17/0047) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,349331 E11,62633	From 4.11.2017 to 12.11.2017
— The area of the parts of Veneto Region (ADNS 17/0047) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,349331 E11,62633	12.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0048) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45.29094 E10.155602	From 4.11.2017 to 12.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0048) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45.29094 E10.155602	12.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0049) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,83366 E9,569411	From 7.11.2017 to 15.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0049) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,83366 E9,569411	15.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0050) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,29899 E10,160651	From 8.11.2017 to 16.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0050) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,29899 E10,160651	16.11.2017

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
— The area of the parts of Lombardia Region (ADNS 17/0051) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N46,159367 E9,952605	From 7.11.2017 to 15.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0051) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N46,159367 E9,952605	15.11.2017
— The area of the parts of Lombardia and Veneto Regions (ADNS 17/0052) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,265801 E10,648984	From 9.11.2017 to 17.11.2017
— The area of the parts of Lombardia and Veneto Regions (ADNS 17/0052) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,265801 E10,648984	17.11.2017
— The area of the parts of Veneto Region (ADNS 17/0053) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,380042 E11,797878	From 10.11.2017 to 18.11.2017
— The area of the parts of Veneto Region (ADNS 17/0053) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,380042 E11,797878	18.11.2017
— The area of the parts of Veneto Region (ADNS 17/0054) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,367753 E 11,845547	From 10.11.2017 to 18.11.2017
— The area of the parts of Veneto Region (ADNS 17/0054) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,367753 E 11,845547	18.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0055) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,273174 E10,147377	From 16.11.2017 to 24.11.2017
— The area of the parts of Veneto Region (ADNS 17/0055) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,27317 E10,147377	24.11.2017
— The area of the parts of Lombardia Region (ADNS 17/0056) contained within a circle of radius of three kilometres, centred on WGS84 dec. coordinates N45,258721 E10,137106	From 13.11.2017 to 21.11.2017
— The area of the parts of Veneto Region (ADNS 17/0056) extending beyond the area described in the protection zone and within the circle of a radius of ten kilometres, centred on WGS84 dec. coordinates N45,258721 E10,137106	21.11.2017



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