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⁽¹⁾ Text with EEA relevance.

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II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2017/1970

of 27 October 2017

fixing for 2018 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in the Baltic Sea and amending Regulation (EU) 2017/127

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽¹⁾ requires that conservation measures be adopted taking into account available scientific, technical and economic advice, including, where relevant, reports drawn up by the Scientific, Technical and Economic Committee for Fisheries and other advisory bodies, as well as in the light of any advice received from Advisory Councils established for the relevant geographical areas or fields of competence and joint recommendations made by Member States.
- (2) It is incumbent upon the Council to adopt measures on the fixing and allocation of fishing opportunities, including certain conditions functionally linked thereto, as appropriate. Fishing opportunities should be allocated to Member States in such a way as to ensure the relative stability of fishing activities of each Member State for each fish stock or fishery and having due regard to the objectives of the Common Fisheries Policy (CFP) set out in Regulation (EU) No 1380/2013.
- (3) Regulation (EU) No 1380/2013 provides that the objective of the CFP is to achieve the maximum sustainable yield (MSY) exploitation rate by 2015 where possible and, on a progressive, incremental basis at the latest by 2020 for all stocks.
- (4) The total allowable catches (TACs) should therefore be established, in accordance with Regulation (EU) No 1380/2013, on the basis of the available scientific advice, taking into account biological and socioeconomic aspects whilst ensuring fair treatment between fishing sectors, as well as in having regard to the opinions expressed during the consultation with stakeholders.
- (5) Regulation (EU) 2016/1139 of the European Parliament and of the Council ⁽²⁾ establishes a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and for the fisheries exploiting those stocks ('the plan'). The plan aims to ensure that exploitation of living marine biological resources restores and maintains populations of harvested species above levels which can produce the MSY. To that end, the target fishing mortality for the stocks concerned, expressed in ranges, is to be achieved as soon as possible and, on a progressive, incremental basis, by 2020. It is appropriate that the catch limits applicable in 2018 for the cod, herring and sprat stocks in the Baltic Sea are established with a view to achieving the objectives of the plan.

⁽¹⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

⁽²⁾ Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 (OJ L 191, 15.7.2016, p. 1).

- (6) According to the plan, when scientific advice indicates that the spawning stock biomass of any of the stocks concerned is below the reference points of spawning stock biomass set out in Annex II to Regulation (EU) 2016/1139, all appropriate remedial measures are to be adopted in order to ensure the rapid return of the stock concerned to levels above the level capable of producing the MSY. The International Council for the Exploration of the Sea (ICES) has indicated the biomass of Western Baltic cod (*Gadus morhua*) and of Western Baltic herring (*Clupea harengus*) to be below the conservation reference points set out in Annex II to that Regulation. Consequently, it is appropriate that fishing opportunities for Western Baltic cod and for Western Baltic herring are set below the fishing mortality range in Annex I, column B to Regulation (EU) 2016/1139, at such a level that takes into account the decrease in the biomass. To that end, it is necessary to take into account the timeline for the achievement of the objectives of the CFP and of the plan, particularly in view of the expected effect of the remedial measures taken, whilst at the same time adhering with the objectives of achieving economic, social and employment benefits as set out in Article 2 of Regulation (EU) No 1380/2013.
- (7) As regards the Western Baltic cod, further remedial measures should be taken. Maintaining the currently applicable eight-week closure period would continue to provide protection for spawning aggregations of cod. According to scientific advice, recreational fisheries for the Western Baltic cod contribute significantly to the overall fishing mortality of that stock. Taking into account the current status of that stock, it is appropriate to maintain certain currently applicable measures on recreational fisheries. A daily bag limit per fisherman should apply that should be more restrictive during the spawning period. That is without prejudice to the principle of relative stability applicable to commercial fishing activities.
- (8) As regards the Eastern Baltic cod (*Gadus morhua*), due to changes in its biology, the ICES has not been able to establish biological reference points. It is therefore appropriate, in order to contribute to the achievement of the objectives of the plan, to fix the TAC for Eastern Baltic cod in accordance with the precautionary approach as established in Article 9(2) of Regulation (EU) No 1380/2013. Furthermore, an eight-week closure period should be introduced to provide protection for spawning aggregations of Eastern Baltic cod in subdivisions 25-26.
- (9) In addition, allowing vessels of less than 12 metres in length overall to fish in areas where the water depth is less than 20 metres would make it possible for a limited number of fishermen to continue their fishing operations and to target species other than cod. It is therefore proportionate to grant vessels of less than 12 metres in length overall the right to fish in areas where the water depth is less than 20 metres.
- (10) As regards the Gulf of Bothnia herring, the ICES conducted an evaluation of the stock using the latest data and the most up-to-date information and revised the fishing mortality ranges corresponding to MSY. While there is a discrepancy in fishing mortality ranges established in the scientific advice and in the plan, which was also based on the best scientific advice available at the time of its adoption, the plan is legally binding and in force and should therefore be followed for setting fishing opportunities for that stock. Given that the spawning stock biomass of that stock is above the biomass reference point set out in Annex II, column A to Regulation (EU) 2016/1139, it is appropriate to fix the TAC in accordance with the fishing mortality ranges set out in Annex I, column B to that Regulation in order to limit variations in fishing opportunities between consecutive years in accordance with point (c) of Article 4(4) of that Regulation. Furthermore, a TAC for that stock now covers subdivisions 30 and 31. As the plan does not define a range for subdivision 31, MSY approach is applied regarding that subdivision in accordance with scientific advice.
- (11) The use of the fishing opportunities set out in this Regulation is subject to Council Regulation (EC) No 1224/2009⁽¹⁾, and in particular to Articles 33 and 34 thereof concerning the recording of catches and fishing effort, and to the transmission of data on the exhaustion of fishing opportunities to the Commission. This Regulation should therefore specify the codes relating to landings of stocks subject to this Regulation that are to be used by Member States when sending data to the Commission.
- (12) Council Regulation (EC) No 847/96⁽²⁾ introduced additional conditions for year-to-year management of TACs including, under Articles 3 and 4, flexibility provisions for precautionary and analytical TACs. Under Article 2 of that Regulation, when fixing the TACs, the Council is to decide to which stocks Article 3 or 4 is not to apply, in particular on the basis of the biological status of the stocks. More recently, the year-to-year flexibility mechanism was introduced by Article 15(9) of Regulation (EU) No 1380/2013 for all stocks that are subject to the landing

(1) Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

(2) Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (OJ L 115, 9.5.1996, p. 3).

obligation. Therefore, in order to avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of living marine biological resources, hinder the achievement of the objectives of the CFP and deteriorate the biological status of the stocks, Articles 3 and 4 of Regulation (EC) No 847/96 should apply to analytical TACs only where the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013 is not used.

- (13) Based on new scientific advice, a preliminary TAC for Norway pout in ICES area 3a and Union waters of ICES area 2a and subarea 4 should be established for the period from 1 November 2017 to 31 October 2018. Council Regulation (EU) 2017/127 ⁽¹⁾ should therefore be amended accordingly.
- (14) In order to avoid the interruption of fishing activities and to ensure the livelihoods of Union fishermen, this Regulation should apply from 1 January 2018. However, this Regulation should apply to Norway pout from 1 November 2017. For reasons of urgency, this Regulation should enter into force immediately after its publication,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation fixes the fishing opportunities for certain fish stocks and groups of fish stocks in the Baltic Sea for 2018.

Article 2

Scope

1. This Regulation shall apply to Union fishing vessels operating in the Baltic Sea.
2. This Regulation shall also apply to recreational fisheries where they are expressly referred to in the relevant provisions.

Article 3

Definitions

For the purposes of this Regulation, the definitions referred to in Article 4 of Regulation (EU) No 1380/2013 apply. In addition, the following definitions apply:

- (1) 'subdivision' means an ICES subdivision of the Baltic Sea as defined in Annex I to Council Regulation (EC) No 2187/2005 ⁽²⁾;
- (2) 'total allowable catch' (TAC) means the quantity of each stock that can be caught over the period of a year;
- (3) 'quota' means a proportion of the TAC allocated to the Union, a Member State or a third country;
- (4) 'recreational fisheries' means non-commercial fishing activities exploiting marine biological resources such as for recreation, tourism or sport.

⁽¹⁾ Council Regulation (EU) 2017/127 of 20 January 2017 fixing for 2017 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters (OJ L 24, 28.1.2017, p. 1).

⁽²⁾ Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98 (OJ L 349, 31.12.2005, p. 1).

CHAPTER II

FISHING OPPORTUNITIES*Article 4***TACs and allocations**

The TACs, the quotas and the conditions functionally linked thereto, where appropriate, are set out in the Annex.

*Article 5***Special provisions on allocations of fishing opportunities**

The allocation of fishing opportunities among Member States, as set out in this Regulation, shall be without prejudice to:

- (a) exchanges made pursuant to Article 16(8) of Regulation (EU) No 1380/2013;
- (b) deductions and reallocations made pursuant to Article 37 of Regulation (EC) No 1224/2009;
- (c) additional landings allowed under Article 3 of Regulation (EC) No 847/96 or under Article 15(9) of Regulation (EU) No 1380/2013;
- (d) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96 or transferred under Article 15(9) of Regulation (EU) No 1380/2013;
- (e) deductions made pursuant to Articles 105 and 107 of Regulation (EC) No 1224/2009.

*Article 6***Conditions for landing of catches and by-catches**

1. Catches of species which are subject to catch limits and which have been caught in fisheries specified in Article 15(1) of Regulation (EU) No 1380/2013 are subject to the landing obligation, as established in that Article.
2. The stocks of non-target species within the safe biological limits referred to in Article 15(8) of Regulation (EU) No 1380/2013 are identified in the Annex to this Regulation for the purpose of the derogation from the obligation to count catches against the relevant quota provided for in that Article.

*Article 7***Measures on recreational fisheries for cod in subdivisions 22-24**

1. In recreational fisheries, no more than five specimens of cod may be retained per fisherman per day in subdivisions 22-24.
2. By way of derogation from paragraph 1, no more than three specimens of cod may be retained per fisherman per day in subdivisions 22-24 in the period from 1 February 2018 to 31 March 2018.
3. Paragraphs 1 and 2 are without prejudice to more stringent national measures.

CHAPTER III

FINAL PROVISIONS*Article 8***Data transmission**

When, pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, Member States send data relating to quantities of stocks caught or landed to the Commission, they shall use the stock codes set out in the Annex to this Regulation.

Article 9

Flexibility

1. Except where specified otherwise in the Annex to this Regulation, Article 3 of Regulation (EC) No 847/96 shall apply to stocks subject to precautionary TACs and Article 3(2) and (3) and Article 4 of that Regulation shall apply to stocks subject to an analytical TAC.
2. Article 3(2) and (3) and Article 4 of Regulation (EC) No 847/96 shall not apply where a Member State uses the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013.

Article 10

Amendment to Regulation (EU) 2017/127

In Annex IA to Regulation (EU) 2017/127, the fishing opportunities table for Norway pout and associated by-catches in 3a, and Union waters of 2a and 4 is replaced by the following:

Species:	Norway pout and associated by-catches <i>Trisopterus esmarkii</i>		Zone:	3a; Union waters of 2a and 4 (NOP/2A3A4.)
Year	2017	2018		
Denmark	141 819 ⁽¹⁾ ⁽³⁾	54 949 ⁽¹⁾ ⁽⁶⁾		
Germany	27 ⁽¹⁾ ⁽²⁾ ⁽³⁾	11 ⁽¹⁾ ⁽²⁾ ⁽⁶⁾		
The Netherlands	104 ⁽¹⁾ ⁽²⁾ ⁽³⁾	40 ⁽¹⁾ ⁽²⁾ ⁽⁶⁾		
Union	141 950 ⁽¹⁾ ⁽³⁾	55 000 ⁽¹⁾ ⁽⁶⁾		
Norway	25 000 ⁽⁴⁾			
Faroe Islands	9 300 ⁽⁵⁾			
TAC	238 981	Not relevant	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply. Article 4 of Regulation (EC) No 847/96 shall not apply.	

⁽¹⁾ Up to 5 % of the quota may consist of by-catches of haddock and whiting (OT2/*2A3A4). By-catches of haddock and whiting counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9 % of the quota.

⁽²⁾ Quota may be fished in Union waters of ICES zones 2a, 3a and 4 only.

⁽³⁾ Union quota may only be fished from 1 January to 31 October 2017.

⁽⁴⁾ A sorting grid shall be used.

⁽⁵⁾ A sorting grid shall be used. Includes a maximum of 15 % of unavoidable by-catches (NOP/*2A3A4), to be counted against this quota.

⁽⁶⁾ Union quota may be fished from 1 November 2017 to 31 October 2018.

Article 11

Entry into force

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

It shall apply from 1 January 2018, with the exception of Article 10 which shall apply from 1 November 2017.

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

Done at Brussels, 27 October 2017.

For the Council

The President

M. MAASIKAS

ANNEX

TACs APPLICABLE TO UNION FISHING VESSELS IN AREAS WHERE TACs EXIST BY SPECIES AND BY AREA

The following tables set out the TACs and quotas (in tonnes live weight, except where otherwise specified) by stock, and conditions functionally linked thereto.

The references to fishing zones are references to ICES zones, unless otherwise specified.

The fish stocks are referred to using the alphabetical order of the Latin names of the species.

For the purposes of this Regulation, the following comparative table of Latin names and common names is provided:

Scientific name	Alpha-3 code	Common name
<i>Clupea harengus</i>	HER	Herring
<i>Gadus morhua</i>	COD	Cod
<i>Pleuronectes platessa</i>	PLE	Plaice
<i>Salmo salar</i>	SAL	Atlantic salmon
<i>Sprattus sprattus</i>	SPR	Sprat

Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivisions 30-31 (HER/30/31.)
Finland	69 359		
Sweden	15 240		
Union	84 599		
TAC	84 599		Analytical TAC

Species:	Herring <i>Clupea harengus</i>	Zone:	Subdivisions 22-24 (HER/3BC+24)
Denmark	2 426		
Germany	9 551		
Finland	1		
Poland	2 252		
Sweden	3 079		
Union	17 309		
TAC	17 309		Analytical TAC Article 3(2) and (3) of Regulation (EC) No 847/96 shall not apply. Article 4 of Regulation (EC) No 847/96 shall not apply.

Species: Herring <i>Clupea harengus</i>		Zone: Union waters of Subdivisions 25-27, 28.2, 29 and 32 (HER/3D-R30)
Denmark	5 045	
Germany	1 338	
Estonia	25 767	
Finland	50 297	
Latvia	6 359	
Lithuania	6 696	
Poland	57 142	
Sweden	76 711	
Union	229 355	
TAC	Not relevant	Analytical TAC Article 6(2) of this Regulation shall apply.

Species: Herring <i>Clupea harengus</i>		Zone: Subdivision 28.1 (HER/03D.RG)
Estonia	13 392	
Latvia	15 607	
Union	28 999	
TAC	28 999	Analytical TAC Article 6(2) of this Regulation shall apply.

Species Cod <i>Gadus morhua</i>		Zone: Union waters of Subdivisions 25-32 (COD/3DX32.)
Denmark	6 521 (*)	
Germany	2 594 (*)	
Estonia	635 (*)	
Finland	499 (*)	
Latvia	2 425 (*)	
Lithuania	1 597 (*)	
Poland	7 510 (*)	
Sweden	6 607 (*)	
Union	28 388 (*)	
TAC	Not relevant	Precautionary TAC Article 3(2) and (3) of Regulation (EC) No 847/96 shall not apply. Article 4 of Regulation (EC) No 847/96 shall not apply.

(*) In subdivisions 25 and 26, fishing vessels shall be prohibited from fishing with trawls, Danish seines or similar gear of a mesh size equal to or larger than 90 mm, with gillnets, entangling nets or trammel nets of a mesh size equal to or larger than 90 mm, with bottom set lines, longlines except drifting lines, handlines and jigging equipment to fish this quota from 1 July to 31 August. By way of derogation from the first paragraph, that closure period shall not apply to fishing vessels of less than 12 metres in length overall that fish in areas where the water depth is less than 20 meters according to the coordinates on the official sea chart. Those vessels shall ensure that their fishing activity can be monitored at any time. For that purpose, they can for example be equipped with a vessel monitoring system (VMS), or equivalent electronic monitoring system certified by the control authority, or paper logbooks in combination with established inspection and surveillance procedures in line with Council Regulation (EC) No 1224/2009. Member States shall send the catch data to the Commission on a weekly basis.

Species:	Cod <i>Gadus morhua</i>	Zone:	Subdivisions 22-24 (COD/3BC+24)
Denmark	2 444 (*)		
Germany	1 194 (*)		
Estonia	54 (*)		
Finland	48 (*)		
Latvia	202 (*)		
Lithuania	131 (*)		
Poland	654 (*)		
Sweden	870 (*)		
Union	5 597 (*)		
TAC	5 597 (*)		

Analytical TAC
Article 3(2) and (3) of Regulation (EC) No 847/96 shall not apply.
Article 4 of Regulation (EC) No 847/96 shall not apply.

(*) Fishing vessels shall be prohibited from fishing with trawls, Danish seines or similar gear of a mesh size equal to or larger than 90 mm, with gillnets, entangling nets or trammel nets of a mesh size equal to or larger than 90 mm, with bottom set lines, longlines except drifting lines, handlines and jigging equipment to fish this quota from 1 February to 31 March.
By way of derogation from the first paragraph, that closure period shall not apply to fishing vessels of less than 12 metres in length overall that fish in areas where the water depth is less than 20 meters according to the coordinates on the official sea chart. Those vessels shall ensure that their fishing activity can be monitored at any time. For that purpose, they can for example be equipped with a vessel monitoring system (VMS), or equivalent electronic monitoring system certified by the control authority, or paper logbooks in combination with established inspection and surveillance procedures in line with Council Regulation (EC) No 1224/2009. Member States shall send the catch data to the Commission on a weekly basis.

Species:	Plaice <i>Pleuronectes platessa</i>	Zone:	Union waters of Subdivisions 22-32 (PLE/3BCD-C)
Denmark	5 070		
Germany	563		
Poland	1 061		
Sweden	382		
Union	7 076		
TAC	7 076		

Analytical TAC

Species:	Atlantic salmon <i>Salmo salar</i>	Zone:	Union waters of Subdivisions 22-31 (SAL/3BCD-F)
Denmark	18 885 ⁽¹⁾		
Germany	2 101 ⁽¹⁾		
Estonia	1 919 ⁽¹⁾		
Finland	23 548 ⁽¹⁾		
Latvia	12 012 ⁽¹⁾		
Lithuania	1 412 ⁽¹⁾		
Poland	5 729 ⁽¹⁾		
Sweden	25 526 ⁽¹⁾		
Union	91 132 ⁽¹⁾		
TAC	Not relevant		Analytical TAC Article 3(2) and (3) of Regulation (EC) No 847/96 shall not apply. Article 4 of Regulation (EC) No 847/96 shall not apply.

⁽¹⁾ Expressed by number of individual fish.

Species:	Atlantic salmon <i>Salmo salar</i>	Zone:	Union waters of Subdivision 32 (SAL/3D32.)
Estonia	1 026 ⁽¹⁾		
Finland	8 977 ⁽¹⁾		
Union	10 003 ⁽¹⁾		
TAC	Not relevant		Precautionary TAC

⁽¹⁾ Expressed by number of individual fish.

Species:	Sprat <i>Sprattus sprattus</i>	Zone:	Union waters of Subdivisions 22-32 (SPR/3BCD-C)
Denmark	25 875		
Germany	16 393		
Estonia	30 047		
Finland	13 545		
Latvia	36 289		
Lithuania	13 127		
Poland	77 012		
Sweden	50 022		
Union	262 310		
TAC	Not relevant		Analytical TAC Article 6(2) of this Regulation shall apply.

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1971
of 26 October 2017
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Articles 57(4) and 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

Article 3

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

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

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

Done at Brussels, 26 October 2017.

*For the Commission,
On behalf of the President,
Stephen QUEST
Director-General
Directorate-General for Taxation and Customs Union*

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>An electronic apparatus (so-called 'Solid State Drive (SSD)') with dimensions of approximately 100 × 70 × 7 mm, a 2,5 inch form factor and a storage capacity of 128 GB.</p> <p>It is a semiconductor based electronic storage device, built on solid state architecture, with flash memory to store non-volatile data and Dynamic Random Access Memory (DRAM).</p> <p>It has a Serial Advanced Technology Attachment (SATA) interface which permits integration in an automatic data-processing machine and is used as an internal data storage device.</p> <p>(see image) (*)</p>	8471 70 98	<p>Classification is determined by General Rules 1 and 6 for the interpretation of the Combined Nomenclature, Note 5 (C) to Chapter 84 and by the wording of CN codes 8471, 8471 70 and 8471 70 98.</p> <p>Its objective characteristics such as the SATA interface, size and form factor are characteristics of a device of a kind used principally in an automatic data-processing machine, it is directly connectable to the central processing unit, and it is able to accept or deliver data in a form which can be used by the system. Classification under heading 8523 as solid state non-volatile storage device is therefore excluded.</p> <p>Consequently, the device is to be classified under CN code 8471 70 98 as other storage units for automatic data-processing machines.</p>

(*) The image is purely for information.



COMMISSION REGULATION (EU) 2017/1972**of 30 October 2017****amending Annexes I and III to Regulation (EC) No 999/2001 of the European Parliament and of the Council as regards a surveillance programme for chronic wasting disease in cervids in Estonia, Finland, Latvia, Lithuania, Poland and Sweden and repealing Commission Decision 2007/182/EC****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽¹⁾, and in particular the first paragraph of Article 23 thereof,

Whereas:

- (1) Regulation (EC) No 999/2001 lays down rules for the prevention, control and eradication of transmissible spongiform encephalopathies (TSE) in bovine, ovine and caprine animals. It applies to the production and placing on the market of live animals and products of animal origin and in certain specific cases to exports thereof.
- (2) Chronic wasting disease (CWD) is a TSE affecting cervids, which is widespread in North America. To date, CWD has not been reported in the Union territory; however it was detected for the first time in Norway in April 2016, in a reindeer. Norway subsequently intensified its surveillance programme for CWD in cervids and detected a number of other cases of CWD in reindeers and in moose.
- (3) On 2 December 2016, the European Food Safety Authority (EFSA) adopted a scientific opinion on chronic wasting disease in cervids ('the EFSA opinion') ⁽²⁾. The EFSA opinion provides recommendations for the implementation of a three-year surveillance programme for CWD in cervids in Estonia, Finland, Iceland, Latvia, Lithuania, Norway, Poland and Sweden, which are the Union and EEA countries with a reindeer and/or a moose population. The EFSA opinion highlights that the objectives of such a three-year CWD monitoring programme are to confirm or exclude the presence of CWD in countries where the disease has never been detected and in countries where CWD has been detected (only Norway so far), in order to estimate the prevalence and geographical spread of CWD.
- (4) Article 6(1) of Regulation (EC) No 999/2001 provides that each Member State is to carry out an annual monitoring programme for TSEs based on active and passive surveillance in accordance with Annex III to that Regulation.
- (5) Requirements for a three-year surveillance programme for CWD in Estonia, Finland, Latvia, Lithuania, Poland and Sweden should therefore be added in Chapter A of Annex III to Regulation (EC) No 999/2001, based on the recommendations included in the EFSA opinion. These requirements should be considered as minimum requirements to be complied with by the Member States concerned. These Member States may however further refine their CWD surveillance programme to adapt to their particular situation.
- (6) In addition, the laboratory protocols and testing methods to be used for the CWD monitoring programme as well as the measures to be taken following CWD testing should be clarified in Part III of Chapter A Annex III.
- (7) As recommended in the EFSA opinion, the three-year monitoring programme for CWD should target, on the one-hand, farmed and captive cervids, and on the other hand, wild and semi-domesticated cervids. In order to ensure legal certainty, definitions of 'farmed and captive cervids', 'wild cervids' and 'semi-domesticated cervids' should be inserted in Annex I to Regulation (EC) No 999/2001.

⁽¹⁾ OJ L 147, 31.5.2001, p. 1.⁽²⁾ Scientific Opinion on Chronic wasting disease (CWD) in cervids, *The EFSA Journal* (2017);15(1):46.

- (8) Article 6(4) of Regulation (EC) No 999/2001 provides that Member States are to submit to the Commission an annual report on their TSE monitoring activities. Part I(A) of Chapter B of Annex III to that Regulation lays down the information which the Member States are to include in their annual report, via regular submissions to the EU TSE database and/or inclusion in the annual report. Part II of that Chapter provides that the EFSA is to analyse the information included by the Member States in their annual report and to publish annually a report on the trends and sources of TSE in the Union. Reporting requirements covering the three-year CWD surveillance programme should be inserted in Part I(A) of Chapter B to Annex III in order to ensure that the data obtained from this programme is submitted by the Member States concerned to the EU TSE database and thus enable their inclusion and analysis in the EU annual summary report for TSE monitoring, to be produced by EFSA in accordance with Part II of that Chapter.
- (9) Commission Decision 2007/182/EC ⁽¹⁾ provides requirements for a survey on CWD in cervids which was carried out from 2007 to 2010. As this survey has been completed, and in order to avoid diverging definitions relevant for CWD monitoring between those laid down in Annex I to that Decision and those laid down by this Regulation, Decision 2007/182/EC should be repealed. The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and III of Regulation (EC) No 999/2001 are amended in accordance with the Annex to this Regulation.

Article 2

Decision 2007/182/EC is repealed.

Article 3

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

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

Done at Brussels, 30 October 2017.

For the Commission
The President
Jean-Claude JUNCKER

⁽¹⁾ Commission Decision 2007/182/EC of 19 March 2007 on a survey for chronic wasting disease in cervids (OJ L 84, 24.3.2007, p. 37).

ANNEX

Annexes I and III to Regulation (EC) No 999/2001 are amended as follows:

1. In Annex I the following items are added to point 2:

- (o) 'farmed and captive cervids' means animals of the family *Cervidae* which are kept by humans in an enclosed territory.
- (p) 'wild cervids' means animals of the family *Cervidae* which are not kept by humans.
- (q) 'semi-domesticated cervids' means animals of the family *Cervidae* which are kept by humans although not in an enclosed territory.'

2. Annex III is amended as follows:

- (a) In Chapter A, Part III is replaced by the following:

III. MONITORING IN CERVIDS

A. **Three-year monitoring programme for chronic wasting disease (CWD)**

1. General

1.1. The Member States which have a wild and/or farmed and/or semi-domesticated population of moose and/or reindeer (Estonia, Finland, Latvia, Lithuania, Poland and Sweden) shall carry out a three-year monitoring programme for CWD in cervids, from 1 January 2018 to 31 December 2020. The TSE tests performed for the purpose of this monitoring programme shall take place between 1 January 2018 and 31 December 2020, however, the collection of samples for the purpose of the monitoring programme may, however, start in 2017.

1.2. The three-year CWD monitoring programme shall cover the following cervid species:

- Eurasian tundra reindeer (*Rangifer tarandus tarandus*);
- Finnish forest reindeer (*Rangifer tarandus fennicus*);
- Moose (*Alces alces*);
- Roe deer (*Capreolus capreolus*);
- White-tailed deer (*Odocoileus virginianus*);
- Red deer (*Cervus elaphus*).

1.3. By way of derogation from point 1.2, a Member State may, based on a documented risk assessment submitted to the European Commission, select for the three-year CWD monitoring programme a subset of the species listed in that point.

2. Sampling design

2.1. The Member States referred to in point 1.1 shall identify Primary Sampling Units (PSU), which shall cover all territories in which cervid populations are present, using at least the following elements:

- (a) for farmed and captive cervids, each farm and each facility in which cervids are kept in an enclosed territory shall be considered as a PSU.
- (b) for wild and semi-domesticated cervids, PSU shall be defined geographically based on the following criteria:
 - (i) the areas in which wild and semi-domesticated animals of a species covered by the monitoring programme gather in at least a certain period of the year;

- (ii) if no gathering takes place for a species, the areas delimited by natural or artificial barriers in which animals of the species covered by the monitoring programme are present;
- (iii) the areas in which animals of the species covered by the monitoring programme are hunted and areas connected to other relevant activities related to the species covered by the monitoring programme.

2.2. The Member States referred to in point 1.1 shall select farmed, captive, wild and semi-domesticated cervids for TSE testing using the following two-stage sampling approach:

(a) in the first stage, those Member States shall:

(i) for farmed and captive cervids:

- select, on a random basis ensuring geographical representativeness, and if relevant taking into account relevant risk factors identified in a documented risk assessment carried out by the Member State, 100 PSU to be covered over the three-year period of the monitoring programme, or
- if the Member State was unable to identify 100 PSU for farmed and captive cervids, select all PSU identified.

(ii) For wild and semi-domesticated cervids:

- select, on a random basis ensuring geographical representativeness, and if relevant taking into account relevant risk factors identified in a documented risk assessment carried out by the Member State, 100 PSU to be covered over the three-year period of the monitoring programme, or
- if the Member State was unable to identify 100 PSU for wild and semi-domesticated cervids, select all PSU identified.

(b) in the second stage:

(i) for farmed and captive cervids:

- a Member State having selected 100 PSU shall, within every selected PSU, sample all animals belonging to the target groups listed under point 2.4.(a) over the three-year period until a target of 30 animals tested per PSU is reached. If however certain PSU are not be able to reach the target of 30 animals tested over the three-year period due to the limited size of their cervid population, the sampling of animals belonging to the target groups listed under point 2.4.(a) may continue in larger PSU even after having reached the target of 30 animals tested, with the objective of reaching a total number of up to 3 000 farmed and captive cervids, where possible, tested at national level over the three-year period of the monitoring programme;
- a Member State having identified fewer than 100 PSU shall, within every PSU, sample all animals belonging to the target groups listed under point 2.4.(a) over the three-year period, with the objective of approaching a total number of up to 3 000 farmed and captive cervids, where possible, tested at national level over the three-year period of the monitoring programme.

(ii) for wild and semi-domesticated cervids:

- a Member State having selected 100 PSU shall, within every selected PSU, sample all animals belonging to the target groups listed under point 2.4.(b), over the three-year period until a target of 30 animals tested per PSU is reached, with the objective of reaching up to 3 000 wild and semi-domesticated cervids tested at national level over the three-year period;
- a Member State having identified fewer than 100 PSU shall, within every PSU, sample all animals belonging to the target groups listed under point 2.4.(b) over the three-year period, with the objective of approaching a total number of 3 000 wild and semi-domesticated cervids tested at national level over the three-year period of the monitoring programme.

- 2.3. All cervids selected must be over 12 months of age. The age shall be estimated on the basis of dentition, obvious signs of maturity, or any other reliable information.
- 2.4. The cervids must be selected from the following target groups:
- (a) for farmed and captive cervids:
 - (i) fallen/culled farmed or captive cervids, defined as farmed or captive cervids found dead on the enclosed territory in which they are kept, during transport or at slaughterhouse, as well as farmed or captive cervids killed for health/age reasons;
 - (ii) clinical/sick farmed or captive cervids, defined as farmed or captive cervids showing abnormal behavioural signs and/or locomotor disturbances and/or as being generally in poor condition;
 - (iii) slaughtered farmed cervids which have been declared unfit for human consumption;
 - (iv) slaughtered farmed cervids considered fit for human consumption if a Member State identifies fewer than 3 000 farmed and captive cervids from the groups (i) to (iii).
 - (b) for wild and semi-domesticated cervids:
 - (i) fallen/culled wild or semi-domesticated cervids, defined as cervids found dead in the wild as well as semi-domesticated cervids found dead or killed for health/age reasons;
 - (ii) road- or predator-injured or killed cervids, defined as wild or semi-domesticated cervids hit by road vehicles, by trains or attacked by predators;
 - (iii) clinical/sick wild and semi-domesticated cervids, defined as wild and semi-domesticated cervids which are observed as showing abnormal behavioural signs and/or locomotor disturbances and/or as being generally in poor health condition;
 - (iv) wild hunted cervids and slaughtered semi-domesticated cervids which have been declared unfit for human consumption;
 - (v) hunted wild game and slaughtered semi-domesticated cervids considered fit for human consumption if a Member State identifies fewer than 3 000 wild and semi-domesticated cervids from the groups (i) to (iv).
- 2.5. In case of a positive finding of TSE in a cervid, the number of samples from cervids collected in the zone where the positive TSE case was found must be increased, based on an assessment carried out by the Member State concerned.

3. Sampling and laboratory testing

- 3.1. For each cervid selected in accordance with point 2, a sample of obex shall be collected and tested for TSEs.

In addition, where feasible, a sample of one of the following tissues shall be collected in the following order of preference:

- (a) retropharyngeal lymph nodes;
- (b) tonsils;
- (c) other head lymph nodes.

For rapid testing a hemisection of obex shall be submitted in a fresh or frozen state. The remaining hemisection should be fixed. When collected, lymph nodes and tonsils should be fixed.

A portion of fresh tissue from each sample type shall be kept frozen until a negative result is obtained, in case bioassay is required.

3.2. Until the publication of guidelines on TSE testing in cervids of the EU Reference Laboratory for TSE, the following laboratory method shall be used for the purpose of the CWD monitoring programme:

(a) rapid tests:

Rapid tests as referred to in point 4 of Chapter C of Annex X used for TSE detection in obex of bovine or small ruminant animals are considered suitable for TSE detection in obex of cervids. Rapid tests as referred to in point 4 of Chapter C of Annex X used for TSE detection in the lymph nodes of bovine or small ruminant animals are considered suitable for TSE detection in lymph nodes of cervids. Member States may also use immunohistochemistry for screening purposes for which purpose they shall satisfy a proficiency test organised by the EU Reference Laboratory for TSE.

(b) confirmatory tests:

When the result of the rapid test is inconclusive or positive, the sample shall be subjected to confirmatory examinations using at least one of the following methods and protocols as laid down in the latest edition of the Manual for diagnostic tests and vaccines for Terrestrial Animals of the World Organisation for Animal Health (OIE):

- the immunohistochemical (IHC) method;
- Western blot.

Where a Member State is unable to confirm a positive rapid test result, it shall send adequate tissue to the EU Reference laboratory for confirmation.

(c) isolate characterisation:

In the case of positive findings of TSE, further isolate characterisation should be undertaken, in consultation with the EU Reference Laboratory for TSE.

3.3. The prion protein genotype shall be determined for each positive finding of TSE in cervids.

In addition, for each cervid tested and found negative for TSE, either:

- the prion protein genotype of the animal tested and found negative for TSE is determined, or
- a sample of a tissue, which may be the obex, shall be kept frozen until at least 31 December 2021, to allow for genotyping if so decided.

B. Other monitoring in cervids

Member States shall carry out additional monitoring for TSEs in cervids based on a risk assessment which may take into account the detection of a TSE in cervids in the same or neighbouring regions.

Member States other than those mentioned under point 1.1 of Part A may on a voluntary basis carry out monitoring for TSEs in cervids.

After the end of the three-year monitoring programme referred to in Part A, the Member States mentioned under point 1.1 may on a voluntary basis carry out monitoring for TSEs in cervids.'

(b) In Chapter A, the following Part IV is added:

IV. MONITORING IN OTHER ANIMAL SPECIES

Member States may on a voluntary basis carry out monitoring for TSE in animal species other than bovine, ovine, caprine and cervid animals.'

(c) In Chapter B, Part I.(A), point 7 is replaced by the following:

'7. In animals other than bovine, ovine and caprine animals, as well as in cervids other than those covered by the three-year CWD monitoring programme referred to in Part III.A of Chapter A of this Annex, the number of samples and confirmed TSE cases per species.'

(d) In Chapter B, Part I.(A), the following point 9 is added:

'9. For Member States covered by the three-year CWD monitoring programme referred to in Part III.A of Chapter A of this Annex, the annual report for the years 2018, 2019 and 2020 shall include:

(a) The number of cervid samples submitted for testing, by target group according to the following criteria:

- primary Sampling Unit (PSU) identifier,
- species,
- management system: farmed, captive, wild or semi-domesticated,
- target group,
- sex,

(b) The results of the rapid and confirmatory tests (number of positives and negatives) and, where applicable, of further isolate characterisation investigations, the tissue sampled and the rapid test and confirmatory technique used.

(c) The geographical location, including the country of origin if not the same as the reporting Member State, of positive cases of TSE.

(d) The genotype and species of each cervid found positive for TSE.

(e) Where tested, the genotype of cervids tested and found negative for TSE.'

COMMISSION REGULATION (EU) 2017/1973**of 30 October 2017****amending Regulation (EC) No 2074/2005 as regards official controls on fishery products caught by vessels flying the flag of a Member State and introduced into Union after being transferred in third countries and establishing a model health certificate for those products****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽¹⁾, and in particular the second paragraph of Article 9 thereof,Having regard to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption ⁽²⁾, and in particular the second paragraph of Article 16 thereof,

Whereas:

- (1) In order to safeguard public and animal health, products from the Union which are transferred, with or without storage, through third countries are regarded as no longer complying with the requirements for those products laid down in Union legislation. Consequently, Council Directive 97/78/EC ⁽³⁾ provides that Member States are required to ensure that veterinary checks are carried out on consignments of these products introduced into the Union from third countries.
- (2) Regulation (EC) No 853/2004 lays down specific rules on the hygiene of food of animal origin for food business operators, including rules for fishery products. In addition, Regulation (EC) No 854/2004 lays down rules for official controls to be carried out on products of animal origin intended for human consumption. Regulation (EC) No 854/2004 provides that a document meeting certain requirements is to accompany consignments of products of animal origin when they enter the Union and official controls of those products are to take place in accordance with that Regulation.
- (3) Commission Regulation (EC) No 2074/2005 ⁽⁴⁾ sets out model health certificates and documents for imports of certain products of animal origin for the purposes of Regulations (EC) Nos 853/2004 and 854/2004, including one for imports of fishery products in Annex VI thereto.
- (4) Member States and stakeholder organisations have requested the Commission to establish a model health certificate for consignments of fishery products intended for human consumption caught by vessels flying the flag of a Member State and transferred in third countries, with or without storage, to be signed by the competent authority in the third country in order to harmonise the information to be provided when such consignments are entering the Union territory.
- (5) The model of health certificate should specifically refer to the relevant provisions concerning the landing, unloading and storing of fishery products laid down in Chapters II and VII of Section VIII of Annex III to Regulation (EC) No 853/2004.

⁽¹⁾ OJ L 139, 30.4.2004, p. 55.

⁽²⁾ OJ L 139, 30.4.2004, p. 206.

⁽³⁾ Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries (OJ L 24, 30.1.1998, p. 9).

⁽⁴⁾ Commission Regulation (EC) No 2074/2005 of 5 December 2005 laying down implementing measures for certain products under Regulation (EC) No 853/2004 of the European Parliament and of the Council and for the organisation of official controls under Regulation (EC) No 854/2004 of the European Parliament and of the Council and Regulation (EC) No 882/2004 of the European Parliament and of the Council, derogating from Regulation (EC) No 852/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004 (OJ L 338, 22.12.2005, p. 27).

- (6) The model of health certificate should also be compatible for use with the electronic trade control and expert system (TRACES) ⁽¹⁾ used for the exchange of health certificates between the third countries and the Member States.
- (7) It is therefore appropriate to establish a harmonised model of health certificate to be signed by the competent authority in the third country through which the fishery products are transferred, before they are dispatched to the Union.
- (8) Regulation (EC) No 2074/2005 should be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2074/2005 is amended as follows:

- (a) the following Article 6c is inserted:

'Article 6c

Requirements concerning the official controls on fishery products caught by vessels flying the flag of Member States entering the Union after being transferred in third countries with or without storage

1. Fishery products intended for human consumption caught by vessels flying the flag of a Member State, unloaded, with or without storage, in third countries before entering the Union by a different means of transportation, must be accompanied by a health certificate issued by the competent authority of that third country and completed in accordance with the model health certificate set out in Appendix VIII to Annex VI.
2. The third country where the transfer takes place must be listed as provided for in Article 11(1) of Regulation (EC) No 854/2004.
3. If the fishery products referred to in paragraph 1 are unloaded and transported to storage facility located in the third country referred to in that paragraph, that storage facility shall appear in a list as provided for in Article 12 of Regulation (EC) No 854/2004.
4. If the fishery products referred to in paragraph 1 are loaded in a vessel flying the flag of a third country, that third country must be listed as provided for in Article 11(1) of Regulation (EC) No 854/2004 and the vessel must appear in a list as provided for in Article 12 of Regulation (EC) No 854/2004.

Container vessels used to transport containerised fishery products are excluded from this requirement';

- (b) Annex VI is amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 1 July 2018.

⁽¹⁾ Commission Decision 2004/292/EC (OJ L 94, 31.3.2004, p. 63).

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

Done at Brussels, 30 October 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In Annex VI to Regulation (EC) No 2074/2005, the following Appendix VIII is added:

Appendix VIII to Annex VI

Model of health certificate for fishery products intended for human consumption caught by vessels flying the flag of a Member State and transferred in third countries with or without storage

Veterinary certificate to the EU

Part I: Details of dispatched consignment	I.1. Consignor Name Address Tel.		I.2. Certificate reference number		I.2.a.		
			I.3. Central Competent Authority				
			I.4. Local Competent authority				
	I.5. Consignee Name Address Postcode Tel.		I.6.				
	I.7. Country of origin	ISO code	I.8. Region of origin	Code	I.9. Country of destination	ISO code	I.10.
	I.11. Place of origin Name Approval/registration number Address		I.12.				
	I.13. Place of loading Address		I.14. Date of departure				
	I.15. Means of transport Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Railway wagon <input type="checkbox"/> Road vehicle <input type="checkbox"/> Other <input type="checkbox"/> Identification: Documentary references:		I.16. Entry BIP in EU		I.17.		
	I.18. Description of commodity				I.19. Commodity code (HS code)		
					I.20. Quantity		
I.21. Temperature of product Ambient <input type="checkbox"/> Chilled <input type="checkbox"/> Frozen <input type="checkbox"/>				I.22. Number of packages			

I.23. Seal/Container No		I.24. Type of packaging		
I.25. Commodities certified as: Human consumption <input type="checkbox"/>				
I.26.		I.27. For import or admission into EU <input type="checkbox"/>		
I.28. Identification of the commodity				
Species (Scientific name)	Treatment type	Approval/registration number(s) of vessel(s) (*)	Number of packages	Net weight

COUNTRY

Fishery products transferred in third countries

II. Health information

II.a. Certificate reference number

II.b.

II.1. Public health attestation

I, the undersigned official inspector, declare that I am aware of the relevant provisions of Regulations (EC) Nos 178/2002, (EC) 852/2004, (EC) 853/2004 and (EC) 854/2004 and certify that the fishery products described above

- have been landed and unloaded hygienically from the approved/registered vessel(s) (indicate approval/registration number(s) and name of the flag Member State(s)) in compliance with the relevant requirements laid down in Chapter II of Section VIII, of Annex III to Regulation (EC) No 853/2004;
- if applicable, have been stored in approved coldstore(s) (indicate approval number(s)) in compliance with the relevant requirements of Chapter VII of Section VIII of Annex III to Regulation (EC) No 853/2004;
- if applicable, have been loaded hygienically on the approved vessel(s) (indicate approval number(s)) of the Member State(s) or third country(ies) and the name of the flag Member State(s) or third country(ies) in compliance with the relevant requirements laid down in Chapter I and VIII of Section VIII of Annex III to Regulation (EC) No 853/2004;
- if applicable, have been loaded in a container (indicate container number) or in a truck (indicate registration number plate of truck and of trailer) or in an aeroplane (indicate the flight number) in compliance with the requirements laid down in Chapter VIII of Section VIII of Annex III to Regulation (EC) No 853/2004;
- are accompanied by the print out(s) (**) of the fishing logbook(s) or relevant parts thereof (**)

(**) Electronic format is also accepted.

Notes

Part I:

- Box reference I.7: Indicate the name of the third country of dispatch.
- Box reference I.11: Place of origin: indicate the name, address and approval number of the cold store in the third country of dispatch or, if no storage in a coldstore takes place, indicate the name and approval or registration number of the Member State flagged vessel of origin.
- Box reference I.15: Indicate the means of transport leaving the third country of dispatch. In case of freezer/reefer vessels, indicate the name of the vessel, approval number and flag State, in case of fishing vessel the registration number and flag State. If the means of transport are containers, trucks or aeroplanes the same indications provided for in the fourth indent of part II.1 must be indicated.
- Box reference I.19: Use the appropriate Harmonised System (HS) codes of the World Customs Organisation of the following headings: 0302, 0303, 0304, 0305, 0306, 0307, 0308, 1504, 1516, 1518, 1603, 1604, 1605, 2106
- Box reference I.23: Identification of container/seal number: The serial seal number must only be indicated if the seal was affixed to the container under the supervision of the competent authority issuing the certificate.
- Box reference I.28: Treatment type: Specify whether chilled, frozen or processed.

(*) includes fishing vessel, factory vessel, freezer and reefer vessel as applicable.

Official inspector

Name (in capital letters):

Qualification and title:

Date:

Signature:'

Stamp:

COMMISSION IMPLEMENTING REGULATION (EU) 2017/1974**of 30 October 2017****amending Council Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya**

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2015/1333/CFSP of 31 July 2015 concerning restrictive measures in view of the situation in Libya, and repealing Decision 2011/137/CFSP ⁽¹⁾,Having regard to Council Regulation (EU) 2016/44 of 18 January 2016 concerning restrictive measures in view of the situation in Libya and repealing Regulation (EU) No 204/2011 ⁽²⁾, and in particular Article 20(b) thereof,

Whereas:

- (1) Annex V to Regulation (EU) 2016/44 lists vessels designated by the United Nations Sanctions Committee in accordance with paragraph 11 of United Nations Security Council Resolution (UNSCR) 2146 (2014). Those vessels are subject to a number of prohibitions under that Regulation, including the prohibition to load, transport or discharge crude oil from Libya and to access ports in the territory of the Union.
- (2) On 20 October 2017, the United Nations Security Council Committee renewed and amended the listing of vessel Capricorn subject to restrictive measures. Therefore, Annex V to Regulation (EU) 2016/44 should be amended accordingly.
- (3) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex V to Council Regulation (EU) 2016/44 is amended as set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 30 October 2017.

*For the Commission,
On behalf of the President,
Head of the Service for Foreign Policy Instruments*

⁽¹⁾ OJ L 206, 1.8.2015, p. 34.

⁽²⁾ OJ L 12 19.1.2016, p. 1.

ANNEX

Annex V to Council Regulation (EU) 2016/44 is amended as follows:

The entry:

‘1. **Name: CAPRICORN**

Listed pursuant to paragraphs 10(a) and 10 (b) of resolution 2146 (2014), as extended and modified by paragraph 2 of resolution 2362 (2017) (prohibition to load, transport or discharge; prohibition to enter ports). Pursuant to paragraph 11 of resolution 2146, this designation is valid from 21 July 2017 to 21 October 2017, unless terminated earlier by the Committee pursuant to paragraph 12 of resolution 2146. Flag State: Tanzania.

Additional information

IMO: 8900878. As of 16 July 2017, the vessel was located off shore Cyprus.’

is replaced by the following:

‘1. **Name: CAPRICORN**

Listed pursuant to paragraphs 10(a) and 10 (b) of resolution 2146 (2014), as extended and modified by paragraph 2 of resolution 2362 (2017) (prohibition to load, transport or discharge; prohibition to enter ports). Pursuant to paragraph 11 of resolution 2146, this designation was renewed by the Committee on 20 October 2017 and is valid until 18 January 2018, unless terminated earlier by the Committee pursuant to paragraph 12 of resolution 2146. Flag State: Tanzania.

Additional information

Listed on 21 July 2017. IMO: 8900878. As of 21 September 2017, the vessel was located in international waters off the United Arab Emirates.’

DIRECTIVES

COMMISSION DELEGATED DIRECTIVE (EU) 2017/1975

of 7 August 2017

amending, for the purposes of adapting to scientific and technical progress, Annex III to Directive 2011/65/EU of the European Parliament and of the Council as regards an exemption for cadmium in colour converting light-emitting diodes (LEDs) for use in display systems

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment ⁽¹⁾, and in particular Article 5(1)(a) thereof,

Whereas:

- (1) Directive 2011/65/EU requires Member States to ensure that electrical and electronic equipment placed on the market does not contain cadmium.
- (2) Point 39 in Annex III to Directive 2011/65/EU exempted the use of cadmium in colour converting light-emitting diodes (LEDs) for illumination and display applications from the prohibition until 1 July 2014. The Commission received an application for renewal of this exemption before 1 January 2013, in accordance with Article 5(5) of Directive 2011/65/EU.
- (3) Colour converting LEDs using quantum dots have been shown advantageous as compared to earlier technology regarding energy efficiency and colour performance. The overall balance of the use of cadmium-based quantum dots in displays has a positive impact due to their lower energy consumption as compared to currently available alternative technologies. The total negative environmental, health and consumer safety impacts caused by substitution of cadmium-based quantum dots in display applications where quantum dots are used are likely to outweigh the total environmental, health and consumer safety benefits thereof.
- (4) The use of cadmium selenide in downshifting cadmium-based semiconductor nanocrystal quantum dots for use in display lighting applications should therefore be exempted from the prohibition for the period of two years after the publication of the Delegated Directive in the *Official Journal of the European Union*. This short validity period for the exemption is unlikely to have adverse impacts on innovation and the development of cadmium free alternatives.
- (5) Cadmium-based quantum dot LEDs for illumination are not yet available on the market and their potential advantages in comparison with existing technologies are not properly quantifiable, thus a renewal of the exemption as regards illumination applications is not justified.
- (6) Annex III to Directive 2011/65/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex III to Directive 2011/65/EU is amended as set out in the Annex to this Directive.

⁽¹⁾ OJ L 174, 1.7.2011, p. 88.

Article 2

1. Member States shall adopt and publish, by [12 months after the date of entry into force of this directive] at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from [12 months after the date of entry into force of this directive + 1 day].

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 7 August 2017.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

In Annex III to Directive 2011/65/EU, point 39 is replaced by the following:

'39(a)	Cadmium selenide in downshifting cadmium-based semiconductor nanocrystal quantum dots for use in display lighting applications (< 0,2 µg Cd per mm ² of display screen area)	Expires for all categories on [two years after the publication of the Delegated Directive in the Official Journal]
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DECISIONS

COUNCIL IMPLEMENTING DECISION (CFSP) 2017/1976

of 30 October 2017

implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(2) thereof,

Having regard to Council Decision (CFSP) 2015/1333 of 31 July 2015 concerning restrictive measures in view of the situation in Libya and repealing Decision 2011/137/CFSP ⁽¹⁾, and in particular Article 12(1) thereof,

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

Whereas:

- (1) On 31 July 2015, the Council adopted Decision (CFSP) 2015/1333.
- (2) On 20 October 2017, the United Nations Security Council Committee established pursuant to United Nations Security Council Resolution 1970 (2011) renewed and amended the listing of a vessel subject to restrictive measures.
- (3) Annex V to Decision (CFSP) 2015/1333 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex V to Decision (CFSP) 2015/1333 is amended as set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 30 October 2017.

For the Council
The President
M. MAASIKAS

⁽¹⁾ OJ L 206, 1.8.2015, p. 34.

ANNEX

In section B (Entities) of Annex V to Council Decision (CFSP) 2015/1333, entry 1 is replaced by the following:

1. Name: CAPRICORN

A.k.a.: na **F.k.a.:** na **Address:** na **Listed on:** 21 July 2017

Additional information

IMO: 8900878. Listed pursuant to paragraphs 10(a) and 10 (b) of resolution 2146 (2014), as extended and modified by paragraph 2 of resolution 2362 (2017) (prohibition to load, transport or discharge; prohibition to enter ports). Pursuant to paragraph 11 of resolution 2146, this designation was renewed by the Committee on 20 October 2017 and is valid until 18 January 2018, unless terminated earlier by the Committee pursuant to paragraph 12 of resolution 2146. Flag State: Tanzania. As of 21 September 2017, the vessel was located in international waters off the United Arab Emirates.'

CORRIGENDA

Corrigendum to Commission Delegated Regulation (EU) 2016/341 of 17 December 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards transitional rules for certain provisions of the Union Customs Code where the relevant electronic systems are not yet operational and amending Delegated Regulation (EU) 2015/2446

(Official Journal of the European Union L 69 of 15 March 2016)

On page 40, in Annex 2, in Box 10, as corrected on page 35 of OJ L 101 of 16.4.2016:

for: 'Description',

read: Description';

on page 42, in Annex 3, in 'COPY FOR HOLDER', in the Box 'Important notice', as corrected on page 36 of OJ L 101 of 16.4.2016:

for: 'Without prejudice to the provisions of Article 34(4) and (5) of Regulation (EC) No 952/2013 of the European Parliament and the Council this BTI remains valid for 3 years as from the date of start of validity.',

read: 'Without prejudice to paragraphs 1, 4, 5 and 7 of Article 34 of Regulation (EU) No 952/2013 of the European Parliament and of the Council this BTI remains valid for 3 years as from the date of start of validity.';

on page 43, in Annex 3, in 'COPY FOR COMMISSION', in the Box 'Important notice', as corrected on page 37 of OJ L 101 of 16.4.2016:

for: 'Without prejudice to the provisions of Article 34(4) and (5) of Regulation (EC) No 952/2013 of the European Parliament and the Council this BTI remains valid for 3 years as from the date of start of validity.',

read: 'Without prejudice to paragraphs 1, 4, 5 and 7 of Article 34 of Regulation (EU) No 952/2013 of the European Parliament and of the Council this BTI remains valid for 3 years as from the date of start of validity.';

on page 44, in Annex 3, in 'COPY FOR MEMBER STATE', in the Box 'Important notice', as corrected on page 38 of OJ L 101 of 16.4.2016:

for: 'Without prejudice to the provisions of Article 34(4) and (5) of Regulation (EC) No 952/2013 of the European Parliament and the Council this BTI remains valid for 3 years as from the date of start of validity.',

read: 'Without prejudice to paragraphs 1, 4, 5 and 7 of Article 34 of Regulation (EU) No 952/2013 of the European Parliament and of the Council this BTI remains valid for 3 years as from the date of start of validity.';

on page 47, in Annex 4, in Box 2, as corrected on page 41 of OJ L 101 of 16.4.2016:

for: '(if different from above)',

read: '(if different from the country above) (confidential)';

on page 48, in Annex 4, in Box 4, as corrected on page 41 of OJ L 101 of 16.4.2016:

for: '(mandatory)',

read: '(mandatory) (confidential)';

on page 48, in Annex 4, in Box 9, as corrected on page 42 of OJ L 101 of 16.4.2016:

for: 'Detailed description of the goods permitting their identification and the determination of their classification in the customs nomenclature. This should also include details of the composition of the goods and any methods of examination used for its determination where the classification depends on it. Any details which the applicant considers to be confidential should be entered in 8. Commercial denomination and additional information.',

read: 'Detailed description of the goods permitting their identification and the determination of their classification in the customs nomenclature. This should also include details of the composition of the goods and any methods of examination used for its determination where the classification depends on it. Any details which the applicant considers to be confidential should be entered in 10. Commercial denomination and additional information.;

on page 49, in Annex 4, in Box 12, as corrected on page 42 of OJ L 101 of 16.4.2016:

for: '**12. Other BTI Applications and other BTI held**,'

read: '**12. Other BTI Applications and other BTI held** (mandatory);

on page 49, in Annex 4, in Box 13, as corrected on page 42 of OJ L 101 of 16.4.2016:

for: 'Please indicate if you are aware of BTIs for identical or similar goods already issues to other holders.'

read: 'Please indicate if you are aware of BTIs for identical or similar goods already issued to other holders.';

on page 50, in Annex 4, in Box 15, the text under the heading 'Important note', as corrected on page 42 of OJ L 101 of 16.4.2016:

for: 'By authenticating this application, the applicant accepts responsibility for the accuracy and completeness of the data contained in it, as well as for any additional information provided with it. The applicant accepts that these data and any photograph(s), image(s), brochure(s), etc. can be stored on a database of the European Commission and that the data, including any photograph(s), image(s), brochure(s), etc., submitted with this application or obtained (or obtainable) by the administration, and which have not been marked under data elements No 1, 2 and 8 of this application as being confidential shall be disclosed to the public via the internet.'

read: 'By authenticating this application, the applicant accepts responsibility for the accuracy and completeness of the data contained in it, as well as for any additional information provided with it. The applicant accepts that these data and any photograph(s), image(s), brochure(s), etc. can be stored on a database of the European Commission and that the data, including any photograph(s), image(s), brochure(s), etc., submitted with this application or obtained (or obtainable) by the administration, and which have not been marked under data elements No 1, 2, 4 and 10 of this application as being confidential, shall be disclosed to the public via the internet.';

on page 50, in Annex 4, as corrected on page 42 of OJ L 101 of 16.4.2016, the following footnote is added below Box 16:

'(*) Please, use a separate sheet of paper if more space is required.';

on page 51, in Annex 5, in the Box 'Important note', as corrected on page 43 of OJ L 101 of 16.4.2016:

for: 'Without prejudice to the provisions of Article 34(4) and (5) of Regulation (EC) No 952/2013 of the European Parliament and the Council this BTI remains valid for 3 years as from the date of start of validity.'

read: 'Without prejudice to paragraphs 1, 4, 5 and 7 of Article 34 of Regulation (EU) No 952/2013 of the European Parliament and of the Council this BTI remains valid for 3 years as from the date of start of validity.'

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