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⁽¹⁾ Text with EEA relevance.

EN

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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2019/855**of 27 May 2019****implementing Regulation (EU) No 267/2012 concerning restrictive measures against Iran**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 267/2012 of 23 March 2012 concerning restrictive measures against Iran and repealing Regulation (EU) No 961/2010 ⁽¹⁾, and in particular Article 46(2) thereof,

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

Whereas:

- (1) On 23 March 2012, the Council adopted Regulation (EU) No 267/2012.
- (2) In accordance with Article 46(7) of Regulation (EU) No 267/2012, the Council has reviewed the list of designated persons and entities set out in Annex IX and Annex XIV to that Regulation.
- (3) The Council has concluded that 17 entries included in Annex IX to Regulation (EU) No 267/2012 should be updated.
- (4) Regulation (EU) No 267/2012 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IX to Regulation (EU) No 267/2012 is amended as set out in the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 88, 24.3.2012, p. 1.

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

Done at Brussels, 27 May 2019.

For the Council

The President

N. HURDUC

ANNEX

Annex IX to Regulation (EU) No 267/2012 is amended as follows:

- (1) under the heading 'I. Persons and entities involved in nuclear or ballistic missile activities and persons and entities providing support to the Government of Iran.', the following entries replace the corresponding entries in the list set out under the subheading 'A. Persons':

	Name	Identifying information	Reasons	Date of listing
'14.	Brigadier-General Mohammad NADERI		Head of Iran's Aviation Industries Organisation (IAIO). Former Head of Iran's Aerospace Industries Organisation (AIO). AIO has taken part in sensitive Iranian programmes.	23.6.2008
23.	Davoud BABAEI		The current head of security for the Ministry Of Defence Armed Forces Logistics' research institute the Organisation of Defensive Innovation and Research (SPND), which is run by UN-designated Mohsen Fakhrizadeh-Mahabadi. The IAEA have identified SPND with their concerns over possible military dimensions to Iran's nuclear programme over which Iran refuses to co-operate. As head of security, Babaei is responsible for preventing the disclosure of information including to the IAEA.	1.12.2011
25.	Sayed Shamsuddin BORBORUDI a.k.a. Seyed Shamseddin BORBOROUDI	DOB: 21 September 1969	Deputy Head of UN designated Atomic Energy Organisation of Iran, where he is subordinate to UN designated Feridun Abbasi Davani. Has been involved in the Iranian nuclear programme since at least 2002, including as the former head of procurement and logistics at AMAD, where he was responsible for using front companies such as Kimia Madan to procure equipment and material for Iran's nuclear weapons programme.	1.12.2011
27.	Kamran DANESHJOO (a.k.a. DANESHJOU)		Former Minister of Science, Research and Technology. He has provided support for Iran's proliferation-sensitive nuclear activities.	1.12.2011'

- (2) under the heading 'I. Persons and entities involved in nuclear or ballistic missile activities and persons and entities providing support to the Government of Iran.', the following entries replace the corresponding entries in the list set out under the subheading 'B. Entities':

	Name	Identifying information	Reasons	Date of listing
'12.	Fajr Aviation Composite Industries	Mehrabad Airport, PO Box 13445-885, Tehran, Iran	A subsidiary of the IAIO within MODAFL both designated by the EU which primarily produces composite materials for the aircraft industry.	26.7.2010
95.	Samen Industries	2nd km of Khalaj Road End of Seyyedi St., P.O. Box 91735-549, 91735 Mashhad, Iran, Tel.: +98 511 3853008, +98 511 3870225	Shell name for UN-designated Khorasan Metallurgy Industries, subsidiary of Ammunition Industries Group (AMIG).	1.12.2011

	Name	Identifying information	Reasons	Date of listing
153.	Organisation of Defensive Innovation and Research (SPND)		The Organisation of Defensive Innovation and Research (SPND) directly supports Iran's proliferation sensitive nuclear activities. The IAEA has identified SPND with their concerns over possible military dimensions (PMD) to Iran's nuclear programme. SPND is run by UN-designated Mohsen Fakhrizadeh-Mahabadi and is part of the Ministry of Defence For Armed Forces Logistics (MODAFL) designated by the EU.	22.12.2012'

(3) under heading II, the following entries replace the corresponding entries in the list set out under the subheading 'A. Persons':

	Name	Identifying information	Reasons	Date of listing
'1.	IRGC Brigadier-General Javad DARVISH-VAND		Former Deputy Minister and Inspector General of MODAFL.	23.6.2008
3.	Parviz FATAH	born 1961	Member of the IRGC. Former Minister of Energy.	26.7.2010
4.	IRGC Brigadier-General Seyyed Mahdi FARAHI		Former head of Iran's Aerospace Industries Organisation (AIO) and former managing director of the UN-designated Defence Industries Organisation (DIO). Member of the IRGC and a Deputy in Iran's Ministry of Defense for Armed Forces Logistics (MODAFL).	23.6.2008
5.	IRGC Brigadier-General Ali HOSEYNITASH		Member of the IRGC. Member of the Supreme National Security Council and involved in formulating policy on nuclear issues.	23.6.2008
12.	IRGC Brigadier-General Ali SHAMSHIRI		Member of the IRGC. Has held senior roles in MODAFL.	23.6.2008
13.	IRGC Brigadier-General Ahmad VAHIDI		Former Minister of the MODAFL.	23.6.2008
15.	Abolghassem Mozaffari SHAMS		Former head of Khatam al-Anbiya Construction Headquarters.	1.12.2011'

(4) under heading II, the following entry replaces the corresponding entry in the list set out under the subheading 'B. Entities':

	Name	Identifying information	Reasons	Date of listing
'11.	Behnam Sahriyari Trading Company	Postal address: Ziba Building, 10th Floor, Northern Sohrevardi Street, Tehran, Iran	Involved in the shipment of arms on behalf of the IRGC.	23.1.2012'

(5) under the heading 'I. Persons and entities involved in nuclear or ballistic missile activities and persons and entities providing support to the Government of Iran', under subheading 'B. Entities', the following entry is added:

	Name	Identifying information	Reasons	Date of listing
'20.	(b) Iran Communications Industries (ICI)	PO Box 19295-4731, Pasdaran Avenue, Tehran, Iran; Alternative address: PO Box 19575-131, 34 Apadana Avenue, Tehran, Iran; Alternative address: Shahid Langary Street, Nobonyad Square Ave, Pasdaran, Tehran	Iran Communications Industries, a subsidiary of Iran Electronics Industries (listed by the EU), produces various items including communication systems, avionics, optics and electro-optics devices, micro-electronics, information technology, test and measurement, telecommunication security, electronic warfare, radar tube manufacture and refurbishment, and missile launchers.	26.7.2010'

(6) under the heading 'I. Persons and entities involved in nuclear or ballistic missile activities and persons and entities providing support to the Government of Iran', under subheading 'B. Entities', the following entry is removed:

	Name	Identifying information	Reasons	Date of listing
'19.	Iran Communications Industries (ICI)	PO Box 19295-4731, Pasdaran Avenue, Tehran, Iran; Alternative address: PO Box 19575-131, 34 Apadana Avenue, Tehran, Iran; Alternative address: Shahid Langary Street, Nobonyad Square Ave, Pasdaran, Tehran	Iran Communications Industries, a subsidiary of Iran Electronics Industries (see no 20), produces various items including communication systems, avionics, optics and electro-optics devices, micro-electronics, information technology, test and measurement, telecommunication security, electronic warfare, radar tube manufacture and refurbishment, and missile launchers. These items can be used in programmes that are under sanction per UNSCR 1737.	26.7.2010'

(7) under heading II, under subheading 'B. Entities', the following entry is added:

	Name	Identifying information	Reasons	Date of listing
'12.	Etemad Amin Invest Co Mobin	Pasadaran Av. Tehran, Iran	A company owned or controlled by IRGC that contributes to financing the strategic interests of the regime.	26.7.2010'

(8) under the heading 'I. Persons and entities involved in nuclear or ballistic missile activities and persons and entities providing support to the Government of Iran', under subheading 'B. Entities', the following entry is removed:

	Name	Identifying information	Reasons	Date of listing
'10.	Etemad Amin Invest Co Mobin	Pasadaran Av. Tehran, Iran	Close to Naftar and to Bonyad-e Mostazafan, Etemad Amin Invest Co Mobin contributes to funding the strategic interests of the regime and of the parallel Iranian state.	26.7.2010'

COMMISSION DELEGATED REGULATION (EU) 2019/856**of 26 February 2019****supplementing Directive 2003/87/EC of the European Parliament and of the Council with regard to the operation of the Innovation Fund****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC ⁽¹⁾, and in particular to the fourth subparagraph of Article 10a(8) thereof,

Whereas:

- (1) Detailed rules on the operation of the Innovation Fund should be established taking into account lessons learnt from the NER300 programme established under Directive 2003/87/EC and implemented on the basis of Commission Decision 2010/670/EU ⁽²⁾; notably the conclusions of the Court of Auditors report ⁽³⁾ should be taken into account.
- (2) In order to cover the lower profitability and the higher technological risks of the eligible projects compared to conventional technologies, a significant part of the Innovation Fund financing should be provided in the form of a grant. Detailed rules on the disbursement of grants should therefore be established.
- (3) As the risks and profitability of eligible projects may differ across sectors and activities of those projects and may also evolve over time, it is appropriate to allow for a part of the Innovation Fund support to be provided through contributions to blending operations under the Union investment support instrument, as well as in other forms provided for in Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ⁽⁴⁾ (the 'Financial Regulation').
- (4) It is appropriate to consider the difference between the total costs of an eligible project and the total costs of an equivalent project using conventional technology as relevant costs for the purposes of financing under the Innovation Fund. However, in order to avoid excessive administrative burden for small-scale projects and address their particular difficulties in obtaining financing, the relevant costs of a small-scale project should be the total capital expenditure cost of such a project.
- (5) With a view to making adequate financial resources timely available to the eligible projects, the disbursement of grants should be based on the achievement of milestones. For all projects, the milestones should include financial close and entry into operation. As some projects might need the support to be disbursed at a different point in time, it is appropriate to provide for the possibility to determine additional milestones in the contractual documentation.
- (6) In order to increase the probability of success of the projects, the possibility to disburse a part of the grant prior to the entry into operation of a project should be established. The disbursement of grants should in principle start at the financial close and continue during the development and operation of the project.

⁽¹⁾ OJ L 275, 25.10.2003, p. 32.

⁽²⁾ Commission Decision 2010/670/EU of 3 November 2010 laying down criteria and measures for the financing of commercial demonstration projects that aim at the environmentally safe capture and geological storage of CO₂ as well as demonstration projects of innovative renewable energy technologies under the scheme for greenhouse gas emission allowance trading within the Community established by Directive 2003/87/EC of the European Parliament and of the Council (OJ L 290, 6.11.2010, p. 39).

⁽³⁾ Special report of 5 September 2018 No 24/2018: Demonstrating carbon capture and storage and innovative renewables at commercial scale in the EU: intended progress not achieved in the past decade, available on the Court of Auditors website at: https://www.eca.europa.eu/Lists/ECADocuments/SR18_24/SR_CCS_EN.pdf

⁽⁴⁾ Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012 (OJ L 193, 30.7.2018, p. 1).

- (7) The major part of the Innovation Fund support should depend on verified avoidance of greenhouse gas emissions. Substantial underperformance on planned greenhouse gas emission avoidance should therefore lead to the reduction and recovery of the amount of the support dependant on such avoidance. The reduction and recovery mechanism, however, should be flexible enough to take into account the innovative nature of projects supported by the Innovation Fund.
- (8) Grants under the Innovation Fund should be awarded following a competitive selection process, via calls for proposals. In order to reduce the administrative burden for project proponents, a two-phase application procedure should be established, comprising an expression of interest and the full application.
- (9) Projects applying for the Innovation Fund support should be assessed on the basis of qualitative and quantitative criteria. The combination of such criteria should ensure the completeness of the project assessment in terms of its technological and business potential. To ensure fair and merit-based selection, projects should be selected based on the same selection criteria, but be evaluated and ranked first *vis-à-vis* other projects in the same sector and subsequently *vis-à-vis* projects across sectors.
- (10) Projects whose planning, business model and financial and legal structure appear insufficiently mature, in particular in light of a possible lack of support by the Member States concerned or of the necessary national permits, should not be selected for Innovation Fund support. However, such projects may be promising. Therefore, the possibility to provide development assistance to such projects should be laid down. Project development assistance should in particular benefit small-scale projects and projects in lower-income Member States to help achieving a geographically balanced distribution of the Innovation Fund support.
- (11) It is important to achieve a geographically balanced distribution of the Innovation Fund support. To prevent a situation where some Member States are not sufficiently covered, the possibility should be laid down to establish additional selection criteria aimed at achieving geographical balance in a second or subsequent calls for proposals.
- (12) The Commission should ensure the implementation of the Innovation Fund. The Commission should however be enabled to delegate some of the implementation actions, such as the organisation of the call for proposals, pre-selection of projects or contractual management of grants, to implementing bodies.
- (13) The revenues of the Innovation Fund, including the revenues from the allowances monetised on the Common Auction Platform in accordance with Commission Regulation (EU) No 1031/2010 ⁽³⁾, should be managed in accordance with the objectives of Directive 2003/87/EC. The Commission should therefore carry out that task itself and be enabled to delegate this task to the European Investment Bank.
- (14) The Commission should apply different rules depending on the mode of the implementation of the Innovation Fund. Where the Innovation Fund is implemented in direct management, the provisions of this Regulation should be fully aligned with the provisions of the Financial Regulation.
- (15) Member States should play an important role in the implementation of the Innovation Fund. In particular, the Commission should consult the Member States on the key implementation decisions, as well as on the development of the Innovation Fund.
- (16) The Innovation Fund should be implemented in accordance with the sound financial management principles as laid down in the Financial Regulation.
- (17) Clear reporting, accountability and financial control arrangements should be laid down in order to ensure that the Commission receives complete and timely information on the progress of projects supported by the Innovation Fund, the entities managing the Innovation Fund apply sound financial management principles, and the Member States are in a timely manner informed about the implementation of the Innovation Fund,

⁽³⁾ Commission Regulation (EU) No 1031/2010 of 12 November 2010 on the timing, administration and other aspects of auctioning of greenhouse gas emission allowances pursuant to Directive 2003/87/EC of the European Parliament and of the Council establishing a scheme for greenhouse gas emission allowances trading within the Community (OJ L 302, 18.11.2010, p. 1).

HAS ADOPTED THIS REGULATION:

CHAPTER I

General provisions

Article 1

Subject matter

This Regulation lays down detailed rules supplementing Directive 2003/87/EC as regards:

- (a) the operational objectives of the Innovation Fund established by Article 10a(8) of Directive 2003/87/EC;
- (b) the forms of support provided under the Innovation Fund;
- (c) the application procedure for the Innovation Fund support;
- (d) the procedure and criteria for project selection under the Innovation Fund;
- (e) disbursement of the Innovation Fund support;
- (f) the governance of the Innovation Fund;
- (g) reporting, monitoring, evaluation, control, and publicity concerning the operation of the Innovation Fund.

Article 2

Definitions

For the purposes of this Regulation the following definitions apply:

- (1) 'financial close' means the moment in the project development cycle where all the project and financing agreements have been signed and all the required conditions contained in them have been met;
- (2) 'entry into operation' means the moment in the project development cycle where all elements and systems required for operation of the project have been tested and activities resulting in effective avoidance of greenhouse gas emissions have commenced;
- (3) 'small-scale project' means a project with a total capital expenditure not exceeding EUR 7 500 000.

Article 3

Operational objectives

The Innovation Fund shall have the following operational objectives:

- (a) to support projects demonstrating highly innovative technologies, processes or products, that are sufficiently mature and have a significant potential to reduce greenhouse gas emissions;
- (b) to offer financial support tailored to market needs and risk profiles of eligible projects, while attracting additional public and private resources;
- (c) to ensure that the revenues of the Innovation Fund are managed in accordance with the objectives of Directive 2003/87/EC.

Article 4

Forms of the Innovation Fund support

The Innovation Fund support to the project may take the following forms:

- (a) grants;
- (b) contributions to blending operations under the Union investment support instrument;
- (c) where necessary to achieve the objectives of Directive 2003/87/EC, funding in any of the other form laid down in Regulation (EU, Euratom) 2018/1046 (the 'Financial Regulation'), in particular prizes, and procurement.

CHAPTER II

Specific provisions applicable to grants

Article 5

Relevant costs

1. For the purposes of the fourth sentence of the third subparagraph of Article 10a(8) of Directive 2003/87/EC, the relevant costs shall be the additional costs that are borne by the project proponent as a result of the application of the innovative technology related to the reduction or avoidance of the greenhouse gas emissions. The relevant costs shall be calculated as the difference between the best estimate of the total capital expenditure, the net present value of operating costs and benefits arising during 10 years after the entry into operation of the project compared to the result of the same calculation for a conventional production with the same capacity in terms of effective production of the respective final product.

Where conventional production referred to in the first subparagraph does not exist, the relevant costs shall be the best estimate of the total capital expenditure and the net present value of operating costs and benefits arising during 10 years after the entry into operation of the project.

2. The relevant costs of a small-scale project shall be the total capital expenditure costs of that project.

Article 6

Disbursement of grants

1. The Innovation Fund support, in the form of a grant, shall be disbursed upon reaching the pre-determined milestones.

2. For all projects, the milestones referred to in paragraph 1 shall be based on the project development cycle and shall be at least the following:

(a) financial close;

(b) entry into operation.

3. Taking into account the technology deployed and the specific circumstances of the sector or sectors in which it is being deployed, additional specific milestones may be determined in the contractual documents.

4. Up to 40 % of the total amount of the Innovation Fund support, including project development assistance, to a specific project shall be disbursed upon financial close or upon reaching a specific milestone preceding financial close where such a milestone has been determined in accordance with paragraph 3.

5. To the extent that the total amount of the Innovation Fund support to a specific project has not been disbursed pursuant to paragraph 4, that amount shall be disbursed after the financial close. It may be partially disbursed prior to the entry into operation and in annual instalments after the entry into operation.

6. For the purposes of paragraphs 4 and 5 of this Article, the total amount of the Innovation Fund support provided to a specific project shall include the amount of the Innovation Fund support provided to that project by way of project development assistance in accordance with Article 13.

Article 7

General recovery rules

1. The Commission shall take appropriate measures to ensure that, where activities financed under this Regulation are implemented, the financial interests of the Innovation Fund are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts unduly paid and, where appropriate, by effective, proportionate and dissuasive administrative and financial penalties.

2. Recoveries shall be implemented in accordance with the Financial Regulation.

3. The grounds for recovery as well as the recovery procedures shall be further specified in the contractual documentation.

*Article 8***Special recovery rules**

1. The amount of the Innovation Fund support disbursed in accordance with paragraph 5 of Article 6 after the financial close shall be dependent on the avoidance of greenhouse gas emissions verified on the basis of annual reports submitted by the project proponent for a period between 3 to 10 years following the entry into operation. The final annual report submitted by the project proponent shall include the total amount of greenhouse gas emissions avoided during the entire reporting period.
2. Where the total amount of greenhouse gas emissions avoided during the entire reporting period is lower than 75 % of the total amount of greenhouse gas emissions planned to be avoided, the amount paid or to be paid to the project proponent in accordance with paragraph 5 of Article 6 shall be proportionally recovered or reduced.
3. Where the project fails to enter into operation by the pre-determined time or the project proponent fails to demonstrate any real avoidance of greenhouse gas emissions, the amount paid after the financial close in accordance with paragraph 5 of Article 6 shall be fully recovered.
4. Where the situations referred to in paragraphs 2 and 3 occur due to extraordinary circumstances that are beyond the control of the project proponent and the project proponent demonstrates the project's potential to achieve an avoidance of greenhouse gas emissions beyond the reported amount, or where the project proponent demonstrates that the project can achieve significant low-carbon innovation benefits, the Commission may decide not to apply the recovery mechanisms under paragraphs 2 and 3.
5. The ground for recovery and recovery procedures shall be further specified in the contractual documentation.
6. The rules laid down in paragraphs 3 and 4 of this Article shall be without prejudice to general recovery rules under Article 7.

*Article 9***Calls for proposals**

1. The project proponents shall be invited to apply for the Innovation Fund support through open calls for proposals launched by the Commission.

Before adopting a decision launching a call for proposals, the Commission shall consult the Member States on the draft decision.

2. The Commission decision launching the calls for proposals shall include at least the following:
 - (a) the overall amount of the Innovation Fund support available for the call;
 - (b) the maximum amount of the Innovation Fund support available for project development assistance;
 - (c) the types of solicited projects or sectors;
 - (d) a description of the application procedure and a detailed list of information and documentation to be submitted at each phase of the application procedure;
 - (e) detailed information on the selection procedure, including the methodology for evaluation and ranking;
 - (f) where specific application and selection procedures are applied in accordance with Article 10(4) and Article 12(6) for small-scale projects, the rules on those specific procedures;
 - (g) where the Commission reserves a part of the total amount of the Innovation Fund support available for the call to small-scale projects, the amount of that part;
 - (h) where additional selection criteria aimed at achieving a geographically balanced distribution of the Innovation Fund support are applied in accordance with Article 11(2), those criteria.

*Article 10***Application procedure**

1. The implementing body shall collect the applications and organise the application procedure in two subsequent phases:
 - (a) the expression of interest;
 - (b) the full application.
2. At the expression of interest phase, the project proponent shall be required to submit a description of key project characteristics in line with the requirements laid down in the relevant call for proposals, including the description of the project's effectiveness, degree of innovation, and maturity as specified in points (a), (b) and (c) of Article 11(1).
3. At the full application phase, the project proponent shall be required to submit a detailed description of the project and all supporting documentation, including the knowledge-sharing plan.
4. A simplified application procedure may be applied for small-scale projects.

*Article 11***Selection criteria**

1. The selection of projects for the Innovation Fund support shall be based on the following criteria:
 - (a) effectiveness in terms of greenhouse gas emission avoidance potential, where applicable, compared to the benchmarks referred to in Article 10a(2) of Directive 2003/87/EC;
 - (b) degree of innovation of the projects compared to the state of the art;
 - (c) project maturity in terms of planning, business model, financial and legal structure as well as prospect of reaching the financial close within a pre-defined period of time not exceeding four years after the award decision;
 - (d) technical and market potential for widespread application or replication, or for future cost reductions;
 - (e) efficiency in terms of the relevant costs of the project minus any contribution to those costs from the project proponent, divided by the total projected amount of greenhouse gas emissions to be avoided or energy to be produced or stored or CO₂ to be stored in the first 10 years of operation.
2. Additional criteria aimed at achieving a geographically balanced distribution of the Innovation Fund support may also be applied for the purposes of project selection.

*Article 12***Selection procedure**

1. Based on the applications received at the expression of interest phase, the implementing body shall assess, for each project, the eligibility in accordance with Article 10a(8) of Directive 2003/87/EC. The implementing body shall then proceed with the selection of eligible projects under paragraphs 2 and 3 of this Article.
2. Based on the applications received at the expression of interest phase, the implementing body shall draw up a list of the projects that meet the selection criteria laid down in points (a), (b) and (c) of Article 11(1) and shall invite the proponents of those projects to submit a full application.

Where the implementing body concluded that a project meets the selection criteria laid down in points (a) and (b) of Article 11(1), but does not meet the criterion laid down in point (c) of Article 11(1), the implementing body shall assess whether that project has the potential to meet all selection criteria if further developed. Where the project has such a potential, the implementing body may award project development assistance to the project concerned or, where the Commission implements that task, propose to the Commission to award project development assistance to the project.

3. Based on the full application received in accordance with paragraph 2 of this Article, the implementing body shall proceed with the project evaluation and ranking based on all selection criteria laid down in Article 11. For the purposes of that evaluation, the implementing body shall compare the projects with the projects in the same sector as well as with projects in other sectors, and shall draw up a list of pre-selected projects.

4. The list of pre-selected projects referred to in paragraph 3 and, where applicable, the suggestion referred to in the second subparagraph of paragraph 2 shall be communicated to the Commission and shall include at least the following:
- (a) a confirmation of the compliance with the eligibility and selection criteria;
 - (b) details on project evaluation and ranking;
 - (c) total project costs and relevant costs referred to in Article 5, in euro;
 - (d) the request for the total Innovation Fund support in euro,
 - (e) the projected amount of greenhouse gas emissions to be avoided;
 - (f) the projected amount of energy to be produced or stored;
 - (g) the projected amount of CO₂ to be stored;
 - (h) information on the legal form of the Innovation Fund support requested by the project proponent.
5. On the basis of what was communicated pursuant to paragraph 4 of this Article, the Commission shall, after consulting the Member States in accordance with Article 21(2), adopt the award decision specifying the support to the selected projects and, where appropriate, draw up a reserve list.
6. A specific selection procedure may be applied for small-scale projects.

Article 13

Project development assistance

1. The Commission shall, after consulting the Member States in accordance with Article 21(2)(c), determine the maximum amount of the Innovation Fund support available for project development assistance.
2. The project development assistance shall be awarded by the Commission or by the implementing body in accordance with Article 12(2) in the form of a grant.
3. The following activities may be funded by way of project development assistance:
 - (a) improvement and development of a project documentation, or of components of the project design, with a view to ensuring the sufficient maturity of the project;
 - (b) assessment of the feasibility of the project, including technical and economic studies;
 - (c) advice on the financial and legal structure of the project;
 - (d) capacity building of the project proponent.
4. For the purposes of project development assistance, the relevant costs shall be all project development related costs. The Innovation Fund may finance up to 100 % of the relevant costs.

CHAPTER III

Specific provisions applicable to the forms of the Innovation Fund support other than grants

Article 14

Provision of Innovation Fund support through contributions to blending operations under the Union investment support instrument

1. Where the Commission decides to disburse the Innovation Fund support through contributions to blending operations under the Union investment support instrument, the Innovation Fund support shall be implemented in accordance with the rules applicable to the Union investment support instrument. However, the eligibility of the projects shall be assessed in accordance with Article 10a(8) of Directive 2003/87/EC.
2. The Commission shall adopt, after consulting the Member States, a decision specifying whether the contribution to blending operations takes a form of non-repayable support or repayable support or both, and indicating the amount of the Innovation Fund support available for the disbursement through the Union investment support instrument.

*Article 15***Provisions of the Innovation Fund support in any other form laid down in the Financial Regulation**

1. Where the Commission decides to disburse the Innovation Fund support in any form laid down in the Financial Regulation other than grants, the Commission shall adopt, after consulting the Member States, a decision indicating the amount of the Innovation Fund support available for disbursement in that form as well as the rules applicable to the application for such support, the selection of the projects and the disbursement of the support.
2. Projects receiving the Innovation Fund support under this Article shall comply with the Union state aid rules.

*CHAPTER IV***Governance***Article 16***Implementation of the Innovation Fund**

1. The Commission shall implement the Innovation Fund in direct management in accordance with relevant provisions of Articles 125 to 153 of the Financial Regulation or in indirect management through bodies referred to in Article 62(1)(c) of the Financial Regulation.
2. Costs incurred, in relation to the Innovation Fund implementation activities, including the administrative and management costs, shall be financed from the Innovation Fund.

*Article 17***Designation of implementing bodies**

1. Where the Commission decides to delegate certain tasks related to the Innovation Fund implementation to an implementing body, the Commission shall adopt a decision designating such an implementing body.

The Commission and the designated implementing body shall enter into an agreement laying down the specific terms and conditions under which the implementing body is to perform its tasks.

2. Where the Commission implements the Innovation Fund in direct management and decides to delegate certain implementation tasks to an implementing body, the Commission shall designate an executive agency as implementing body.
3. Where the Commission implements the Innovation Fund in indirect management, the Commission shall designate as implementing body a body referred to in Article 62(1)(c) of the Financial Regulation.
4. To the extent that the tasks relating to the implementation of the Innovation Fund are not delegated to an implementing body, the Commission shall carry out those tasks.

*Article 18***Tasks of the implementing body**

The implementing body designated in accordance with Article 17(1) may be entrusted with the overall management of the call for proposals, the disbursement of the Innovation Fund support, and the monitoring of the implementation of selected projects. For that purpose, the implementing body may be entrusted with the following tasks:

- (a) organising the call for proposals;
- (b) organising the application procedure, including collecting the applications and analysing all the supporting documents;
- (c) organising the project selection, including the project evaluation or the due diligence assessment and ranking;
- (d) advising the Commission on the projects to be awarded the Innovation Fund support and on projects to be included in the reserve list;
- (e) awarding or providing project development assistance;
- (f) signature of the grant agreements and other contracts depending on the form of Innovation Fund support;

- (g) preparing and managing the contractual documentation concerning the awarded projects;
- (h) checking if the conditions for the financing are met and disbursing the Innovation Fund revenues to the project proponents;
- (i) monitoring of the project implementation;
- (j) communicating with the project proponents;
- (k) reporting to the Commission, including on general orientation for the further development of the Innovation Fund;
- (l) financial reporting;
- (m) information, communication and promotion actions, including the production of the promotion materials, and the development of the Innovation Fund logo;
- (n) management of knowledge sharing;
- (o) supporting the Member States in their efforts to promote the Innovation Fund and to communicate with the project proponents;
- (p) any other tasks relating to the implementation of the Innovation Fund

Article 19

Specific provisions applicable to the implementation of the Innovation Fund in direct management

1. Where the Commission designates an executive agency as implementing body under Article 17(1) of this Regulation, such a Commission decision shall be subject to the result of the cost-benefit analysis referred to in Article 3 of Council Regulation (EC) No 58/2003 ⁽⁶⁾ and the agreement referred to in second subparagraph of Article 17(1) of this Regulation shall take the form of an instrument of delegation in accordance with Regulation (EC) No 58/2003.
2. Where amounts disbursed by way of direct management are recovered under Articles 7 and 8 of this Regulation, the recovered amounts shall constitute assigned revenue in accordance with Article 21 of the Financial Regulation and shall be used to finance the Innovation Fund operations.
3. For all implementing tasks carried out by the Commission, including through an executive agency, the revenue of the Innovation Fund shall constitute external assigned revenue within the meaning of paragraphs 1 and 5 of Article 21 of the Financial Regulation. That assigned revenue shall also cover all administrative costs related to the implementation of the Innovation Fund. The Commission may use a maximum of 5 % of the Innovation Fund envelope to cover its management costs.
4. A project that has received the Innovation Fund support may also receive a contribution from any other Union programme, including Funds under shared management, provided that the contributions do not cover the same costs. The cumulative financing shall not exceed the total eligible costs of the project and the support from different Union programmes may be calculated on a pro-rata basis.

Article 20

Management of the Innovation Fund revenues

1. The Commission shall ensure that the allowances destined for the Innovation Fund are auctioned in accordance with the principles and modalities laid down in Article 10(4) of Directive 2003/87/EC and shall manage the Innovation Fund revenues in accordance with the objectives of Directive 2003/87/EC.
2. The Commission shall ensure that the revenues referred to in paragraph 1 are passed on to the implementing body, in a timely manner, for financing the costs related to the implementation activities and for the disbursement to the awarded projects.

⁽⁶⁾ Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes (OJ L 11, 16.1.2003, p. 1).

3. The Commission may delegate the monetisation of allowances and the management of the Innovation Fund revenues to the European Investment Bank (EIB). In the case of such a delegation, the Commission and the EIB shall enter into an agreement laying down the specific terms and conditions under which the EIB shall carry out its tasks related to the management of the Innovation Fund revenues.

4. Subject to the provisions of Directive 2003/87/EC, Innovation Fund revenues remaining at the end of the eligibility period for the supported projects shall be used to support new projects that meet the eligibility criteria laid down in Article 10a(8) of Directive 2003/87/EC until all the revenues are spent for the objectives of the Innovation Fund. Such new projects shall be selected via new calls for proposals in accordance with Article 9 or supported in accordance with Articles 14 or 15.

Article 21

Role of the Member States

1. When implementing the Innovation Fund, the Commission shall consult with and be assisted by the Member States.
2. The Member States shall be consulted on:
 - (a) the list of the pre-selected projects, including the reserve list, and the list of projects proposed for project development assistance in accordance with Article 12(2), prior to the award of the support;
 - (b) draft Commission decisions referred to in Article 9(1), Article 14(2) and Article 15(1);
 - (c) the maximum amount of the Innovation Fund support to be made available for the project development assistance;
3. The Member States shall, if requested by the Commission, advise and assist the Commission in:
 - (a) setting general orientations for the Innovation Fund;
 - (b) addressing existing or emerging project implementation problems;
 - (c) dealing with any other issue relating to the project implementation.
4. The Commission shall report to the Member States on the progress made in implementing this Regulation, in particular on the implementation of award decisions referred to in Article 12(5).

Article 22

Role of the stakeholders

The Commission may involve stakeholders in the discussions relating to the implementation of the Innovation Fund, including on the issues listed in Article 21(3).

CHAPTER V

Monitoring reporting, and evaluation

Article 23

Monitoring and reporting

1. The implementing body shall monitor the operation of the Innovation Fund, including the amounts of the disbursed Innovation Fund support.
2. With a view to ensuring that data for monitoring referred to in paragraph 1 and results are collected efficiently, effectively and in a timely manner, proportionate reporting requirements may be imposed on the project proponents. The reports of the project proponents shall include the information on the knowledge-sharing actions undertaken pursuant to Article 27.
3. The implementing body shall regularly report to the Commission on the performance of its tasks.
4. The implementing body shall report to the Commission on the full cycle of the disbursement of support, and in particular on the organisation of the calls for proposals, and on the signatures of contracts with the project proponents.

5. After completion of the each call for proposals, the Commission shall report to the Member States on the implementation of that call for proposals.
6. The Commission shall report annually to the Council and to the European Parliament on the progress of the implementation of the Innovation Fund.
7. Implementing bodies, other than executive agencies, and entities to which the management of the Innovation Fund revenues has been delegated pursuant Article 20(3) shall provide the Commission with the following:
 - (a) by 15 February, unaudited financial statements covering the preceding financial year, which shall run from 1 January to 31 December, in respect of the activities delegated to those implementing bodies and entities;
 - (b) by 15 March of the year of the transmission of the unaudited financial statements, the audited financial statements covering the preceding financial year, which shall run from 1 January to 31 December, in respect of the activities delegated to those implementing bodies and entities.

The Commission shall prepare annual accounts of the Innovation Fund for each financial year, which shall run from 1 January to 31 December on the basis of the financial statements provided pursuant to the first subparagraph. Those accounts shall be subject to an independent external audit.

Any financial statements and accounts provided for in this paragraph shall be drawn up in compliance with the accounting rules referred to in Article 80 of the Financial Regulation.

Article 24

Evaluation

1. In 2025 and every five years thereafter, the Commission shall carry out an evaluation on the operation of the Innovation Fund. The evaluation shall focus on, but shall not be limited to, the assessment of synergies between the Innovation Fund and other relevant Union programmes, as well as the procedure of disbursement of the Innovation Fund support.
2. Based on the results of the evaluations referred to in paragraph 1 of this Article, the Commission shall, where appropriate, make proposals to ensure that the Innovation Fund progresses towards the achievement of its objectives provided for in Directive 2003/87/EC and in Article 3 of this Regulation.
3. At the end of the implementation of the Innovation Fund, but no later than in 2035, the Commission shall carry out a final evaluation of the operation of the Innovation Fund.
4. The Commission shall make the results of the evaluations undertaken pursuant to paragraphs 1, 2, and 3 publicly available.

CHAPTER VI

Audits, publicity and knowledge sharing

Article 25

Audits

1. Audits on the use of the Innovation Fund support carried out by independent external auditors, including by other than those mandated by the Union Institutions or bodies, shall form the basis of the overall assurance pursuant to Article 26.
2. Any person or entity receiving Innovation Fund support shall agree in writing to grant the necessary rights and access as provided for to in Article 129 of the Financial Regulation.

*Article 26***Cross-reliance on audits**

Without prejudice to existing possibilities for carrying out further audits, where an audit based on internationally accepted audit standards providing reasonable assurance has been conducted by an independent auditor on the financial statements and reports setting out the use of a Union contribution, that audit shall form the basis of the overall assurance, as further specified, where appropriate, in sector-specific rules, provided that there is sufficient evidence of the independence and competence of the auditor. The report of the independent auditor and the related audit documentation shall be made available on request to the European Parliament, the Commission, the Court of Auditors and the audit authorities of Member States.

*Article 27***Communication, knowledge sharing and publicity**

1. The project proponents shall proactively and systematically make publicly available on their websites information relating to projects supported under this Regulation. Such information shall include an explicit reference to the Innovation Fund support received.
2. The project proponents shall ensure the provision of coherent, effective and targeted information on the Innovation Fund support received to multiple audiences, including the media and the public.
3. The Innovation Fund logo or other promotional elements required in the contractual documentation shall be used for all communication and knowledge-sharing activities and appear on notice boards at strategic places visible to the public.
4. The project proponents shall provide detailed information on the planned actions in accordance with paragraphs 1 and 2 of this Article in the knowledge-sharing plan submitted in accordance with Article 10(3).
5. The implementing body shall perform information, communication and promotion actions relating to the Innovation Fund support and results. The implementing body shall organise specific seminars, workshops or, where appropriate, other types of activities to facilitate exchanges of experience, knowledge and best practices as regards the design, preparation and implementation of projects as well as on the effectiveness of the financing provided through project development assistance projects.

*CHAPTER VII***Final provisions***Article 28***Entry into force**

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, 26 February 2019.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2019/857**of 27 May 2019****concerning the renewal of the authorisation of *Saccharomyces cerevisiae* CNCM I-1077 as a feed additive for dairy sheep and dairy goats and repealing Regulation (EC) No 226/2007 (holder of authorisation Danstar Ferment AG represented by Lallemand SAS)****(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 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting and renewing such authorisation.
- (2) *Saccharomyces cerevisiae* CNCM I-1077 was authorised for 10 years as a feed additive for dairy goats and dairy sheep by Commission Regulation (EC) No 226/2007 ⁽²⁾.
- (3) In accordance with Article 14 of Regulation (EC) No 1831/2003, an application was submitted by the holder of that authorisation for the renewal of the authorisation of *Saccharomyces cerevisiae* CNCM I-1077 as a feed additive for dairy goats and dairy sheep, requesting that additive to be classified in the additive category 'zootechnical additives'. That application was accompanied by the particulars and documents required under Article 14(2) of Regulation (EC) No 1831/2003.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinion of 5 July 2018 ⁽³⁾ that the applicant has provided data demonstrating that the additive complies with the conditions of authorisation.
- (5) The assessment of *Saccharomyces cerevisiae* CNCM I-1077 shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the authorisation of that additive should be renewed as specified in the Annex to this Regulation.
- (6) As a consequence of the renewal of the authorisation of *Saccharomyces cerevisiae* CNCM I-1077 as a feed additive under the conditions laid down in the Annex to this Regulation, Regulation (EC) No 226/2007 should be repealed.
- (7) 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

The authorisation of the additive specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'gut flora stabilisers', is renewed subject to the conditions laid down in that Annex.

Article 2

Regulation (EC) No 226/2007 is repealed.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.⁽²⁾ Commission Regulation (EC) No 226/2007 of 1 March 2007 concerning the authorisation of *Saccharomyces cerevisiae* CNCM I-1077 (Levucell SC20 and Levucell SC10 ME) as a feed additive (OJ L 64, 2.3.2007, p. 26).⁽³⁾ EFSA Journal 2018;16(7):5385.

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, 27 May 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						CFU /kg of complete feedingstuff with a moisture content of 12 %			
Category of zootechnical additives. Functional group: gut flora stabilisers									
4b1711	Danstar Ferment AG represented by Lallemand SAS	<i>Saccharomyces cerevisiae</i> CNCM I-1077	<p><i>Additive composition</i></p> <p>Preparation of <i>Saccharomyces cerevisiae</i> CNCM I-1077 with a minimum concentration of:</p> <p>— 1×10^{10} CFU/g of additive (coated form);</p> <p>— 2×10^{10} CFU/g of additive (not-coated form);</p> <p><i>Characterisation of the active substance</i></p> <p>Viable dried cells of <i>Saccharomyces cerevisiae</i> CNCM I-1077</p> <p><i>Analytical method</i> ⁽¹⁾</p> <p>Enumeration: pour plate method using chloramphenicol dextrose yeast extract agar (EN15789:2009)</p> <p>Identification: polymerase chain reaction (PCR) method CEN/TS 15790:2008</p>	Dairy goats	—	5×10^8	—	<ol style="list-style-type: none"> In the directions for use of the additive and premixture, the storage conditions and stability to heat treatment shall be indicated. In the label of feed additive the following shall be indicated: '<i>Recommended dose for dairy goats and dairy sheep: 4×10^9 CFU/head/day</i>' For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from their use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including eye and breathing protection. 	17 June 2029
				Dairy sheep		$1,2 \times 10^9$			

⁽¹⁾ Details of the analytical methods are available at the following address of the European Union Reference Laboratory for Feed Additives: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

DECISIONS

COUNCIL DECISION (EU) 2019/858

of 14 May 2019

on the position to be taken on behalf of the European Union in the Meeting of the Parties of the Southern Indian Ocean Fisheries Agreement (SIOFA), and repealing the Decision of 12 June 2017 establishing the position to be adopted, on behalf of the Union, in the Meeting of the Parties of the SIOFA

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(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Decision 2008/780/EC ⁽¹⁾, the Union concluded the Southern Indian Ocean Fisheries Agreement (SIOFA) ⁽²⁾, which established the Meeting of the Parties to the SIOFA.
- (2) The Meeting of the Parties to the SIOFA is responsible for the management and conservation measures of the fishery resources of the SIOFA area. Such measures may become binding upon the Union.
- (3) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽³⁾ provides that the Union is to ensure that fishing and aquaculture activities are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies. It also provides that the Union is to apply the precautionary approach to fisheries management, and is to aim to ensure that exploitation of marine biological resources restores and maintains population of harvested species above levels, which can produce the maximum sustainable yield. It further provides that the Union is to take management and conservation measures based on the best available scientific advice, to support the development of scientific knowledge and advice, to gradually eliminate discards and to promote fishing methods that contribute to more selective fishing and the avoidance and reduction, as far as possible, of unwanted catches, to fishing with low impact on marine ecosystem and fishery resources. Furthermore, Regulation (EU) No 1380/2013 specifically provides that those objectives and principles are to be applied by the Union in the conduct of its external fisheries relations.
- (4) As stated in the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission 'International ocean governance: an agenda for the future of oceans' and the Council conclusions on that Joint communication, the promotion of measures to support and enhance the effectiveness of regional fisheries management organisations (RFMOs) and, where relevant, improve their governance is central to the Union's action in these fora.
- (5) The Communication from the Commission to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions 'European Strategy for Plastics in a Circular Economy', refers to specific measures to reduce plastics and marine pollution as well as the loss or abandonment at sea of fishing gear.

⁽¹⁾ Council Decision 2008/780/EC of 29 September 2008 on the conclusion, on behalf of the European Community, of the Southern Indian Ocean Fisheries Agreement (OJ L 268, 9.10.2008, p. 27).

⁽²⁾ OJ L 196, 18.7.2006, p. 15.

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

- (6) It is appropriate to establish the position to be taken on the Union's behalf in the Meeting of the Parties to the SIOFA for the period 2019-2023, as conservation and enforcement measures adopted by the annual Meeting of the Parties to the SIOFA will be binding on the Union and capable of decisively influencing the content of Union law, namely, Council Regulations (EC) No 1005/2008 ⁽⁴⁾ and (EC) No 1224/2009 ⁽⁵⁾, and Regulation (EU) 2017/2403 of the European Parliament and of the Council ⁽⁶⁾.
- (7) The Council Decision of 12 June 2017 establishing the position to be adopted, on behalf of the Union, in the Meeting of the Parties to the SIOFA does not provide for a review of the Union's position within the Meeting of the Parties to the SIOFA before the 2022 annual meeting. However, the vast majority of the Council Decisions setting the Union's position within the different RFMOs to which the Union is a Contracting Party are due for revision before the 2019 annual meetings of those RFMOs. Therefore, to promote improved coherence amongst the Union position in all RFMOs and to streamline the revision process, it is appropriate to bring forward the revision of the Decision of 12 June 2017 and to repeal it and replace it by a new Decision which would cover the period 2019-2023.
- (8) In view of the evolving nature of fishery resources in the SIOFA area and the consequent need for the position of the Union to take account of new developments, including new scientific and other relevant information presented before or during the Meetings of the Parties to the SIOFA, procedures should be established, in line with the principle of sincere cooperation among the Union institutions enshrined in Article 13(2) of the Treaty on European Union, for the year-to-year specification of the Union's position for the period 2019-2023,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the Meeting of the Parties of the Southern Indian Ocean Fisheries Agreement (SIOFA) is set out in Annex I.

Article 2

The year-to-year specification of the Union's position to be taken in the Meeting of the Parties of the SIOFA shall be conducted in accordance with Annex II.

Article 3

The Union's position set out in Annex I shall be assessed and, where appropriate, revised by the Council upon a proposal from the Commission, at the latest for the annual Meeting of the Parties of the SIOFA in 2024.

Article 4

The Council Decision of 12 June 2017 establishing the position to be adopted, on behalf of the European Union, in the Meeting of the parties to the Southern Indian Ocean Fisheries Agreement (SIOFA) and repealing the Council Decision of 25 October 2012 on the establishment of the Union position to be adopted in the framework of the Southern Indian Ocean Fisheries Agreement (SIOFA) is hereby repealed.

⁽⁴⁾ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

⁽⁵⁾ 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).

⁽⁶⁾ Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

Article 5

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

Done at Brussels, 14 May 2019.

For the Council
The President
P. DAEA

ANNEX I

The position to be taken on the Union's behalf in the Meeting to the Parties to the Southern Indian Ocean Fisheries Agreement (SIOFA)

1. PRINCIPLES

In the framework of the SIOFA, the Union shall:

- a) act in accordance with the objectives and principles pursued by the Union within the common fisheries policy (CFP), notably through the precautionary approach and the aims related to the maximum sustainable yield as laid down in Article 2(2) of Regulation (EU) No 1380/2013, to promote the implementation of an ecosystem-based approach to fisheries management, to avoid and reduce, as far as possible, unwanted catches, and gradually eliminate discards, and to minimise the impact of fishing activities on marine ecosystems and their habitats, as well as, through the promotion of economically viable and competitive Union fisheries, to provide a fair standard of living for those who depend on fishing activities and take account of the interests of consumers;
- b) work towards an appropriate involvement of stakeholders in the preparation phase for SIOFA measures and ensure that measures adopted within the SIOFA are in accordance with the SIOF Agreement;
- c) ensure that measures adopted within the SIOFA are consistent with international law, and in particular with the provisions of the 1982 UN Convention on the Law of the Sea, the 1995 UN Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas; and the 2009 Food and Agriculture Organization Port State Measures Agreement;
- d) promote positions consistent with the best practices of the regional fisheries management organisations (RFMOs) in the same area;
- e) seek consistency and synergy with the policy that the Union is pursuing as part of its bilateral fisheries relations with third countries, and ensure coherence with its other policies notably in the field of external relations, employment, environment, trade, development, research and innovation;
- f) ensure that the Union's international commitments are respected;
- g) be in line with the Council Conclusions of 19 March 2012 on the Commission Communication on the external dimension of the common fisheries policy ⁽¹⁾;
- h) aim to create a level playing field for the Union fleet within the SIOFA Agreement area based on the same principles and standards as those applicable under Union law, and to promote the uniform implementation of those principles and standards;
- i) be in line with the Council conclusions ⁽²⁾ on the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission on *International ocean governance: an agenda for the future of oceans* ⁽³⁾ and promote measures to support and enhance the effectiveness of the SIOFA and, where relevant, improve its governance and performance (in particular as regards science, compliance, transparency and decision-making) as a contribution to the sustainable management of oceans in all its dimensions;
- j) promote coordination between RFMOs and regional sea conventions (RSCs) and cooperation with global organisations, as applicable, within their mandates, where appropriate;
- k) promote cooperation mechanisms amongst non-tuna RFMOs similar to the so-called Kobe process for tuna RFMOs.

2. ORIENTATIONS

The Union shall, where appropriate, endeavour to support the adoption of the following actions by the SIOFA:

- a) conservation and management measures for fisheries resources in the Agreement area based on the best scientific advice available, including Total Allowable Catches (TACs) and quotas, fishing effort or fishing capacity regulation for living marine biological resources falling under the purview of SIOFA, which would bring or maintain the achievement of the maximum sustainable yield exploitation rate at the latest by 2020. Where necessary, specific measures for stocks which suffer from overfishing shall be considered in order to keep the fishing pressure in line with available fishing opportunities;

⁽¹⁾ 7087/12 REV 1 ADD 1 COR 1.

⁽²⁾ 7348/1/17 REV 1 of 24.3.2017.

⁽³⁾ JOIN(2016) 49 final of 10.11.2016.

- b) measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing activities in the SIOF Agreement area, including IUU vessel listing;
 - c) measures to reinforce fisheries' scientific data collection and promote better cooperation between industry and scientists;
 - d) monitoring, control and surveillance measures in the SIOF Agreement area in order to ensure efficiency of control and compliance with measures adopted within the SIOFA;
 - e) measures to minimise the negative impact of fishing activities on marine biodiversity and marine ecosystems and their habitats, including measures to reduce marine pollution and prevent the discharge of plastics at sea and reduce the impact on marine biodiversity and ecosystems of plastics present at sea, protective measures for vulnerable marine ecosystems in the SIOF Agreement area in line with the SIOF Agreement and the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas, measures to avoid and reduce as far as possible unwanted catches, including in particular vulnerable marine species, and to gradually eliminate discards;
 - f) measures to reduce the impact of Abandoned, Lost or Otherwise Discarded Fishing Gear (ALDFG) in the ocean and to facilitate the identification and recovery of such gear;
 - g) measures aimed at the prohibition of fisheries conducted solely for the purpose of harvesting shark fins and requiring that all sharks are landed with all fins naturally attached;
 - h) common approaches with other RFMOs, where appropriate, in particular those involved in fisheries management in the same area;
 - i) recommendations, where appropriate and to the extent permitted under the relevant constituent documents, encouraging the implementation of the Work in Fishing Convention of the International Labour Organisation (ILO);
 - j) additional technical measures based on advice from the subsidiary bodies and working groups of SIOFA.
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ANNEX II

Year to year specification of the Union's position to be taken at meetings of the Meeting to the Parties to the Southern Indian Ocean Fisheries Agreement

Before each meeting of the Meeting to the Parties, when that body is called upon to adopt decisions having legal effects on the Union, the necessary steps shall be taken so that the position to be expressed on the Union's behalf takes account of the latest scientific and other relevant information transmitted to the Commission, in accordance with the principles and orientations set out in Annex I.

To this effect, and based on that information, the Commission shall transmit to the Council in sufficient time before each meeting of the Meeting to the Parties of the SIOFA, a written document setting out the particulars of the proposed specification of the Union's position for discussion and endorsement of the details of the position to be expressed on the Union's behalf.

If in the course of a Meeting to the Parties it is impossible to reach an agreement, including on the spot, in order for the Union's position to take account of new elements, the matter shall be referred to the Council or its preparatory bodies.

COUNCIL DECISION (EU) 2019/859**of 14 May 2019****on the position to be taken on behalf of the European Union in the South Pacific Regional Fisheries Management Organisation (SPRFMO), and repealing the Decision of 12 June 2017 establishing the position to be adopted, on behalf of the Union, in the SPRFMO**

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(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Decision 2012/130/EU ⁽¹⁾, the Union concluded the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean ⁽²⁾ ('SPRFMO Convention'), which established the SPRFMO Commission.
- (2) The SPRFMO Commission is responsible for the adoption of conservation and management measures to achieve the objectives of the SPRFMO Convention. Such measures may become binding upon the Union.
- (3) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽³⁾ provides that the Union is to ensure that fishing and aquaculture activities are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies. It also provides that the Union is to apply the precautionary approach to fisheries management, and is to aim to ensure that exploitation of marine biological resources restores and maintains population of harvested species above levels which can produce the maximum sustainable yield. It further provides that the Union is to take management and conservation measures based on the best available scientific advice, to support the development of scientific knowledge and advice, to gradually eliminate discards and to promote fishing methods that contribute to more selective fishing and the avoidance and reduction, as far as possible, of unwanted catches, to fishing with low impact on marine ecosystem and fishery resources. Furthermore, Regulation (EU) No 1380/2013 specifically provides that those objectives and principles are to be applied by the Union in the conduct of its external fisheries relations.
- (4) As stated in the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission 'International ocean governance: an agenda for the future of oceans', and the Council conclusions on that Joint communication, the promotion of measures to support and enhance the effectiveness of regional fisheries management organisations (RFMOs) and, where relevant, improve their governance is central to the Union's action in these fora.
- (5) The Communication from the Commission to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions 'European Strategy for Plastics in a Circular Economy', refers to specific measures to reduce plastics and marine pollution as well as the loss or abandonment at sea of fishing gear.

⁽¹⁾ Council Decision 2012/130/EU of 3 October 2011 on the approval, on behalf of the European Union, of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (OJ L 67, 6.3.2012, p. 1).

⁽²⁾ OJ L 67, 6.3.2012, p. 3.

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

- (6) It is appropriate to establish the position to be taken on the Union's behalf in the SPRFMO Commission for the period 2020-2024, as the SPRFMO conservation and enforcement measures will be binding on the Union and capable of decisively influencing the content of Union law, namely, Council Regulations (EC) No 1005/2008 ⁽⁴⁾ and (EC) No 1224/2009 ⁽⁵⁾, and Regulation (EU) 2017/2403 of the European Parliament and of the Council ⁽⁶⁾.
- (7) The Council Decision of 12 June 2017 establishing the position to be adopted, on behalf of the Union, in the SPRFMO does not provide for a review of the Union's position within the SPRFMO Commission before the 2022 annual meeting. However, the vast majority of the Council Decisions setting the Union's position within the different RFMOs to which the Union is a Contracting Party are due for revision before the 2019 annual meetings of those RFMOs. Therefore, to promote improved coherence amongst the Union position in all RFMOs and to streamline the revision process, it is appropriate to bring forward the revision of the Decision of 12 June 2017 and to repeal it and replace it by a new Decision which would cover the period 2020-2024.
- (8) In view of the evolving nature of fishery resources in the SPRFMO Convention area and the consequent need for the position of the Union to take account of new developments, including new scientific and other relevant information presented before or during the meetings of the SPRFMO Commission, procedures should be established, in line with the principle of sincere cooperation among the Union institutions enshrined in Article 13(2) of the Treaty on European Union, for the year-to-year specification of the Union position for the period 2020-2024,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the meetings of the South Pacific Regional Fisheries Management Organisation (SPRFMO) Commission is set out in Annex I.

Article 2

The year-to-year specification of the Union's position to be taken in the meetings of the SPRFMO Commission shall be conducted in accordance with Annex II.

Article 3

The Union's position set out in Annex I shall be assessed and, where appropriate, revised by the Council upon a proposal from the Commission, at the latest for the annual meeting of the SPRFMO Commission in 2025.

Article 4

The Council Decision of 12 June 2017 establishing the position to be adopted, on behalf of the European Union, in the South Pacific Regional Fisheries Management Organisation (SPRFMO) and repealing the Council Decision of 25 October 2012 on the establishment of the Union position to be adopted in the South Pacific Regional Fisheries Management Organisation is hereby repealed.

⁽⁴⁾ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

⁽⁵⁾ 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).

⁽⁶⁾ Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

Article 5

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

Done at Brussels, 14 May 2019.

For the Council
The President
P. DAEA

ANNEX I

The position to be taken on the Union's behalf in the South Pacific Regional Fisheries Management Organisation (SPRFMO)

1. PRINCIPLES

In the framework of the SPRFMO, the Union shall:

- a) act in accordance with the objectives and principles pursued by the Union within the common fisheries policy (CFP), notably through the precautionary approach and the aims related to the maximum sustainable yield as laid down in Article 2(2) of Regulation (EU) No 1380/2013, to promote the implementation of an ecosystem-based approach to fisheries management, to avoid and reduce, as far as possible, unwanted catches, and gradually eliminate discards, and to minimise the impact of fishing activities on marine ecosystems and their habitats, as well as, through the promotion of economically viable and competitive Union fisheries, to provide a fair standard of living for those who depend on fishing activities and taking account of the interests of consumers;
- b) work towards an appropriate involvement of stakeholders in the preparation phase for SPRFMO measures and ensure that measures adopted within the SPRFMO are in accordance with the objectives of the SPRFMO Convention;
- c) ensure that measures adopted within the SPRFMO are consistent with international law, and in particular with the provisions of the 1982 UN Convention on the Law of the Sea, the 1995 UN Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas; and the 2009 Food and Agriculture Organization Port State Measures Agreement;
- d) promote positions consistent with the best practices of regional fisheries management organisations (RFMOs) in the same area;
- e) seek consistency and synergy with the policy that the Union is pursuing as part of its bilateral fisheries relations with third countries, and ensure coherence with its other policies notably in the field of external relations, employment, environment, trade, development, research and innovation;
- f) ensure that the Union's international commitments are respected;
- g) be in line with the Council Conclusions of 19 March 2012 on the Commission Communication on the external dimension of the common fisheries policy ⁽¹⁾;
- h) aim to create a level playing field for the Union fleet within the SPRFMO Convention Area based on the same principles and standards as those applicable under Union law, and to promote the uniform implementation of those principles and standards;
- i) be in line with the Council conclusions ⁽²⁾ on the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission on *International ocean governance: an agenda for the future of oceans* ⁽³⁾ and promote measures to support and enhance the effectiveness of the SPRFMO and, where relevant, improve its governance and performance (in particular as regards science, compliance, transparency and decision-making) as a contribution to the sustainable management of oceans in all its dimensions;
- j) promote coordination between RFMOs and regional sea conventions (RSCs) and cooperation with global organisations, as applicable, within their mandates, where appropriate;
- k) promote cooperation mechanisms amongst non-tuna RFMOs similar to the so-called Kobe process for tuna RFMOs.

2. ORIENTATIONS

The Union shall, where appropriate, endeavour to support the adoption of the following actions by the SPRFMO:

- a) conservation and management measures for fisheries resources in the Convention area based on the best scientific advice available, including Total Allowable Catches (TACs) and quotas or effort regulation for living marine biological resources regulated by the SPRFMO, which would bring or maintain the achievement of the maximum sustainable yield exploitation rate at the latest by 2020. Where necessary, those conservation and management measures shall include specific measures for stocks, which suffer from overfishing to keep the fishing effort in line with available fishing opportunities;

⁽¹⁾ 7087/12 REV 1 ADD 1 COR 1.

⁽²⁾ 7348/1/17 REV 1 of 24.3.2017.

⁽³⁾ JOIN(2016) 49 final of 10.11.2016.

- b) measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing activities in the Convention area, including IUU vessel listing;
 - c) measures to reinforce fisheries' scientific data collection and promote better cooperation between the industry and scientists;
 - d) monitoring, control and surveillance measures in the Convention area in order to ensure efficiency of control and compliance with measures adopted within the SPRFMO;
 - e) measures to minimise the negative impact of fishing activities on marine biodiversity and marine ecosystems and their habitats, including measures to reduce marine pollution and prevent the discharge of plastics at sea and reduce the impact on marine biodiversity and ecosystems of plastics present at sea, protective measures for vulnerable marine ecosystems in the SPRFMO Convention area in line with the SPRFMO Convention and the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas, measures to avoid and reduce as far as possible unwanted catches, including in particular vulnerable marine species, and to gradually eliminate discards;
 - f) measures to reduce the impact of Abandoned, Lost or Otherwise Discarded Fishing Gear (ALDFG) in the ocean and to facilitate the identification and recovery of such gear;
 - g) measures aimed at the prohibition of fisheries conducted solely for the purpose of harvesting shark fins and requiring that all sharks are landed with each fin naturally attached;
 - h) recommendations, where appropriate and to the extent permitted under the relevant constituent documents, encouraging the implementation of the Work in Fishing Convention of the International Labour Organisation (ILO);
 - i) common approaches with other RFMOs, where appropriate, in particular those involved in fisheries management in the same region;
 - j) additional technical measures based on advice from the subsidiary bodies and working groups of SPRFMO.
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ANNEX II

Year to year specification of the Union position to be taken at meetings of the South Pacific Regional Fisheries Management Organisation

Before each meeting of the SPRFMO Commission, when that body is called upon to adopt decisions having legal effects on the Union, the necessary steps shall be taken so that the position to be expressed on the Union's behalf takes account of the latest scientific and other relevant information transmitted to the European Commission, in accordance with the principles and orientations set out in Annex I.

To this effect, and based on that information, the European Commission shall transmit to the Council in sufficient time before each meeting of the SPRFMO Commission, a written document setting out the particulars of the proposed specification of the Union's position for discussion and endorsement of the details of the position to be expressed on the Union's behalf.

If in the course of a SPRFMO Commission meeting it is impossible to reach an agreement, including on the spot, in order for the Union's position to take account of new elements, the matter shall be referred to the Council or its preparatory bodies.

COUNCIL DECISION (EU) 2019/860**of 14 May 2019****on the position to be taken on behalf of the European Union in the Indian Ocean Tuna Commission (IOTC), and repealing the Decision of 19 May 2014 on the position to be adopted, on behalf of the Union, in the IOTC**

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(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Decision 95/399/EC ⁽¹⁾, the Union concluded the Agreement for the establishment of the Indian Ocean Tuna Commission ⁽²⁾ ('IOTC Agreement').
- (2) The IOTC is responsible for the management and conservation of the fishery resources of the IOTC Agreement area. The IOTC adopts conservation and management measures to ensure the conservation of the stocks covered by the IOTC Agreement and to promote their optimum utilisation. Such measures may become binding upon the Union.
- (3) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽³⁾ provides that the Union is to ensure that fishing and aquaculture activities are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies. It also provides that the Union is to apply the precautionary approach to fisheries management, and is to ensure that exploitation of marine biological resources restores and maintains population of harvested species above levels which can produce the maximum sustainable yield. It further provides that the Union is to take management and conservation measures based on the best available scientific advice, to support the development of scientific knowledge and advice, to gradually eliminate discards and to promote fishing methods that contribute to more selective fishing and the avoidance and reduction, as far as possible, of unwanted catches, to fishing with low impact on marine ecosystem and fishery resources. Furthermore, Regulation (EU) No 1380/2013 specifically provides that those objectives and principles are to be applied by the Union in the conduct of its external fisheries relations.
- (4) As stated in the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission 'International ocean governance: an agenda for the future of oceans', and the Council conclusions on that Joint communication, the promotion of measures to support and enhance the effectiveness of regional fisheries management organisations (RFMOs) and, where relevant, improve their governance is central to the Union's action in these fora.
- (5) The Communication from the Commission to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions 'European Strategy for Plastics in a Circular Economy', refers to specific measures to reduce plastics and marine pollution as well as the loss or abandonment at sea of fishing gear.

⁽¹⁾ Council Decision 95/399/EC of 18 September 1995 on the accession of the Community to the Agreement for the establishment of the Indian Ocean Tuna Commission (OJ L 236, 5.10.1995, p. 24).

⁽²⁾ OJ L 236, 5.10.1995, p. 25.

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

- (6) It is appropriate to establish the position to be taken on the Union's behalf in the meetings of the IOTC for the period 2019-2023, as the IOTC conservation and enforcement measures will be binding on the Union and capable of decisively influencing the content of Union law, namely, Council Regulations (EC) No 1005/2008⁽⁴⁾ and (EC) No 1224/2009⁽⁵⁾, and Regulation (EU) 2017/2403 of the European Parliament and of the Council⁽⁶⁾.
- (7) Currently, the position to be taken on the Union's behalf in the meetings of the IOTC is established by the Council Decision of 19 May 2014 on the position to be adopted, on behalf of the Union, in the IOTC. It is appropriate to repeal that Decision and to replace it by a new Decision which would cover the period 2019-2023.
- (8) In view of the evolving nature of fishery resources in the IOTC Agreement Area and the consequent need for the position of the Union to take account of new developments, including new scientific and other relevant information presented before or during the meetings of the IOTC, procedures should be established, in line with the principle of sincere cooperation among the Union institutions enshrined in Article 13(2) of the Treaty on European Union, for the year-to-year specification of the Union's position for the period 2019-2023,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the meetings of the Indian Ocean Tuna Commission (IOTC) is set out in Annex I.

Article 2

The year-to-year specification of the Union's position to be taken in the meetings of the IOTC shall be conducted in accordance with Annex II.

Article 3

The Union's position set out in Annex I shall be assessed and, where appropriate, revised by the Council upon a proposal from the Commission, at the latest for the annual meeting of the IOTC in 2024.

Article 4

The Council Decision of 19 May 2014 on the position to be adopted, on behalf of the European Union, in the Indian Ocean Tuna Commission (IOTC) is hereby repealed.

Article 5

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

Done at Brussels, 14 May 2019.

For the Council

The President

P. DAEA

⁽⁴⁾ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

⁽⁵⁾ 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).

⁽⁶⁾ Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

ANNEX I

The position to be taken on the Union's behalf in the Indian Ocean Tuna Commission (IOTC)

1. PRINCIPLES

In the framework of the IOTC, the Union shall:

- a) act in accordance with the objectives and principles pursued by the Union within the common fisheries policy (CFP), notably through the precautionary approach and the aims related to the maximum sustainable yield as laid down in Article 2(2) of Regulation (EU) No 1380/2013, to promote the implementation of an ecosystem-based approach to fisheries management, to avoid and reduce, as far as possible, unwanted catches, and gradually eliminate discards, and to minimise the impact of fishing activities on marine ecosystems and their habitats, as well as, through the promotion of economically viable and competitive Union fisheries, to provide a fair standard of living for those who depend on fishing activities and take account of the interests of consumers;
- b) work towards an appropriate involvement of stakeholders in the preparation phase for IOTC measures and ensure that measures adopted within the IOTC are in accordance with the IOTC Agreement;
- c) ensure that measures adopted within the IOTC are consistent with international law, and in particular with the provisions of the 1982 UN Convention on the Law of the Sea, the 1995 UN Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas, and the 2009 Food and Agriculture Organization Port State Measures Agreement;
- d) promote positions consistent with the best practices of regional fisheries management organisations (RFMOs) in the same area;
- e) seek consistency and synergy with the policy that the Union is pursuing as part of its bilateral fisheries relations with third countries, and ensure coherence with its other policies notably in the field external relations, employment, environment, trade, development, research and innovation;
- f) ensure that the Union's international commitments are respected;
- g) be in line with the Council Conclusions of 19 March 2012 on the Commission Communication on the External dimension of the common fisheries policy ⁽¹⁾;
- h) aim to create a level playing field for the Union fleet within the IOTC Agreement Area based on the same principles and standards as those applicable under Union law, and to promote the uniform implementation of those principles and standards;
- i) be in line with the Council conclusions ⁽²⁾ on the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission on *International ocean governance: an agenda for the future of oceans* ⁽³⁾ and promote measures to support and enhance the effectiveness of the IOTC and, where relevant, improve its governance and performance (in particular as regards science, compliance, transparency and decision-making) as a contribution to the sustainable management of oceans in all its dimensions;
- j) promote coordination between RFMOs and regional sea conventions (RSCs) and cooperation with global organisations, as applicable, within their respective mandates, where appropriate;
- k) promote coordination and cooperation with other tuna RFMOs on issues of common interest, notably via the reactivation of the so-called Kobe process for tuna RFMOs and its extension to all RFMOs.

2. ORIENTATIONS

The Union shall, where appropriate, endeavour to support the adoption of the following actions by the IOTC:

- a) conservation and management measures for fisheries resources in the IOTC Agreement area based on the best scientific advice available, including Total Allowable Catches (TACs) and quotas or effort regulation for living marine biological resources regulated by the IOTC, which would bring or maintain the achievement of the maximum sustainable yield exploitation rate at the latest by 2020. Where necessary, specific measures for stocks, which suffer from overfishing shall be considered in order to keep the fishing effort in line with available fishing opportunities;

⁽¹⁾ 7087/12 REV 1 ADD 1 COR 1.

⁽²⁾ 7348/1/17 REV 1 of 24.3.2017.

⁽³⁾ JOIN(2016) 49 final of 10.11.2016.

- b) measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing activities in the IOTC Agreement area, including IUU vessel listing;
 - c) measures to reinforce fisheries' scientific data collection and promote better cooperation between the industry and scientists;
 - d) monitoring, control and surveillance measures in the IOTC Agreement area in order to ensure efficiency of control and compliance with measures adopted within the IOTC;
 - e) measures to minimise the negative impact of fishing activities on marine biodiversity and marine ecosystems and their habitats, including measures to reduce marine pollution and prevent the discharge of plastics at sea and reduce the impact on marine biodiversity and ecosystems of plastics present at sea, protective measures for sensitive marine ecosystems in the IOTC Agreement area in line with the UNGA Resolutions, and measures to avoid and reduce as far as possible unwanted catches, including in particular vulnerable marine species, and to gradually eliminate discards;
 - f) measures to manage the use of fish aggregating devices (FADs) notably to improve collection of data, to accurately quantify, track and monitor FADs use, to reduce impact on vulnerable tuna stocks, to mitigate their potential effects on target and non-target species, as well as on the ecosystem;
 - g) measures to reduce the impact of Abandoned, Lost or Otherwise Discarded Fishing Gear (ALDFG) in the ocean and to facilitate the identification and recovery of such gear, and to reduce the contribution to marine debris;
 - h) measures aimed at the prohibition of fisheries conducted solely for the purpose of harvesting shark fins and requiring that all sharks are landed with all fins naturally attached;
 - i) recommendations, where appropriate and to the extent permitted under the relevant constituent documents, encouraging the implementation of the Work in Fishing Convention of the International Labour Organisation (ILO);
 - j) additional technical measures based on advice from the bodies and working groups of the IOTC.
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ANNEX II

Year to year specification of the Union's position to be taken at meetings of the Indian Ocean Tuna Commission

Before each meeting of the IOTC, when that body is called upon to adopt decisions having legal effects on the Union, the necessary steps shall be taken so that the position to be expressed on the Union's behalf takes account of the latest scientific and other relevant information transmitted to the Commission, in accordance with the principles and orientations set out in Annex I.

To this effect, and based on that information, the Commission shall transmit to the Council in sufficient time before each meeting of the IOTC, a written document setting out the particulars of the proposed specification of the Union's position for discussion and endorsement of the details of the position to be expressed on the Union's behalf.

If in the course of a IOTC meeting it is impossible to reach an agreement, including on the spot, in order for the Union's position to take account of new elements, the matter shall be referred to the Council or its preparatory bodies.

COUNCIL DECISION (EU) 2019/861**of 14 May 2019****on the position to be taken on behalf of the European Union in the South East Atlantic Fisheries Organisation (SEAFO), and repealing the Decision of 12 June 2014 on the position to be adopted, on behalf of the Union, in the SEAFO**

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(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Decision 2002/738/EC ⁽¹⁾, the Union concluded the Convention on the Conservation and Management of Fishery Resources in the South East Atlantic Ocean ⁽²⁾ ("SEAFO Convention") which established the South East Atlantic Fisheries Organisation (SEAFO).
- (2) The SEAFO Commission is responsible for the adoption of measures designed to ensure the long term conservation and sustainable use of the fishery resources in the SEAFO Convention area. Such measures may become binding upon the Union.
- (3) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽³⁾ provides that the Union is to ensure that fishing and aquaculture activities are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies. It also provides that the Union is to apply the precautionary approach to fisheries management, and is to aim to ensure that exploitation of marine biological resources restores and maintains population of harvested species above levels which can produce the maximum sustainable yield. It further provides that the Union is to take management and conservation measures based on the best available scientific advice, to support the development of scientific knowledge and advice, to gradually eliminate discards and to promote fishing methods that contribute to more selective fishing and the avoidance and reduction, as far as possible, of unwanted catches, to fishing with low impact on marine ecosystem and fishery resources. Furthermore, Regulation (EU) No 1380/2013 specifically provides that those objectives and principles are to be applied by the Union in the conduct of its external fisheries relations.
- (4) As stated in the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission 'International ocean governance: an agenda for the future of oceans', and the Council conclusions on that Joint communication, the promotion of measures to support and enhance the effectiveness of regional fisheries management organisations (RFMOs) and, where relevant, improve their governance is central to the Union's action in these fora.
- (5) The Communication from the Commission to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions 'European Strategy for Plastics in a Circular Economy', refers to specific measures to reduce plastics and marine pollution as well as the loss or abandonment at sea of fishing gear.

⁽¹⁾ Council Decision 2002/738/EC of 22 July 2002 on the conclusion by the European Community of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean (OJ L 234, 31.8.2002, p. 39).

⁽²⁾ OJ L 234, 31.8.2002, p. 40.

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

- (6) It is appropriate to establish the position to be taken on the Union's behalf in the meetings of the SEAFO Commission for the period 2019-2023, as the SEAFO conservation and enforcement measures will be binding on the Union and capable of decisively influencing the content of Union law, namely, Council Regulations (EC) No 1005/2008 ⁽⁴⁾ and (EC) No 1224/2009 ⁽⁵⁾, and Regulation (EU) 2017/2403 of the European Parliament and of the Council ⁽⁶⁾.
- (7) Currently, the position to be taken on the Union's behalf in the meetings of the SEAFO Commission is established by the Council Decision of 12 June 2014 on the position to be adopted, on behalf of the Union, in the SEAFO. It is appropriate to repeal that Decision and to replace it by a new Decision which would cover the period 2019-2023.
- (8) In view of the evolving nature of fishery resources in the SEAFO Convention area and the consequent need for the position of the Union to take account of new developments, including new scientific and other relevant information presented before or during the meetings of the SEAFO, procedures should be established, in line with the principle of sincere cooperation among the Union institutions enshrined in Article 13(2) of the Treaty on European Union, for the year-to-year specification of the Union's position for the period 2019-2023,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the meetings of the South East Atlantic Fisheries Organisation (SEAFO) Commission is set out in Annex I.

Article 2

The year-to-year specification of the Union's position to be taken in the meetings of the SEAFO Commission shall be conducted in accordance with Annex II.

Article 3

The Union's position set out in Annex I shall be assessed and, where appropriate, revised by the Council upon a proposal from the Commission, at the latest for the annual meeting of the SEAFO Commission in 2024.

Article 4

The Council Decision of 12 June 2014 on the position to be adopted, on behalf of the European Union, in the South East Atlantic Fisheries Organisation (SEAFO) is hereby repealed.

⁽⁴⁾ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

⁽⁵⁾ 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).

⁽⁶⁾ Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

Article 5

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

Done at Brussels, 14 May 2019.

For the Council
The President
P. DAEA

ANNEX I

The position to be taken on the Union's behalf in the South East Atlantic Fisheries Organisation (SEAFO)

1. PRINCIPLES

In the framework of the SEAFO, the Union shall:

- a) act in accordance with the objectives and principles pursued by the Union within the common fisheries policy (CFP), notably through the precautionary approach and the aims related to the maximum sustainable yield as laid down in Article 2(2) of Regulation (EU) No 1380/2013, to promote the implementation of an ecosystem-based approach to fisheries management, to avoid and reduce, as far as possible, unwanted catches, and gradually eliminate discards, and to minimise the impact of fishing activities on marine eco-systems and their habitats, as well as, through the promotion of economically viable and competitive Union fisheries, to provide a fair standard of living for those who depend on fishing activities and taking account of the interests of consumers;
- b) work towards an appropriate involvement of stakeholders in the preparation phase for SEAFO measures and ensure that measures adopted within the SEAFO are in accordance with the SEAFO Convention;
- c) ensure that measures adopted within the SEAFO are consistent with international law, and in particular with the provisions of the 1982 UN Convention on the Law of the Sea, the 1995 UN Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas, and the 2009 Food and Agriculture Organization Port State Measures Agreement;
- d) promote positions consistent with the best practices of regional fisheries management organisations (RFMOs) in the same area;
- e) seek consistency and synergy with the policy that the Union is pursuing as part of its bilateral fisheries relations with third countries, and ensure coherence with its other policies notably in the field of external relations, employment, environment, trade, development, research and innovation;
- f) ensure that the Union's international commitments are respected;
- g) be in line with the Council Conclusions of 19 March 2012 on the Commission Communication on the external dimension of the common fisheries policy ⁽¹⁾;
- h) aim to create a level playing field for the Union fleet within the SEAFO Convention area based on the same principles and standards as those applicable under Union law, and to promote the uniform implementation of those principles and standards;
- i) be in line with the Council conclusions ⁽²⁾ on the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission on *International ocean governance: an agenda for the future of oceans* ⁽³⁾ and promote measures to support and enhance the effectiveness of the SEAFO and, where relevant, improve its governance and performance (in particular as regards science, compliance, transparency and decision-making) as a contribution to the sustainable management of oceans in all its dimensions;
- j) promote coordination between RFMOs and regional sea conventions (RSCs) and cooperation with global organisations, as applicable, within their mandates, where appropriate;
- k) promote cooperation mechanisms amongst non-tuna RFMOs similar to the so-called Kobe process for tuna RFMOs.

2. ORIENTATIONS

The Union shall, where appropriate, endeavour to support the adoption of the following actions by the SEAFO:

- a) conservation and management measures for fisheries resources in the Convention area based on the best scientific advice available, including Total Allowable Catches (TACs) and quotas or effort regulation for living marine biological resources regulated by the SEAFO, which would bring or maintain the achievement of the maximum sustainable yield exploitation rate at the latest by 2020. Where necessary, specific measures for stocks, which suffer from overfishing shall be considered in order to keep the fishing effort in line with available fishing opportunities;

⁽¹⁾ 7087/12 REV 1 ADD 1 COR 1.

⁽²⁾ 7348/1/17 REV 1 of 24.3.2017.

⁽³⁾ JOIN(2016) 49 final of 10.11.2016.

- b) measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing activities in the Convention area, including IUU vessel listing;
 - c) measures to reinforce fisheries' scientific data collection and promote better cooperation between the industry and scientists;
 - d) monitoring, control and surveillance measures in the Convention area in order to ensure efficiency of control and compliance with measures adopted within the SEAFO;
 - e) measures to minimise the negative impact of fishing activities on marine biodiversity and marine eco-systems and their habitats, including measures to reduce marine pollution and prevent the discharge of plastics at sea and reduce the impact on marine biodiversity and ecosystems of plastics present at sea, protective measures for vulnerable marine ecosystems in the SEAFO Convention area in line with the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas, measures to avoid and reduce as far as possible unwanted catches, including in particular vulnerable marine species, and to gradually eliminate discards;
 - f) measures to reduce the impact of Abandoned, Lost or Otherwise Discarded Fishing Gear (ALDFG) in the ocean and to facilitate the identification and recovery of such gear;
 - g) measures aimed at the prohibition of fisheries conducted solely for the purpose of harvesting shark fins and requiring that all sharks are landed with each fin naturally attached;
 - h) recommendations, where appropriate and to the extent permitted under the relevant constituent documents, encouraging the implementation of the Work in Fishing Convention of the International Labour Organisation (ILO);
 - i) common approaches with other RFMOs, where appropriate, in particular those involved in fisheries management in the same region;
 - j) additional technical measures based on advice from the subsidiary bodies and working groups of SEAFO.
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ANNEX II

Year to year specification of the Union's position to be taken at meetings of the South East Atlantic Fisheries Organisation

Before each meeting of the SEAFO Commission, when that body is called upon to adopt decisions that may become binding upon the Union, the necessary steps shall be taken so that the position to be expressed on the Union's behalf takes account of the latest scientific and other relevant information transmitted to the Commission, in accordance with the principles and orientations set out in Annex I.

To this effect, and based on that information, the Commission shall transmit to the Council in sufficient time before each meeting of the SEAFO Commission a written document setting out the particulars of the proposed specification of the Union's position for discussion and endorsement of the details of the position to be expressed on the Union's behalf.

If in the course of a SEAFO Commission meeting it is impossible to reach an agreement, including on the spot, in order for the Union's position to take account of new elements, the matter shall be referred to the Council or its preparatory bodies.

COUNCIL DECISION (EU) 2019/862**of 14 May 2019****on the position to be taken on behalf of the European Union in the Western and Central Pacific Fisheries Commission (WCPFC), and repealing the Decision of 12 June 2014 on the position to be adopted, on behalf of the Union, for the Conservation and Management of Highly Migratory Fish Stocks in the WCPFC**

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(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Decision 2005/75/EC ⁽¹⁾, the Union concluded the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean ⁽²⁾ ('WCPF Convention'), which established the Western and Central Pacific Fisheries Commission (WCPFC).
- (2) The WCPFC is responsible for the management and conservation of the fishery resources of the WCPF Convention area. The WCPFC adopts conservation and management measures to ensure the long term sustainability of highly migratory fish stocks in the WCPF Convention area and to promote their optimum utilisation. Such measures may become binding upon the Union.
- (3) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽³⁾ provides that the Union is to ensure that fishing and aquaculture activities are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies. It also provides that the Union is to apply the precautionary approach to fisheries management, and is to aim to ensure that exploitation of marine biological resources restores and maintains population of harvested species above levels which can produce the maximum sustainable yield. It further provides that the Union is to take management and conservation measures based on the best available scientific advice, to support the development of scientific knowledge and advice, to gradually eliminate discards and to promote fishing methods that contribute to more selective fishing and the avoidance and reduction, as far as possible, of unwanted catches, to fishing with low impact on marine ecosystem and fishery resources. Furthermore, Regulation (EU) No 1380/2013 specifically provides that those objectives and principles are to be applied by the Union in the conduct of its external fisheries relations.
- (4) As stated in the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission 'International ocean governance: an agenda for the future of oceans', and the Council conclusions on that Joint communication, the promotion of measures to support and enhance the effectiveness of regional fisheries management organisations (RFMOs) and, where relevant, improve their governance is central to the Union's action in these fora.
- (5) The Communication from the Commission to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions 'European Strategy for Plastics in a Circular Economy', refers to specific measures to reduce plastics and marine pollution as well as the loss or abandonment at sea of fishing gear.

⁽¹⁾ Council Decision 2005/75/EC of 26 April 2004 on the accession of the Community to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (OJ L 32, 4.2.2005, p. 1).

⁽²⁾ OJ L 32, 4.2.2005, p. 3.

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

- (6) It is appropriate to establish the position to be taken on the Union's behalf in the meetings of the WCPFC for the period 2019-2023, as the WCPFC conservation and enforcement measures will be binding on the Union and capable of decisively influencing the content of Union law, namely, Council Regulations (EC) No 1005/2008 ⁽⁴⁾ and (EC) No 1224/2009 ⁽⁵⁾, and Regulation (EU) 2017/2403 of the European Parliament and of the Council ⁽⁶⁾.
- (7) Currently, the position to be taken on the Union's behalf in the meetings of the WCPFC is established by the Council Decision of 12 June 2014 on the position to be adopted, on behalf of the Union, for the Conservation and Management of Highly Migratory Fish Stocks in the WCPFC. It is appropriate to repeal that Decision and to replace it by a new Decision which would cover for the period 2019-2023.
- (8) In view of the evolving nature of fishery resources in the WCPF Convention area and the consequent need for the position of the Union to take account of new developments, including new scientific and other relevant information presented before or during the meetings of the WCPFC, procedures should be established, in line with the principle of sincere cooperation among the Union institutions enshrined in Article 13(2) of the Treaty on European Union, for the year-to-year specification of the Union position for the period 2019-2023,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the meetings of the Western and Central Pacific Fisheries Commission (WCPFC) is set out in Annex I.

Article 2

The year-to-year specification of the Union's position to be taken in the meetings of the WCPFC shall be conducted in accordance with Annex II.

Article 3

The Union's position set out in Annex I shall be assessed and, where appropriate, revised by the Council upon a proposal from the Commission, at the latest for the annual meeting of the WCPFC in 2024.

Article 4

The Council Decision of 12 June 2014 on the position to be adopted, on behalf of the European Union, for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Fisheries Commission (WCPFC) is hereby repealed.

Article 5

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

Done at Brussels, 14 May 2019.

For the Council
The President
P. DAEA

⁽⁴⁾ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

⁽⁵⁾ 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).

⁽⁶⁾ Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

ANNEX I

The position to be taken on the Union's behalf in the Western and Central Pacific Fisheries Commission (WCPFC)

1. PRINCIPLES

In the framework of the WCPFC, the Union shall:

- a) act in accordance with the objectives and principles pursued by the Union within the common fisheries policy (CFP), notably through the precautionary approach and the aims related to the maximum sustainable yield as laid down in Article 2(2) of Regulation (EU) No 1380/2013, to promote the implementation of an ecosystem-based approach to fisheries management, to avoid and reduce, as far as possible, unwanted catches, and gradually eliminate discards, and to minimise the impact of fishing activities on marine ecosystems and their habitats, as well as, through the promotion of economically viable and competitive Union fisheries, to provide a fair standard of living or those who depend on fishing activities and take account of the interests of consumers;
- b) work towards an appropriate involvement of stakeholders in the preparation phase for WCPFC measures and ensure that measures adopted within the WCPFC are in accordance with the WCPF Convention;
- c) ensure that measures adopted within the WCPFC are consistent with international law, and in particular with the provisions of the 1982 UN Convention on the Law of the Sea, the 1995 UN Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas; and the 2009 Food and Agriculture Organization Port State Measures Agreement;
- d) promote positions consistent with the best practices of regional fisheries management organisations (RFMOs) in the same area;
- e) seek consistency and synergy with the policy that the Union is pursuing as part of its bilateral fisheries relations with third countries, and ensure coherence with its other policies notably in the field of external relations, employment, environment, trade, development, research and innovation;
- f) ensure that the Union's international commitments are respected;
- g) be in line with the Council Conclusions of 19 March 2012 on the Commission Communication on the external dimension of the common fisheries policy ⁽¹⁾;
- h) aim to create a level playing field for the Union fleet within the Convention area based on the same principles and standards as those applicable under Union law, and to promote the uniform implementation of those principles and standards;
- i) be in line with the Council conclusions ⁽²⁾ on the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission on *International ocean governance: an agenda for the future of oceans* ⁽³⁾ and promote measures to support and enhance the effectiveness of the WCPFC and, where relevant, improve its governance and performance (in particular as regards science, compliance, transparency and decision-making) as a contribution to the sustainable management of oceans in all its dimensions;
- j) promote coordination between RFMOs and regional sea conventions (RSCs) and cooperation with global organisations, as applicable, within their mandates, where appropriate;
- k) developing, where appropriate, common approaches with other RFMOs, in particular those involved in fisheries management in the same area;
- l) promote coordination and cooperation with other tuna RFMOs on issues of common interest, notably via the reactivation of the so-called Kobe process for tuna RFMOs and its extension to all RFMOs.

⁽¹⁾ 7087/12 REV 1 ADD 1 COR 1.

⁽²⁾ 7348/1/17 REV 1 of 24.3.2017.

⁽³⁾ JOIN(2016) 49 final of 10.11.2016.

2. ORIENTATIONS

The Union shall, where appropriate, endeavour to support the adoption of the following actions by the WCPFC:

- a) conservation and management measures for fisheries resources in the WCPF Convention area based on the best scientific advice available, including Total Allowable Catches (TACs) and quotas, fishing effort or fishing capacity measures for living marine biological resources regulated by the WCPFC, which would bring or maintain the achievement of the maximum sustainable yield exploitation rate at the latest by 2020. Where necessary, those conservation and management measures shall include specific measures for stocks which suffer from overfishing to keep the fishing pressure in line with available fishing opportunities;
 - b) measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing activities in the Convention area, including IUU vessel listing;
 - c) measures to reinforce fisheries' scientific data collection and promote better cooperation between the industry and scientists;
 - d) monitoring, control and surveillance measures in the WCPF Convention area in order to ensure efficiency of control and compliance with measures adopted within the WCPFC;
 - e) measures to minimise the negative impact of fishing activities on marine biodiversity and marine ecosystems and their habitats, including measures to reduce marine pollution and prevent the discharge of plastics at sea and reduce the impact on marine biodiversity and ecosystems of plastics present at sea, protective measures for sensitive marine ecosystems in the WCPF Convention area in line with the WCPF Convention, and measures to avoid and reduce as far as possible unwanted catches, including in particular vulnerable marine species, and to gradually eliminate discards;
 - f) measures to manage the use of fish aggregating devices (FADs) notably to improve collection of data, to accurately quantify, track and monitor FADs use, to reduce impact on vulnerable tuna stocks, to mitigate their potential effects on target and non-target species, as well as on the ecosystem;
 - g) measures to reduce the impact of Abandoned, Lost or Otherwise Discarded Fishing Gear (ALDFG) in the ocean and to facilitate the identification and recovery of such gear and to reduce the contribution to marine debris;
 - h) measures aimed at the prohibition of fisheries conducted solely for the purpose of harvesting shark fins and requiring that all sharks are landed with all fins naturally attached;
 - i) recommendations, where appropriate and to the extent permitted under the relevant constituent documents, encouraging the implementation of the Work in Fishing Convention of the International Labour Organisation (ILO);
 - j) additional technical measures based on advice from the subsidiary bodies and working groups of the WCPFC.
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ANNEX II

Year to year specification of the Union's position to be taken at meetings of the Western and Central Pacific Fisheries Commission

Before each meeting of the WCPFC, when that body is called upon to adopt decisions having legal effects on the Union, the necessary steps shall be taken so that the position to be expressed on the Union's behalf takes account of the latest scientific and other relevant information transmitted to the European Commission, in accordance with the principles and orientations set out in Annex I.

To this effect, and based on that information, the European Commission shall transmit to the Council in sufficient time before each meeting of the WCPFC, a written document setting out the particulars of the proposed specification of the Union position for discussion and endorsement of the details of the position to be expressed on the Union's behalf.

If in the course of a WCPFC meeting it is impossible to reach an agreement, including on the spot, in order for the Union's position to take account of new elements, the matter shall be referred to the Council or its preparatory bodies.

COUNCIL DECISION (EU) 2019/863**of 14 May 2019****on the position to be taken on behalf of the European Union in the Northwest Atlantic Fisheries Organisation (NAFO), and repealing the Decision of 26 May 2014 on the position to be adopted, on behalf of the Union, in the NAFO**

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(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Regulation (EEC) No 3179/78 ⁽¹⁾, the Union concluded the Convention on Cooperation in the Northwest Atlantic Fisheries ⁽²⁾ ('NAFO Convention'), which established the Northwest Atlantic Fisheries Organisation (NAFO). Pursuant to Council Decision 2010/717/EU ⁽³⁾, the Union concluded the fourth amendment to the NAFO Convention that established the Commission of the Northwest Atlantic Fisheries Organisation ⁽⁴⁾ ('NAFO Commission').
- (2) The NAFO Commission is responsible for the adoption of measures designed to ensure the long-term conservation and sustainable use of the fishery resources in the NAFO Convention area and to safeguard the marine eco-systems in which these resources occur. Such measures may become binding upon the Union.
- (3) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽⁵⁾ provides that the Union is to ensure that fishing and aquaculture activities are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies. It also provides that the Union is to apply the precautionary approach to fisheries management, and is to aim to ensure that exploitation of marine biological resources restores and maintains population of harvested species above levels which can produce the maximum sustainable yield. It further provides that the Union is to take management and conservation measures based on the best available scientific advice, to support the development of scientific knowledge and advice, to gradually eliminate discards and to promote fishing methods that contribute to more selective fishing and the avoidance and reduction, as far as possible, of unwanted catches, to fishing with low impact on marine ecosystem and fishery resources. Furthermore, Regulation (EU) No 1380/2013 specifically provides that those objectives and principles are to be applied by the Union in the conduct of its external fisheries relations.
- (4) As stated in the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission 'International ocean governance: an agenda for the future of oceans', and the Council conclusions on that Joint communication, the promotion of measures to support and enhance the effectiveness of regional fisheries management organisations (RFMOs) and, where relevant, improve their governance is central to the Union's action in these fora.
- (5) The Communication from the Commission to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions 'European Strategy for Plastics in a Circular Economy', refers to specific measures to reduce plastics and marine pollution as well as the loss or abandonment at sea of fishing gear.

⁽¹⁾ Council Regulation (EEC) No 3179/78 of 28 December 1978 concerning the conclusion by the European Economic Community of the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (OJ L 378, 30.12.1978, p. 1).

⁽²⁾ OJ L 378, 30.12.1978, p. 16.

⁽³⁾ Council Decision 2010/717/EU of 8 November 2010 on the approval, on behalf of the European Union, of the Amendment to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (OJ L 321, 7.12.2010, p. 1).

⁽⁴⁾ OJ L 321, 7.12.2010, p. 2.

⁽⁵⁾ 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).

- (6) It is appropriate to establish the position to be taken on the Union's behalf in the meetings of the NAFO Commission for the period 2019-2023, and to repeal the Council Decision of 26 May 2014 on the position to be adopted, on behalf of the Union, in the NAFO, as the NAFO conservation and enforcement measures will be binding on the Union and capable of decisively influencing the content of Union law, namely, Council Regulations (EC) No 1005/2008 ⁽⁶⁾ and (EC) No 1224/2009 ⁽⁷⁾, and Regulation (EU) 2017/2403 of the European Parliament and of the Council ⁽⁸⁾.
- (7) In view of the evolving nature of fishery resources in the NAFO Convention area and the consequent need for the position of the Union to take account of new developments, including new scientific and other relevant information presented before or during the meetings of the NAFO Commission, procedures should be established, in line with the principle of sincere cooperation among the Union institutions enshrined in Article 13(2) of the Treaty on European Union, for the year-to-year specification of the Union's position for the period 2019-2023,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the meetings of the Northwest Atlantic Fisheries Organisation (NAFO) Commission is set out in Annex I.

Article 2

The year-to-year specification of the Union's position to be taken in the meetings of the NAFO Commission shall be conducted in accordance with Annex II.

Article 3

The Union's position set out in Annex I shall be assessed and, where appropriate, revised by the Council upon a proposal from the Commission, at the latest for the annual meeting of the NAFO Commission in 2024.

Article 4

The Council Decision of 26 May 2014 on the position to be adopted, on behalf of the European Union, in the Northwest Atlantic Fisheries Organisation (NAFO) is hereby repealed.

Article 5

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

Done at Brussels, 14 May 2019.

For the Council

The President

P. DAEA

⁽⁶⁾ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

⁽⁷⁾ 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).

⁽⁸⁾ Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

ANNEX I

The position to be taken on the Union's behalf in the Northwest Atlantic Fisheries Organisation (NAFO)

1. PRINCIPLES

In the framework of the NAFO, the Union shall:

- a) act in accordance with the objectives and principles pursued by the Union within the common fisheries policy (CFP), notably through the precautionary approach and the aims related to the maximum sustainable yield as laid down in Article 2(2) of Regulation (EU) No 1380/2013, to promote the implementation of an ecosystem-based approach to fisheries management and limiting environmental impacts of fishing activities, to avoid and reduce, as far as, possible unwanted catches, and gradually eliminate discards, and to minimise the impact of fishing activities on marine ecosystems and their habitats, as well as, through the promotion of economically viable and competitive Union fisheries, to provide a fair standard of living for those who depend on fishing activities and take account of the interests of consumers;
- b) work towards an appropriate involvement of stakeholders in the preparation phase for NAFO measures and ensure that measures adopted within the NAFO Commission are in accordance with the NAFO Convention;
- c) ensure that measures adopted within the NAFO Commission are consistent with international law, and in particular with the provisions of the 1982 UN Convention on the Law of the Sea, the 1995 UN Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas and the 2009 Food and Agriculture Organization Port State Measures Agreement;
- d) promote positions consistent with the best practices of regional fisheries management organisations (RFMOs) in the same area;
- e) seek consistency and synergy with the policy that the Union is pursuing as part of its bilateral fisheries relations with third countries, and ensure coherence with its other policies notably in the field of external relations, employment, environment, trade, development, research and innovation;
- f) ensure that the Union's international commitments are respected;
- g) be in line with the Council Conclusions of 19 March 2012 on the Commission Communication on the external dimension of the common fisheries policy ⁽¹⁾;
- h) aim to create a level playing field for the Union fleet within the NAFO regulatory area based on the same principles and standards as those applicable under Union law, and to promote the uniform implementation of those principles and standards;
- i) be in line with the Council conclusions ⁽²⁾ on the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission on *International ocean governance: an agenda for the future of oceans* ⁽³⁾ and promote measures to support and enhance the effectiveness of the NAFO and, where relevant, improve its governance and performance (in particular as regards science, compliance, transparency and decision-making) as a contribution to the sustainable management of oceans in all its dimensions;
- j) promote coordination between RFMOs and regional sea conventions (RSCs) and cooperation with global organisations, as applicable, within their mandates, where appropriate;
- k) promote cooperation mechanisms amongst non-tuna RFMOs similar to the so-called Kobe process for tuna RFMOs.

2. ORIENTATIONS

The Union shall, where appropriate, endeavour to support the adoption of the following actions by the NAFO:

- a) conservation and management measures for fisheries resources in the NAFO regulatory area based on the best scientific advice available, and the precautionary approach including Total Allowable Catches (TACs) and quotas or effort regulation for living marine biological resources regulated by the NAFO, which would bring or maintain the achievement of the maximum sustainable yield exploitation rate at the latest by 2020. Where necessary, specific measures for stocks, which suffer from overfishing shall be considered in order to keep the fishing effort in line with available fishing opportunities;

⁽¹⁾ 7087/12 REV 1 ADD 1 COR 1.

⁽²⁾ 7348/1/17 REV 1 of 24.3.2017.

⁽³⁾ JOIN(2016) 49 final of 10.11.2016.

- b) measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing activities in the regulatory area, including IUU vessel listing;
 - c) measures to reinforce fisheries' scientific data collection and promote better cooperation between the industry and scientists;
 - d) monitoring, control and surveillance measures in the NAFO regulatory area in order to ensure efficiency of control and compliance with measures adopted within the NAFO;
 - e) measures to minimise the negative impact of fishing activities on marine biodiversity and marine ecosystems and their habitats, including measures to reduce marine pollution and prevent the discharge of plastics at sea and reduce the impact on marine biodiversity and ecosystems of plastics present at sea, protective measures for vulnerable marine ecosystems in the regulatory area in line with the NAFO Convention, while taking into account the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas, measures to avoid and reduce as far as possible unwanted catches, including in particular vulnerable marine species, and to gradually eliminate discards;
 - f) measures to reduce the impact of Abandoned, Lost or Otherwise Discarded Fishing Gear (ALDFG) in the ocean and to facilitate the identification and recovery of such gear;
 - g) measures aimed at the prohibition of fisheries conducted solely for the purpose of harvesting shark fins and requiring that all sharks are landed with each fin naturally attached;
 - h) common approaches with other RFMOs, where appropriate, in particular those involved in fisheries management in the same region;
 - i) developing approaches related to tackling impacts of non-fishing activities on the marine biological resources in the regulatory area;
 - j) recommendations, where appropriate and to the extent permitted under the relevant constituent documents, encouraging the implementation of the Work in Fishing Convention of the International Labour Organisation (ILO);
 - k) additional technical measures based on advice from the subsidiary bodies and working groups of NAFO.
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ANNEX II

Year to year specification of the Union's position to be taken at meetings of the Northwest Atlantic Fisheries Organisation

Before each meeting of the NAFO Commission, when that body is called upon to adopt decisions having legal effects on the Union, the necessary steps shall be taken so that the position to be expressed on the Union's behalf takes account of the latest scientific and other relevant information transmitted to the Commission, in accordance with the principles and orientations set out in Annex I.

To this effect, and based on that information, the Commission shall transmit to the Council in sufficient time before each meeting of the NAFO Commission, a written document setting out the particulars of the proposed specification of the Union's position for discussion and endorsement of the details of the position to be expressed on the Union's behalf.

If in the course of a NAFO Commission meeting it is impossible to reach an agreement, including on the spot, in order for the Union's position to take account of new elements, the matter shall be referred to the Council or its preparatory bodies.

COUNCIL DECISION (EU) 2019/864**of 14 May 2019****on the position to be taken on behalf of the European Union in the North Atlantic Salmon Conservation Organization (NASCO), and repealing the Decision of 26 May 2014 on the position to be adopted, on behalf of the Union, in the NASCO**

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(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Decision 82/886/EEC ⁽¹⁾, the Union concluded the Convention for the Conservation of Salmon in the North Atlantic Ocean ⁽²⁾ ('NASCO Convention'), which established the North Atlantic Salmon Conservation Organization (NASCO).
- (2) The NASCO Council, which is supported by the three Commissions (the North American Commission, the North-East Atlantic Commission and the West Greenland Commission), is the body established by the NASCO Convention to conserve, restore, enhance and rationally manage Atlantic salmon through international cooperation. The NASCO Council adopts conservation and management measures to manage of the fishery resources under their purview. Such measures may become binding upon the Union.
- (3) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽³⁾ provides that the Union is to ensure that fishing and aquaculture activities are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies. It also provides that the Union is to apply the precautionary approach to fisheries management, and is to aim to ensure that exploitation of marine biological resources restores and maintains population of harvested species above levels which can produce the maximum sustainable yield. It further provides that the Union is to take management and conservation measures based on the best available scientific advice, to support the development of scientific knowledge and advice, to gradually eliminate discards and to promote fishing methods that contribute to more selective fishing and the avoidance and reduction, as far as possible, of unwanted catches, to fishing with low impact on marine ecosystem and fishery resources. Furthermore, Regulation (EU) No 1380/2013 specifically provides that those objectives and principles are to be applied by the Union in the conduct of its external fisheries relations.
- (4) As stated in the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission 'International ocean governance: an agenda for the future of oceans', and the Council conclusions on that Joint communication, the promotion of measures to support and enhance the effectiveness of regional fisheries management organisations (RFMOs) and, where relevant, improve their governance is central to the Union's action in these fora.
- (5) The Communication from the Commission to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions 'European Strategy for Plastics in a Circular Economy', refers to specific measures to reduce plastics and marine pollution as well as the loss or abandonment at sea of fishing gear.

⁽¹⁾ Council Decision 82/886/EEC of 13 December 1982 concerning the conclusion of the Convention for the Conservation of Salmon in the North Atlantic Ocean (OJ L 378, 31.12.1982, p. 24).

⁽²⁾ OJ L 378, 31.12.1982, p. 25.

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

- (6) It is appropriate to establish the position to be taken on the Union's behalf in the meetings of the NASCO Council, as the NASCO conservation and enforcement measures will be binding on the Union and capable of decisively influencing the content of Union law, namely, Council Regulations (EC) No 1005/2008 ⁽⁴⁾ and (EC) No 1224/2009 ⁽⁵⁾, and Regulation (EU) 2017/2403 of the European Parliament and of the Council ⁽⁶⁾.
- (7) Currently, the position to be taken on the Union's behalf in the meetings of the NASCO Council is established by the Council Decision of 26 May 2014 on the position to be adopted, on behalf of the Union, in the NASCO. It is appropriate to repeal that Decision and to replace it by a new Decision which would cover the period 2019-2023.
- (8) In view of the evolving nature of fishery resources in the NASCO Convention Area and the consequent need for the position of the Union to take account of new developments, including new scientific and other relevant information presented before or during the meetings of the NASCO, procedures must be established, in line with the principle of sincere cooperation among the Union institutions enshrined in Article 13(2) of the Treaty on European Union, for the year-to-year specification of the Union's position for the period 2019-2023,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union in the meetings of the North Atlantic Salmon Conservation Organization (NASCO) Council is set out in Annex I.

Article 2

The year-to-year specification of the Union's position to be taken in the meetings of the NASCO Council shall be conducted in accordance with Annex II.

Article 3

The Union's position set out in Annex I shall be assessed and, where appropriate, revised by the Council upon a proposal from the Commission, at the latest for the annual meeting of the NASCO Council in 2024.

Article 4

The Council Decision of 26 May 2014 on the position to be adopted, on behalf of the European Union, in the North Atlantic Salmon Conservation Organisation (NASCO) is hereby repealed.

⁽⁴⁾ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

⁽⁵⁾ 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).

⁽⁶⁾ Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

Article 5

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

Done at Brussels, 14 May 2019.

For the Council
The President
P. DAEA

ANNEX I

The position to be taken on the Union's behalf in the North Atlantic Salmon Conservation Organisation (NASCO)

1. PRINCIPLES

In the framework of the NASCO, the Union shall:

- a) act in accordance with the objectives and principles pursued by the Union within the common fisheries policy (CFP), notably through the precautionary approach and the aims related to the maximum sustainable yield as laid down in Article 2(2) of Regulation (EU) No 1380/2013, to promote the implementation of an ecosystem-based approach to fisheries management and limiting environmental impacts of fishing activities, to avoid and reduce, as far as possible, unwanted catches, and gradually eliminate discards, and to minimise the impact of fishing activities on marine ecosystems and their habitats, as well as, through the promotion of economically viable and competitive Union fisheries, to provide a fair standard of living for those who depend on fishing activities and taking account of the interests of consumers;
- b) ensure that measures adopted within the NASCO are in accordance with the NASCO Convention;
- c) ensure that measures adopted within the NASCO are consistent with international law, and in particular with the provisions of the UN Convention on the Law of the Sea and its Article 66, the Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas; and the 2009 Food and Agriculture Organization Port State Measures Agreement;
- d) promote positions consistent with the best practices of regional fisheries management organisations (RFMOs) in the same area;
- e) seek consistency and synergy with the policy that the Union is pursuing as part of its bilateral fisheries relations with third countries, and ensure coherence with its other policies notably in external relations, employment, environment, trade, development, research and innovation;
- f) ensure that the Union's international commitments are respected;
- g) be in line with the Council Conclusions of 19 March 2012 on the Commission Communication on the external dimension of the common fisheries policy ⁽¹⁾;
- h) aim to create a level playing field for the Union fleet within the Convention area based on the same principles and standards as those applicable under Union law, and to promote the uniform implementation of those principles and standards;
- i) be in line with the Council conclusions ⁽²⁾ on the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission on *International ocean governance: an agenda for the future of oceans* ⁽³⁾ and promote measures to support and enhance the effectiveness of the NASCO and, where relevant, improve its governance and performance (e.g. on science, compliance, transparency and decision-making) as a contribution to the sustainable management of oceans in all its dimensions;
- j) promote coordination between RFMOs and regional sea conventions (RSCs) and cooperation with global organisations, as applicable, within their mandates, and in particular promote coordination with OSPAR, to which the Union is also a contracting party;
- k) promote cooperation mechanisms amongst non-tuna RFMOs similar to the so-called Kobe process for tuna RFMOs.

⁽¹⁾ 7087/12 REV 1 ADD 1 COR 1.

⁽²⁾ 7348/1/17 REV 1 of 24.3.2017.

⁽³⁾ JOIN(2016) 49 final of 10.11.2016.

2. ORIENTATIONS

The Union shall, where appropriate, endeavour to support the adoption of the following actions by the NASCO:

- a) conservation and management measures for fisheries resources in the Convention area based on the best scientific advice available, including Total Allowable Catches (TACs) and quotas or effort regulation for living marine biological resources regulated by the NASCO, which would bring or maintain the achievement of the maximum sustainable yield exploitation rate at the latest by 2020. Where necessary, specific measures for stocks, which suffer from overfishing shall be considered in order to keep the fishing effort in line with available fishing opportunities;
 - b) measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing activities in the Convention area, including IUU vessel listing;
 - c) measures to reinforce fisheries' scientific data collection and promote better cooperation between the industry and scientists;
 - d) monitoring, control and surveillance measures in the NASCO Convention area in order to ensure efficiency of control and compliance with measures adopted within the NASCO;
 - e) measures to minimise the negative impact of fishing activities and aquaculture on marine biodiversity and marine ecosystems and their habitats, including measures to reduce marine pollution and prevent the discharge of plastics at sea and reduce the impact on marine biodiversity and ecosystems of plastics present at sea, protective measures for vulnerable marine ecosystems in the NASCO Convention area in line the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas, measures to avoid and reduce as far as possible unwanted catches, including in particular vulnerable marine species, and to gradually eliminate discards;
 - f) measures to reduce the impact of Abandoned, Lost or Otherwise Discarded Fishing Gear (ALDFG) in the ocean and to facilitate the identification and recovery of such gear;
 - g) measures aimed at the prohibition of fisheries conducted solely for the purpose of harvesting shark fins and requiring that all sharks are landed with each fin naturally attached;
 - h) common approaches with other RFMOs, where appropriate, in particular those involved in fisheries management in the same region;
 - i) recommendations, where appropriate and to the extent permitted under the relevant constituent documents, encouraging the implementation of the Work in Fishing Convention of the International Labour Organisation (ILO);
 - j) additional technical measures based on advice from the subsidiary bodies and working groups of NASCO.
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ANNEX II

Year to year specification of the Union's position to be taken at meetings of the North Atlantic Salmon Conservation Organisation

Before each meeting of the NASCO Council, when that body is called upon to adopt decisions that may become binding upon the Union, the necessary steps shall be taken so that the position to be expressed on the Union's behalf takes account of the latest scientific and other relevant information transmitted to the Commission, in accordance with the principles and orientations set out in Annex I.

To this effect, and based on that information, the Commission shall transmit to the Council in sufficient time before each meeting of the NASCO Council a written document setting out the particulars of the proposed specification of the Union's position for discussion and endorsement of the details of the position to be expressed on the Union's behalf.

If in the course of a NASCO Council meeting it is impossible to reach an agreement, including on the spot, in order for the Union's position to take account of new elements, the matter shall be referred to the Council or its preparatory bodies.

COUNCIL DECISION (EU) 2019/865**of 14 May 2019****on the position to be taken on behalf of the European Union in the North-East Atlantic Fisheries Commission (NEAFC), and repealing the Decision of 26 May 2014 on the position to be adopted, on behalf of the Union, in the NEAFC**

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(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Decision 81/608/EEC ⁽¹⁾, the Union concluded the Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries ⁽²⁾, which established the North-East Atlantic Fisheries Commission (NEAFC), ('NEAFC Convention'). The 2004 and 2006 amendments to the NEAFC Convention were approved by Council Decision 2009/550/EC ⁽³⁾. The amendments formally entered into force on 29 October 2013 although, in accordance with the London Declaration of 18 November 2005, it was agreed to implement the amendments on a provisional basis from their adoption, pending their entry into force.
- (2) The NEAFC is responsible for the adoption of measures designed to ensure the long-term conservation and optimum utilisation of the fishery resources in the NEAFC Convention area ('the Convention area'). Such measures may become binding upon the Union.
- (3) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽⁴⁾ provides that the Union is to ensure that fishing and aquaculture activities are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies. It also provides that the Union is to apply the precautionary approach to fisheries management, and is to aim to ensure that exploitation of marine biological resources restores and maintains population of harvested species above levels which can produce the maximum sustainable yield. It further provides that the Union is to take management and conservation measures based on the best available scientific advice, to support the development of scientific knowledge and advice, to gradually eliminate discards and to promote fishing methods that contribute to more selective fishing and the avoidance and reduction, as far as possible, of unwanted catches, to fishing with low impact on marine ecosystem and fishery resources. Furthermore, Regulation (EU) No 1380/2013 specifically provides that those objectives and principles are to be applied by the Union in the conduct of its external fisheries relations.
- (4) As stated in the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission 'International ocean governance: an agenda for the future of oceans', and the Council conclusions on that Joint communication, the promotion of measures to support and enhance the effectiveness of regional fisheries management organisations (RFMOs) and, where relevant, improve their governance is central to the Union's action in these fora.
- (5) The Communication from the Commission to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions 'European Strategy for Plastics in a Circular Economy', refers to specific measures to reduce plastics and marine pollution as well as the loss or abandonment at sea of fishing gear.

⁽¹⁾ Council Decision 81/608/EEC of 13 July 1981 concerning the conclusion of the Convention on Future Multilateral Cooperation in the North-East Atlantic Fisheries (OJ L 227, 12.8.1981, p. 21).

⁽²⁾ OJ L 227, 12.8.1981, p. 22.

⁽³⁾ Council Decision 2009/550/EC of 5 March 2009 on the approval of amendments to the Convention on future multilateral cooperation in the North-East Atlantic Fisheries allowing for the establishment of dispute settlement procedures, the extension of the scope of the Convention and a review of the objectives of the Convention (OJ L 184, 16.7.2009, p. 12).

⁽⁴⁾ 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).

- (6) It is appropriate to establish the position to be taken on the Union's behalf in the meetings of the NEAFC for the period 2019-2023, and to repeal the Council Decision of 26 May 2014 on the position to be adopted, on behalf of the Union, in the NEAFC as the NEAFC conservation and enforcement measures will be binding on the Union and capable of decisively influencing the content of Union law, namely, Council Regulations (EC) No 1005/2008 ⁽⁵⁾ and (EC) No 1224/2009 ⁽⁶⁾, and Regulation (EU) 2017/2403 of the European Parliament and of the Council ⁽⁷⁾.
- (7) Currently, the position to be taken on the Union's behalf in the meetings of the NEAFC is established by the Decision of 26 May 2014 on the position to be adopted, on behalf of the Union, in the NEAFC. It is appropriate to repeal that Decision and to replace it by a new Decision which would cover the period 2019-2023.
- (8) In view of the evolving nature of fishery resources in the Convention area and the consequent need for the position of the Union to take account of new developments, including new scientific and other relevant information presented before or during the meetings of the NEAFC, procedures should be established, in line with the principle of sincere cooperation among the Union institutions enshrined in Article 13(2) of the Treaty on European Union, for the year-to-year specification of the Union's position for the period 2019-2023,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the meetings of the North-East Atlantic Fisheries Commission (NEAFC) is set out in Annex I.

Article 2

The year-to-year specification of the Union's position to be taken in the meetings of the NEAFC shall be conducted in accordance with Annex II.

Article 3

The Union's position set out in Annex I shall be assessed and, where appropriate, revised by the Council upon a proposal from the Commission, at the latest for the annual meeting of the NEAFC in 2024.

Article 4

The Council Decision of 26 May 2014 on the position to be adopted, on behalf of the European Union, in the North East Atlantic Fisheries Commission (NEAFC) is hereby repealed.

⁽⁵⁾ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

⁽⁶⁾ 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).

⁽⁷⁾ Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

Article 5

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

Done at Brussels, 14 May 2019.

For the Council
The President
P. DAEA

ANNEX I

The position to be taken on the Union's behalf in the North East Atlantic Fisheries Commission (NEAFC)

1. PRINCIPLES

In the framework of the NEAFC, the Union shall:

- a) act in accordance with the objectives and principles pursued by the Union within the common fisheries policy (CFP), notably through the precautionary approach and the aims related to the maximum sustainable yield as laid down in Article 2(2) of Regulation (EU) No 1380/2013, to promote the implementation of an ecosystem-based approach to fisheries management, to avoid and reduce, as far as possible, unwanted catches, and gradually eliminate discards, and to minimise the impact of fishing activities on marine ecosystems and their habitats, as well as, through the promotion of economically viable and competitive Union fisheries, to provide a fair standard of living for those who depend on fishing activities and take account of the interests of consumers;
- b) ensure that measures adopted within the NEAFC are in accordance with the NEAFC Convention;
- c) ensure that measures adopted within the NEAFC are consistent with international law, and in particular with the provisions of the 1982 UN Convention on the Law of the Sea, the 1995 UN Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas, and the 2009 Food and Agriculture Organization Port State Measures Agreement;
- d) promote positions consistent with the best practices of regional fisheries management organisations (RFMOs) in the same area;
- e) seek consistency and synergy with the policy that the Union is pursuing as part of its bilateral fisheries relations with third countries, and ensure coherence with its other policies notably in the field of external relations, employment, environment, trade, development, research and innovation;
- f) ensure that the Union's international commitments are respected;
- g) be in line with the Council Conclusions of 19 March 2012 on the Commission Communication on the external dimension of the common fisheries policy ⁽¹⁾;
- h) aim to create a level playing field for the Union fleet within the NEAFC regulatory area based on the same principles and standards as those applicable under Union law, and to promote the uniform implementation of recommendations;
- i) be in line with the Council conclusions ⁽²⁾ on the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission on *International ocean governance: an agenda for the future of oceans* ⁽³⁾ and promote measures to support and enhance the effectiveness of the NEAFC and, where relevant, improve its governance and performance (in particular as regards science, compliance, transparency and decision-making) as a contribution to the sustainable management of oceans in all its dimensions;
- j) promote coordination between RFMOs and regional sea conventions (RSCs) and cooperation with global organisations, as applicable, within their mandate and in particular promote coordination with OSPAR, to which the Union is also a Contracting Party;
- k) promote cooperation mechanisms amongst non-tuna RFMOs similar to the so-called Kobe process for tuna RFMOs.

⁽¹⁾ 7087/12 REV 1 ADD 1 COR 1.

⁽²⁾ 7348/1/17 REV 1 of 24.3.2017.

⁽³⁾ JOIN(2016) 49 final of 10.11.2016.

2. ORIENTATIONS

The Union shall, where appropriate, endeavour to support the adoption of the following actions by the NEAFC:

- a) conservation and management measures for fisheries resources in the Regulatory Area based on the best scientific advice available, including Total Allowable Catches (TACs) and quotas or effort regulation for living marine biological resources regulated by the NEAFC, which would bring or maintain the achievement of the maximum sustainable yield exploitation rate at the latest by 2020. Where necessary, those conservation and management measures shall include specific measures for stocks, which suffer from overfishing to keep the fishing effort in line with available fishing opportunities;
 - b) measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing activities in the regulatory area, including IUU vessel listing;
 - c) measures to reinforce fisheries' scientific data collection and promote better cooperation between the industry and scientists;
 - d) monitoring, control and surveillance measures in the regulatory area in order to ensure efficiency of control and compliance with measures adopted within the NEAFC;
 - e) measures to minimise the negative impact of fishing activities on marine biodiversity and marine ecosystems and their habitats, including measures to reduce marine pollution and prevent the discharge of plastics at sea and reduce the impact on marine biodiversity and ecosystems of plastics present at sea, protective measures for vulnerable marine ecosystems in the Regulatory Area in line with the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas, measures to avoid and reduce as far as possible unwanted catches, including in particular vulnerable marine species, and to gradually eliminate discards;
 - f) measures to reduce the impact of Abandoned, Lost or Otherwise Discarded Fishing Gear (ALDFG) in the ocean and to facilitate the identification and recovery of such gear;
 - g) measures aimed at the prohibition of fisheries conducted solely for the purpose of harvesting shark fins and requiring that all sharks are landed with each fin naturally attached;
 - h) recommendations, where appropriate and to the extent permitted under the relevant constituent documents, encouraging the implementation of the Work in Fishing Convention of the International Labour Organisation (ILO);
 - i) common approaches with other RFMOs, where appropriate, in particular those involved in fisheries management in the same area;
 - j) additional technical measures based on advice from the subsidiary bodies and working groups of NEAFC.
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ANNEX II

Year to year specification of the Union's position to be taken at meetings of the North East Atlantic Fisheries Commission

Before each meeting of the NEAFC, when that body is called upon to adopt decisions having legal effects on the Union, the necessary steps shall be taken so that the position to be expressed on the Union's behalf takes account of the latest scientific and other relevant information transmitted to the Commission, in accordance with the principles and orientations set out in Annex I.

To this effect, and based on that information, the Commission shall transmit to the Council in sufficient time before each meeting of the NEAFC Commission, a written document setting out the particulars of the proposed specification of the Union's position for discussion and endorsement of the details of the position to be expressed on the Union's behalf.

If in the course of a NEAFC meeting it is impossible to reach an agreement, including on the spot, in order for the Union's position to take account of new elements, the matter shall be referred to the Council or its preparatory bodies.

COUNCIL DECISION (EU) 2019/866**of 14 May 2019****on the position to be taken on behalf of the European Union in the annual Conference of the Parties to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea, and repealing the Decision of 12 June 2017 establishing the position to be adopted, on behalf of the Union, in that annual Conference**

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(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Poland is a Contracting Party to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea ('Bering Sea Convention'). The Union is not a Party to that Convention. In accordance with Article 6(9) of the 2003 Act of Accession, fisheries agreements concluded by Member States with third countries are managed by the Union and the Union should implement any decisions established under the Bering Sea Convention.
- (2) Council Decision of 11 April 2016 authorising the Republic of Poland, in the interest of the European Union, to open negotiations for an amendment to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea that would allow Regional Economic Integration Organisations, such as the European Union, to become party to the Convention authorised the Poland to negotiate, in the interest of the Union, an amendment to the Bering Sea Convention with a view for the Union to becoming a Contracting Party to that Convention. That mandate is currently being implemented. It is understood that upon the acceptance of the Union as a full Contracting Party to the Bering Sea Convention, the Poland will withdraw its membership from the Convention.
- (3) The annual Conference of the Parties to the Bering Sea Convention ('the annual Conference of the Parties') is responsible for the management and conservation measures of the Pollock Resources in the Bering Sea Convention Area. Such measures may become binding upon the Union.
- (4) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽¹⁾ provides that the Union is to ensure that fishing and aquaculture activities are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies. It also provides that the Union is to apply the precautionary approach to fisheries management, and is to aim to ensure that exploitation of marine biological resources restores and maintains population of harvested species above levels, which can produce the maximum sustainable yield. It further provides that the Union is to take management and conservation measures based on the best available scientific advice, to support the development of scientific knowledge and advice, to gradually eliminate discards and to promote fishing methods that contribute to more selective fishing and the avoidance and reduction, as far as possible, of unwanted catches, to fishing with low impact on marine ecosystem and fishery resources. Furthermore, Regulation (EU) No 1380/2013 specifically provides that those objectives and principles are to be applied by the Union in the conduct of its external fisheries relations.
- (5) As stated in the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission 'International ocean governance: an agenda for the future of oceans', and the Council conclusions on that Joint communication, the promotion of measures to support and enhance the effectiveness of regional fisheries management organisations (RFMOs) and, where relevant, improve their governance is central to the Union's action in these fora.

⁽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).

- (6) The Communication from the Commission to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions 'European Strategy for Plastics in a Circular Economy', refers to specific measures to reduce plastics and marine pollution as well as the loss or abandonment at sea of fishing gear.
- (7) It is appropriate to establish the position to be taken on the Union's behalf in in the annual Conference of the Parties for the period 2019-2023 as conservation and enforcement measures adopted by the annual Conference of the Parties will be binding on the Union and capable of decisively influencing the content of Union law, namely, Council Regulations (EC) No 1005/2008 ⁽²⁾, (EC) No 1224/2009 ⁽³⁾, and Regulation (EU) 2017/2403 of the European Parliament and of the Council ⁽⁴⁾.
- (8) The Council Decision of 12 June 2017 establishing the position to be adopted, on behalf of the Union, in the annual Conference of the Parties to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea does not provide for a review of the Union's position within the annual Conference of the Parties before the 2022 annual meeting. However, the vast majority of the Council Decisions setting the Union's position within the different RFMOs to which the Union is a Contracting Party are due for revision before the 2019 annual meetings of those RFMOs. Therefore, to promote improved coherence amongst the Union's position in all RFMOs and to streamline the revision process, it is appropriate to bring forward the revision of the Decision of 12 June 2017 and to repeal it replacing it by a new Decision which would cover the period 2019-2023.
- (9) In view of the evolving nature of fishery resources in the Bering Sea Convention Area and the consequent need for the position of the Union to take account of new developments, including new scientific and other relevant information presented before or during the meetings of the annual Conference of the Parties, procedures should be established, in line with the principle of sincere cooperation among the Union institutions enshrined in Article 13(2) of the Treaty on European Union, for the year-to-year specification of the Union's position for the period 2019-2023,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the meetings of the annual Conference of the Parties to the Bering Sea Convention is set out in Annex I.

Article 2

The year-to-year specification of the Union's position to be taken in the meetings of the annual Conference of the Parties to the Bering Sea Convention shall be conducted in accordance with Annex II.

Article 3

The Union's position set out in Annex I shall be assessed and, where appropriate, revised by the Council upon a proposal from the Commission, at the latest for the annual Conference of the Parties to the Bering Sea Convention in 2024.

⁽²⁾ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

⁽³⁾ 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).

⁽⁴⁾ Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

Article 4

The Council Decision of 12 June 2017 establishing the position to be adopted, on behalf of the European Union, in the annual Conference of the Parties to the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea, and repealing the Council Decision of 10 July 2012 on establishing the position to be adopted on behalf of the European Union in the framework of the Convention on the Conservation and Management of Pollock Resources in the Central Bering Sea is hereby repealed.

Article 5

1. In the case of accession of the Union to the Bering Sea Convention, the Commission shall represent the Union at the meetings of the annual Conference of the Parties to the Bering Sea Convention.
2. Pending that accession, the Poland shall express the Union's position at the meetings of the annual Conference of the Parties to the Bering Sea Convention.
3. This Decision shall enter into force on the date of its adoption.

Done at Brussels, 14 May 2019.

For the Council
The President
P. DAEA

ANNEX I

The position to be taken on the Union's behalf in the in the annual Conference of the Parties to the Bering Sea Convention

1. PRINCIPLES

In the framework of the Bering Sea Convention, the Union shall:

- a) act in accordance with the objectives and principles pursued by the Union within the common fisheries policy (CFP), notably through the precautionary approach and the aims related to the maximum sustainable yield as laid down in Article 2(2) of Regulation (EU) No 1380/2013, to promote the implementation of an ecosystem-based approach to fisheries management, to avoid and reduce as far as possible unwanted catches, and gradually eliminate discards, and to minimise the impact of fishing activities on marine ecosystems and their habitats, as well as, through the promotion of economically viable and competitive Union fisheries, to provide a fair standard of living for those who depend on fishing activities and take account of the interests of consumers;
- b) ensure that measures adopted within the annual Conference of the Parties are in accordance with the Bering Sea Convention;
- c) ensure that measures adopted within the annual Conference of the Parties are consistent with international law, and in particular with the provisions of the 1982 UN Convention on the Law of the Sea, the 1995 UN Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas, and the 2009 Food and Agriculture Organization Port State Measures Agreement;
- d) promote positions consistent with the best practices of regional fisheries management organisations (RFMOs) in the same area;
- e) seek consistency and synergy with the policy that the Union is pursuing as part of its bilateral fisheries relations with third countries, and ensure coherence with its other policies notably in the field of external relations, employment, environment, trade, development, research and innovation;
- f) ensure that the Union's international commitments are respected;
- g) be in line with the Council Conclusions of 19 March 2012 on the Commission Communication on the external dimension of the common fisheries policy ⁽¹⁾;
- h) aim to create a level playing field for the Union fleet within the Bering Sea Convention area based on the same principles and standards as those applicable under Union law, and to promote the uniform implementation of those principles and standards;
- i) be in line with the Council conclusions ⁽²⁾ on the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission on *International ocean governance: an agenda for the future of oceans* ⁽³⁾ and promote measures to support and enhance the effectiveness of the annual Conference of the Parties and, where relevant, improve its governance and performance (in particular as regards on science, compliance, transparency and decision-making) as a contribution to the sustainable management of oceans in all its dimensions;
- j) promote coordination between RFMOs and regional sea conventions (RSCs) and cooperation with global organisations, as applicable, within their mandates;
- k) promote cooperation mechanisms amongst non-tuna RFMOs similar to the so-called Kobe process for tuna RFMOs.

⁽¹⁾ 7087/12REV 1 ADD 1 COR 1.

⁽²⁾ 7348/1/17 REV 1 of 24.3.2017.

⁽³⁾ JOIN(2016) 49 final of 10.11.2016.

2. ORIENTATIONS

The Union shall, where appropriate, endeavour to support the adoption of the following actions by the annual Conference of the Parties:

- a) conservation and management measures for fisheries resources in the Agreement area based on the best scientific advice available, including Allowable Harvest Level (AHL) and individual national quotas or effort regulation for living marine biological resources regulated by the annual Conference of the Parties, including changing Annex to the Bering Sea Convention, which would bring or maintain the achievement of the maximum sustainable yield exploitation rate at the latest by 2020. Where necessary, those conservation and management measures shall include specific measures for stocks, which suffer from overfishing to keep the fishing effort in line with available fishing opportunities;
 - b) measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing activities in the Bering Sea Convention area, including IUU vessel listing;
 - c) measures to reinforce fisheries' scientific data collection and promote better cooperation between the industry and scientists;
 - d) monitoring, control and surveillance measures in the Convention Area in order to ensure efficiency of control and compliance with measures adopted within the annual Conference of the Parties;
 - e) measures to minimise the negative impact of fishing activities on marine biodiversity and marine ecosystems and their habitats, including measures to reduce marine pollution and prevent the discharge of plastics at sea and reduce the impact on marine biodiversity and ecosystems of plastics present at sea, protective measures for vulnerable marine ecosystems in the Bering Sea Convention area in line with the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas, and measures to avoid and reduce as far as possible unwanted catches, including in particular vulnerable marine species, and to gradually eliminate discards;
 - f) measures to reduce the impact of Abandoned, Lost or Otherwise Discarded Fishing Gear (ALDFG) in the ocean and to facilitate the identification and recovery of such gear;
 - g) measures aimed at the prohibition of fisheries conducted solely for the purpose of harvesting shark fins and requiring that all sharks are landed with each fin naturally attached;
 - h) recommendations, where appropriate and to the extent permitted under the relevant constituent documents, encouraging the implementation of the Work in Fishing Convention of the International Labour Organisation (ILO);
 - i) common approaches with other RFMOs, where appropriate, in particular those involved in fisheries management in the same region;
 - j) additional technical measures based on advice from the subsidiary bodies and working groups of the annual Conference of the Parties.
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ANNEX II

Year to year specification of the Union's position to be taken at the annual Conference of the Parties

Before each meeting of the annual Conference of the Parties, when that body is called upon to adopt decisions having legal effects on the Union, the necessary steps shall be taken so that the position to be expressed on the Union's behalf takes account of the latest scientific and other relevant information transmitted to the European Commission, in accordance with the principles and orientations set out in Annex I.

To this effect, and based on that information, the European Commission shall transmit to the Council in sufficient time before each meeting of the annual Conference of the Parties, a written document setting out the particulars of the proposed specification of the Union's position for discussion and endorsement of the details of the position to be expressed on the Union's behalf.

If in the course of a meeting of the annual Conference of the Parties it is impossible to reach an agreement, including on the spot, in order for the Union's position to take account of new elements, the matter shall be referred to the Council or its preparatory bodies.

COUNCIL DECISION (EU) 2019/867**of 14 May 2019****on the position to be taken on behalf of the European Union in the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR), and repealing the Decision of 24 June 2014 on the position to be adopted, on behalf of the Union, in the CCAMLR**

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(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Decision 81/691/EEC ⁽¹⁾, the Union concluded the Convention on the Conservation of Antarctic Marine Living Resources ⁽²⁾ ('CAMLR Convention'), which entered into force on 7 April 1982 and established the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). Belgium, Spain, France, Germany, Italy, Poland, Sweden and the United Kingdom are also Contracting Parties to the CAMLR Convention. Greece, the Netherlands and Finland are Contracting Parties to the CAMLR Convention but not Members of the CCAMLR.
- (2) Pursuant to Article IX.1 of the CAMLR Convention, the CCAMLR is responsible for the adoption of conservation measures at its annual meetings designed to ensure the conservation of Antarctic marine living resources, including their rational use. Such measures may become binding upon the Union.
- (3) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽³⁾ provides that the Union is to ensure that fishing and aquaculture activities are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies. It also provides that the Union is to apply the precautionary approach to fisheries management, and is to aim to ensure that exploitation of marine biological resources restores and maintains population of harvested species above levels which can produce the maximum sustainable yield. It further provides that the Union is to take management and conservation measures based on the best available scientific advice, to support the development of scientific knowledge and advice, to gradually eliminate discards, and to promote fishing methods that contribute to more selective fishing and the avoidance and reduction, as far as possible, of unwanted catches, to fishing with low impact on marine ecosystem and fishery resources. Furthermore, Regulation (EU) No 1380/2013 specifically provides that those objectives and principles are to be applied by the Union in the conduct of its external fisheries relations.
- (4) As stated in the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission 'International ocean governance: an agenda for the future of oceans', and the Council conclusions on that Joint communication, the promotion of measures to support and enhance the effectiveness of regional fisheries management organisations (RFMOs) and, where relevant, improve their governance is central to the Union's action in these fora.
- (5) The Communication from the Commission to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions 'European Strategy for Plastics in a Circular Economy', refers to specific measures to reduce plastics and marine pollution as well as the loss or abandonment at sea of fishing gear.

⁽¹⁾ Council Decision 81/691/EEC of 4 September 1981 on the conclusion of the Convention on the conservation of Antarctic marine living resources (OJ L 252, 5.9.1981, p. 26).

⁽²⁾ OJ L 252, 5.9.1981, p. 27.

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

- (6) It is appropriate to establish the position to be taken on the Union's behalf in the meetings of the CCAMLR for the period 2019-2023, as the CCAMLR conservation measures will be binding on the Union and capable of decisively influencing the content of Union law, namely, Council Regulations (EC) No 1035/2001 ⁽⁴⁾, (EC) No 600/2004 ⁽⁵⁾, (EC) No 601/2004 ⁽⁶⁾, (EC) No 1005/2008 ⁽⁷⁾ and (EC) No 1224/2009 ⁽⁸⁾, and Regulation (EU) 2017/2403 of the European Parliament and of the Council ⁽⁹⁾.
- (7) That position should cover matters falling within shared Union competence only to the extent that they affect common Union rules. In accordance with the judgment of the Court of Justice in Joined Cases C-626/15 and C-659/16 ⁽¹⁰⁾, the Union should only support the establishment of Marine Protected Areas (MPAs) in the CCAMLR area together with its Member States. This Decision should not affect the division of competences between the Union and its Member States.
- (8) Currently, the position to be taken on the Union's behalf in the meetings of the CCAMLR is established by the Council Decision of 24 June 2014 on the position to be adopted, on behalf of the Union, in the CCAMLR. It is appropriate to repeal that Decision and to replace it by a new Decision which would cover the period 2019-2023.
- (9) In view of the evolving nature of fishery resources in the CAMLR Convention Area and the consequent need for the position of the Union to take account of new developments, including new scientific and other relevant information presented before or during the meetings of the CCAMLR, procedures should be established, in line with the principle of sincere cooperation among the Union institutions enshrined in Article 13(2) of the Treaty on European Union, for the year-to-year specification of the Union's position for the period 2019-2023,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the meetings of the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) is set out in Annex I. That position covers matters falling within shared Union competence only to the extent that they affect common Union rules.

Article 2

The year-to-year specification of the Union's position to be taken in the meetings of the CCAMLR shall be conducted in accordance with Annex II.

Article 3

The Union's position set out in Annex I shall be assessed and, where appropriate, revised by the Council upon a proposal from the Commission, at the latest for the annual meeting of the CCAMLR in 2024.

⁽⁴⁾ Council Regulation (EC) No 1035/2001 of 22 May 2001 establishing a catch documentation scheme for *Dissostichus* spp. (OJ L 145, 31.5.2001, p. 1).

⁽⁵⁾ Council Regulation (EC) No 600/2004 of 22 March 2004 laying down certain technical measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources (OJ L 97, 1.4.2004, p. 1).

⁽⁶⁾ Council Regulation (EC) No 601/2004 of 22 March 2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources and repealing Regulations (EEC) No 3943/90, (EC) No 66/98 and (EC) No 1721/1999 (OJ L 97, 1.4.2004, p. 16).

⁽⁷⁾ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

⁽⁸⁾ 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).

⁽⁹⁾ Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

⁽¹⁰⁾ ECLI:EU:C:2018:925.

Article 4

The Council Decision of 24 June 2014 on the position to be adopted, on behalf of the European Union, in the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) is hereby repealed.

Article 5

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

Done at Brussels, 14 May 2019.

For the Council
The President
P. DAEA

ANNEX I

The position to be taken on the Union's behalf in the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR)

1. PRINCIPLES

In the framework of the CCAMLR, the Union shall:

- a) act in accordance with the objectives and principles pursued by the Union within the common fisheries policy (CFP), notably through the precautionary approach and the aims related to the maximum sustainable yield as laid down in Article 2(2) of Regulation (EU) No 1380/2013, to promote the implementation of an ecosystem-based approach to fisheries management, to avoid and reduce, as far as possible, unwanted catches, and gradually eliminate discards, and to minimise the impact of fishing activities on marine ecosystems and their habitats, as well as, through the promotion of economically viable and competitive Union fisheries, to provide a fair standard of living for those who depend on fishing activities and take account of the interests of consumers;
- b) work towards an appropriate involvement of stakeholders in the preparation phase for CCAMLR measures and ensure that measures adopted within the CCAMLR are in accordance with the CAMLR Convention;
- c) ensure that measures adopted within the CCAMLR are consistent with international law, and in particular with the provisions of the 1982 UN Convention on the Law of the Sea, the 1995 UN Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas, and the 2009 Food and Agriculture Organization Port State Measures Agreement;
- d) promote positions consistent with those adopted by regional fisheries management organisations (RFMOs) in the same area;
- e) seek consistency and synergy with the policy that the Union is pursuing as part of its bilateral fisheries relations with third countries, and ensure coherence with its other policies notably in the field of external relations, environment, employment, trade, development, research and innovation;
- f) ensure that the Union's international commitments are respected;
- g) be in line with the Council Conclusions of 19 March 2012 on the Commission Communication on the external dimension of the common fisheries policy ⁽¹⁾;
- h) aim to create a level playing field for the Union fleet within the CAMLR Convention area based on the same principles and standards as those applicable under Union law, and to promote the uniform implementation of those principles and standards;
- i) be in line with the Council conclusions ⁽²⁾ on the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission on *International ocean governance: an agenda for the future of oceans* ⁽³⁾ and promote measures to support and enhance the effectiveness of CCAMLR and, where relevant, improve its governance and performance (in particular on science, compliance, transparency and decision-making) as a contribution to the sustainable management of oceans in all its dimensions;
- j) together with the Member States, actively support the establishment of a representative network of MPAs in the Southern ocean, including through the submission of specific MPA proposals by the Union and its Member States to the CCAMLR;
- k) promote coordination between RFMOs and regional sea conventions (RSCs) and cooperation with global organisations, as applicable, within their mandate, where appropriate;
- l) promote cooperation mechanisms amongst non-tuna RFMOs similar to the so-called Kobe process for tuna RFMOs.

⁽¹⁾ 7087/12 REV 1 ADD 1 COR 1.

⁽²⁾ 7348/1/17 REV 1 of 24.3.2017.

⁽³⁾ JOIN(2016) 49 final of 10.11.2016.

2. ORIENTATIONS

The Union shall, where appropriate, endeavour to support the adoption of the following actions by the CCAMLR:

- a) conservation and management measures for fisheries resources in the CAMLR Convention area based on the best scientific advice available, including Total Allowable Catches (TACs) and quotas or effort regulation for living marine biological resources regulated by the CCAMLR, which would bring or maintain the achievement of the maximum sustainable yield exploitation rate at the latest by 2020. Where necessary, those conservation and management measures shall include specific measures for stocks which suffer from overfishing to keep the fishing effort in line with available fishing opportunities;
 - b) measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing activities in the CAMLR Convention area, including the IUU vessel listing, further exchanges of information with RFMOs, cross listing with other RFMOs and targeted action against vessels without nationality;
 - c) measures to reinforce fisheries' scientific data collection and promote better cooperation between the industry and scientists;
 - d) monitoring, control and surveillance measures in the CAMLR Convention area in order to ensure efficiency of control and compliance with measures adopted within the CCAMLR, including the reinforcement of the control on transshipment activities of the resources managed by the CCAMLR and the revision of the CCAMLR catch documentation scheme (CDS) for toothfish to address possible loopholes in the trade of those species and promote contacts with neighbouring RFMOs for the cooperation with the CCAMLR CDS;
 - e) measures to minimise the negative impact of fishing activities on marine biodiversity and marine ecosystems and their habitats, including measures to reduce marine pollution and prevent the discharge of plastics at sea and reduce the impact on marine biodiversity and ecosystems of plastics present at sea, protective measures for vulnerable marine ecosystems in the CAMLR Convention area in line with the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas, and measures to avoid and reduce as far as possible unwanted catches, including in particular vulnerable marine species, and to gradually eliminate discards;
 - f) measures to reduce the impact of Abandoned, Lost or Otherwise Discarded Fishing Gear (ALDFG) in the ocean and to facilitate the identification and recovery of such gear;
 - g) measures aimed at the prohibition of fisheries conducted solely for the purpose of harvesting shark fins and requiring that all sharks are landed with each fin naturally attached;
 - h) recommendations, where appropriate and to the extent permitted under the relevant constituent documents, encouraging the implementation of the Work in Fishing Convention of the International Labour Organisation (ILO);
 - i) common approaches with other RFMOs, where appropriate, in particular those involved in fisheries management in the same region;
 - j) additional technical measures based on advice from the subsidiary bodies and working groups of CCAMLR;
 - k) together with the Member States, establishment of MPAs based on the best scientific advice available in view of the conservation of Antarctic marine living resources and marine biodiversity as well as the protection of vulnerable ecosystems and environmental features.
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ANNEX II

Year-to-year specification of the Union's position to be taken at the annual meeting of the Commission for the Conservation of Antarctic Marine Living Resources

Before each annual meeting of the CCAMLR, when that body is called upon to adopt decisions having legal effects on the Union, the necessary steps shall be taken so that the position to be expressed on the Union's behalf takes account of the latest scientific and other relevant information transmitted to the Commission, in accordance with the principles and orientations set out in Annex I.

To this effect, and based on that information, the Commission shall transmit to the Council in sufficient time before each annual meeting of the CCAMLR, a written document setting out the particulars of the proposed specification of the Union's position for discussion and endorsement of the details of the position to be expressed on the Union's behalf.

If in the course of a CCAMLR meeting it is impossible to reach an agreement, including on the spot, in order for the Union's position to take account of new elements, the matter shall be referred to the Council or its preparatory bodies.

COUNCIL DECISION (EU) 2019/868**of 14 May 2019****on the position to be taken on behalf of the European Union in the International Commission for the Conservation of Atlantic Tunas (ICCAT), and repealing the Decision of 8 July 2014 on the position to be adopted, on behalf of the Union, in the ICCAT**

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(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Decision 86/238/EEC ⁽¹⁾ the Union concluded the International Convention for the Conservation of Atlantic Tunas ⁽²⁾, which established the International Commission for the Conservation of Atlantic Tunas (ICCAT), ('ICCAT Convention').
- (2) The ICCAT is responsible for the adoption of measures designed to ensure the long term conservation and sustainable use of the fishery resources in the ICCAT Convention area and to safeguard the marine ecosystems in which these resources occur. Such measures may become binding upon the Union.
- (3) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽³⁾ provides that the Union is to ensure that fishing and aquaculture activities are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies. It also provides that the Union is to apply the precautionary approach to fisheries management, and is to aim to ensure that exploitation of marine biological resources restores and maintains population of harvested species above levels which can produce the maximum sustainable yield. It further provides that the Union is to take management and conservation measures based on the best available scientific advice, to support the development of scientific knowledge and advice, to gradually eliminate discards and to promote fishing methods that contribute to more selective fishing and the avoidance and reduction, as far as possible, of unwanted catches, to fishing with low impact on marine ecosystem and fishery resources. Furthermore, Regulation (EU) No 1380/2013 specifically provides that those objectives and principles are to be applied by the Union in the conduct of its external fisheries relations.
- (4) As stated in the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission 'International ocean governance: an agenda for the future of oceans', and the Council conclusions on that Joint communication, the promotion of measures to support and enhance the effectiveness of regional fisheries management organisations (RFMOs) and, where relevant, improve their governance is central to the Union's action in these fora.
- (5) The Communication from the Commission to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions 'European Strategy for Plastics in a Circular Economy', refers to specific measures to reduce plastics and marine pollution as well as the loss or abandonment at sea of fishing gear.

⁽¹⁾ Council Decision 86/238/EEC of 9 June 1986 on the accession of the Community to the International Convention for the Conservation of Atlantic Tunas, as amended by the Protocol annexed to the Final Act of the Conference of Plenipotentiaries of the States Parties to the Convention signed in Paris on 10 July 1984 (OJ L 162, 18.6.1986, p. 33).

⁽²⁾ OJ L 162, 18.6.1986, p. 34.

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

- (6) It is appropriate to establish the position to be taken on the Union's behalf in the meetings of the ICCAT for the period 2019-2023, as the ICCAT conservation measures will be binding on the Union and capable of decisively influencing the content of Union law, namely, Council Regulations (EC) No 1936/2001⁽⁴⁾, (EC) No 1984/2003⁽⁵⁾, (EC) No 520/2007⁽⁶⁾, (EC) No 1005/2008⁽⁷⁾ and (EC) No 1224/2009⁽⁸⁾, and Regulations (EU) 2016/1627⁽⁹⁾ and (EU) 2017/2403⁽¹⁰⁾ of the European Parliament and of the Council.

This is because the recommendations adopted by ICCAT might supplement, amend or replace the obligations foreseen in existing Union legislation.

- (7) Currently, the position to be taken on the Union's behalf in the meetings of the ICCAT is established by the Council Decision of 8 July 2014 on the position to be adopted, on behalf of the Union, in the ICCAT. It is appropriate to repeal that Decision and to replace it by a new Decision which would cover the period 2019-2023.
- (8) In view of the evolving nature of fishery resources in the ICCAT Convention area and the consequent need for the position of the Union to take account of new developments, including new science and other relevant information presented before or during the meetings of the ICCAT, procedures should be established, in line with the principle of sincere cooperation among the Union institutions enshrined in Article 13(2) of the Treaty on European Union, for the year-to-year specification of the Union position for the period 2019-2023,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the meetings of the International Commission for the Conservation of Atlantic Tunas (ICCAT) is set out in Annex I.

Article 2

The year-to-year specification of the Union's position to be taken in the meetings of the ICCAT shall be conducted in accordance with Annex II.

Article 3

The Union's position set out in Annex I shall be assessed and, where appropriate, revised by the Council upon a proposal from the Commission, at the latest for the annual meeting of the ICCAT in 2024.

⁽⁴⁾ Council Regulation (EC) No 1936/2001 of 27 September 2001 laying down control measures applicable to fishing for certain stocks of highly migratory fish (OJ L 263, 3.10.2001, p. 1).

⁽⁵⁾ Council Regulation (EC) No 1984/2003 of 8 April 2003 introducing a system for the statistical monitoring of trade in swordfish and bigeye tuna within the Community (OJ L 295, 13.11.2003, p. 1).

⁽⁶⁾ Council Regulation (EC) No 520/2007 of 7 May 2007 laying down technical measures for the conservation of certain stocks of highly migratory species and repealing Regulation (EC) No 973/2001 (OJ L 123, 12.5.2007, p. 3).

⁽⁷⁾ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

⁽⁸⁾ 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).

⁽⁹⁾ Regulation (EU) 2016/1627 of the European Parliament and of the Council of 14 September 2016 on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean, and repealing Council Regulation (EC) No 302/2009 (OJ L 252, 16.9.2016, p. 1).

⁽¹⁰⁾ Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

Article 4

The Council Decision of 8 July 2014 on the position to be adopted, on behalf of the European Union, in the International Commission for the Conservation of Atlantic Tunas (ICCAT) is hereby repealed.

Article 5

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

Done at Brussels, 14 May 2019.

For the Council
The President
P. DAEA

ANNEX I

The position to be taken on the Union's behalf in the International Commission for the Conservation of Atlantic Tunas (ICCAT)

1. PRINCIPLES

In the framework of the ICCAT, the Union shall:

- a) act in accordance with the objectives and principles pursued by the Union within the common fisheries policy (CPF), notably through the precautionary approach and the aims related to the maximum sustainable yield as laid down in Article 2(2) of Regulation (EU) No 1380/2013, to promote the implementation of an ecosystem-based approach to fisheries management, to avoid and reduce, as far as possible, unwanted catches, and gradually eliminate discards, and to minimise the impact of fishing activities on marine ecosystems and their habitats, as well as, through the promotion of economically viable and competitive Union fisheries, to provide a fair standard of living for those who depend on fishing activities and taking account of the interests of consumers;
- b) work towards an appropriate involvement of stakeholders in the preparation phase for ICCAT measures and ensure that measures adopted within the ICCAT are in accordance with the ICCAT Convention;
- c) ensure that measures adopted within the ICCAT are consistent with international law, and in particular with the provisions of the 1982 UN Convention on the Law of the Sea, the 1995 UN Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas, and the 2009 Food and Agriculture Organization Port State Measures Agreement;
- d) promote positions consistent with the best practices of regional fisheries management organisations (RFMOs) in the same area;
- e) seek consistency and synergy with the policy that the Union is pursuing as part of its bilateral fisheries relations with third countries, and ensure coherence with its other policies notably in the field of external relations, employment, environment, trade, development, research and innovation;
- f) ensure that the Union's international commitments are respected;
- g) be in line with the Council Conclusions of 19 March 2012 on the Commission Communication on the external dimension of the common fisheries policy ⁽¹⁾;
- h) aim to create a level playing field for the Union fleet within the Convention area based on the same principles and standards as those applicable under Union law, and to promote the uniform implementation of those principles and standards;
- i) be in line with the Council conclusions ⁽²⁾ on the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission on *International ocean governance: an agenda for the future of oceans* ⁽³⁾ and promote measures to support and enhance the effectiveness of the ICCAT and, where relevant, improve its governance and performance (in particular on science, compliance, transparency and decision-making) as a contribution to the sustainable management of oceans in all its dimensions;
- j) promote better coordination between RFMOs and regional sea conventions (RSCs) and cooperation with global organisations, as applicable, within their mandates and in particular promote cooperation with OSPAR, HELCOM and Barcelona Convention, to which the Union is also a Contracting Party;
- k) promote coordination and cooperation with other tuna RFMOs on issues of common interest, notably via the reactivation of the so-called Kobe process for tuna RFMOs and its extension to all RFMOs.

⁽¹⁾ 7087/12 REV 1 ADD 1 COR 1.

⁽²⁾ 7348/1/17 REV 1 of 24.3.2017.

⁽³⁾ JOIN(2016) 49 final of 10.11.2016.

2. ORIENTATIONS

The Union shall, where appropriate, endeavour to support the adoption of the following actions by the ICCAT:

- a) conservation and management measures for fisheries resources in the ICCAT Convention area based on the best scientific advice available, including Total Allowable Catches (TACs) and quotas or effort regulation for living marine biological resources regulated by the ICCAT, which would bring or maintain the achievement of the maximum sustainable yield exploitation rate at the latest by 2020. Where necessary, those conservation and management measures shall include specific measures for stocks which suffer from overfishing to keep the fishing effort in line with available fishing opportunities;
 - b) measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing activities in the Convention area, including IUU vessel listing;
 - c) measures to reinforce fisheries' scientific data collection and promote better cooperation between the industry and scientists;
 - d) monitoring, control and surveillance measures in the Convention area in order to ensure efficiency of control and compliance with measures adopted within the ICCAT;
 - e) measures to minimise the negative impact of fishing activities and aquaculture on marine biodiversity and marine ecosystems and their habitats, including measures to reduce marine pollution and prevent the discharge of plastics at sea and reduce the impact on marine biodiversity and ecosystems of plastics present at sea and protective measures for sensitive marine ecosystems in the ICCAT Convention area in line with the UNGA Resolutions, measures to avoid and reduce as far as possible unwanted catches, including in particular vulnerable marine species, and to gradually eliminate discards;
 - f) measures to manage the use of fish aggregating devices (FADs) notably to improve collection of data, to accurately quantify, track and monitor FADs use, to reduce impact on vulnerable tuna stocks, to mitigate their potential effects on target and non-target species, as well as on the ecosystem;
 - g) measures to reduce the impact of Abandoned, Lost or Otherwise Discarded Fishing Gear (ALDFG) in the ocean and to facilitate the identification and recovery of such gear and to reduce the contribution to marine debris;
 - h) measures aimed at the prohibition of fisheries conducted solely for the purpose of harvesting shark fins and requiring that all sharks are landed with all fins naturally attached;
 - i) recommendations, where appropriate and to the extent permitted under the relevant constituent documents, encouraging the implementation of the Work in Fishing Convention of the International Labour Organisation (ILO);
 - j) additional technical measures based on advice from the subsidiary bodies and working groups of ICCAT.
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ANNEX II

Year to year specification of the Union's position to be taken at meetings of the International Commission for the Conservation of the Atlantic Tunas

Before each meeting of the ICCAT, when that body is called upon to adopt decisions that may become binding upon the Union, the necessary steps shall be taken so that the position to be expressed on the Union's behalf takes account of the latest scientific and other relevant information transmitted to the European Commission, in accordance with the principles and orientations set out in Annex I.

To this effect, and based on that information, the European Commission shall transmit to the Council in sufficient time before each meeting of the ICCAT a written document setting out the particulars of the proposed specification of the Union's position for discussion and endorsement of the details of the position to be expressed on the Union's behalf.

If in the course of an ICCAT meeting it is impossible to reach an agreement, including on the spot, in order for the Union's position to take account of new elements, the matter shall be referred to the Council or its preparatory bodies.

COUNCIL DECISION (EU) 2019/869**of 14 May 2019****on the position to be taken on behalf of the European Union in the General Fisheries Commission for the Mediterranean (GFCM), and repealing the Decision of 19 May 2014 on the position to be adopted, on behalf of the Union, in the GFCM**

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(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) By Council Decision 98/416/EC ⁽¹⁾, the Union concluded the Agreement establishing the General Fisheries Commission for the Mediterranean ('GFCM Agreement'). Bulgaria, Greece, Spain, France, Croatia, Italy, Cyprus, Malta, Romania and Slovenia are also Contracting Parties to the GFCM Agreement.
- (2) The General Fisheries Commission for the Mediterranean (GFCM) is responsible for the adoption of measures designed to ensure the long term conservation and sustainable use of the fishery resources and the sustainable development of aquaculture in the GFCM Agreement area. Such measures may become binding upon the Union.
- (3) Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽²⁾ provides that the Union is to ensure that fishing and aquaculture activities are environmentally sustainable in the long term and are managed in a way that is consistent with the objectives of achieving economic, social and employment benefits, and of contributing to the availability of food supplies. It also provides that the Union is to apply the precautionary approach to fisheries management, and is to aim to ensure that exploitation of marine biological resources restores and maintains population of harvested species above levels which can produce the maximum sustainable yield. It further provides that the Union is to take management and conservation measures based on the best available scientific advice, to support the development of scientific knowledge and advice, to gradually eliminate discards and to promote fishing methods that contribute to more selective fishing and the avoidance and reduction, as far as possible, of unwanted catches, to fishing with low impact on marine ecosystem and fishery resources. Furthermore, Regulation (EU) No 1380/2013 specifically provides that those objectives and principles are to be applied by the Union in the conduct of its external fisheries relations.
- (4) As stated in the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission 'International ocean governance: an agenda for the future of oceans' and the Council conclusions on that Joint communication, the promotion of measures to support and enhance the effectiveness of regional fisheries management organisations (RFMOs) and, where relevant, improve their governance is central to the Union's action in these fora.
- (5) The Communication from the Commission to the European Parliament, to the Council, to the European Economic and Social Committee and to the Committee of the Regions 'European Strategy for Plastics in a Circular Economy', refers to specific measures to reduce plastics and marine pollution as well as the loss or abandonment at sea of fishing gear.
- (6) As stated in the conclusions of the Ministerial Conference on the Sustainability of Mediterranean Fisheries, which adopted the Malta MedFish4Ever Ministerial Declaration on 30 March 2017 and of the High Level Conference on Black Sea Fisheries and Aquaculture, which adopted the Sofia Ministerial Declaration on 7 June 2018, the promotion of measures to support and enhance data collection and scientific evaluation, ecosystem based

⁽¹⁾ Council Decision 98/416/EC of 16 June 1998 on the accession of the European Community to the General Fisheries Commission for the Mediterranean (OJ L 190, 4.7.1998, p. 34).

⁽²⁾ 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).

fisheries management, a culture of compliance to eliminate illegal, unreported and unregulated fishing, sustainable small-scale fisheries and aquaculture, greater solidarity and coordination, is central to the Union's action in the GFCM.

- (7) It is appropriate to establish the position to be taken on the Union's behalf in the meetings of the GFCM for the period 2019-2023, as the GFCM conservation and management measures will be binding on the Union and capable of decisively influencing the content of Union law, namely, Council Regulations (EC) No 1005/2008 ⁽³⁾ and (EC) No 1224/2009 ⁽⁴⁾, and Regulation (EU) 2017/2403 of the European Parliament and of the Council ⁽⁵⁾.
- (8) Currently, the position to be taken on the Union's behalf in the meetings of the GFCM is established by the Council Decision of 19 May 2014 on the position to be adopted, on behalf of the Union, in the GFCM. It is appropriate to repeal that Decision and to replace it by a new Decision which would cover the period 2019-2023.
- (9) In view of the evolving nature of fishery resources in the GFCM Agreement area and the consequent need for the position of the Union to take account of new developments, including new scientific and other relevant information presented before or during the meetings of the GFCM, procedures should be established, in line with the principle of sincere cooperation among the Union institutions enshrined in Article 13(2) of the Treaty on European Union, for the year-to-year specification of the Union's position for the period 2019-2023,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf in the meetings of the General Fisheries Commission for the Mediterranean (GFCM) is set out in Annex I.

Article 2

The year-to-year specification of the Union's position to be taken in the meetings of the GFCM shall be conducted in accordance with Annex II.

Article 3

The Union's position set out in Annex I shall be assessed and, where appropriate, revised by the Council upon a proposal from the Commission, at the latest for the annual meeting of the GFCM in 2024.

Article 4

The Council Decision of 19 May 2014 on the position to be adopted, on behalf of the European Union, in the General Fisheries Commission for the Mediterranean (GFCM) is hereby repealed.

⁽³⁾ Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 (OJ L 286, 29.10.2008, p. 1).

⁽⁴⁾ 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).

⁽⁵⁾ Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

Article 5

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

Done at Brussels, 14 May 2019.

For the Council
The President
P. DAEA

ANNEX I

The position to be taken on the Union's behalf in the General Fisheries Commission for the Mediterranean (GFCM)

1. PRINCIPLES

In the framework of the GFCM, the Union shall:

- a) act in accordance with the objectives and principles pursued by the Union within the common fisheries policy (CFP), notably through the precautionary approach and the aims related to the maximum sustainable yield as laid down in Article 2(2) of Regulation (EU) No 1380/2013, to promote the implementation of an ecosystem-based approach to fisheries management, to avoid and reduce, as far as possible, unwanted catches, and gradually eliminate discards, and to minimise the impact of fishing activities on marine ecosystems and their habitats, as well as, through the promotion of economically viable and competitive Union fisheries, to provide a fair standard of living for those who depend on fishing activities and take account of the interests of consumers;
- b) work towards an appropriate involvement of stakeholders in the preparation phase for GFCM measures and ensure that measures adopted within the GFCM are in accordance with the GFCM Agreement;
- c) ensure that measures adopted within the GFCM are consistent with international law, and in particular with the provisions of the 1982 UN Convention on the Law of the Sea, the 1995 UN Agreement relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, the 1993 Agreement to promote compliance with international conservation and management measures by fishing vessels on the high seas, and the 2009 Food and Agriculture Organization Port State Measures Agreement;
- d) aim to implement the actions and commitments set forth in the MedFish4Ever Ministerial Declaration signed in Malta on 30 March 2017 and in the Sofia Ministerial Declaration signed on 7 June 2018, which are intended in particular to enhance data collection and scientific evaluation, establish an ecosystem-based fisheries management framework, develop a culture of compliance and eliminating illegal, unreported and unregulated fishing, support sustainable small-scale fisheries and aquaculture and ensure greater solidarity and coordination in the Mediterranean;
- e) promote positions consistent with the best practices of regional fisheries management organisations (RFMOs) in the same area;
- f) seek consistency and synergy with the policy that the Union is pursuing as part of its bilateral fisheries relations with third countries, and ensure coherence with its other policies, notably in the field of external relations, employment, environment, trade, development, research and innovation;
- g) ensure that the Union's international commitments are respected;
- h) be in line with the Council Conclusions of 19 March 2012 on the Commission Communication on the external dimension of the CFP ⁽¹⁾;
- i) aim to create a level playing field for the Union fleet within the GFCM Agreement area based on the same principles and standards as those applicable under Union law, and to promote the uniform implementation of those principles and standards;
- j) be in line with the Council conclusions ⁽²⁾ on the Joint communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission on *International ocean governance: an agenda for the future of oceans* ⁽³⁾ and promote measures to support and enhance the effectiveness of the GFCM and, where relevant, improve its governance and performance (in particular as regards on science, compliance, transparency and decision-making) as a contribution to the sustainable management of oceans in all its dimensions;
- k) promote coordination between RFMOs and regional sea conventions (RSCs) and cooperation with global organisations, as applicable, within their mandates, where appropriate;
- l) promote cooperation mechanisms amongst non-tuna RFMOs similar to the so-called Kobe process for tuna RFMOs.

⁽¹⁾ 7087/12 REV 1 ADD 1 COR 1.

⁽²⁾ 7348/1/17 REV 1 of 24.3.2017.

⁽³⁾ JOIN(2016) 49 final of 10.11.2016.

2. ORIENTATIONS

The Union shall, where appropriate, endeavour to support the adoption of the following actions by the GFCM:

- a) conservation and management measures for fisheries resources in the GFCM Agreement area based on the best scientific advice available, including spatio-temporal closures, selectivity measures or fishing opportunities for living marine biological resources regulated by the GFCM, which would bring or maintain the achievement of the maximum sustainable yield exploitation rate at the latest by 2020. Where necessary, those conservation and management measures shall include specific measures for stocks, which suffer from overfishing to keep the fishing effort in line with available fishing opportunities; in the light of Article 29 of the CFP, in the event that multi-annual plans for some stock or group of stocks in the Mediterranean have been adopted at EU level, they should be taken into account where they relate to the implementation of the objective of reaching maximum sustainable yield as laid down in Article 2(2) of Regulation (EU) No 1380/2013;
 - b) measures to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing activities in the GFCM Agreement area, including IUU vessel listing;
 - c) measures to reinforce fisheries' scientific data collection and promote better cooperation between the industry and scientists;
 - d) monitoring, control and surveillance measures in the GFCM Agreement area in order to ensure efficiency of control and compliance with measures adopted within the GFCM;
 - e) measures to minimise the negative impact of fishing activities and aquaculture on marine biodiversity and marine ecosystems and their habitats, including measures to reduce marine pollution and prevent the discharge of plastics at sea and reduce the impact on marine biodiversity and ecosystems of plastics present at sea, protective measures for vulnerable marine ecosystems in the GFCM Agreement area in line with the FAO International Guidelines for the Management of Deep-sea Fisheries in the High Seas, measures to avoid and reduce as far as possible unwanted catches, including in particular vulnerable marine species, and to gradually eliminate discards;
 - f) measures to reduce the impact of Abandoned, Lost or Otherwise Discarded Fishing Gear (ALDFG) in the ocean and to facilitate the identification and recovery of such gear;
 - g) actions that promote the development of sustainable aquaculture in line with relevant Union law;
 - h) common approaches with other RFMOs, where appropriate, in particular those involved in fisheries management in the same area;
 - i) additional technical measures based on advice from the bodies and working groups of the GFCM;
 - j) recommendations, where appropriate and to the extent permitted under the relevant constituent documents, encouraging the implementation of the Work in Fishing Convention of the International Labour Organisation (ILO);
 - k) measures in accordance with the commitments of the MedFish4Ever Ministerial Declaration and the Sofia Ministerial Declaration.
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ANNEX II

Year to year specification of the Union's position to be taken at meetings of the General Fisheries Commission for the Mediterranean

Before each meeting of the GFCM, when that body is called upon to adopt decisions having legal effects on the Union, the necessary steps shall be taken so that the position to be expressed on the Union's behalf takes account of the latest scientific and other relevant information transmitted to the Commission, in accordance with the principles and orientations set out in Annex I.

To this effect, and based on that information, the Commission shall transmit to the Council in sufficient time before each meeting of the GFCM, a written document setting out the particulars of the proposed specification of the Union's position for discussion and endorsement of the details of the position to be expressed on the Union's behalf.

If in the course of a GFCM meeting it is impossible to reach an agreement, including on the spot, in order for the Union's position to take account of new elements, the matter shall be referred to the Council or its preparatory bodies.

COUNCIL DECISION (CFSP) 2019/870
of 27 May 2019
amending Decision 2010/413/CFSP concerning restrictive measures against Iran

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to Council Decision 2010/413/CFSP of 26 July 2010 concerning restrictive measures against Iran and repealing Common Position 2007/140/CFSP ⁽¹⁾, and in particular Article 23(2) thereof,

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

Whereas:

- (1) On 26 July 2010, the Council adopted Decision 2010/413/CFSP.
- (2) In accordance with Article 26(3) of Decision 2010/413/CFSP, the Council has reviewed the list of designated persons and entities set out in Annex II to that Decision.
- (3) The Council has concluded that 17 entries included in Annex II to Decision 2010/413/CFSP should be updated.
- (4) Decision 2010/413/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex II to Decision 2010/413/CFSP is amended as set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 27 May 2019.

For the Council
The President
N. HURDUC

⁽¹⁾ OJ L 195, 27.7.2010, p. 39.

ANNEX

Annex II to Decision 2010/413/CFSP is amended as follows:

- (1) under the heading 'I. Persons and entities involved in nuclear or ballistic missile activities and persons and entities providing support to the Government of Iran.', the following entries replace the corresponding entries in the list set out under the subheading 'A. Persons':

	Name	Identifying information	Reasons	Date of listing
'14.	Brigadier-General Mohammad NADERI		Head of Iran's Aviation Industries Organisation (IAIO). Former Head of Iran's Aerospace Industries Organisation (AIO). AIO has taken part in sensitive Iranian programmes.	23.6.2008
23.	Davoud BABAEI		The current head of security for the Ministry Of Defence Armed Forces Logistics' research institute the Organisation of Defensive Innovation and Research (SPND), which is run by UN-designated Mohsen Fakhrizadeh-Mahabadi. The IAEA have identified SPND with their concerns over possible military dimensions to Iran's nuclear programme over which Iran refuses to co-operate. As head of security, Babaei is responsible for preventing the disclosure of information including to the IAEA.	1.12.2011
25.	Sayed Shamsuddin BORBORUDI a.k.a. Seyed Shamseddin BORBOROUDI	DOB: 21 September 1969	Deputy Head of UN designated Atomic Energy Organisation of Iran, where he is subordinate to UN designated Feridun Abbasi Davani. Has been involved in the Iranian nuclear programme since at least 2002, including as the former head of procurement and logistics at AMAD, where he was responsible for using front companies such as Kimia Madan to procure equipment and material for Iran's nuclear weapons programme.	1.12.2011
27.	Kamran DANESHJOO (a.k.a. DANESHJOU)		Former Minister of Science, Research and Technology. He has provided support for Iran's proliferation-sensitive nuclear activities.	1.12.2011'

- (2) under the heading 'I. Persons and entities involved in nuclear or ballistic missile activities and persons and entities providing support to the Government of Iran.', the following entries replace the corresponding entries in the list set out under the subheading 'B. Entities':

	Name	Identifying information	Reasons	Date of listing
'12.	Fajr Aviation Composite Industries	Mehrabad Airport, PO Box 13445-885, Tehran, Iran	A subsidiary of the IAIO within MODAFL both designated by the EU which primarily produces composite materials for the aircraft industry.	26.7.2010
95.	Samen Industries	2nd km of Khalaj Road End of Seyyedi St., P.O. Box 91735-549, 91735 Mashhad, Iran, Tel.: +98 511 3853008, +98 511 3870225	Shell name for UN-designated Khorasan Metallurgy Industries, subsidiary of Ammunition Industries Group (AMIG).	1.12.2011

	Name	Identifying information	Reasons	Date of listing
153.	Organisation of Defensive Innovation and Research (SPND)		The Organisation of Defensive Innovation and Research (SPND) directly supports Iran's proliferation sensitive nuclear activities. The IAEA has identified SPND with their concerns over possible military dimensions (PMD) to Iran's nuclear programme. SPND is run by UN-designated Mohsen Fakhrizadeh-Mahabadi and is part of the Ministry of Defence For Armed Forces Logistics (MODAFL) designated by the EU.	22.12.2012'

(3) under the heading 'II. Islamic Revolutionary Guard Corps (IRGC)', the following entries replace the corresponding entries in the list set out under the subheading 'A. Persons':

	Name	Identifying information	Reasons	Date of listing
'1.	IRGC Brigadier-General Javad DARVISH-VAND		Former Deputy Minister and Inspector General of MODAFL.	23.6.2008
3.	Parviz FATAH	born 1961	Member of the IRGC. Former Minister of Energy.	26.7.2010
4.	IRGC Brigadier-General Seyyed Mahdi FARAHI		Former head of Iran's Aerospace Industries Organisation (AIO) and former managing director of the UN-designated Defence Industries Organisation (DIO). Member of the IRGC and a Deputy in Iran's Ministry of Defense for Armed Forces Logistics (MODAFL).	23.6.2008
5.	IRGC Brigadier-General Ali HOSEYNITASH		Member of the IRGC. Member of the Supreme National Security Council and involved in formulating policy on nuclear issues.	23.6.2008
12.	IRGC Brigadier-General Ali SHAMSHIRI		Member of the IRGC. Has held senior roles in MODAFL.	23.6.2008
13.	IRGC Brigadier-General Ahmad VAHIDI		Former Minister of the MODAFL.	23.6.2008
15.	Abolghassem Mozaffari SHAMS		Former head of Khatam al-Anbiya Construction Headquarters.	1.12.2011'

(4) under the heading 'II. Islamic Revolutionary Guard Corps (IRGC)', the following entry replaces the corresponding entry in the list set out under the subheading 'B. Entities':

	Name	Identifying information	Reasons	Date of listing
'11.	Behnam Sahriyari Trading Company	Postal address: Ziba Building, 10th Floor, Northern Sohrevardi Street, Tehran, Iran	Involved in the shipment of arms on behalf of the IRGC.	23.1.2012'

(5) under the heading 'I. Persons and entities involved in nuclear or ballistic missile activities and persons and entities providing support to the Government of Iran', under subheading 'B. Entities', the following entry is added:

	Name	Identifying information	Reasons	Date of listing
'20.	(b) Iran Communications Industries (ICI)	PO Box 19295-4731, Pasdaran Avenue, Tehran, Iran; Alternative address: PO Box 19575-131, 34 Apadana Avenue, Tehran, Iran; Alternative address: Shahid Langary Street, Nobonyad Square Ave, Pasdaran, Tehran	Iran Communications Industries, a subsidiary of Iran Electronics Industries (listed by the EU), produces various items including communication systems, avionics, optics and electro-optics devices, micro-electronics, information technology, test and measurement, telecommunication security, electronic warfare, radar tube manufacture and refurbishment, and missile launchers.	26.7.2010'

(6) under the heading 'I. Persons and entities involved in nuclear or ballistic missile activities and persons and entities providing support to the Government of Iran', under subheading 'B. Entities', the following entry is removed:

	Name	Identifying information	Reasons	Date of listing
'19.	Iran Communications Industries (ICI)	PO Box 19295-4731, Pasdaran Avenue, Tehran, Iran; Alternative address: PO Box 19575-131, 34 Apadana Avenue, Tehran, Iran; Alternative address: Shahid Langary Street, Nobonyad Square Ave, Pasdaran, Tehran	Iran Communications Industries, a subsidiary of Iran Electronics Industries (see no 20), produces various items including communication systems, avionics, optics and electro-optics devices, micro-electronics, information technology, test and measurement, telecommunication security, electronic warfare, radar tube manufacture and refurbishment, and missile launchers. These items can be used in programmes that are under sanction per UNSCR 1737.	26.7.2010'

(7) under the heading 'II. Islamic Revolutionary Guard Corps (IRGC)', under subheading 'B. Entities', the following entry is added:

	Name	Identifying information	Reasons	Date of listing
'12.	Etemad Amin Invest Co Mobin	Pasadaran Av. Tehran, Iran	A company owned or controlled by IRGC that contributes to financing the strategic interests of the regime.	26.7.2010'

(8) under the heading 'I. Persons and entities involved in nuclear or ballistic missile activities and persons and entities providing support to the Government of Iran', under subheading 'B. Entities', the following entry is removed:

	Name	Identifying information	Reasons	Date of listing
'10.	Etemad Amin Invest Co Mobin	Pasadaran Av. Tehran, Iran	Close to Naftar and to Bonyad-e Mostazafan, Etemad Amin Invest Co Mobin contributes to funding the strategic interests of the regime and of the parallel Iranian state.	26.7.2010'

COMMISSION IMPLEMENTING DECISION (EU) 2019/871**of 26 March 2019****on the clearance of the accounts of the paying agencies of the United Kingdom concerning expenditure financed by the European Agricultural Guarantee Fund (EAGF) for financial year 2018***(notified under document C(2019) 2357)***(Only the English text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽¹⁾, and in particular Article 51 thereof,

After consulting the Committee on the Agricultural Funds,

Whereas:

- (1) Pursuant to Article 51 of Regulation (EU) No 1306/2013, the Commission, on the basis of the annual accounts submitted by the Member States, accompanied by the information required for the clearance of accounts and an audit opinion regarding the completeness, accuracy and veracity of the accounts and the reports established by the certification bodies, has to clear the accounts of the paying agencies referred to in Article 7 of that Regulation prior to 31 May of the year following the budget year in question.
- (2) In accordance with Article 39 of Regulation (EU) No 1306/2013, the agricultural financial year begins on 16 October of year N-1 and ends on 15 October of year N. When clearing the accounts for financial year 2018, account should be taken of expenditure incurred by the United Kingdom between 16 October 2017 and 15 October 2018, as provided for in Article 11(1) of Commission Implementing Regulation (EU) No 908/2014 ⁽²⁾.
- (3) Since the United Kingdom has already communicated the necessary accounting information to the Commission, it is appropriate to proceed to the adoption of the relevant clearance of accounts decision pursuant to Article 51 of Regulation (EU) No 1306/2013.
- (4) The first subparagraph of Article 33(2) of Implementing Regulation (EU) No 908/2014 provides that the amounts that are recoverable from, or payable to, each Member State, in accordance with the accounts clearance decision referred to in Article 33(1) of that Regulation, are to be established by deducting the monthly payments for the financial year concerned from expenditure recognised for that year in accordance with Article 33(1).
- (5) Following the transmission by the United Kingdom of the information, and after all necessary checks and amendments, the Commission can take a decision on the completeness, accuracy and veracity of the accounts of the following paying agencies: 'Department of Agriculture, Environment and Rural Affairs', 'The Scottish Government Rural Payments and Inspections Directorate', 'Welsh Government' and 'Rural Payments Agency' as regards the expenditure financed by the European Agricultural Guarantee Fund (EAGF). The Commission has checked the information submitted by the United Kingdom and has communicated the results of its checks to the United Kingdom before the date of adoption of this decision, along with the necessary amendments.
- (6) For these paying agencies, the annual accounts and the accompanying documents permit the Commission to take a decision on the completeness, accuracy and veracity of the annual accounts submitted.

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of 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, rules on checks, securities and transparency (OJ L 255, 28.8.2014, p. 59).

- (7) In accordance with Article 5(5) of Commission Delegated Regulation (EU) No 907/2014 ⁽³⁾, any overrun of deadlines during August, September and October is to be taken into account in the clearance of accounts decision. Some of the expenditure declared by the United Kingdom during those months in 2018 was effected after the applicable deadlines. This Decision should therefore fix the relevant reductions.
- (8) Pursuant to Article 41 of Regulation (EU) No 1306/2013, the Commission has already reduced a number of monthly payments related to the United Kingdom for financial year 2018 due to failure to comply with payment deadlines. In this Decision, the Commission should take into account such reduced amounts in order to avoid making any inappropriate, or untimely, payments or reimbursements which could later be subject to financial correction. The amounts in question may be examined, where appropriate, under conformity clearance proceedings pursuant to Article 52 of Regulation (EU) No 1306/2013.
- (9) Pursuant to Article 54(2) of Regulation (EU) No 1306/2013, 50 % of the financial consequences of non-recovery of irregularities should be borne by the Member State concerned, if recovery has not taken place within four years from the date of the recovery request, or within eight years where the recovery is taken before the national courts. Article 54(4) of Regulation (EU) No 1306/2013 requires Member States to attach to the annual accounts that they have to submit to the Commission pursuant to Article 29 of Implementing Regulation (EU) No 908/2014 a certified table reflecting the amounts to be borne by them under Article 54(2) of Regulation (EU) No 1306/2013. Rules on the application of the Member States' obligation to report the amounts to be recovered are laid down in Implementing Regulation (EU) No 908/2014. Annex II to Implementing Regulation (EU) No 908/2014 sets out the model of the table that Member States have to use to provide information about amounts to be recovered. On the basis of the tables completed by the Member States, the Commission should decide on the financial consequences of non-recovery of irregularities older than four or eight years respectively.
- (10) Pursuant to Article 54(3) of Regulation (EU) No 1306/2013, on duly justified grounds, Member States may decide not to pursue recovery. Such a decision may be taken only if the costs already, and likely to be, incurred total more than the amount to be recovered, or if the recovery proves impossible owing to the insolvency, recorded and recognised under national law, of the debtor or the persons legally responsible for the irregularity. If the decision has been taken within four years from the date of the recovery request or within eight years where the recovery is taken to the national courts, 100 % of the financial consequences of the non-recovery should be borne by the Union budget. The amounts for which the United Kingdom decided not to pursue recovery and the grounds for the decision are shown in the summary report referred to in Article 54(4) of Regulation (EU) No 1306/2013 in conjunction with point (c)(iv) of the first subparagraph of Article 102(1) of that Regulation. Therefore, such amounts should not be charged to the United Kingdom and are consequently borne by the Union budget.
- (11) In accordance with Article 51 of Regulation (EU) No 1306/2013, this Decision should be without prejudice to the decisions the Commission may take subsequently to exclude from Union financing expenditure not effected in accordance with Union rules,

HAS ADOPTED THIS DECISION:

Article 1

The accounts of the paying agencies of the United Kingdom, 'Department of Agriculture, Environment and Rural Affairs', 'The Scottish Government Rural Payments and Inspections Directorate', 'Welsh Government' and 'Rural Payments Agency' are hereby cleared as regards expenditure financed by the European Agricultural Guarantee Fund (EAGF) in respect of financial year 2018.

The amounts recoverable from, or payable to the United Kingdom pursuant to this Decision, including those resulting from the application of Article 54(2) of Regulation (EU) No 1306/2013, are set out in the Annex to this Decision.

Article 2

This Decision is without prejudice to future conformity clearance decisions that the Commission may take pursuant to Article 52 of Regulation (EU) No 1306/2013 to exclude from Union financing expenditure not effected in accordance with Union rules.

⁽³⁾ 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).

Article 3

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 26 March 2019.

For the Commission
Phil HOGAN
Member of the Commission

CLEARANCE OF THE PAYING AGENCIES' ACCOUNTS

FINANCIAL YEAR 2018

Amount to be recovered from or paid to the Member State

MS		2018 - Expenditure/Assigned Revenue for the Paying Agencies for which the accounts are		Total a + b	Reductions and suspensions for the whole financial year ⁽¹⁾	Amount to be charged according to Article 54(2) of Regulation (EU) 1306/2013	Total including reductions and suspensions	Payments made to the Member State for the financial year	Amount to be recovered from (-) or paid to (+) the Member State ⁽²⁾
		cleared	disjoined						
		= expenditure/assigned revenue declared in the annual declaration	= total of the expenditure/assigned revenue in the monthly declarations						
		a	b	c = a + b	d	e	f = c + d + e	g	h = f - g
UK	GBP	0,00	0,00	0,00	0,00	- 81 567,52	- 81 567,52	0,00	- 81 567,52
UK	EUR	3 134 431 581,76	0,00	3 134 431 581,76	- 7 568 165,96	0,00	3 126 863 415,80	3 131 942 681,20	- 5 079 265,40

MS		Expenditure ⁽³⁾	Assigned revenue ⁽³⁾	Article 54(2) (= e)	Total (= h)
		05 07 01 06	6701	6702	
		i	j	k	l = i + j + k
UK	GBP	0,00	0,00	- 81 567,52	- 81 567,52
UK	EUR	0,00	- 5 079 265,40	0,00	- 5 079 265,40

⁽¹⁾ The reductions and suspensions are those taken into account in the payment system, to which are added in particular the corrections for the non-respect of payment deadlines established in August, September and October 2018 and other reductions in the context of Article 41 of Regulation (EU) No 1306/2013.

⁽²⁾ For the calculation of the amount to be recovered from or paid to the Member State the amount taken into account is, the total of the annual declaration for the expenditure cleared (col.a) or, the total of the monthly declarations for the expenditure disjoined (col.b). Applicable exchange rate: the second sentence of the first subparagraph of Article 11(1) of Delegated Regulation (EU) No 907/2014.

⁽³⁾ BL 05 07 01 06 shall be split between the negative corrections which become assigned revenue in BL 67 01 and the positive ones in favour of MS which shall now be included on the expenditure side 05 07 01 06 as per Article 43 of Regulation (EU) No 1306/2013.

NB: Nomenclature 2019: 05 07 01 06, 6701, 6702

COMMISSION IMPLEMENTING DECISION (EU) 2019/872**of 26 March 2019****on the clearance of the accounts of the paying agencies in the United Kingdom concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) for financial year 2018***(notified under document C(2019) 2358)***(Only the English text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽¹⁾, and in particular Article 51 thereof,

After consulting the Committee on the Agricultural Funds,

Whereas:

- (1) Pursuant to Article 51 of Regulation (EU) No 1306/2013, the Commission, on the basis of the annual accounts submitted by the Member States, accompanied by the information required for the clearance of accounts and an audit opinion regarding the completeness, accuracy and veracity of the accounts and the reports established by the certification bodies, has to clear the accounts of the paying agencies referred to in Article 7 of that Regulation prior to 31 May of the year following the budget year in question.
- (2) In accordance with Article 39 of Regulation (EU) No 1306/2013, the agricultural financial year begins on 16 October of year N-1 and ends on 15 October of year N. When clearing the accounts for financial year 2018, for the purpose of aligning the reference period for European Agricultural Fund for Rural Development (EAFRD) expenditure with that of the European Agricultural Guarantee Fund (EAGF), account should be taken of expenditure incurred by the United Kingdom between 16 October 2017 and 15 October 2018, as provided for in Article 11(1) of Commission Implementing Regulation (EU) No 908/2014 ⁽²⁾.
- (3) Since the United Kingdom has already communicated the necessary accounting information to the Commission, it is appropriate to proceed to the adoption of the relevant clearance of accounts decision pursuant to Article 51 of Regulation (EU) No 1306/2013.
- (4) The second subparagraph of Article 33(2) of Implementing Regulation (EU) No 908/2014 provides that the amounts that are recoverable from, or payable to, each Member State, in accordance with the accounts clearance decision referred to in Article 33(1) of that Regulation, are to be established by deducting the intermediate payments for the financial year concerned from the expenditure recognised for that year in accordance with Article 33(1).
- (5) Following the transmission by the United Kingdom of the information, and after all necessary checks and amendments, the Commission can take a decision on the completeness, accuracy and veracity of the accounts of the following paying agencies: 'Department of Agriculture, Environment and Rural Affairs', 'The Scottish Government Rural Payments and Inspections Directorate' and 'Rural Payments Agency' as regards the expenditure financed by the EAFRD. The Commission has checked the information submitted by the United Kingdom and has communicated the results of its checks to the United Kingdom before the date of adoption of this decision, along with the necessary amendments.
- (6) For these paying agencies, the annual accounts and the accompanying documents permit the Commission to take a decision on the completeness, accuracy and veracity of the annual accounts submitted.

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of 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, rules on checks, securities and transparency (OJ L 255, 28.8.2014, p. 59).

- (7) The information submitted by the United Kingdom's paying agency 'Welsh Government' requires additional inquiries and its accounts cannot therefore be cleared in this Decision.
- (8) Pursuant to Article 54(2) of Regulation (EU) No 1306/2013, 50 % of the financial consequences of non-recovery of irregularities should be borne by the Member State concerned, if recovery has not taken place within four years from the date of the recovery request, or within eight years where the recovery is taken before the national courts. Article 54(4) of Regulation (EU) No 1306/2013 requires Member States to attach to the annual accounts that they have to submit to the Commission, pursuant to Article 29 of Implementing Regulation (EU) No 908/2014, a certified table reflecting the amounts to be borne by them under Article 54(2) of Regulation (EU) No 1306/2013. Rules on the application of the Member States' obligation to report the amounts to be recovered are laid down in Implementing Regulation (EU) No 908/2014. Annex II to Implementing Regulation (EU) No 908/2014 sets out the model of the table that Member States have to use to provide information about amounts to be recovered. On the basis of the tables completed by the Member States, the Commission should decide on the financial consequences of non-recovery of irregularities older than four or eight years respectively.
- (9) Pursuant to Article 54(3) of Regulation (EU) No 1306/2013, on duly justified grounds, Member States may decide not to pursue recovery. Such a decision may be taken only if the costs already, and likely to be, incurred total more than the amount to be recovered, or if the recovery proves impossible owing to the insolvency recorded and recognised under national law, of the debtor or the persons legally responsible for the irregularity. If the decision has been taken within four years from the date of the recovery request, or within eight years where the recovery is taken before the national courts, 100 % of the financial consequences of the non-recovery should be borne by the Union budget. The amounts for which the United Kingdom decided not to pursue recovery and the grounds for its decision are shown in the summary report referred to in Article 54(4) of Regulation (EU) No 1306/2013 in conjunction with point (c)(iv) of the first subparagraph of Article 102(1) of that Regulation. Therefore, such amounts should not be charged to the United Kingdom and are consequently to be borne by the Union budget.
- (10) This Decision should also take into account the amounts that are still to be charged to the United Kingdom, as a result of the application of Article 54(2) of Regulation (EU) No 1306/2013 in relation to the 2007-2013 programming period for EAFRD.
- (11) Article 36(3)(b) of Regulation (EU) No 1306/2013 provides that intermediate payments are to be made without overrun of the total financial programmed EAFRD contribution. Pursuant to Article 23(2) of Implementing Regulation (EU) No 908/2014, where the combined total of declarations of expenditure exceeds the total programmed contribution for a rural development programme, the amount to be paid shall be capped at the programmed amount, without prejudice to the ceiling provided for in Article 34(2) of Regulation (EU) No 1306/2013. The capped amount will be subject to a later reimbursement by the Commission following the adoption of the amended financial plan or at the closure of the programming period.
- (12) In accordance with Article 51 of Regulation (EU) No 1306/2013, this Decision should be without prejudice to the decisions the Commission may take subsequently to exclude from Union financing expenditure not effected in accordance with Union rules,

HAS ADOPTED THIS DECISION:

Article 1

The accounts of the paying agencies of the United Kingdom, 'Department of Agriculture, Environment and Rural Affairs', 'The Scottish Government Rural Payments and Inspections Directorate' and 'Rural Payments Agency' are hereby cleared as regards expenditure financed by the European Agricultural Fund for Rural Development (EAFRD), in respect of financial year 2018.

The amounts recoverable from or payable to the United Kingdom under each rural development programme pursuant to this Decision are set out in Annex I.

Article 2

For financial year 2018, the accounts of the United Kingdom's paying agency 'Welsh Government' in respect of expenditure for Rural Development programmes financed by the EAFRD relating to the 2014-2020 programming period, as set out in Annex II, are not covered by this Decision and shall be the subject of a future clearance of accounts Decision.

Article 3

The amounts to be charged to the United Kingdom, as a result of the application of Article 54(2) of Regulation (EU) No 1306/2013 relating to the 2014-2020 programming period and to the 2007-2013 programming period for EAFRD, are set out in Annex III to this Decision.

Article 4

This Decision is without prejudice to future conformity clearance decisions that the Commission may take pursuant to Article 52 of Regulation (EU) No 1306/2013 to exclude from Union financing expenditure not effected in accordance with Union rules.

Article 5

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 26 March 2019.

For the Commission
Phil HOGAN
Member of the Commission

ANNEX I

CLEARED EAFRD EXPENDITURE BY RURAL DEVELOPMENT PROGRAMME FOR FINANCIAL YEAR 2018

AMOUNT TO BE RECOVERED FROM OR PAID TO THE MEMBER STATE PER PROGRAMME

Approved programmes with declared expenditure for EAFRD 2014-2020

(In EUR)

MS	CCI	Expenditure 2018	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2018	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (-) or paid to (+) the Member State
		i	ii	iii = i + ii	iv	v = iii - iv	vi	vii = v - vi
UK	2014UK06RDRP001	341 029 324,58	0,00	341 029 324,58	0,00	341 029 324,58	340 987 294,18	42 030,40
UK	2014UK06RDRP002	17 901 684,45	0,00	17 901 684,45	0,00	17 901 684,45	17 901 330,80	353,65
UK	2014UK06RDRP003	127 217 147,23	0,00	127 217 147,23	0,00	127 217 147,23	127 388 490,41	- 171 343,18

ANNEX II

CLEARANCE OF THE PAYING AGENCIES' ACCOUNTS

FINANCIAL YEAR 2018 — EAFRD

List of the Paying Agencies and programmes for which the accounts are disjoined and are subject of a later clearance decision

Member State	Paying Agency	Programme
United Kingdom	Welsh Government	2014UK06RDRP004

ANNEX III

CLEARANCE OF THE PAYING AGENCIES' ACCOUNTS

FINANCIAL YEAR 2018 - EAFRD

Corrections according to Article 54(2) of Regulation (EU) 1306/2013

Member State	Currency	Corrections Related to the 2014-2020 Programming Period		Corrections Related to the 2007-2013 Programming Period	
		In National currency	In EUR	In National currency	In EUR
UK (*)	GBP	—	—	48 141,99	—

(*) In respect of the paying agencies for which the accounts are disjoined, the reduction as laid down in Article 54(2) is to be applied once the accounts are proposed for clearance.

COMMISSION IMPLEMENTING DECISION (EU) 2019/873**of 22 May 2019****on the clearance of the accounts of the paying agencies of Member States concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) for financial year 2018***(notified under document C(2019) 3817)*

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽¹⁾, and in particular Article 51 thereof,

After consulting the Committee on the Agricultural Funds,

Whereas:

- (1) Pursuant to Article 51 of Regulation (EU) No 1306/2013, the Commission, on the basis of the annual accounts submitted by the Member States, accompanied by the information required for the clearance of accounts and an audit opinion regarding the completeness, accuracy and veracity of the accounts and the reports established by the certification bodies, has to clear the accounts of the paying agencies referred to in Article 7 of that Regulation prior to 31 May of the year following the budget year in question.
- (2) In accordance with Article 39 of Regulation (EU) No 1306/2013 the agricultural financial year begins on 16 October of year N – 1 and ends on 15 October of year N. When clearing the accounts for financial year 2018, for the purpose of aligning the reference period for the European Agricultural Fund for Rural Development (EAFRD) expenditure with that of the European Agricultural Guarantee Fund (EAGF), account should be taken of expenditure incurred by the Member States between 16 October 2017 and 15 October 2018, as provided for in Article 11(1) of Commission Implementing Regulation (EU) No 908/2014 ⁽²⁾.
- (3) The second subparagraph of Article 33(2) of Implementing Regulation (EU) No 908/2014 provides that the amounts that are recoverable from, or payable to, each Member State, in accordance with the accounts clearance decision referred to in Article 33(1) of that Regulation, are to be established by deducting the intermediate payments for the financial year concerned from the expenditure recognised for that year in accordance with Article 33(1). The Commission is to deduct that amount from or add it to the next intermediate payment.
- (4) The Commission has checked the information submitted by the Member States and has communicated the results of its checks to the Member States before 30 April 2019, along with the necessary amendments.
- (5) For certain paying agencies, the annual accounts and the accompanying documents permit the Commission to take a decision on the completeness, accuracy and veracity of the annual accounts submitted.
- (6) The information submitted by certain other paying agencies requires additional inquiries and their accounts cannot therefore be cleared in this Decision.
- (7) In accordance with Article 83 of Regulation (EU) No 1303/2013 the deadline for interim payments, as the one laid down in Article 36(5) of Regulation (EU) No 1306/2013, may be interrupted for a maximum period of six months in order to carry out additional verifications following information received that these payments are linked to an irregularity having serious financial consequences. In adopting this Decision, the Commission should take into account the amounts interrupted in order to avoid making any inappropriate or untimely payments.

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of 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, rules on checks, securities and transparency (OJ L 255, 28.8.2014, p. 59).

- (8) Pursuant to Article 54(2) of Regulation (EU) No 1306/2013, 50 % of the financial consequences of non-recovery of irregularities should be borne by the Member State concerned, if recovery has not taken place within four years from the date of the recovery request, or within eight years where the recovery is taken before the national courts. Article 54(4) of Regulation (EU) No 1306/2013 requires Member States to attach to the annual accounts that they have to submit to the Commission, pursuant to Article 29 of Implementing Regulation (EU) No 908/2014, a certified table reflecting the amounts to be borne by them under Article 54(2) of Regulation (EU) No 1306/2013. Rules on the application of the Member States' obligation to report the amounts to be recovered are laid down in Implementing Regulation (EU) No 908/2014. Annex II to Implementing Regulation (EU) No 908/2014 sets out the model of the table that Member States have to use to provide information about amounts to be recovered. On the basis of the tables completed by the Member States, the Commission should decide on the financial consequences of non-recovery of irregularities older than four or eight years respectively.
- (9) Pursuant to Article 54(3) of Regulation (EU) No 1306/2013, on duly justified grounds, Member States may decide not to pursue recovery. Such a decision may be taken only if the costs already, and likely to be, incurred total more than the amount to be recovered, or if the recovery proves impossible owing to the insolvency recorded and recognised under national law, of the debtor or the persons legally responsible for the irregularity. If the decision has been taken within four years from the date of recovery request, or within eight years where the recovery is taken before the national courts, 100 % of the financial consequences of the non-recovery should be borne by the Union budget. The amounts for which a particular Member State decided not to pursue recovery and the grounds for its decision are shown in the summary report referred to in Article 54(4) of Regulation (EU) No 1306/2013 in conjunction with point (c)(iv) of the first subparagraph of Article 102(1) of that Regulation. Therefore, such amounts should not be charged to the Member States concerned and are consequently to be borne by the Union budget.
- (10) This Decision should also take into account the amounts that are still to be charged to the Member States as a result of the application of Article 54(2) of Regulation (EU) No 1306/2013 in relation to the 2007-2013 programming period for EAFRD.
- (11) Pursuant to Article 41 of Regulation (EU) No 1306/2013, the Commission has already reduced or suspended a number of intermediate payments for financial year 2018 due to expenditure not effected in accordance with Union rules. In this Decision, the Commission should take into account such reduced or suspended amounts on the basis of Article 41 of Regulation (EU) No 1306/2013, in order to avoid making any undue, or untimely, payments or reimbursements that could later be subject to financial correction.
- (12) In accordance with Article 51 of Regulation (EU) No 1306/2013, this Decision should be without prejudice to the decisions the Commission may take subsequently to exclude from Union financing expenditure not effected in accordance with Union rules,

HAS ADOPTED THIS DECISION:

Article 1

With the exception of the paying agencies referred to in Article 2, the accounts of the Member States' paying agencies are hereby cleared as regards expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) in respect of financial year 2018 and relating to the 2014-2020 programming period.

The amounts recoverable from, or payable to, each Member State under each rural development programme pursuant to this Decision, are set out in Annex I.

Article 2

For financial year 2018, the accounts of the Member States' paying agencies in respect of expenditure for Rural Development programmes financed by the EAFRD relating to the 2014-2020 programming period, as set out in Annex II, are not covered by this Decision and shall be the subject of a future clearance of accounts Decision.

Article 3

The amounts to be charged to the Member States, as a result of the application of Article 54(2) of Regulation (EU) No 1306/2013 relating to the 2014-2020 programming period and to the 2007-2013 programming period for the European Agricultural Fund for Rural Development (EAFRD), are set out in Annex III to this Decision.

Article 4

This Decision is without prejudice to future conformity clearance decisions that the Commission may take pursuant to Article 52 of Regulation (EU) No 1306/2013 to exclude from Union financing expenditure not effected in accordance with Union rules.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 22 May 2019.

For the Commission
Phil HOGAN
Member of the Commission

ANNEX I

CLEARED EAFRD EXPENDITURE BY RURAL DEVELOPMENT PROGRAMME FOR FINANCIAL YEAR 2018

AMOUNT TO BE RECOVERED FROM OR PAID TO THE MEMBER STATE PER PROGRAMME

Approved programmes with declared expenditure for EAFRD 2014-2020

(EUR)

MS	CCI	Expenditure 2018	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2018	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (-) or paid to (+) the Member State
		i	ii	iii = i + ii	iv	v = iii - iv	vi	vii = v - vi
AT	2014AT06RDNP001	522 020 035,12	0,00	522 020 035,12	0,00	522 020 035,12	512 890 738,99	9 129 296,13
BE	2014BE06RDRP001	38 520 111,32	0,00	38 520 111,32	0,00	38 520 111,32	38 520 095,94	15,38
BE	2014BE06RDRP002	30 294 877,02	0,00	30 294 877,02	0,00	30 294 877,02	30 319 674,43	- 24 797,41
BG	2014BG06RDNP001	205 686 970,07	0,00	205 686 970,07	0,00	205 686 970,07	206 442 232,26	- 755 262,19
CY	2014CY06RDNP001	14 520 014,26	0,00	14 520 014,26	0,00	14 520 014,26	14 520 014,26	0,00
CZ	2014CZ06RDNP001	323 611 581,76	0,00	323 611 581,76	0,00	323 611 581,76	323 613 468,79	- 1 887,03
DE	2014DE06RDRN001	676 761,19	0,00	676 761,19	0,00	676 761,19	676 761,19	0,00
DE	2014DE06RDRP003	85 593 723,78	0,00	85 593 723,78	0,00	85 593 723,78	85 594 307,99	- 584,21
DE	2014DE06RDRP004	192 663 260,91	0,00	192 663 260,91	0,00	192 663 260,91	192 663 260,91	0,00
DE	2014DE06RDRP007	107 756 134,37	0,00	107 756 134,37	0,00	107 756 134,37	107 756 187,14	- 52,77
DE	2014DE06RDRP010	37 547 775,80	0,00	37 547 775,80	0,00	37 547 775,80	37 547 775,80	0,00
DE	2014DE06RDRP011	106 103 576,84	0,00	106 103 576,84	0,00	106 103 576,84	106 103 576,84	0,00
DE	2014DE06RDRP012	159 980 251,69	0,00	159 980 251,69	0,00	159 980 251,69	159 980 251,69	0,00
DE	2014DE06RDRP015	74 846 524,24	0,00	74 846 524,24	0,00	74 846 524,24	74 863 576,45	- 17 052,21

(EUR)

MS	CCI	Expenditure 2018	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2018	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (-) or paid to (+) the Member State
		i	ii	iii = i + ii	iv	v = iii - iv	vi	vii = v - vi
DE	2014DE06RDRP017	28 525 458,51	0,00	28 525 458,51	0,00	28 525 458,51	28 525 458,51	0,00
DE	2014DE06RDRP018	5 712 422,22	0,00	5 712 422,22	0,00	5 712 422,22	5 712 422,22	0,00
DE	2014DE06RDRP019	96 236 434,91	0,00	96 236 434,91	0,00	96 236 434,91	96 236 434,91	0,00
DE	2014DE06RDRP020	82 615 965,52	0,00	82 615 965,52	0,00	82 615 965,52	82 615 967,05	- 1,53
DE	2014DE06RDRP021	50 602 977,48	0,00	50 602 977,48	0,00	50 602 977,48	50 602 995,25	- 17,77
DE	2014DE06RDRP023	88 724 913,44	0,00	88 724 913,44	0,00	88 724 913,44	88 789 431,82	- 64 518,38
DK	2014DK06RDNP001	88 173 489,16	0,00	88 173 489,16	0,00	88 173 489,16	90 286 808,00	- 2 113 318,84
EE	2014EE06RDNP001	128 116 444,94	0,00	128 116 444,94	0,00	128 116 444,94	128 116 573,13	- 128,19
ES	2014ES06RDNP001	17 496 370,85	0,00	17 496 370,85	0,00	17 496 370,85	17 496 370,83	0,02
ES	2014ES06RDRP001	159 160 971,25	0,00	159 160 971,25	0,00	159 160 971,25	159 160 882,11	89,14
ES	2014ES06RDRP002	59 746 787,83	0,00	59 746 787,83	0,00	59 746 787,83	59 746 781,59	6,24
ES	2014ES06RDRP003	29 251 334,24	0,00	29 251 334,24	0,00	29 251 334,24	29 257 571,77	- 6 237,53
ES	2014ES06RDRP004	11 807 069,47	0,00	11 807 069,47	0,00	11 807 069,47	11 826 785,09	- 19 715,62
ES	2014ES06RDRP005	27 976 434,37	0,00	27 976 434,37	0,00	27 976 434,37	27 976 434,38	- 0,01
ES	2014ES06RDRP006	14 557 450,46	0,00	14 557 450,46	0,00	14 557 450,46	14 557 451,27	- 0,81
ES	2014ES06RDRP007	113 236 476,41	0,00	113 236 476,41	0,00	113 236 476,41	113 221 366,35	15 110,06
ES	2014ES06RDRP008	97 338 070,90	0,00	97 338 070,90	0,00	97 338 070,90	97 335 793,72	2 277,18
ES	2014ES06RDRP009	43 693 511,34	0,00	43 693 511,34	0,00	43 693 511,34	43 693 511,02	0,32
ES	2014ES06RDRP010	89 910 498,20	0,00	89 910 498,20	0,00	89 910 498,20	89 910 463,71	34,49

(EUR)

MS	CCI	Expenditure 2018	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2018	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (-) or paid to (+) the Member State
		i	ii	iii = i + ii	iv	v = iii - iv	vi	vii = v - vi
ES	2014ES06RDRP011	131 571 942,91	0,00	131 571 942,91	0,00	131 571 942,91	131 571 922,68	20,23
ES	2014ES06RDRP012	4 328 278,65	0,00	4 328 278,65	0,00	4 328 278,65	4 328 277,55	1,10
ES	2014ES06RDRP013	31 330 225,16	0,00	31 330 225,16	0,00	31 330 225,16	31 330 220,23	4,93
ES	2014ES06RDRP015	17 357 722,06	0,00	17 357 722,06	0,00	17 357 722,06	17 357 732,12	- 10,06
ES	2014ES06RDRP016	9 152 786,14	0,00	9 152 786,14	0,00	9 152 786,14	9 152 782,54	3,60
ES	2014ES06RDRP017	23 179 771,16	0,00	23 179 771,16	0,00	23 179 771,16	23 179 771,15	0,01
FI	2014FI06RDRP001	348 074 461,43	0,00	348 074 461,43	0,00	348 074 461,43	348 076 443,41	- 1 981,98
FI	2014FI06RDRP002	3 711 545,03	0,00	3 711 545,03	0,00	3 711 545,03	3 711 545,03	0,00
FR	2014FR06RDNP001	197 685 587,50	0,00	197 685 587,50	0,00	197 685 587,50	197 685 587,50	0,00
FR	2014FR06RDRN001	1 833 799,23	0,00	1 833 799,23	0,00	1 833 799,23	1 833 799,23	0,00
FR	2014FR06RDRP001	24 153 447,95	0,00	24 153 447,95	0,00	24 153 447,95	24 153 456,07	- 8,12
FR	2014FR06RDRP002	6 561 044,21	0,00	6 561 044,21	0,00	6 561 044,21	6 561 044,19	0,02
FR	2014FR06RDRP003	5 760 322,88	0,00	5 760 322,88	0,00	5 760 322,88	5 760 322,88	0,00
FR	2014FR06RDRP004	37 876 388,14	0,00	37 876 388,14	0,00	37 876 388,14	37 876 380,02	8,12
FR	2014FR06RDRP006	4 879 050,25	0,00	4 879 050,25	0,00	4 879 050,25	4 879 050,25	0,00
FR	2014FR06RDRP011	7 620 346,22	0,00	7 620 346,22	0,00	7 620 346,22	7 620 346,23	- 0,01
FR	2014FR06RDRP021	22 926 000,33	0,00	22 926 000,33	0,00	22 926 000,33	22 926 000,32	0,01
FR	2014FR06RDRP022	8 204 484,56	0,00	8 204 484,56	0,00	8 204 484,56	8 204 484,58	- 0,02
FR	2014FR06RDRP023	8 862 307,25	0,00	8 862 307,25	0,00	8 862 307,25	8 862 307,25	0,00

(EUR)

MS	CCI	Expenditure 2018	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2018	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (-) or paid to (+) the Member State
		i	ii	iii = i + ii	iv	v = iii - iv	vi	vii = v - vi
FR	2014FR06RDRP024	48 604 047,72	0,00	48 604 047,72	0,00	48 604 047,72	48 604 047,72	0,00
FR	2014FR06RDRP025	44 564 654,55	0,00	44 564 654,55	0,00	44 564 654,55	44 564 654,56	- 0,01
FR	2014FR06RDRP026	79 594 052,61	0,00	79 594 052,61	0,00	79 594 052,61	79 594 052,60	0,01
FR	2014FR06RDRP031	12 002 300,22	0,00	12 002 300,22	0,00	12 002 300,22	12 002 300,22	0,00
FR	2014FR06RDRP041	41 062 964,63	0,00	41 062 964,63	0,00	41 062 964,63	41 062 964,64	- 0,01
FR	2014FR06RDRP042	12 973 287,27	0,00	12 973 287,27	0,00	12 973 287,27	12 973 287,25	0,02
FR	2014FR06RDRP043	60 350 115,32	0,00	60 350 115,32	0,00	60 350 115,32	60 350 115,31	0,01
FR	2014FR06RDRP052	65 791 635,41	0,00	65 791 635,41	0,00	65 791 635,41	65 791 635,39	0,02
FR	2014FR06RDRP053	59 541 153,53	0,00	59 541 153,53	0,00	59 541 153,53	59 541 153,54	- 0,01
FR	2014FR06RDRP054	60 363 799,95	0,00	60 363 799,95	0,00	60 363 799,95	60 363 799,96	- 0,01
FR	2014FR06RDRP072	84 473 332,28	0,00	84 473 332,28	0,00	84 473 332,28	84 473 332,28	0,00
FR	2014FR06RDRP073	213 889 042,17	0,00	213 889 042,17	0,00	213 889 042,17	213 889 042,15	0,02
FR	2014FR06RDRP074	88 417 755,10	0,00	88 417 755,10	0,00	88 417 755,10	88 417 755,09	0,01
FR	2014FR06RDRP082	150 503 849,61	0,00	150 503 849,61	0,00	150 503 849,61	150 503 849,60	0,01
FR	2014FR06RDRP083	174 012 973,41	0,00	174 012 973,41	0,00	174 012 973,41	174 012 973,41	0,00
FR	2014FR06RDRP091	89 559 508,54	0,00	89 559 508,54	0,00	89 559 508,54	89 559 508,48	0,06
FR	2014FR06RDRP093	78 272 207,24	0,00	78 272 207,24	0,00	78 272 207,24	78 272 207,23	0,01
EL	2014GR06RDNP001	579 944 680,26	0,00	579 944 680,26	0,00	579 944 680,26	579 944 679,97	0,29
HR	2014HR06RDNP001	206 317 522,64	0,00	206 317 522,64	0,00	206 317 522,64	206 367 510,78	- 49 988,14

(EUR)

MS	CCI	Expenditure 2018	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2018	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (-) or paid to (+) the Member State
		i	ii	iii = i + ii	iv	v = iii - iv	vi	vii = v - vi
HU	2014HU06RDNP001	385 929 543,71	0,00	385 929 543,71	0,00	385 929 543,71	385 929 564,57	- 20,86
IE	2014IE06RDNP001	318 665 239,75	0,00	318 665 239,75	0,00	318 665 239,75	318 693 515,27	- 28 275,52
IT	2014IT06RDNP001	112 491 724,71	0,00	112 491 724,71	0,00	112 491 724,71	112 491 671,79	52,92
IT	2014IT06RDRN001	0,00	0,00	0,00	0,00	0,00	0,00	0,00
IT	2014IT06RDRP001	10 085 080,90	0,00	10 085 080,90	0,00	10 085 080,90	10 086 920,19	- 1 839,29
IT	2014IT06RDRP002	31 172 695,15	0,00	31 172 695,15	0,00	31 172 695,15	31 173 334,82	- 639,67
IT	2014IT06RDRP003	55 799 478,01	0,00	55 799 478,01	0,00	55 799 478,01	55 716 038,08	83 439,93
IT	2014IT06RDRP004	14 395 930,94	0,00	14 395 930,94	0,00	14 395 930,94	14 395 931,16	- 0,22
IT	2014IT06RDRP005	37 431 739,83	0,00	37 431 739,83	0,00	37 431 739,83	37 432 438,25	- 698,42
IT	2014IT06RDRP006	7 876 005,89	0,00	7 876 005,89	0,00	7 876 005,89	7 876 005,97	- 0,08
IT	2014IT06RDRP007	41 819 104,69	0,00	41 819 104,69	0,00	41 819 104,69	41 823 648,02	- 4 543,33
IT	2014IT06RDRP008	16 380 168,96	0,00	16 380 168,96	0,00	16 380 168,96	16 380 168,83	0,13
IT	2014IT06RDRP009	63 175 360,10	0,00	63 175 360,10	0,00	63 175 360,10	63 175 359,91	0,19
IT	2014IT06RDRP010	39 645 804,71	0,00	39 645 804,71	0,00	39 645 804,71	39 645 804,22	0,49
IT	2014IT06RDRP011	16 604 563,71	0,00	16 604 563,71	0,00	16 604 563,71	16 604 563,76	- 0,05
IT	2014IT06RDRP012	35 345 143,27	0,00	35 345 143,27	0,00	35 345 143,27	35 354 956,27	- 9 813,00
IT	2014IT06RDRP013	9 687 512,97	0,00	9 687 512,97	0,00	9 687 512,97	9 687 512,88	0,09
IT	2014IT06RDRP014	63 566 185,57	0,00	63 566 185,57	0,00	63 566 185,57	63 566 205,10	- 19,53
IT	2014IT06RDRP015	14 815 565,50	0,00	14 815 565,50	0,00	14 815 565,50	14 815 565,50	0,00

(EUR)

MS	CCI	Expenditure 2018	Corrections	Total	Non-reusable amounts	Accepted amount cleared for FY 2018	Interim payments reimbursed to the Member State for the financial year	Amount to be recovered from (-) or paid to (+) the Member State
		i	ii	iii = i + ii	iv	v = iii - iv	vi	vii = v - vi
IT	2014IT06RDRP016	64 784 415,43	0,00	64 784 415,43	0,00	64 784 415,43	64 785 375,84	- 960,41
IT	2014IT06RDRP017	29 206 933,27	0,00	29 206 933,27	0,00	29 206 933,27	29 206 933,08	0,19
IT	2014IT06RDRP018	91 232 709,95	0,00	91 232 709,95	0,00	91 232 709,95	91 232 707,48	2,47
IT	2014IT06RDRP019	127 792 613,65	0,00	127 792 613,65	0,00	127 792 613,65	127 792 612,64	1,01
IT	2014IT06RDRP020	61 337 381,19	0,00	61 337 381,19	0,00	61 337 381,19	61 420 145,93	- 82 764,74
IT	2014IT06RDRP021	101 184 836,76	0,00	101 184 836,76	0,00	101 184 836,76	101 185 876,24	- 1 039,48
LT	2014LT06RDNP001	217 968 916,81	0,00	217 968 916,81	0,00	217 968 916,81	217 968 915,16	1,65
LU	2014LU06RDNP001	14 421 021,16	0,00	14 421 021,16	0,00	14 421 021,16	14 423 917,80	- 2 896,64
LV	2014LV06RDNP001	192 664 100,71	0,00	192 664 100,71	0,00	192 664 100,71	192 664 100,71	0,00
MT	2014MT06RDNP001	9 391 258,52	0,00	9 391 258,52	0,00	9 391 258,52	9 391 233,59	24,93
NL	2014NL06RDNP001	78 454 999,06	0,00	78 454 999,06	0,00	78 454 999,06	78 872 015,79	- 417 016,73
PL	2014PL06RDNP001	944 566 130,00	0,00	944 566 130,00	0,00	944 566 130,00	944 571 175,78	- 5 045,78
PT	2014PT06RDRP001	42 549 866,78	0,00	42 549 866,78	0,00	42 549 866,78	42 549 858,14	8,64
PT	2014PT06RDRP002	440 013 783,91	0,00	440 013 783,91	0,00	440 013 783,91	440 007 910,96	5 872,95
PT	2014PT06RDRP003	20 033 947,26	0,00	20 033 947,26	0,00	20 033 947,26	20 033 941,68	5,58
RO	2014RO06RDNP001	1 151 317 715,84	- 5 183 398,75	1 146 134 317,09	0,00	1 146 134 317,09	1 146 256 355,04	- 122 037,95
SE	2014SE06RDNP001	195 643 074,19	0,00	195 643 074,19	0,00	195 643 074,19	195 664 681,71	- 21 607,52
SI	2014SI06RDNP001	111 078 221,00	0,00	111 078 221,00	0,00	111 078 221,00	111 078 257,04	- 36,04
SK	2014SK06RDNP001	200 198 632,37	0,00	200 198 632,37	0,00	200 198 632,37	200 196 935,13	1 697,24

ANNEX II

CLEARANCE OF THE PAYING AGENCIES' ACCOUNTS

FINANCIAL YEAR 2018 – EAFRD

List of the Paying Agencies and programmes for which the accounts are disjoined and are subject of a later clearance decision

Member State	Paying Agency	Programme
ES	Departamento de Desarrollo Rural, Medio Ambiente y Administración Local del Gobierno de Navarra	2014ES06RDRP014
FR	Office du Développement Agricole et Rural de Corse	2014FR06RDRP094

ANNEX III

CLEARANCE OF THE PAYING AGENCIES' ACCOUNTS

FINANCIAL YEAR 2018 - EAFRD

Corrections according to Article 54(2) of Regulation (EU) 1306/2013 (*)

Member State	Currency	Corrections Related to the 2014-2020 Programming Period		Corrections Related to the 2007-2013 Programming Period	
		In National currency	In Euro	In National currency	In Euro
AT	EUR	—	—	—	—
BE	EUR	—	—	—	651,26
BG	BGN	—	—	443 050,55	—
CY	EUR	—	—	—	—
CZ	CZK	—	—	838 197,75	—
DE	EUR	—	—	—	287 200,70
DK	DKK	—	—	721 265,67	—
EE	EUR	—	—	—	148 651,02
ES (*)	EUR	—	—	—	992 954,85
FI	EUR	—	—	—	34 956,43
FR (*)	EUR	—	728,90	—	1 877 775,76
EL	EUR	—	—	—	480 848,59
HR	HRK	—	—	—	—
HU	HUF	—	—	582 882 245,00	—
IE	EUR	—	364,95	—	409 240,92
IT	EUR	—	—	—	422 224,89
LT	EUR	—	—	—	56 868,65
LU	EUR	—	—	—	—
LV	EUR	—	—	—	34 361,54
MT	EUR	—	—	—	14 557,28
NL	EUR	—	—	—	6 180,20
PL	PLN	—	—	1 961 962,42	—
PT	EUR	—	—	—	1 226 109,23
RO	RON	—	—	664 129,21	—
SE	SEK	—	—	151 557,03	—

Member State	Currency	Corrections Related to the 2014-2020 Programming Period		Corrections Related to the 2007-2013 Programming Period	
		In National currency	In Euro	In National currency	In Euro
SI	EUR	—	—	—	25 660,59
SK	EUR	—	—	—	309 851,55

(*) In respect of the paying agencies for which the accounts are disjoined, the reduction as laid down in Article 54(2) is to be applied once the accounts are proposed for clearance.

COMMISSION IMPLEMENTING DECISION (EU) 2019/874**of 22 May 2019****on the clearance of the accounts of the paying agencies of Member States concerning expenditure financed by the European Agricultural Guarantee Fund (EAGF) for financial year 2018***(notified under document C(2019) 3820)*

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽¹⁾, and in particular Article 51 thereof,

After consulting the Committee on the Agricultural Funds,

Whereas:

- (1) Pursuant to Article 51 of Regulation (EU) No 1306/2013, the Commission, on the basis of the annual accounts submitted by the Member States, accompanied by the information required for the clearance of accounts and an audit opinion regarding the completeness, accuracy and veracity of the accounts and the reports established by the certification bodies, has to clear the accounts of the paying agencies referred to in Article 7 of that Regulation prior to 31 May of the year following the budget year in question.
- (2) In accordance with Article 39 of Regulation (EU) No 1306/2013 the agricultural financial year begins on 16 October of year N- 1 and ends on 15 October of year N. When clearing the accounts for financial year 2018, account should be taken of expenditure incurred by the Member States between 16 October 2017 and 15 October 2018, as provided for in Article 11(1) of Commission Implementing Regulation (EU) No 908/2014 ⁽²⁾.
- (3) The first subparagraph of Article 33(2) of Implementing Regulation (EU) No 908/2014 provides that the amounts that are recoverable from, or payable to, each Member State, in accordance with the accounts clearance decision referred to in Article 33(1) of that Regulation, are to be established by deducting the monthly payments for the financial year concerned from expenditure recognised for that year in accordance with Article 33(1). The Commission is to deduct that amount from or add it to the monthly payment relating to the expenditure effected in the second month following the clearance of accounts decision.
- (4) The Commission has checked the information submitted by the Member States and has communicated the results of its checks to the Member States before 30 April 2019, along with the necessary amendments.
- (5) For all paying agencies concerned, the annual accounts and the accompanying documents permit the Commission to take a decision on the completeness, accuracy and veracity of the annual accounts submitted.
- (6) In accordance with Article 5(5) of Commission Delegated Regulation (EU) No 907/2014 ⁽³⁾, any overrun of deadlines during August, September and October is to be taken into account in the clearance of accounts decision. Some of the expenditure declared by certain Member States during those months in 2018 was effected after the applicable deadlines. This Decision should therefore fix the relevant reductions.
- (7) Pursuant to Article 41 of Regulation (EU) No 1306/2013, the Commission has already reduced or suspended a number of monthly payments for financial year 2018 due to failure to comply with financial ceilings or

⁽¹⁾ OJ L 347, 20 12 2013, p. 549.

⁽²⁾ Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of 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, rules on checks, securities and transparency (OJ L 255, 28.8.2014, p. 59).

⁽³⁾ 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).

payment deadlines, or due to control system deficiencies. In this Decision, the Commission should take into account such reduced or suspended amounts in order to avoid making any inappropriate, or untimely, payments or reimbursements which could later be subject to financial correction. The amounts in question may be examined, where appropriate, under conformity clearance proceedings pursuant to Article 52 of Regulation (EU) No 1306/2013.

- (8) Pursuant to Article 54(2) of Regulation (EU) No 1306/2013, 50 % of the financial consequences of non-recovery of irregularities should be borne by the Member State concerned, if recovery has not taken place within four years from the date of the recovery request, or within eight years where the recovery is taken before the national courts. Article 54(4) of Regulation (EU) No 1306/2013 requires Member States to attach to the annual accounts that they have to submit to the Commission pursuant to Article 29 of Implementing Regulation (EU) No 908/2014 a certified table reflecting the amounts to be borne by them under Article 54(2) of Regulation (EU) No 1306/2013. Rules on the application of the Member States' obligation to report the amounts to be recovered are laid down in Implementing Regulation (EU) No 908/2014. Annex II to Implementing Regulation (EU) No 908/2014 sets out the model of the table that Member States have to use to provide information about amounts to be recovered. On the basis of the tables completed by the Member States, the Commission should decide on the financial consequences of non-recovery of irregularities older than four or eight years respectively.
- (9) Pursuant to Article 54(3) of Regulation (EU) No 1306/2013, on duly justified grounds, Member States may decide not to pursue recovery. Such a decision may be taken only if the costs already, and likely to be, incurred total more than the amount to be recovered, or if the recovery proves impossible owing to the insolvency, recorded and recognised under national law, of the debtor or the persons legally responsible for the irregularity. If the decision has been taken within four years from the date of the recovery request or within eight years where the recovery is taken to the national courts, 100 % of the financial consequences of the non-recovery should be borne by the Union budget. The amounts for which the Member State decided not to pursue recovery and the grounds for the decision are shown in the summary report referred to in Article 54(4) of Regulation (EU) No 1306/2013 in conjunction with point (c)(iv) of the first subparagraph of Article 102(1) of that Regulation. Therefore, such amounts should not be charged to the Member States concerned and are consequently borne by the Union budget.
- (10) Reductions according to Article 54(2) of Regulation (EU) No 1306/2013 presented in Annex I (column e) relate to the European Agricultural Guarantee Fund (EAGF). The amounts to be charged to the Member States, as a result of the application of Article 54(2) of Regulation (EU) No 1306/2013 in relation to the Temporary Rural Development Instrument (TRDI) funded by the European Agricultural Guidance and Guarantee Fund (EAGGF) (*) are presented in Annex II.
- (11) In accordance with Article 51 of Regulation (EU) No 1306/2013, this Decision should be without prejudice to the decisions the Commission may take subsequently to exclude from Union financing expenditure not effected in accordance with Union rules,

HAS ADOPTED THIS DECISION:

Article 1

The accounts of the Member States' paying agencies are hereby cleared as regards expenditure financed by the European Agricultural Guarantee Fund (EAGF) in respect of financial year 2018.

The amounts recoverable from, or payable to, each Member State pursuant to this Decision, including those resulting from the application of Article 54(2) of Regulation (EU) No 1306/2013, are set out in Annexes I and II to this Decision.

Article 2

This Decision is without prejudice to future conformity clearance decisions that the Commission may take pursuant to Article 52 of Regulation (EU) No 1306/2013 to exclude from Union financing expenditure not effected in accordance with Union rules.

(*) Commission Regulation (EC) No 27/2004 of 5 January 2004 laying down transitional detailed rules for the application of Council Regulation (EC) No 1257/1999 as regards the financing by the EAGGF Guarantee Section of rural development measures in the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Slovenia and Slovakia (OJ L 5, 9.1.2004, p. 36).

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 22 May 2019.

For the Commission
Phil HOGAN
Member of the Commission

ANNEX I

CLEARANCE OF THE PAYING AGENCIES' ACCOUNTS

FINANCIAL YEAR 2018

Amount to be recovered from or paid to the Member State

MS		2018 - Expenditure / Assigned Revenue for the Paying Agencies for which the accounts are		Total a + b	Reductions and suspensions for the whole financial year ⁽¹⁾	Amount to be charged according to Article 54(2) of Regulation (EU) 1306/2013	Total including reductions and suspensions	Payments made to the Member State for the financial year	Amount to be recovered from (-) or paid to (+) the Member State ⁽²⁾
		cleared	disjoined						
		= expenditure / assigned revenue declared in the annual declaration	= total of the expenditure / assigned revenue in the monthly declarations						
		a	b	c = a + b	d	e	f = c + d + e	g	h = f - g
AT	EUR	716 420 978,95	0,00	716 420 978,95	- 37 170,38	0,00	716 383 808,57	715 609 830,36	773 978,21
BE	EUR	601 303 115,40	0,00	601 303 115,40	- 114 596,75	- 1 626,78	601 186 891,87	601 394 318,15	- 207 426,28
BG	BGN	0,00	0,00	0,00	0,00	- 1 063 919,18	- 1 063 919,18	0,00	- 1 063 919,18
BG	EUR	807 146 800,18	0,00	807 146 800,18	- 334 145,99	0,00	806 812 654,19	807 673 988,10	- 861 333,91
CY	EUR	56 393 523,10	0,00	56 393 523,10	0,00	0,00	56 393 523,10	56 387 865,72	5 657,38
CZ	CZK	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
CZ	EUR	838 161 503,79	0,00	838 161 503,79	0,00	0,00	838 161 503,79	838 147 041,76	14 462,03
DE	EUR	4 985 090 101,50	0,00	4 985 090 101,50	0,00	- 33 688,08	4 985 056 413,42	4 985 034 668,19	21 745,23
DK	DKK	0,00	0,00	0,00	0,00	- 125 077,44	- 125 077,44	0,00	- 125 077,44
DK	EUR	840 515 032,68	0,00	840 515 032,68	- 26 565,01	0,00	840 488 467,67	840 392 409,55	96 058,12
EE	EUR	125 125 241,18	0,00	125 125 241,18	0,00	0,00	125 125 241,18	125 117 498,73	7 742,45
ES	EUR	5 470 755 305,48	0,00	5 470 755 305,48	- 2 766 915,88	- 621 928,73	5 467 366 460,87	5 466 953 232,06	413 228,81
FI	EUR	528 528 562,98	0,00	528 528 562,98	- 161 352,27	- 28 687,91	528 338 522,80	528 456 887,44	- 118 364,64
FR	EUR	7 648 093 429,39	0,00	7 648 093 429,39	- 6 120 649,32	- 460 572,15	7 641 512 207,92	7 656 033 220,25	- 14 521 012,33
EL	EUR	2 011 103 975,47	0,00	2 011 103 975,47	- 3 028 436,21	- 1 638 086,99	2 006 437 452,27	2 008 075 711,50	- 1 638 259,23

MS		2018 - Expenditure / Assigned Revenue for the Paying Agencies for which the accounts are		Total a + b	Reductions and suspensions for the whole financial year ⁽¹⁾	Amount to be charged according to Article 54(2) of Regulation (EU) 1306/2013	Total including reductions and suspensions	Payments made to the Member State for the financial year	Amount to be recovered from (-) or paid to (+) the Member State ⁽²⁾
		cleared	disjoined						
		= expenditure / assigned revenue declared in the annual declaration	= total of the expenditure / assigned revenue in the monthly declarations						
		a	b	c = a + b	d	e	f = c + d + e	g	h = f - g
HR	HRK	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
HR	EUR	247 188 806,71	0,00	247 188 806,71	- 6 040,18	0,00	247 182 766,53	247 212 246,42	- 29 479,89
HU	HUF	0,00	0,00	0,00	0,00	- 135 165 891,00	- 135 165 891,00	0,00	- 135 165 891,00
HU	EUR	1 295 635 431,84	0,00	1 295 635 431,84	- 6 020 231,35	0,00	1 289 615 200,49	1 289 615 200,46	0,03
IE	EUR	1 223 596 530,54	0,00	1 223 596 530,54	- 62 608,10	- 21 661,81	1 223 512 260,63	1 222 580 002,15	932 258,48
IT	EUR	4 103 975 978,84	0,00	4 103 975 978,84	- 28 260 620,76	- 2 680 831,62	4 073 034 526,46	4 073 733 454,03	- 698 927,57
LT	EUR	486 858 049,12	0,00	486 858 049,12	- 15 736,20	- 360,43	486 841 952,49	486 843 109,25	- 1 156,76
LU	EUR	33 289 659,49	0,00	33 289 659,49	0,00	- 3 565,63	33 286 093,86	33 238 794,75	47 299,11
LV	EUR	236 722 594,21	0,00	236 722 594,21	- 25,73	- 5 168,56	236 717 399,92	236 722 568,48	- 5 168,56
MT	EUR	5 242 305,77	0,00	5 242 305,77	0,00	- 188,03	5 242 117,74	5 242 197,66	- 79,92
NL	EUR	771 773 154,17	0,00	771 773 154,17	- 598 043,02	- 30 577,93	771 144 533,22	771 207 737,79	- 63 204,57
PL	PLN	0,00	0,00	0,00	0,00	- 404 820,57	- 404 820,57	0,00	- 404 820,57
PL	EUR	3 307 605 902,16	0,00	3 307 605 902,16	- 1 032 358,05	0,00	3 306 573 544,11	3 306 631 578,16	- 58 034,05
PT	EUR	741 596 343,22	0,00	741 596 343,22	- 357 889,15	- 1 149 963,88	740 088 490,19	740 070 095,58	18 394,61
RO	RON	0,00	0,00	0,00	0,00	- 1 046 041,22	- 1 046 041,22	0,00	- 1 046 041,22
RO	EUR	1 766 218 852,60	0,00	1 766 218 852,60	- 10 850 789,64	0,00	1 755 368 062,96	1 768 957 065,95	- 13 589 002,99
SE	SEK	0,00	0,00	0,00	0,00	- 142 754,87	- 142 754,87	0,00	- 142 754,87
SE	EUR	697 300 129,50	0,00	697 300 129,50	- 339 025,48	0,00	696 961 104,02	696 962 292,44	- 1 188,42
SI	EUR	141 823 320,05	0,00	141 823 320,05	0,00	0,00	141 823 320,05	141 823 320,05	0,00
SK	EUR	445 619 721,44	0,00	445 619 721,44	- 2 527 026,73	0,00	443 092 694,71	443 092 226,31	468,40

MS		Expenditure (³)	Assigned revenue (³)	Article 54(2) (=e)	Total (=h)
		05 07 01 06	6701	6702	
		i	j	k	l = i+j+k
AT	EUR	773 978,21	0,00	0,00	773 978,21
BE	EUR	0,00	- 205 799,50	- 1 626,78	- 207 426,28
BG	BGN	0,00	0,00	- 1 063 919,18	- 1 063 919,18
BG	EUR	0,00	- 861 333,91	0,00	- 861 333,91
CY	EUR	17 353,45	- 11 696,07	0,00	5 657,38
CZ	CZK	0,00	0,00	0,00	0,00
CZ	EUR	14 462,03	0,00	0,00	14 462,03
DE	EUR	57 166,41	- 1 733,10	- 33 688,08	21 745,23
DK	DKK	0,00	0,00	- 125 077,44	- 125 077,44
DK	EUR	96 058,12	0,00	0,00	96 058,12
EE	EUR	7 742,45	0,00	0,00	7 742,45
ES	EUR	1 035 157,54	0,00	- 621 928,73	413 228,81
FI	EUR	0,00	- 89 676,73	- 28 687,91	- 118 364,64
FR	EUR	0,00	- 14 060 440,18	- 460 572,15	- 14 521 012,33
EL	EUR	0,00	- 172,24	- 1 638 086,99	- 1 638 259,23
HR	HRK	0,00	0,00	0,00	0,00

MS		Expenditure ⁽³⁾	Assigned revenue ⁽³⁾	Article 54(2) (=e)	Total (=h)
		05 07 01 06	6701	6702	
		i	j	k	l = i+j+k
HR	EUR	0,00	- 29 479,89	0,00	- 29 479,89
HU	HUF	0,00	0,00	- 135 165 891,00	- 135 165 891,00
HU	EUR	0,03	0,00	0,00	0,03
IE	EUR	953 920,29	0,00	- 21 661,81	932 258,48
IT	EUR	1 981 904,05	0,00	- 2 680 831,62	- 698 927,57
LT	EUR	0,00	- 796,33	- 360,43	- 1 156,76
LU	EUR	50 864,74	0,00	- 3 565,63	47 299,11
LV	EUR	0,00	0,00	- 5 168,56	- 5 168,56
MT	EUR	108,13	- 0,02	- 188,03	- 79,92
NL	EUR	0,00	- 32 626,64	- 30 577,93	- 63 204,57
PL	PLN	0,00	0,00	- 404 820,57	- 404 820,57
PL	EUR	0,00	- 58 034,05	0,00	- 58 034,05
PT	EUR	1 168 358,49	0,00	- 1 149 963,88	18 394,61
RO	RON	0,00	0,00	- 1 046 041,22	- 1 046 041,22
RO	EUR	0,00	- 13 589 002,99	0,00	- 13 589 002,99
SE	SEK	0,00	0,00	- 142 754,87	- 142 754,87
SE	EUR	0,00	- 1 188,42	0,00	- 1 188,42
SI	EUR	0,00	0,00	0,00	0,00
SK	EUR	468,40	0,00	0,00	468,40

⁽¹⁾ The reductions and suspensions are those taken into account in the payment system, to which are added in particular the corrections for the non respect of payment deadlines established in August, September and October 2018 and other reductions in the context of Article 41 of Regulation (EU) No 1306/2013.

⁽²⁾ For the calculation of the amount to be recovered from or paid to the Member State the amount taken into account is, the total of the annual declaration for the expenditure cleared (col.a) or, the total of the monthly declarations for the expenditure disjoined (col.b).

Applicable exchange rate: the second sentence of the first subparagraph of Article 11(1) of the Commission Delegated Regulation (EU) No 907/2014.

⁽³⁾ BL 05 07 01 06 shall be split between the negative corrections which become assigned revenue in BL 67 01 and the positive ones in favour of MS which shall now be included on the expenditure side 05 07 01 06 as per article 43 of R 1306/2013.

NB: Nomenclature 2019: 05 07 01 06, 6701, 6702

ANNEX II

CLEARANCE OF THE PAYING AGENCIES' ACCOUNTS

FINANCIAL YEAR 2018 - EAGF

Corrections according to Article 54(2) of Regulation (EU) 1306/2013 ⁽¹⁾

Member State	Currency	In National currency	In Euro
AT	EUR		
BE	EUR		
BG	BGN		
CY	EUR	—	—
CZ	CZK	3 149 709,47	—
DE	EUR		
DK	DKK		
EE	EUR	—	—
ES	EUR		
FI	EUR		
FR	EUR		
EL	EUR		
HR	HRK		
HU	HUF	11 329 127,00	—
IE	EUR		
IT	EUR		
LT	EUR	—	79 900,38
LU	EUR		
LV	EUR	—	64 214,94
MT	EUR	—	—
NL	EUR		
PL	PLN	614 231,29	—
PT	EUR		
RO	RON		
SE	SEK		
SI	EUR	—	—
SK	EUR	—	164 867,37

⁽¹⁾ Only the corrections related to TRDI are communicated in this annex

COMMISSION IMPLEMENTING DECISION (EU) 2019/875**of 27 May 2019****amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States***(notified under document C(2019) 4045)***(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 ⁽¹⁾, and in particular Article 9(4) thereof,Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary checks applicable in intra-Union trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽³⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Commission Implementing Decision 2014/709/EU ⁽⁴⁾ lays down animal health control measures in relation to African swine fever in certain Member States, where there have been confirmed cases of that disease in domestic or feral pigs (the Member States concerned). The Annex to that Implementing Decision demarcates and lists certain areas of the Member States concerned in Parts I to IV thereof, differentiated by the level of risk based on the epidemiological situation as regards that disease. The Annex to Implementing Decision 2014/709/EU has been amended several times to take account of changes in the epidemiological situation in the Union as regards African swine fever that need to be reflected in that Annex. The Annex to Implementing Decision 2014/709/EU was last amended by Commission Implementing Decision (EU) 2019/793 ⁽⁵⁾, following instances of African swine fever in Hungary and Poland.
- (2) Since the date of adoption of Implementing Decision (EU) 2019/793, there have been further instances of African swine fever in domestic pigs in Poland that also need to be reflected in the Annex to Implementing Decision 2014/709/EU.
- (3) In May 2019, an outbreak of African swine fever in domestic pigs was observed in the county of giżycki in Poland in an area currently listed in Part II of the Annex to Implementing Decision 2014/709/EU. This outbreak of African swine fever in domestic pigs constitutes an increased level of risk which should be reflected in that Annex. Accordingly, this area of Poland affected by African swine fever should be listed in Part III of the Annex to Implementing Decision 2014/709/EU instead of in Part II thereof.
- (4) In order to take account of recent developments in the epidemiological evolution of African swine fever in the Union, and in order to combat the risks associated with the spread of that disease in a proactive manner, a new high-risk area of a sufficient size should be demarcated for Poland and duly listed in Part III of the Annex to Implementing Decision 2014/709/EU. The Annex to Implementing Decision 2014/709/EU should therefore be amended accordingly.
- (5) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ OJ L 18, 23.1.2003, p. 11.

⁽⁴⁾ Commission Implementing Decision 2014/709/EU of 9 October 2014 concerning animal health control measures relating to African swine fever in certain Member States and repealing Implementing Decision 2014/178/EU (OJ L 295, 11.10.2014, p. 63).

⁽⁵⁾ Commission Implementing Decision (EU) 2019/793 of 16 May 2019 amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States (OJ L 129, 17.5.2019, p. 5).

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision 2014/709/EU is replaced by the text set out in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 27 May 2019.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

The Annex to Implementing Decision 2014/709/EU is replaced by the following:

‘ANNEX

PART I

1. Belgium

The following areas in Belgium:

in Luxembourg province:

— the area is delimited clockwise by:

- Frontière avec la France,
- Rue Mersinhat,
- La N818jusque son intersection avec la N83,
- La N83 jusque son intersection avec la N884,
- La N884 jusque son intersection avec la N824,
- La N824 jusque son intersection avec Le Routeux,
- Le Routeux,
- Rue d’Orgéo,
- Rue de la Vierre,
- Rue du Bout-d’en-Bas,
- Rue Sous l’Eglise,
- Rue Notre-Dame,
- Rue du Centre,
- La N845 jusque son intersection avec la N85,
- La N85 jusque son intersection avec la N40,
- La N40 jusque son intersection avec la N802,
- La N802 jusque son intersection avec la N825,
- La N825 jusque son intersection avec la E25-E411,
- La E25-E411jusque son intersection avec la N40,
- N40: Burnaimont, Rue de Luxembourg, Rue Ranci, Rue de la Chapelle,
- Rue du Tombois,
- Rue Du Pierroy,
- Rue Saint-Orban,
- Rue Saint-Aubain,
- Rue des Cottages,
- Rue de Relune,
- Rue de Rulune,
- Route de l’Ermitage,
- N87: Route de Habay,
- Chemin des Ecoliers,
- Le Routy,
- Rue Burgknapp,
- Rue de la Halte,
- Rue du Centre,

- Rue de l'Église,
- Rue du Marquisat,
- Rue de la Carrière,
- Rue de la Lorraine,
- Rue du Beynert,
- Millewée,
- Rue du Tram,
- Millewée,
- N4: Route de Bastogne, Avenue de Longwy, Route de Luxembourg,
- Frontière avec le Grand-Duché de Luxembourg,
- Frontière avec la France,
- La N87 jusque son intersection avec la N871 au niveau de Rouvroy,
- La N871 jusque son intersection avec la N88,
- La N88 jusque son intersection avec la rue Baillet Latour,
- La rue Baillet Latour jusque son intersection avec la N811,
- La N811 jusque son intersection avec la N88,
- La N88 jusque son intersection avec la N883 au niveau d'Aubange,
- La N883 jusque son intersection avec la N81 au niveau d'Aubange,
- La N81 jusque son intersection avec la E25-E411,
- La E25-E411 jusque son intersection avec la N40,
- La N40 jusque son intersection avec la rue du Fet,
- Rue du Fet,
- Rue de l'Accord jusque son intersection avec la rue de la Gaume,
- Rue de la Gaume jusque son intersection avec la rue des Bruyères,
- Rue des Bruyères,
- Rue de Neufchâteau,
- Rue de la Motte,
- La N894 jusque son intersection avec la N85,
- La N85 jusque son intersection avec la frontière avec la France.

2. Bulgaria

The following areas in Bulgaria:

in Varna the whole region excluding the villages covered in Part II;

in Silistra region:

- whole municipality of Glavinitza,
- whole municipality of Tutrakan,
- within municipality of Dulovo:
 - Boil,
 - Vokil,
 - Grancharovo,
 - Doletz,
 - Oven,
 - Okorsh,
 - Oreshene,

- Paisievo,
- Pravda,
- Prohlada,
- Ruyno,
- Sekulovo,
- Skala,
- Yarebitsa,
- within municipality of Sitovo:
 - Bosna,
 - Garvan,
 - Irnik,
 - Iskra,
 - Nova Popina,
 - Polyana,
 - Popina,
 - Sitovo,
 - Yastrebna,
- within municipality of Silistra:
 - Vetren,
- in Dobrich region:
 - whole municipality of Baltchik,
 - whole municipality of General Toshevo,
 - whole municipality of Dobrich,
 - whole municipality of Dobrich-selska (Dobrichka),
 - within municipality of Krushari:
 - Severnyak,
 - Abrit,
 - Dobrin,
 - Alexandria,
 - Polkovnik Dyakovo,
 - Poruchik Kardzhievo,
 - Zagortzi,
 - Zementsi,
 - Koriten,
 - Krushari,
 - Bistretz,
 - Efreytor Bakalovo,
 - Telerig,
 - Lozenetz,
 - Krushari,
 - Severnyak,
 - Severtsi,

- within municipality of Kavarna:
 - Krupen,
 - Belgun,
 - Bilo,
 - Septemvriysi,
 - Travnik,
 - whole municipality of Tervel, except Brestnitsa and Kolartzi,
- in Ruse region:
- within municipality of Slivo pole:
 - Babovo,
 - Brashlen,
 - Golyamo vranovo,
 - Malko vranovo,
 - Ryahovo,
 - Slivo pole,
 - Borisovo,
 - within municipality of Ruse:
 - Sandrovo,
 - Proseno,
 - Nikolovo,
 - Marten,
 - Dolno Ablanovo,
 - Ruse,
 - Chervena voda,
 - Basarbovo,
 - within municipality of Ivanovo:
 - Krasen,
 - Bozhichen,
 - Pirovovo,
 - Mechka,
 - Trastenik,
 - within municipality of Borovo:
 - Batin,
 - Gorno Ablanovo,
 - Ekzarh Yosif,
 - Obretenik,
 - Batin,
 - within municipality of Tsenovo:
 - Krivina,
 - Belyanovo,
 - Novgrad,
 - Dzhulyunitza,
 - Beltzov,

- Tsenovo,
 - Piperkovo,
 - Karamanovo,
- in Veliko Tarnovo region:
- within municipality of Svishtov:
 - Sovata,
 - Vardim,
 - Svishtov,
 - Tzarevets,
 - Bulgarsko Slivovo,
 - Oresh,
- in Pleven region:
- within municipality of Belene:
 - Dekov,
 - Belene,
 - Kulina voda,
 - Byala voda,
 - within municipality of Nikopol:
 - Lozitza,
 - Dragash voyvoda,
 - Lyubenovo,
 - Nikopol,
 - Debovo,
 - Evlogievo,
 - Muselievo,
 - Zhernov,
 - Cherkovitza,
 - within municipality of Gulyantzi:
 - Somovit,
 - Dolni vit,
 - Milkovitsa,
 - Shiyakovo,
 - Lenkovo,
 - Kreta,
 - Gulyantzi,
 - Brest,
 - Dabovan,
 - Zagrazhdan,
 - Gigen,
 - Iskar,
 - within municipality of Dolna Mitropoliya:
 - Komarevo,
 - Baykal,

- Slavovitsa,
 - Bregare,
 - Orehovitsa,
 - Krushovene,
 - Stavertzi,
 - Gostilya,
- in Vratza region:
- within municipality of Oryahovo:
 - Dolni vadin,
 - Gorni vadin,
 - Ostrov,
 - Galovo,
 - Leskovets,
 - Selanovtsi,
 - Oryahovo,
 - within municipality of Miziya:
 - Saraevo,
 - Miziya,
 - Voyvodovo,
 - Sofronievo,
 - within municipality of Kozloduy:
 - Harlets,
 - Glozhene,
 - Butan,
 - Kozloduy,
- in Montana region:
- within municipality of Valtchedram:
 - Dolni Tzibar,
 - Gorni Tzibar,
 - Ignatovo,
 - Zlatiya,
 - Razgrad,
 - Botevo,
 - Valtchedram,
 - Mokresh,
 - within municipality Lom:
 - Kovatchitza,
 - Stanevo,
 - Lom,
 - Zemphyr,
 - Dolno Linevo,
 - Traykovo,
 - Staliyska mahala,

- Orsoya,
- Slivata,
- Dobri dol,
- within municipality of Brusartsi:
 - Vasilyovtzi,
 - Dondukovo,
- in Vidin region:
 - within municipality of Ruzhintsi:
 - Dinkovo,
 - Topolovets,
 - Drenovets,
 - within municipality of Dimovo:
 - Artchar,
 - Septemvriytzi,
 - Yarlovitza,
 - Vodnyantzi,
 - Shipot,
 - Izvor,
 - Mali Drenovetz,
 - Lagoshevtzi,
 - Darzhanitza,
 - within municipality of Vidin:
 - Vartop,
 - Botevo,
 - Gaytantsi,
 - Tzar Simeonovo,
 - Ivanovtzi,
 - Zheglitza,
 - Sinagovtzi,
 - Dunavtzi,
 - Bukovets,
 - Bela Rada,
 - Slana bara,
 - Novoseltsi,
 - Ruptzi,
 - Akatsievo,
 - Vidin,
 - Inovo,
 - Kapitanovtzi,
 - Pokrayna,
 - Antimovo,
 - Kutovo,
 - Slanotran,

- Koshava,
- Gomotartsi.

3. Estonia

The following areas in Estonia:

- Hiiumaa maakond.

4. Hungary

The following areas in Hungary:

- Borsod-Abaúj-Zemplén megye 651100, 651300, 651400, 651500, 651610, 651700, 651801, 651802, 651803, 651900, 652000, 652200, 652300, 652601, 652602, 652603, 652700, 652900, 653000, 653100, 653200, 653300, 653401, 653403, 653500, 653600, 653700, 653800, 653900, 654000, 654201, 654202, 654301, 654302, 654400, 654501, 654502, 654600, 654700, 654800, 654900, 655000, 655100, 655200, 655300, 655500, 655600, 655700, 655800, 655901, 655902, 656000, 656100, 656200, 656300, 656400, 656600, 657300, 657400, 657500, 657600, 657700, 657800, 657900, 658000, 658201, 658202 és 658403 kódszámú vadgazdálkodási egységeinek teljes területe,
- Hajdú-Bihar megye 900750, 901250, 901260, 901270, 901350, 901551, 901560, 901570, 901580, 901590, 901650, 901660, 901750, 901950, 902050, 902150, 902250, 902350, 902450, 902550, 902650, 902660, 902670, 902750, 903250, 903650, 903750, 903850, 904350, 904750, 904760, 904850, 904860, 905360, 905450 és 905550 kódszámú vadgazdálkodási egységeinek teljes területe,
- Heves megye 702550, 703350, 703360, 703450, 703550, 703610, 703750, 703850, 703950, 704050, 704150, 704250, 704350, 704450, 704550, 704650, 704750, 704850, 704950, 705050, és 705350 kódszámú vadgazdálkodási egységeinek teljes területe,
- Jász-Nagykun-Szolnok megye 750150, 750160, 750250, 750260, 750350, 750450, 750460, 750550, 750650, 750750, 750850, 750950, 751150, 752150 és 755550 kódszámú vadgazdálkodási egységeinek teljes területe,
- Nógrád megye 552010, 552150, 552250, 552350, 552450, 552460, 552520, 552550, 552610, 552620, 552710, 552850, 552860, 552950, 552960, 552970, 553050, 553110, 553250, 553260, 553350, 553650, 553750, 553850, 553910 és 554050 kódszámú vadgazdálkodási egységeinek teljes területe,
- Pest megye 571250, 571350, 571550, 571610, 571750, 571760, 572250, 572350, 572550, 572850, 572950, 573360, 573450, 580050 és 580450 kódszámú vadgazdálkodási egységeinek teljes területe,
- Szabolcs-Szatmár-Bereg megye 851950, 852350, 852450, 852550, 852750, 853560, 853650, 853751, 853850, 853950, 853960, 854050, 854150, 854250, 854350, 855350, 855450, 855550, 855650, 855660 és 855850 kódszámú vadgazdálkodási egységeinek teljes területe.

5. Latvia

The following areas in Latvia:

- Aizputes novads Aizputes, Āravas, Lažas, Kazdangas pagasts un Aizputes pilsēta,
- Alsungas novads,
- Durbe novads Dunalkas un Tadaļķu pagasts,
- Kuldīga novads Gudenieku pagasts,
- Pāvilostas novads Sakas pagasts un Pāvilostas pilsēta,
- Stopiņu novads daļa, kas atrodas uz rietumiem no autoceļa V36, P4 un P5, Acones ielas, Dauguļupes ielas un Dauguļupītes,
- Ventspils novads Jūrkalnes pagasts,
- Grobiņas novads Bārtas un Gaviezes pagasts,
- Rucavas novads Dunikas pagasts.

6. Lithuania

The following areas in Lithuania:

- Jurbarko rajono savivaldybė: Smalininkų ir Viešvilės seniūnijos,

- Kelmės rajono savivaldybė: Kelmės, Kelmės apylinkių, Kražių, Kukečių seniūnijos dalis į pietus nuo kelio Nr. 2128 ir į vakarus nuo kelio Nr. 2106, Liolių, Pakražančio seniūnijos, Tytuvėnų seniūnijos dalis į vakarus ir šiaurę nuo kelio Nr. 157 ir į vakarus nuo kelio Nr. 2105 ir Tytuvėnų apylinkių seniūnijos dalis į šiaurę nuo kelio Nr. 157 ir į vakarus nuo kelio Nr. 2105, ir Vaiguvos seniūnijos,
- Pagėgių savivaldybė,
- Plungės rajono savivaldybė,
- Raseinių rajono savivaldybė: Girkalnio ir Kalnųjų seniūnijos dalis į šiaurę nuo kelio Nr. A1, Nemakščių, Paliepių, Raseinių, Raseinių miesto ir Viduklės seniūnijos,
- Rietavo savivaldybė,
- Skuodo rajono savivaldybė,
- Šilalės rajono savivaldybė,
- Šilutės rajono savivaldybė: Juknaičių, Kintų, Šilutės ir Usėnų seniūnijos,
- Tauragės rajono savivaldybė: Lauksargių, Skaudvilės, Tauragės, Mažonų, Tauragės miesto ir Žygaičių seniūnijos.

7. Poland

The following areas in Poland:

w województwie warmińsko-mazurskim:

- gmina Ruciane – Nida i część gminy Pisz położona na południe od linii wyznaczonej przez drogę nr 58 oraz miasto Pisz w powiecie piskim,
- część gminy Miłki położona na zachód od linii wyznaczonej przez drogę nr 63, część gminy Ryn położona na południe od linii kolejowej łączącej miejscowości Giżycko i Kętrzyn, część gminy wiejskiej Giżycko położona na południe od linii wyznaczonej przez drogę nr 59 biegnącą od zachodniej granicy gminy do granicy miasta Giżycko, na południe od linii wyznaczonej przez drogę nr 63 biegnącą od południowej granicy gminy do granicy miasta Giżycko i na południe od granicy miasta Giżycko w powiecie giżyckim,
- gminy Mikołajki, Piecki, część gminy Sorkwity położona na południe od drogi nr 16 i część gminy wiejskiej Mrągowo położona na południe od linii wyznaczonej przez drogę nr 16 biegnącą od zachodniej granicy gminy do granicy miasta Mrągowo oraz na południe od linii wyznaczonej przez drogę nr 59 biegnącą od wschodniej granicy gminy do granicy miasta Mrągowo w powiecie mrągowskim,
- gminy Dźwierzuty i Świętajno w powiecie szczycieńskim,
- gminy Gronowo Elbląskie, Markusy, Rychliki, część gminy Elbląg położona na wschód i na południe od granicy powiatu miejskiego Elbląg i na południe od linii wyznaczonej przez drogę nr S7 biegnącą od granicy powiatu miejskiego Elbląg do wschodniej granicy gminy Elbląg i część gminy Tolkmicko niewymieniona w części II załącznika w powiecie elbląskim oraz strefa wód przybrzeżnych Zalewu Wiślanego i Zatoki Elbląskiej,
- gminy Barczewo, Biskupiec, Dobrze Miasto, Dywity, Jonkowo, Świątki i część gminy Jeziorany położona na południe od linii wyznaczonej przez drogę nr 593 w powiecie olsztyńskim,
- gminy Łukta, Miłakowo, Małdyty, Miłomłyn i Morąg w powiecie ostródzkim,
- gmina Zalewo w powiecie iławskim,

w województwie podlaskim:

- gminy Rudka, Wyszki, część gminy Brańsk położona na północ od linii od linii wyznaczonej przez drogę nr 66 biegnącą od wschodniej granicy gminy do granicy miasta Brańsk i miasto Brańsk w powiecie bielskim,
- gmina Perlejewo w powiecie siemiatyckim,
- gminy Kolno z miastem Kolno, Mały Płock i Turośl w powiecie kolneńskim,
- gmina Poświętne w powiecie białostockim,
- gminy Kulesze Kościelne, Nowe Piekuty, Szepietowo, Klukowo, Ciechanowiec, Wysokie Mazowieckie z miastem Wysokie Mazowieckie, Czyżew w powiecie wysokomazowieckim,
- gminy Miastkowo, Nowogród, Śniadowo i Zbójna w powiecie łomżyńskim,
- powiat zambrowski;

w województwie mazowieckim:

- gminy Ceranów, Kosów Lacki, Sabnie, Sterdyń, część gminy Bielany położona na zachód od linii wyznaczonej przez drogę nr 63 i część gminy wiejskiej Sokołów Podlaski położona na zachód od linii wyznaczonej przez drogę nr 63 w powiecie sokołowskim,
- gminy Grębków, Korytnica, Liw, Łochów, Miedzna, Sadowne, Stoczek, Wierzbnio i miasto Węgrów w powiecie węgrowskim,
- gminy Rzekuń, Troszyn, Lelis, Czerwin i Goworowo w powiecie ostrołęckim,
- powiat miejski Ostrołęka,
- powiat ostrowski,
- gminy Karniewo, Maków Mazowiecki, Rzewnie i Szelków w powiecie makowskim,
- gmina Krasne w powiecie przasnyskim,
- gminy Mała Wieś i Wyszogród w powiecie płockim,
- gminy Ciechanów z miastem Ciechanów, Głinojeck, Gołymin – Ośrodek, Ojrzeń, Opinogóra Górna i Sońsk w powiecie ciechanowskim,
- gminy Baboszewo, Czerwińsk nad Wisłą, Naruszewo, Płońsk z miastem Płońsk, Sochocin i Załuski w powiecie płońskim,
- gminy Gzy, Obryte, Zatory, Pułtusk i część gminy Winnica położona na wschód od linii wyznaczonej przez drogę łączącą miejscowości Bielany, Winnica i Pokrzywnica w powiecie pułtuskim,
- gminy Brańszczyk, Długosiodło, Rząśnik, Wyszków, Zabrodzie i część gminy Somianka położona na północ od linii wyznaczonej przez drogę nr 62 w powiecie wyszkowskim,
- gminy Jadów, Klembów, Poświętne, Strachówka i Tłuszcz w powiecie wołomińskim,
- gminy Dobrze, Stanisławów, część gminy Jakubów położona na północ od linii wyznaczonej przez drogę nr 92, część gminy Kałuszyn położona na północ od linii wyznaczonej przez drogi nr 2 i 92 i część gminy Mińsk Mazowiecki położona na północ od linii wyznaczonej przez drogę nr A2 w powiecie mińskim,
- gminy Garbatka Letnisko, Gniewoszków i Sieciechów w powiecie kozienickim,
- gminy Baranów i Jaktorów w powiecie grodziskim,
- powiat żyrardowski,
- gminy Belsk Duży, Błędów, Goszczyn i Mogielnica w powiecie grójeckim,
- gminy Białobrzegi, Promna, Stara Błotnica, Wyśmierzyce i część gminy Stromiec położona na południe od linii wyznaczonej przez drogę nr 48 w powiecie białobrzeskim,
- gminy Jedlińsk, Jastrzębia i Pionki z miastem Pionki w powiecie radomskim,
- gminy Iłów, Nowa Sucha, Rybno, część gminy Teresin położona na południe od linii wyznaczonej przez drogę nr 92, część gminy wiejskiej Sochaczew położona na południe od linii wyznaczonej przez drogę nr 92 i część miasta Sochaczew położona na południowy zachód od linii wyznaczonej przez drogi nr 50 i 92 w powiecie sochaczewskim,
- gmina Policzna w powiecie zwoleńskim,
- gmina Solec nad Wisłą w powiecie lipskim;

w województwie lubelskim:

- gminy Bełżyce, Borzechów, Bychawa, Niedzwica Duża, Jastków, Konopnica, Głusk, Strzyżewice, Wysokie, Wojciechów i Zakrzew w powiecie lubelskim,
- gminy Miączyn, Nielisz, Sitno, Komarów-Osada, Sułów, część gminy Szczebrzeszyn położona na północ od linii wyznaczonej przez drogę nr 74 biegnącą od wschodniej granicy gminy do granicy miasta Szczebrzeszyn i część gminy wiejskiej Zamość położona na północ od linii wyznaczonej przez drogę nr 74 w powiecie zamojskim,
- powiat miejski Zamość,
- gmina Jeziorzany i część gminy Kock położona na zachód od linii wyznaczonej przez rzekę Czarną w powiecie lubartowskim,
- gminy Adamów i Serokomla w powiecie łukowskim,
- gminy Nowodwór, Ryki, Ułęż i miasto Dęblin w powiecie ryckim,

- gminy Janowiec, i część gminy wiejskiej Puławy położona na zachód od rzeki Wisły w powiecie puławskim,
 - gminy Chodel, Karczmiska, Łaziska, Opole Lubelskie, Poniatowa i Wilków w powiecie opolskim,
 - miasto Świdnik w powiecie świdnickim;
 - gminy Rudnik i Żółkiewkaw powiecie krasnostawskim,
 - gminy Bełzec, Jarczów, Lubycza Królewska, Rachanie, Susiec, Ułhówek i część gminy Łaszczów położona na południe od linii wyznaczonej przez drogę nr 852 w powiecie tomaszowskim,
 - gminy Łukowa i Obsza w powiecie biłgorajskim,
 - powiat miejski Lublin,
 - gminy Kraśnik z miastem Kraśnik, Szastarka, Trzydnik Duży, Urzędów, Wilkołaz i Zakrzówek w powiecie kraśnickim,
 - gminy Modliborzyce i Potok Wielki w powiecie janowskim;
- w województwie podkarpackim:
- powiat lubaczowski,
 - gminy Laszki i Wiązownica w powiecie jarosławskim,
 - gminy Pysznica, Zaleszany i miasto Stalowa Wola w powiecie stalowowolskim,
 - gmina Gorzyce w powiecie tarnobrzeskim;
- w województwie świętokrzyskim:
- gminy Tarłów i Ożarów w powiecie opatowskim,
 - gminy Dwikozy, Zawichost i miasto Sandomierz w powiecie sandomierskim.

8. Romania

The following areas in Romania:

- Județul Alba,
- Județul Cluj,
- Județul Harghita,
- Județul Hunedoara,
- Județul Iași,
- Județul Neamț,
- Județul Vâlcea,
- Restul județului Mehedinți care nu a fost inclus în Partea III cu următoarele comune:
 - Comuna Garla Mare,
 - Hinova,
 - Burila Mare,
 - Gruia,
 - Pristol,
 - Dubova,
 - Municipiul Drobeta Turnu Severin,
 - Eselnița,
 - Salcia,
 - Devesel,
 - Svinița,
 - Gogoșu,
 - Simian,
 - Orșova,

- Obârșia Closani,
- Baia de Aramă,
- Bala,
- Florești,
- Broșteni,
- Corcova,
- Isverna,
- Balta,
- Podeni,
- Cireșu,
- Ilovița,
- Ponoarele,
- Ilovăț,
- Patulele,
- Jiana,
- Iyvoru Bârzii,
- Malovat,
- Bălvănești,
- Breznița Ocol,
- Godeanu,
- Padina Mare,
- Corlățel,
- Vânju Mare,
- Vânjuleț,
- Obârșia de Câmp,
- Vânători,
- Vladaia,
- Pungghina,
- Cujmir,
- Oprișor,
- Dârvari,
- Căzănești,
- Husnicioara,
- Poroina Mare,
- Prunișor,
- Tămna,
- Livezile,
- Rogova,
- Voloiac,
- Sisești,
- Sovarna,
- Bălăcița,
- Județul Gorj,

- Județul Suceava,
- Județul Mureș,
- Județul Sibiu,
- Județul Caraș-Severin.

PART II

1. Belgium

The following areas in Belgium:

in Luxembourg province:

- the area is delimited clockwise by:
- La frontière avec la France au niveau de Florenville,
- La N85 jusque son intersection avec la N894 au niveau de Florenville,
- La N894 jusque son intersection avec la rue de la Motte,
- La rue de la Motte jusque son intersection avec la rue de Neufchâteau,
- La rue de Neufchâteau,
- La rue des Bruyères jusque son intersection avec la rue de la Gaume,
- La rue de la Gaume jusque son intersection avec la rue de l'Accord,
- La rue de l'Accord,
- La rue du Fet,
- La N40 jusque son intersection avec la E25-E411,
- La E25-E411 jusque son intersection avec la N81 au niveau de Weyler,
- La N81 jusque son intersection avec la N883 au niveau d'Aubange,
- La N883 jusque son intersection avec la N88 au niveau d'Aubange,
- La N88 jusque son intersection avec la N811,
- La N811 jusque son intersection avec la rue Baillet Latour,
- La rue Baillet Latour jusque son intersection avec la N88,
- La N88 jusque son intersection avec la N871,
- La N871 jusque son intersection avec la N87 au niveau de Rouvroy,
- La N87 jusque son intersection avec la frontière avec la France.

2. Bulgaria

The following areas in Bulgaria:

in Varna region:

- within municipality of Beloslav:
 - Razdelna,
- within municipality of Devnya:
 - Devnya,
 - Poveyanovo,
 - Padina,
- within municipality of Vetrino:
 - Gabarnitsa,
- within municipality of Provadiya:
 - Staroselets,
 - Petrov dol,

- Provadiya,
- Dobrina,
- Manastir,
- Zhitnitsa,
- Tutrakantsi,
- Bozveliysko,
- Barzitsa,
- Tchayka,
- within municipality of Avren:
 - Trastikovo,
 - Sindel,
 - Avren,
 - Kazashka reka,
 - Yunak,
 - Tsarevtsi,
 - Dabravino,
- within municipality of Dalgopol:
 - Tsonevo,
 - Velichkovo,
- within municipality of Dolni chiflik:
 - Nova shipka,
 - Goren chiflik,
 - Pchelnik,
 - Venelin,
- in Silistra region:
 - within municipality of Kaynardzha:
 - Voynovo,
 - Kaynardzha,
 - Kranovo,
 - Zarnik,
 - Dobrudzhanka,
 - Golesh,
 - Svetoslav,
 - Polkovnik Cholakovo,
 - Kamentzi,
 - Gospodinovo,
 - Davidovo,
 - Sredishte,
 - Strelkovo,
 - Poprusanovo,
 - Posev,
 - within municipality of Alfatar:
 - Alfatar,
 - Alekovo,

- Bistra,
- Kutlovitza,
- Tzar Asen,
- Chukovetz,
- Vasil Levski,
- within municipality of Silistra:
 - Glavan,
 - Silistra,
 - Aydemir,
 - Babuk,
 - Popkralevo,
 - Bogorovo,
 - Bradvari,
 - Sratzimir,
 - Bulgarka,
 - Tsenovich,
 - Sarpovo,
 - Srebarna,
 - Smiletz,
 - Profesor Ishirkovo,
 - Polkovnik Lambrinovo,
 - Kalipetrovo,
 - Kazimir,
 - Yordanovo,
- within municipality of Sitovo:
 - Dobrotitza,
 - Lyuben,
 - Slatina,
- within municipality of Dulovo:
 - Varbino,
 - Polkovnik Taslakovo,
 - Kolobar,
 - Kozyak,
 - Mezhdan,
 - Tcherkovna,
 - Dulovo,
 - Razdel,
 - Tchernik,
 - Poroyno,
 - Vodno,
 - Zlatoklas,
 - Tchernolik,

in Dobrich region:

- within municipality of Krushari:
 - Kapitan Dimitrovo,
 - Ognyanovo,
 - Zimnitsa,
 - Gaber,
- within municipality of Dobrich-selska:
 - Altsek,
 - Vodnyantsi,
 - Feldfebel Denkovo,
 - Hitovo,
- within municipality of Tervel:
 - Brestnitsa,
 - Kolartzi,
 - Angelariy,
 - Balik,
 - Bezmer,
 - Bozhan,
 - Bonevo,
 - Voynikovo,
 - Glavantsi,
 - Gradnitsa,
 - Guslar,
 - Kableschkovo,
 - Kladentsi,
 - Kochmar,
 - Mali izvor,
 - Nova Kamena,
 - Onogur,
 - Polkovnik Savovo,
 - Popgruevo,
 - Profesor Zlatarski,
 - Sartents,
 - Tervel,
 - Chestimenstko,
- within municipality Shabla:
 - Shabla,
 - Tyulenovo,
 - Bozhanovo,
 - Gorun,
 - Gorichane,
 - Prolez,
 - Ezeretz,
 - Zahari Stoyanovo,

- Vaklino,
- Granichar,
- Durankulak,
- Krapetz,
- Smin,
- Staevtsi,
- Tvarditsa,
- Chernomortzi,
- within municipality of Kavarna:
 - Balgarevo,
 - Bozhurets,
 - Vranino,
 - Vidno,
 - Irechek,
 - Kavarna,
 - Kamen briag,
 - Mogilishte,
 - Neykovo,
 - Poruchik Chunchevo,
 - Rakovski,
 - Sveti Nikola,
 - Seltse,
 - Topola,
 - Travnik,
 - Hadzhi Dimitar,
 - Chelopechene.

3. Estonia

The following areas in Estonia:

- Eesti Vabariik (välja arvatud Hiiu maakond).

4. Hungary

The following areas in Hungary:

- Heves megye 700150, 700250, 700260, 700350, 700450, 700460, 700550, 700650, 700750, 700850, 700860, 700950, 701050, 701111, 701150, 701250, 701350, 701550, 701560, 701650, 701750, 701850, 701950, 702050, 702150, 702250, 702260, 702350, 702450, 702750, 702850, 702950, 703050, 703150, 703250, 703370, 705150, 705250, 705450, 705510 és 705610 kódszámú vadgazdálkodási egységeinek teljes területe,
- Szabolcs-Szatmár-Bereg megye 850950, 851050, 851150, 851250, 851350, 851450, 851550, 851560, 851650, 851660, 851751, 851752, 852850, 852860, 852950, 852960, 853050, 853150, 853160, 853250, 853260, 853350, 853360, 853450, 853550, 854450, 854550, 854560, 854650, 854660, 854750, 854850, 854860, 854870, 854950, 855050, 855150, 855250, 855460, 855750, 855950, 855960, 856051, 856150, 856250, 856260, 856350, 856360, 856450, 856550, 856650, 856750, 856760, 856850, 856950, 857050, 857150, 857350, 857450, 857650, valamint 850150, 850250, 850260, 850350, 850450, 850550, 852050, 852150, 852250 és 857550, továbbá 850650, 850850, 851851 és 851852 kódszámú vadgazdálkodási egységeinek teljes területe,
- Nógrád megye 550110, 550120, 550130, 550210, 550310, 550320, 550450, 550460, 550510, 550610, 550710, 550810, 550950, 551010, 551150, 551160, 551250, 551350, 551360, 551450, 551460, 551550, 551650, 551710, 551810, 551821 és 552360 kódszámú vadgazdálkodási egységeinek teljes területe,

- Borsod-Abaúj-Zemplén megye 650100, 650200, 650300, 650400, 650500, 650600, 650700, 650800, 650900, 651000, 651200, 652100, 655400, 656701, 656702, 656800, 656900, 657010, 657100, 658100, 658310, 658401, 658402, 658404, 658500, 658600, 658700, 658801, 658802, 658901, 658902, 659000, 659100, 659210, 659220, 659300, 659400, 659500, 659601, 659602, 659701, 659800, 659901, 660000, 660100, 660200, 660400, 660501, 660502, 660600 és 660800, valamint 652400, 652500 és 652800 kódszámú vadgazdálkodási egységeinek teljes területe,
- Hajdú-Bihar megye 900150, 900250, 900350, 900450, 900550, 900650, 900660, 900670, 901850, 900850, 900860, 900930, 900950, 901050, 901150, 901450, 902850, 902860, 902950, 902960, 903050, 903150, 903350, 903360, 903370, 903450, 903550, 904450, 904460, 904550, 904650 kódszámú vadgazdálkodási egységeinek teljes területe.

5. Latvia

The following areas in Latvia:

- Ādažu novads,
- Aizputes novada Kalvenes pagasts,
- Aglonas novads,
- Aizkraukles novads,
- Aknīstes novads,
- Alojās novads,
- Alūksnes novads,
- Amatas novads,
- Apes novads,
- Auces novads,
- Babītes novads,
- Baldones novads,
- Baltinavas novads,
- Balvu novads,
- Bauskas novads,
- Beverīnas novads,
- Brocēnu novada Bīdienes pagasts, Remtes pagasta daļa uz austrumiem no autoceļa 1154 un P109,
- Burtnieku novads,
- Carnikavas novads,
- Cēsu novads,
- Cesvaines novads,
- Ciblas novads,
- Dagdas novads,
- Daugavpils novads,
- Dobeles novads,
- Dundagas novads,
- Durbes novada Durbes un Vecpils pagasts,
- Engures novads,
- Ērgļu novads,
- Garkalnes novads,
- Gulbenes novads,
- Iecavas novads,
- Ikšķiles novads,
- Ilūkstes novads,

- Inčukalna novads,
- Jaunjelgavas novads,
- Jaunpiebalgas novads,
- Jaunpils novads,
- Jēkabpils novads,
- Jelgavas novads,
- Kandavas novads,
- Kārsavas novads,
- Ķeguma novads,
- Ķekavas novads,
- Kocēnu novads,
- Kokneses novads,
- Krāslavas novads,
- Krimuldas novads,
- Krustpils novads,
- Kuldīgas novada Ēdoles, Īvandes, Padures, Rendas, Kabiles, Rumbas, Kurmāles, Pelču, Snēpeles, Turlavas, Laidu un Vārmes pagasts, Kuldīgas pilsēta,
- Lielvārdes novads,
- Līgatnes novads,
- Limbažu novads,
- Līvānu novads,
- Lubānas novads,
- Ludzas novads,
- Madonas novads,
- Mālpils novads,
- Mārupes novads,
- Mazsalacas novads,
- Mērsraga novads,
- Naukšēnu novads,
- Neretas novads,
- Ogres novads,
- Olaines novads,
- Ozolnieku novads,
- Pārgaujas novads,
- Pļaviņu novads,
- Preiļu novads,
- Priekules novads,
- Priekuļu novads,
- Raunas novads,
- republikas pilsēta Daugavpils,
- republikas pilsēta Jelgava,
- republikas pilsēta Jēkabpils,
- republikas pilsēta Jūrmala,
- republikas pilsēta Rēzekne,
- republikas pilsēta Valmiera,

- Rēzeknes novads,
- Riebiņu novads,
- Rojas novads,
- Ropažu novads,
- Rugāju novads,
- Rundāles novads,
- Rūjienas novads,
- Salacgrīvas novads,
- Salas novads,
- Salaspils novads,
- Saldus novada Novadnieku, Kursīšu, Zvārdes, Pampāļu, Šķēdes, Nīgrandes, Zaņas, Ezeres, Rubas, Jaunauces un Vadakstes pagasts,
- Saulkrastu novads,
- Sējas novads,
- Siguldas novads,
- Skrīveru novads,
- Skrundas novads,
- Smiltenes novads,
- Stopiņu novada daļa, kas atrodas uz austrumiem no autoceļa V36, P4 un P5, Acones ielas, Dauguļupes ielas un Dauguļupītes,
- Strenču novads,
- Talsu novads,
- Tērvetes novads,
- Tukuma novads,
- Vaiņodes novads,
- Valkas novads,
- Varakļānu novads,
- Vārkavas novads,
- Vecpiebalgas novads,
- Vecumnieku novads,
- Ventspils novada Ances, Tārgales, Popes, Vārves, Užavas, Piltenes, Puzes, Ziru, Ugāles, Usmas un Zlēku pagasts, Piltenes pilsēta,
- Viesītes novads,
- Viļakas novads,
- Viļānu novads,
- Zilupes novads.

6. Lithuania

The following areas in Lithuania:

- Alytaus miesto savivaldybė,
- Alytaus rajono savivaldybė,
- Anykščių rajono savivaldybė,
- Akmenės rajono savivaldybė: Ventos ir Papilės seniūnijos,
- Biržų miesto savivaldybė,
- Biržų rajono savivaldybė,
- Birštono savivaldybė,

- Druskininkų savivaldybė,
- Elektrėnų savivaldybė,
- Ignalinos rajono savivaldybė,
- Jonavos rajono savivaldybė,
- Joniškio rajono savivaldybė: Kepalių, Kriukų, Saugėlaukio ir Satkūnų seniūnijos,
- Jurbarko rajono savivaldybė,
- Kaišiadorių rajono savivaldybė,
- Kalvarijos savivaldybė,
- Kauno miesto savivaldybė,
- Kauno rajono savivaldybė,
- Kazlų Rūdos savivaldybė,
- Kelmės rajono savivaldybė: Tytuvėnų seniūnijos dalis į rytus ir pietus nuo kelio Nr. 157 ir į rytus nuo kelio Nr. 2105 ir Tytuvėnų apylinkių seniūnijos dalis į pietus nuo kelio Nr. 157 ir į rytus nuo kelio Nr. 2105, Užvenčio, Kukečių dalis į šiaurę nuo kelio Nr. 2128 ir į rytus nuo kelio Nr. 2106, ir Šaukėnų seniūnijos,
- Kėdainių rajono savivaldybė,
- Kupiškio rajono savivaldybė,
- Lazdijų rajono savivaldybė: Būdviečio, Kapčiamieščio, Krosnos, Kučiūnų ir Noragėlių seniūnijos,
- Marijampolės savivaldybė,
- Mažeikių rajono savivaldybė: Šerkšnėnų, Sedos ir Židikų seniūnijos,
- Molėtų rajono savivaldybė,
- Pakruojo rajono savivaldybė,
- Panevėžio rajono savivaldybė,
- Panevėžio miesto savivaldybė,
- Pasvalio rajono savivaldybė,
- Radviliškio rajono savivaldybė,
- Prienų rajono savivaldybė,
- Raseinių rajono savivaldybė: Ariogalos, Betygalos, Pagojukų, Šiluvos, Kalnujų seniūnijos ir Girkalnio seniūnijos dalis į pietus nuo kelio Nr. A1,
- Rokiškio rajono savivaldybė,
- Šakių rajono savivaldybė,
- Šalčininkų rajono savivaldybė,
- Šiaulių miesto savivaldybė,
- Šiaulių rajono savivaldybė: Šiaulių kaimiškoji seniūnija,
- Šilutės rajono savivaldybė: Rusnės seniūnija,
- Širvintų rajono savivaldybė,
- Švenčionių rajono savivaldybė,
- Tauragės rajono savivaldybė: Batakių ir Gaurės seniūnijos,
- Telšių rajono savivaldybė,
- Trakų rajono savivaldybė,
- Ukmergės rajono savivaldybė,
- Utenos rajono savivaldybė,
- Varėnos rajono savivaldybė,
- Vilniaus miesto savivaldybė,
- Vilniaus rajono savivaldybė,

- Vilkaviškio rajono savivaldybė,
- Visagino savivaldybė,
- Zarasų rajono savivaldybė.

7. Poland

The following areas in Poland:

w województwie warmińsko-mazurskim:

- gminy Kalinowo, Prostki, Stare Juchy i gmina wiejska Elk w powiecie elckim,
- gminy Godkowo, Milejewo, Młynary, Pasłęk, część gminy Elbląg położona na północ od linii wyznaczonej przez drogę nr S7 biegnącą od granicy powiatu miejskiego Elbląg do wschodniej granicy gminy Elbląg, i część obszaru lądowego gminy Tolkmicko położona na południe od linii brzegowej Zalewu Wiślanego i Zatoki Elbląskiej do granicy z gminą wiejską Elbląg w powiecie elbląskim,
- powiat miejski Elbląg,
- gmina Wydminy, część gminy Miłki położona na wschód od linii wyznaczonej przez drogę nr 63, część gminy Ryn położona na północ od linii kolejowej łączącej miejscowości Giżycko i Kętrzyn, część gminy wiejskiej Giżycko położona na północ od linii kolejowej łączącej miejscowości Giżycko i Kętrzyn, część gminy wiejskiej Giżycko położona na zachód od zachodniej linii brzegowej jeziora Kisajno, w kierunku południowym od granicy miasta Giżycko i od południa ograniczona drogą nr 59 w powiecie giżyckim,
- powiat gołdapski,
- gmina Pozezdrze i część gminy Węgorzewo położona na zachód od linii wyznaczonej przez drogę nr 63 biegnącą od południowo-wschodniej granicy gminy do skrzyżowania z drogą nr 650, a następnie na południe od linii wyznaczonej przez drogę nr 650 biegnącą od skrzyżowania z drogą nr 63 do skrzyżowania z drogą biegnącą do miejscowości Przysań i na wschód od linii wyznaczonej przez drogę łączącą miejscowości Przysań, Pniewo, Kamionek Wielki, Radziejewo, Dłużec w powiecie węgorzewskim,
- powiat olecki,
- gminy Orzysz, Biała Piska i część gminy Pisz położona na północ od linii wyznaczonej przez drogę nr 58 w powiecie piskim,
- gminy Górowo Iławeckie z miastem Górowo Iławeckie, Bisztynek, część gminy wiejskiej Bartoszyce położona na zachód od linii wyznaczonej przez drogę nr 51 biegnącą od północnej granicy gminy do skrzyżowania z drogą nr 57 i na zachód od linii wyznaczonej przez drogę nr 57 biegnącą od skrzyżowania z drogą nr 51 do południowej granicy gminy i miasto Bartoszyce w powiecie bartoszyckim,
- gmina Kolno i część gminy Jeziorany położona na północ od linii wyznaczonej przez drogę nr 593 w powiecie olsztyńskim,
- powiat braniewski,
- gminy Kętrzyn z miastem Kętrzyn, Reszel i część gminy Korsze położona na południe od linii wyznaczonej przez drogę biegnącą od wschodniej granicy łączącą miejscowości Krelikiejmy i Sątoczno i na wschód od linii wyznaczonej przez drogę łączącą miejscowości Sątoczno, Sajna Wielka biegnącą do skrzyżowania z drogą nr 590 w miejscowości Glitajny, a następnie na wschód od drogi nr 590 do skrzyżowania z drogą nr 592 i na południe od linii wyznaczonej przez drogę nr 592 biegnącą od zachodniej granicy gminy do skrzyżowania z drogą nr 590 w powiecie kętrzyńskim,
- powiat lidzbarski,
- część gminy Sorkwity położona na północ od drogi nr 16 i część gminy wiejskiej Mrągowo położona na północ od linii wyznaczonej przez drogę nr 16 biegnącą od zachodniej granicy gminy do granicy miasta Mrągowo oraz na północ od linii wyznaczonej przez drogę nr 59 biegnącą od wschodniej granicy gminy do granicy miasta Mrągowo w powiecie mrągowym;

w województwie podlaskim:

- powiat grajewski,
- powiat moniecki,
- powiat sejneński,
- gminy Łomża, Piątnica, Jedwabne, Przytuły i Wizna w powiecie łomżyńskim,
- powiat miejski Łomża,

- gminy Mielnik, Nurzec – Stacja, Grodzisk, Drohiczyn, Dziadkowice, Milejczyce i Siemiatycze z miastem Siemiatyczew powiecie siemiatyckim,
 - powiat hajnowski,
 - gminy Kobylin-Borzyni Sokoły w powiecie wysokomazowieckim,
 - gminy Grabowo i Stawiski w powiecie kolneńskim,
 - gminy Czarna Białostocka, Dobrzyniewo Duże, Gródek, Juchnowiec Kościelny, Łapy, Michałowo, Supraśl, Suraż, Turośń Kościelna, Tykocin, Wasilków, Zabłudów, Zawady i Choroszcz w powiecie białostockim,
 - gminy Boćki, Orla, Bielsk Podlaski z miastem Bielsk Podlaski i część gminy Brańsk położona na południe od linii od linii wyznaczonej przez drogę nr 66 biegnącą od wschodniej granicy gminy do granicy miasta Brańsk w powiecie bielskim,
 - powiat suwalski,
 - powiat miejski Suwałki,
 - powiat augustowski,
 - powiat sokólski,
 - powiat miejski Białystok;
- w województwie mazowieckim:
- gminy Korczew, Kotuń, Paprotnia, Przesmyki, Wodynie, Skórzec, Mokobody, Mordy, Siedlce, Suchożebry i Zbuczyn w powiecie siedleckim,
 - powiat miejski Siedlce,
 - gminy Repki, Jabłonna Lacka, część gminy Bielany położona na wschód od linii wyznaczonej przez drogę nr 63 i część gminy wiejskiej Sokołów Podlaski położona na wschód od linii wyznaczonej przez drogę nr 63 w powiecie sokołowskim,
 - powiat łosicki,
 - gminy Brochów, Młodzieszyn, część gminy Teresin położona na północ od linii wyznaczonej przez drogę nr 92, część gminy wiejskiej Sochaczew położona na północ od linii wyznaczonej przez drogę nr 92 i część miasta Sochaczew położona na północny wschód od linii wyznaczonej przez drogi nr 50 i 92 w powiecie sochaczewskim,
 - powiat nowodworski,
 - gminy Joniec i Nowe Miasto w powiecie płońskim,
 - gminy Pokrzywnica, Świercze i część gminy Winnica położona na zachód od linii wyznaczonej przez drogę łączącą miejscowości Bielany, Winnica i Pokrzywnica w powiecie pułuskim,
 - gminy Dąbrówka, Kobyłka, Marki, Radzymin, Wołomin, Zielonka i Ząbki w powiecie wołomińskim,
 - część gminy Somianka położona na południe od linii wyznaczonej przez drogę nr 62 w powiecie wyszkowskim,
 - gminy Cegłów, Dębe Wielkie, Halinów, Latowicz, Mrozy, Siennica, Sulejówek, część gminy Jakubów położona na południe od linii wyznaczonej przez drogę nr 92, część gminy Kałuszyn położona na południe od linii wyznaczonej przez drogi nr 2 i 92 i część gminy Mińsk Mazowiecki położona na południe od linii wyznaczonej przez drogę nr A2 i miasto Mińsk Mazowiecki w powiecie mińskim,
 - powiat garwoliński,
 - powiat otwocki,
 - powiat warszawski zachodni,
 - powiat legionowski,
 - powiat piaseczyński,
 - powiat pruszkowski,
 - gminy Chynów, Grójec, Jasieniec, Pniewy i Warkaw powiecie grójeckim,
 - gminy Milanówek, Grodzisk Mazowiecki, Podkowa Leśna i Żabia Wola w powiecie grodziskim,
 - gminy Grabów nad Pilicą, Magnuszew, Głowaczów, Kozienice w powiecie kozienickim,
 - część gminy Stromiec położona na północ od linii wyznaczonej przez drogę nr 48 w powiecie białoobrzeskim,
 - powiat miejski Warszawa;

w województwie lubelskim:

- gminy Borki, Czemierniki, Kąkolewnica, Komarówka Podlaska, Wołyn i Radzyń Podlaski z miastem Radzyń Podlaski w powiecie radzyńskim,
- gminy Stoczek Łukowski z miastem Stoczek Łukowski, Wola Mysłowska, Trzebieszów, Krzywda, Stanin, część gminy wiejskiej Łuków położona na wschód od linii wyznaczonej przez drogę nr 63 biegnącą od północnej granicy gminy do granicy miasta Łuków i na północ od linii wyznaczonej przez drogę nr 806 biegnącą od wschodniej granicy miasta Łuków do wschodniej granicy gminy wiejskiej Łuków i miasto Łuków w powiecie łukowskim,
- gminy Janów Podlaski, Kodeń, Tuczn, Leśna Podlaska, Rossosz, Łomazy, Konstantynów, Piszczac, Rokitno, Biała Podlaska, Zalesie, Terespol z miastem Terespol, Drelów, Międzyrzec Podlaski z miastem Międzyrzec Podlaski w powiecie białskim,
- powiat miejski Biała Podlaska,
- gmina Łęczna i część gminy Spiczyn położona na zachód od linii wyznaczonej przez drogę nr 829 w powiecie łęczyńskim,
- część gminy Siemień położona na zachód od linii wyznaczonej przez drogę nr 815 i część gminy Milanów położona na zachód od drogi nr 813 w powiecie parczewskim,
- gminy Niedźwiada, Ostrówek, Abramów, Firlej, Kamionka, Michów, Lubartów z miastem Lubartów i część gminy Kock położona na wschód od linii wyznaczonej przez rzekę Czarną, w powiecie lubartowskim,
- gminy Jabłonna, Krzczonów, Niemce, Garbów i Wólka w powiecie lubelskim,
- gminy Mełgiew, Rybczewice i Piaski w powiecie świdnickim,
- gminy Fajslawice, Gorzków, Izbica, Kraśniczyn, część gminy Krasnystaw położona na zachód od linii wyznaczonej przez drogę nr 17 biegnącą od północno – wschodniej granicy gminy do granicy miasta Krasnystaw, miasto Krasnystaw i część gminy Łopiennik Górny położona na zachód od linii wyznaczonej przez drogę nr 17 w powiecie krasnostawskim,
- gminy Dołhobyczów, Mircze, Trzeszczany, Werbkowice i część gminy wiejskiej Hrubieszów położona na południe od linii wyznaczonej przez drogę nr 844 oraz na południe od linii wyznaczonej przez drogę nr 74 i miasto Hrubieszów w powiecie hrubieszowskim,
- gmina Telatyn, Tyszowce i część gminy Łaszczów położona na północ od linii wyznaczonej przez drogę nr 852 w powiecie tomaszowskim,
- część gminy Wojsławice położona na zachód od linii wyznaczonej przez drogę biegnącą od północnej granicy gminy przez miejscowość Wojsławice do południowej granicy gminy w powiecie chełmskim,
- gminy Grabowiec, Skierbieszów i Stary Zamość w powiecie zamojskim,
- gminy Markuszów, Nałęczów, Kazimierz Dolny, Końskowola, Kurów, Wąwolnica, Żyrzyn, Baranów, część gminy wiejskiej Puławy położona na wschód od rzeki Wisły i miasto Puławy w powiecie puławskim,
- gminy Annopol, Dzierzkowice i Gościeradów w powiecie kraśnickim,
- gmina Józefów nad Wisłą w powiecie opolskim,
- gminy Kłoczew i Stężyca w powiecie ryckim;

w województwie podkarpackim:

- gminy Radomyśl nad Sanem i Zaklików w powiecie stalowowolskim.

8. Romania

The following areas in Romania:

- Restul județului Maramureș care nu a fost inclus în Partea III cu următoarele comune:
 - Comuna Vișeu de Sus,
 - Comuna Moisei,
 - Comuna Borșa,
 - Comuna Oarța de Jos,
 - Comuna Suciul de Sus,
 - Comuna Coroieni,
 - Comuna Târgu Lăpuș,

- Comuna Vima Mică,
- Comuna Boiu Mare,
- Comuna Valea Chioarului,
- Comuna Ulmeni,
- Comuna Băsești,
- Comuna Baia Mare,
- Comuna Tăuții Magherăuș,
- Comuna Cicărlău,
- Comuna Seini,
- Comuna Ardușat,
- Comuna Farcasa,
- Comuna Salsig,
- Comuna Asuaju de Sus,
- Comuna Băița de sub Codru,
- Comuna Bicz,
- Comuna Grosi,
- Comuna Recea,
- Comuna Baia Sprie,
- Comuna Sisesti,
- Comuna Cernesti,
- Copalnic Mănăstur,
- Comuna Dumbrăvița,
- Comuna Cuspeni,
- Comuna Șomcuța Mare,
- Comuna Sacaleșeni,
- Comuna Remetea Chioarului,
- Comuna Mireșu Mare,
- Comuna Ariniș,
- Județul Bistrița-Năsăud.

PART III

1. Latvia

The following areas in Latvia:

- Brocēnu novada Cieceres un Gaiķu pagasts, Remtes pagasta daļa uz rietumiem no autoceļa 1154 un P109, Brocēnu pilsēta,
- Saldus novada Saldus, Zirņu, Lutriņu un Jaunlutriņu pagasts, Saldus pilsēta.

2. Lithuania

The following areas in Lithuania:

- Akmenės rajono savivaldybė: Akmenės, Kruopių, Naujosios Akmenės kaimiškoji ir Naujosios Akmenės miesto seniūnijos,
- Joniškio rajono savivaldybė: Gaižaičių, Gataučių, Joniškio, Rudiškių, Skaistgirio, Žagarės seniūnijos,
- Lazdijų rajono savivaldybė: Lazdijų miesto, Lazdijų, Seirijų, Šeštokų, Šventėžerio ir Veisiejų seniūnijos,
- Mažeikių rajono savivaldybės: Laižuvos, Mažeikių apylinkės, Mažeikių, Reivyčių, Tirkšlių ir Viekšnių seniūnijos,
- Šiaulių rajono savivaldybės: Bubių, Ginkūnų, Gruzdžių, Kairių, Kuršėnų kaimiškoji, Kuršėnų miesto, Kužių, Meškuičių, Raudėnų ir Šakynos seniūnijos.

3. Poland

The following areas in Poland:

w województwie warmińsko-mazurskim:

- gmina Sępopol i część gminy wiejskiej Bartoszyce położona na wschód od linii wyznaczonej przez drogę nr 51 biegnącą od północnej granicy gminy do skrzyżowania z drogą nr 57 i na wschód od linii wyznaczonej przez drogę nr 57 biegnącą od skrzyżowania z drogą nr 51 do południowej granicy gminy w powiecie bartoszyckim,
- gminy Srokowo, Barciany i część gminy Korsze położona na północ od linii wyznaczonej przez drogę biegnącą od wschodniej granicy łączącej miejscowości Krelikiejmy i Sątoczno i na zachód od linii wyznaczonej przez drogę łączącą miejscowości Sątoczno, Sajna Wielka biegnącą do skrzyżowania z drogą nr 590 w miejscowości Glitajny, a następnie na zachód od drogi nr 590 do skrzyżowania z drogą nr 592 i na północ od linii wyznaczonej przez drogę nr 592 biegnącą od zachodniej granicy gminy do skrzyżowania z drogą nr 590 w powiecie kętrzyńskim,
- gmina Budry i część gminy Węgorzewo położona na wschód od linii wyznaczonej przez drogę nr 63 biegnącą od południowo-wschodniej granicy gminy do skrzyżowania z drogą nr 650, a następnie na północ od linii wyznaczonej przez drogę nr 650 biegnącą od skrzyżowania z drogą nr 63 do skrzyżowania z drogą biegnącą do miejscowości Przysań i na zachód od linii wyznaczonej przez drogę łączącą miejscowości Przysań, Pniewo, Kamionek Wielki, Radziejewo, Dłużec w powiecie węgorzewskim,
- gmina Pozezdrze w powiecie węgorzewskim,
- gmina Kruklanki, część gminy Giżycko położona na wschód od zachodniej linii brzegowej jeziora Kisajno do granic miasta Giżycko oraz na wschód od fragmentu drogi nr 63 biegnącej od południowo-wschodniej granicy miasta Giżycko do granicy gminy Giżycko, miasto Giżycko,

w województwie mazowieckim:

- gminy Domanice i Wiśniew w powiecie siedleckim,

w województwie lubelskim:

- gminy Białopole, Dubienka, Chełm, Leśniowice, Wierzbica, Sawin, Ruda Huta, Dorohusk, Kamień, Rejowiec, Rejowiec Fabryczny z miastem Rejowiec Fabryczny, Siedliszcze, Żmudź i część gminy Wojsławice położona na wschód od linii wyznaczonej przez drogę biegnącą od północnej granicy gminy do miejscowości Wojsławice do południowej granicy gminy w powiecie chełmskim,
- powiat miejski Chełm,
- gmina Siennica Różana część gminy Łopiennik Górny położona na wschód od linii wyznaczonej przez drogę nr 17 i część gminy Krasnystaw położona na wschód od linii wyznaczonej przez drogę nr 17 biegnącą od północno-wschodniej granicy gminy do granicy miasta Krasnystaw w powiecie krasnostawskim,
- gminy Hanna, Hańsk, Wola Uhruska, Urszulin, Stary Brus, Wiryki i gmina wiejska Włodawa w powiecie włodawskim,
- gminy Cyców, Ludwin, Puchaczów, Milejów i część gminy Spiczyn położona na wschód od linii wyznaczonej przez drogę nr 829 w powiecie łęczyńskim,
- gmina Trawniki w powiecie świdnickim,
- gminy Jabłoń, Podedwórze, Dębowa Kłoda, Parczew, Sosnowica, część gminy Siemień położona na wschód od linii wyznaczonej przez drogę nr 815 i część gminy Milanów położona na wschód od drogi nr 813 w powiecie parczewskim,
- gminy Sławatycze, Sosnówka, i Wisznice w powiecie bialskim,
- gmina Ulan Majorat w powiecie radzyńskim,
- gminy Ostrów Lubelski, Serniki i Uścimów w powiecie lubartowskim,
- gmina Wojcieszków i część gminy wiejskiej Łuków położona na zachód od linii wyznaczonej przez drogę nr 63 biegnącą od północnej granicy gminy do granicy miasta Łuków, a następnie na północ, zachód, południe i wschód od linii stanowiącej północną, zachodnią, południową i wschodnią granicę miasta Łuków do jej przecięcia się z drogą nr 806 i na południe od linii wyznaczonej przez drogę nr 806 biegnącą od wschodniej granicy miasta Łuków do wschodniej granicy gminy wiejskiej Łuków w powiecie łukowskim,
- gminy Horodło, Uchanie i część gminy wiejskiej Hrubieszów położona na północ od linii wyznaczonej przez drogę nr 844 biegnącą od zachodniej granicy gminy wiejskiej Hrubieszów do granicy miasta Hrubieszów oraz na północ od linii wyznaczonej przez drogę nr 74 biegnącą od wschodniej granicy miasta Hrubieszów do wschodniej granicy gminy wiejskiej Hrubieszów w powiecie hrubieszowskim,

4. Romania

The following areas in Romania:

- Zona oraşului Bucureşti,
- Judeţul Constanţa,
- Judeţul Satu Mare,
- Judeţul Tulcea,
- Judeţul Bacău,
- Judeţul Bihor,
- Judeţul Brăila,
- Judeţul Buzău,
- Judeţul Călăraşi,
- Judeţul Dâmboviţa,
- Judeţul Galaţi,
- Judeţul Giurgiu,
- Judeţul Ialomiţa,
- Judeţul Ilfov,
- Judeţul Prahova,
- Judeţul Sălaj,
- Judeţul Vaslui,
- Judeţul Vrancea,
- Judeţul Teleorman,
- Partea din judeţul Maramureş cu următoarele delimitări:
 - Comuna Petrova,
 - Comuna Bistra,
 - Comuna Repedea,
 - Comuna Poienile de sub Munte,
 - Comuna Vişeu e Jos,
 - Comuna Ruscova,
 - Comuna Leordina,
 - Comuna Rozavlea,
 - Comuna Strâmtura,
 - Comuna Bârsana,
 - Comuna Rona de Sus,
 - Comuna Rona de Jos,
 - Comuna Bocoiu Mare,
 - Comuna Sighetu Marmaţiei,
 - Comuna Sarasau,
 - Comuna Câmpulung la Tisa,
 - Comuna Săpânţa,
 - Comuna Remeti,
 - Comuna Giuleşti,
 - Comuna Ocna Şugatag,
 - Comuna Deseşti,

- Comuna Budești,
- Comuna Băiuț,
- Comuna Căvnic,
- Comuna Lăpuș,
- Comuna Dragomirești,
- Comuna Ieud,
- Comuna Saliștea de Sus,
- Comuna Săcel,
- Comuna Călinești,
- Comuna Vadu Izei,
- Comuna Botiza,
- Comuna Bogdan Vodă,
- Localitatea Groșii Țibileșului, comuna Suciul de Sus,
- Localitatea Vișeu de Mijloc, comuna Vișeu de Sus,
- Localitatea Vișeu de Sus, comuna Vișeu de Sus.
- Partea din județul Mehedinți cu următoarele comune:
 - Comuna Strehăia,
 - Comuna Greci,
 - Comuna Brejnita Motru,
 - Comuna Butoiești,
 - Comuna Stângăceaua,
 - Comuna Grozești,
 - Comuna Dumbrava de Jos,
 - Comuna Băcles,
 - Comuna Bălăcița,
- Județul Argeș,
- Județul Olt,
- Județul Dolj,
- Județul Arad,
- Județul Timiș,
- Județul Covasna,
- Județul Brașov,
- Județul Botoșani.

PART IV

Italy

The following areas in Italy:

- tutto il territorio della Sardegna.'
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