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Contents

II *Non-legislative acts*

REGULATIONS

★ **Commission Regulation (EU) No 980/2012 of 17 October 2012 establishing a prohibition of fishing for sandeel and associated bycatches in EU waters of IIa, IIIa and IV excluding waters within six miles of UK baselines at Shetland, Fair Isle and Foula by vessels flying the flag of Germany** 1

★ **Commission Regulation (EU) No 981/2012 of 17 October 2012 establishing a prohibition of fishing for cod in Greenland waters of NAFO 0 and 1; Greenland waters of V and XIV by vessels flying the flag of Germany** 3

★ **Commission Regulation (EU) No 982/2012 of 18 October 2012 establishing a prohibition of fishing for mackerel in VIIIc, IX and X; EU waters of CECAF 34.1.1 by vessels flying the flag of Germany** 5

★ **Commission Regulation (EU) No 983/2012 of 22 October 2012 establishing a prohibition of fishing for horse mackerel and associated by-catches in EU waters of IIa, IVa; VI, VIIa-c,VIIe-k, VIIIa, VIIIb, VIIId and VIIIe; EU and international waters of Vb; international waters of XII and XIV by vessels flying the flag of Spain** 7

★ **Commission Implementing Regulation (EU) No 984/2012 of 24 October 2012 amending Regulation (EC) No 391/2007 laying down detailed rules for the implementation of Council Regulation (EC) No 861/2006 as regards the expenditure incurred by Member States in implementing the monitoring and control systems applicable to the Common Fisheries Policy** 9

Price: EUR 3

(Continued overleaf)

EN

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

The titles of all other acts are printed in bold type and preceded by an asterisk.

Commission Implementing Regulation (EU) No 985/2012 of 24 October 2012 establishing the standard import values for determining the entry price of certain fruit and vegetables 12

DECISIONS

2012/658/EU:

★ **Council Implementing Decision of 9 October 2012 amending Implementing Decision 2011/344/EU on granting Union financial assistance to Portugal** 14

2012/659/EU:

★ **Commission Implementing Decision of 23 October 2012 on granting a derogation requested by the Kingdom of Denmark pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources** *(notified under document C(2012) 7182)* 20

Corrigenda

★ **Corrigendum to Information on the date of entry into force of the Fisheries Partnership Agreement between the European Community and the Republic of Seychelles** (OJ L 219, 14.8.2008) 24

EN

II

(Non-legislative acts)

REGULATIONS

COMMISSION REGULATION (EU) No 980/2012

of 17 October 2012

establishing a prohibition of fishing for sandeel and associated bycatches in EU waters of IIa, IIIa and IV excluding waters within six miles of UK baselines at Shetland, Fair Isle and Foula by vessels flying the flag of Germany

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy [1], and in particular Article 36(2) thereof,

Whereas:

(1) Council Regulation (EU) No 44/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available in EU waters and, to EU vessels, in certain non- EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements [2], lays down quotas for 2012.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2012.

(3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2012 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

Article 3

Entry into force

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

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

Done at Brussels, 17 October 2012.

For the Commission,
On behalf of the President,
Lowri EVANS
Director-General for Maritime Affairs and Fisheries

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[1] OJ L 343, 22.12.2009, p. 1.
[2] OJ L 25, 27.01.2012, p. 55.

ANNEX

No	59/TQ44
Member State	Germany
Stock	SAN/2A3A4.
Species	Sandeel and associated by-catches (*Ammodytes* spp.)
Zone	EU waters of IIa, IIIa and IV excluding waters within six miles of UK baselines at Shetland, Fair Isle and Foula
Date	1.10.2012

COMMISSION REGULATION (EU) No 981/2012

of 17 October 2012

establishing a prohibition of fishing for cod in Greenland waters of NAFO 0 and 1; Greenland waters of V and XIV by vessels flying the flag of Germany

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy [1], and in particular Article 36(2) thereof,

Whereas:

(1) Council Regulation (EU) No 44/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available in EU waters and, to EU vessels, in certain non- EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements [2], lays down quotas for 2012.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2012.

(3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

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Article 2

Prohibitions

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Article 3

Entry into force

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

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

Done at Brussels, 17 October 2012.

For the Commission,
On behalf of the President,
Lowri EVANS
Director-General for Maritime Affairs and Fisheries

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[1] OJ L 343, 22.12.2009, p. 1.
[2] OJ L 25, 27.1.2012, p. 55.

ANNEX

No	58/TQ44
Member State	Germany
Stock	COD/N01514
Species	Cod (*Gadus morhua*)
Zone	Greenland waters of NAFO 0 and 1; Greenland waters of V and XIV
Date	26.9.2012

COMMISSION REGULATION (EU) No 982/2012

of 18 October 2012

establishing a prohibition of fishing for mackerel in VIIIc, IX and X; EU waters of CECAF 34.1.1 by vessels flying the flag of Germany

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy [1], and in particular Article 36(2) thereof,

Whereas:

(1) Council Regulation (EU) No 44/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available in EU waters and, to EU vessels, in certain non- EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements [2], lays down quotas for 2012.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2012.

(3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2012 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

Article 3

Entry into force

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

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

Done at Brussels, 18 October 2012.

For the Commission,
On behalf of the President,
Lowri EVANS
Director-General for Maritime Affairs and Fisheries

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[1] OJ L 343, 22.12.2009, p. 1.
[2] OJ L 25, 27.1.2012, p. 55.

ANNEX

No	60/TQ44
Member State	Germany
Stock	MAC/8C3411
Species	Mackerel (*Scomber scombrus*)
Zone	VIIIc, IX and X; EU waters of CECAF 34.1.1
Date	3.10.2012

COMMISSION REGULATION (EU) No 983/2012

of 22 October 2012

establishing a prohibition of fishing for horse mackerel and associated by-catches in EU waters of IIa, IVa; VI, VIIa-c,VIIe-k, VIIIa, VIIIb, VIIId and VIIIe; EU and international waters of Vb; international waters of XII and XIV by vessels flying the flag of Spain

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy [1], and in particular Article 36(2) thereof,

Whereas:

(1) Council Regulation (EU) No 44/2012 of 17 January 2012 fixing for 2012 the fishing opportunities available in EU waters and, to EU vessels, in certain non- EU waters for certain fish stocks and groups of fish stocks which are subject to international negotiations or agreements [2], lays down quotas for 2012.

(2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2012.

(3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2012 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

Article 3

Entry into force

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

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

Done at Brussels, 22 October 2012.

For the Commission,
On behalf of the President,
Lowri EVANS
Director-General for Maritime Affairs and Fisheries

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(1) OJ L 343, 22.12.2009, p. 1.
(2) OJ L 25, 27.1.2012, p. 55.

ANNEX

No	61/TQ44
Member State	Spain
Stock	JAX/2A-14
Species	Horse mackerel (*Trachurus* spp.)
Zone	EU waters of IIa, IVa; VI, VIIa-c,VIIe-k, VIIIa, VIIIb, VIIId and VIIIe; EU and international waters of Vb; international waters of XII and XIV
Date	5.10.2012

COMMISSION IMPLEMENTING REGULATION (EU) No 984/2012

of 24 October 2012

amending Regulation (EC) No 391/2007 laying down detailed rules for the implementation of Council Regulation (EC) No 861/2006 as regards the expenditure incurred by Member States in implementing the monitoring and control systems applicable to the Common Fisheries Policy

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 861/2006 of 22 May 2006 establishing Community financial measures for the implementation of the common fisheries policy and in the area of the Law of the Sea [1], and in particular Article 8(2) thereof

Whereas:

(1) The Union has been financing Member States actions in the field of fisheries control and enforcement since 1990, in line with the objectives established in Council Regulation (EC) No 2371/2002 of 20 December 2002 on the conservation and sustainable exploitation of fisheries resources under the Common Fisheries Policy [2].

(2) Regulation (EC) No 861/2006 provides, amongst other actions, for Union financial measures for expenditure on fisheries control, inspection and surveillance for the period 2007 to 2013. Commission Regulation (EC) No 391/2007 [3] establishes detailed rules for the implementation of such measures.

(3) Regulation (EU) No 693/2011 of the European Parliament and of the Council [4] modified the date by which Member States have to notify their annual fisheries control programme to the Commission.

(4) For simplification purposes and being given the low cost of some investments, it is appropriate to accept projects below EUR 40 000 without requesting justification by Member States.

(5) Rules related to documents supporting pre-financing requests should be aligned with the related provisions set out in Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities [5]

(6) In view of the principle of sound financial management, Member States should have clear indications on the rules to be followed in order to benefit from Union financial assistance when incurring expenditure in the area of fisheries control and enforcement.

(7) Rules applicable to the Union financial contribution to national control programmes should be simplified and clarified.

(8) Investments in the area of control and enforcement may be carried out by the competent national authorities, by administrative bodies or by the private sector. The statement of expenditure should be adapted in this respect.

(9) Regulation (EC) No 391/2007 should therefore be amended accordingly.

(10) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Fisheries and Aquaculture,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 391/2007 is amended as follows:

(1) In Article 3, paragraph 1 is replaced by the following:

'1. Member States wishing to receive a financial contribution for expenditure incurred in accordance with Article 8(a) of Regulation (EC) No 861/2006 shall notify to the Commission an annual fisheries control programme by 15 November of the year preceding the year of implementation concerned.'

(2) In Article 5, point (c) is deleted.

(3) In Article 10, the title is replaced by "Pre-financing"

(4) In Article 10, paragraph 1, the word "advance" is replaced by "pre-financing".

(5) In Article 10, paragraph 2 is replaced by the following:

'2. The pre-financing shall be paid either on the basis of a contract concluded between the relevant administration and the supplier or on the basis of any supporting documents which make it possible to check the conformity of the actions financed with the terms of the projects referred to in paragraph 1.'

[1] OJ L 160, 14.6.2006, p. 1.
[2] OJ L 358, 31.12.2002, p. 59.
[3] OJ L 97, 12.4.2007, p. 30.
[4] OJ L 192, 22.7.2011, p. 33.
[5] OJ L 248, 16.9.2002, p. 1.

(6) In Annex IV (a), point (iv) is replaced by the following:

‘(iv) Travel costs incurred by inspectors, public prosecutors, judges and fishermen attending the courses as well as by training staff.’

(7) Annex V is amended as follows:

(a) point (h) is replaced by the following:

‘(h) Salary costs of personnel of national administrations and indemnities’;

(b) the following point (i) is added:

‘(i) Grants.’

(8) Annex VI point (x) is replaced by the following:

‘(x) In case of training and seminars, information on the subject, the speaker, a list of participants and the date and place of the training shall be included.’

(9) Annex VII is replaced by the text set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 24 October 2012.

For the Commission

The President

José Manuel BARROSO

ANNEX

'ANNEX VII

Statement of expenditure

EXPENDITURE [1] INCURRED IN CARRYING OUT THE NATIONAL PROGRAMME FOR IMPLEMENTING THE CONTROL, INSPECTION AND SURVEILLANCE SYSTEMS ON FISHERIES ACTIVITIES

Referred to in Article 11 of Commission Regulation (EC) No 391/2007

Commission Decision of / No. ____

National reference (if any) ____

I, the undersigned ____________________________________ representing the authority ____________________________ responsible for the relevant financial and control procedures, hereby certify, after verification, that all the amounts shown below represent the total cost, paid in 20 ___ , in accordance with relevant national legislation, with regards to projects approved and referring to actions set out in Article 8(a) of Council Regulation (EC) No 861/2006:

(a)	Computer technology and IT networks	_________ EUR (*)
(b)	Remote control technology devices and electronic recording and reporting devices	_________ EUR
(c)	Pilot projects on new technologies	_________ EUR
(d)	Training and exchange programmes of control civil servants	_________ EUR
(e)	Pilot inspection and observer schemes	_________ EUR
(f)	Assessment of public expenditure in the control area	_________ EUR
(g)	Seminars and media	_________ EUR
(h)	Acquisition and modernisation of vessels and aircraft	_________ EUR
	TOTAL	_________ EUR

I also certify that the statement of expenditure is accurate and the application for payment takes account of any recoveries made.

The operations were carried out in compliance with the objectives laid down in Regulation No 861/2006 and in Regulation (EC) No 391/2007, and with the provisions of Regulation (EC) No 2371/2002, and in particular as regards:

— Compliance with the conditions laid down in Regulation (EC) No 391/2007. In the case of procurement contracts, I certify that contracts were awarded to the tender offering the best value for money, while taking care to avoid any conflict of interests, in respect of the principles of transparency and equal treatment, and, where applicable, in compliance with the Community legislation concerning the coordination of procedures for the award of public works supplies and service contracts.

— Application of management and control procedures aimed at verifying the delivery of the products and services co-financed and the reality of expenditure aimed at preventing, detecting and correcting irregularities, pursuing fraud, and recovering unduly paid amounts.

Finally, I certify that I have / have not (**) received an advance payment for action(s) ________ referred to above.

The statement of expenditure is accurate.

Date,

Name capitals, stamp and position and
signature of competent authority

[1] Investments referred to in Article 8 (a) (i) of Regulation 861/2006 may be carried out by the competent national authorities, by administrative bodies or by the private sector.

(*) Exact amount to two decimal places.

(**) Delete as appropriate.'

COMMISSION IMPLEMENTING REGULATION (EU) No 985/2012

of 24 October 2012

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

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ([1]),

Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ([2]), and in particular Article 136(1) thereof,

Whereas:

(1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

(2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

The standard import values referred to in Article 136 of Implementing Regulation (EU) No 543/2011 are fixed in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 24 October 2012.

For the Commission,
On behalf of the President,
José Manuel SILVA RODRÍGUEZ
Director-General for Agriculture and Rural Development

([1]) OJ L 299, 16.11.2007, p. 1.
([2]) OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code [1]	Standard import value
0702 00 00	AL	32,3
	MA	56,0
	MK	36,4
	ZZ	41,6
0707 00 05	MK	25,7
	TR	122,1
	ZZ	73,9
0709 93 10	TR	116,3
	ZZ	116,3
0805 50 10	AR	88,1
	CL	85,7
	TR	90,5
	ZA	112,0
	ZZ	94,1
0806 10 10	BR	262,0
	MK	80,9
	TR	155,8
	ZZ	166,2
0808 10 80	AR	216,2
	CL	148,8
	MK	29,8
	NZ	106,2
	ZA	140,5
	ZZ	128,3
0808 30 90	CN	60,3
	TR	106,9
	ZZ	83,6

[1] Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COUNCIL IMPLEMENTING DECISION

of 9 October 2012

amending Implementing Decision 2011/344/EU on granting Union financial assistance to Portugal

(2012/658/EU)

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 407/2010 of 11 May 2010 establishing a European financial stabilisation mechanism [1], and in particular Article 3(2) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) In line with Article 3(9) of Council Implementing Decision 2011/344/EU [2], the Commission, together with the International Monetary Fund (IMF) and in liaison with the European Central Bank (ECB), has conducted the fifth review of the Portuguese authorities' progress on the implementation of the agreed measures under the economic and financial adjustment programme (Programme) as well as of their effectiveness and economic and social impact.

(2) The rebalancing of the Portuguese economy is taking place at a faster-than-expected pace. The second quarter of 2012 brought a substantial quarter-on-quarter real gross domestic product (GDP) contraction of 1,2 % following a flat first quarter. For the year as a whole, the projected pace of the economic recession remains unchanged at – 3 %. The current account deficit is declining more rapidly than anticipated, falling to 3 % of GDP in 2012 from nearly 10 % just two years ago. This adjustment is taking place on the back of well-performing exports and a rapid fall in imports. Looking forward, economic activity will be affected by a diminishing stimulus from external demand and the impact of further budgetary consolidation. Consequently, GDP growth has been revised downward by about 1 percentage point in both 2013 and 2014 to around – 1 % and + 1 %.

(3) In spite of a rigorous budget implementation on the expenditure side, data until July point to a budgetary gap of 1¾ % of GDP in 2012 compared with the budget plans. While the faster-than-projected adjustment from domestic demand to exports is welcome, it impacts on budgetary execution in two ways. First, employment-intensive domestic sectors, such as construction, are affected most negatively and the resulting higher unemployment weighs on social security budgets. Second, the tax-intensity of production and consumption is falling, leading to noticeable revenue shortfalls. The growth composition effect on revenue is compounded by intra-category shifts away from higher-taxed items such as consumer durables towards lower-taxed items of daily consumption. Also, the weakness in direct taxation is exacerbated by negative bracket creep as falling incomes are taxed at lower rates and tax revenue on profits shrink. By contrast, expenditure has overall developed according to plans, with higher-than-budgeted savings on compensation for employees. Budgetary execution is also benefitting from lower-than-expected interest payments and the reprogramming of Union Structural Funds. Although some one-off factors could reduce the gap to about ¾ % of GDP in 2012, a large carry-over into 2013 and 2014 of approximately 1½ % of GDP would remain, making the fiscal programme targets over 2012-2014 unattainable.

(4) In view of the large revenue shortfalls and the more subdued growth outlook, the deficit targets haven been adjusted to 5,0 % of GDP in 2012, 4,5 % in 2013 and 2,5 % of GDP in 2014. As the fiscal gap is assessed to be essentially outside the control of the government, a revision of the targets to accommodate part of the shortfall seems appropriate. Even under the revised targets, significant consolidation efforts of 3 % and 1¾ % of GDP will be necessary in 2013 and 2014 respectively. In order to maintain the credibility of the Programme, some degree of front-loading of the adjustment is warranted.

(5) A range of structural spending and revenue measures underpin the revised fiscal targets. Measures worth ¼ % of GDP should still be taken in 2012 in order to reach the target of 5 % of GDP. This includes, inter alia, spending freezes and a frontloading of some of the measures planned for 2013. For 2013, consolidation measures amounting to 3 % of GDP should be incorporated in the budget in order to achieve the target of

[1] OJ L 118, 12.5.2010, p. 1.
[2] OJ L 159, 17.6.2011, p. 88.

4,5 % of GDP. These include a further decrease in the wage bill mainly through the reduction of the number of public employees, a reduction in intermediate consumption, a cut in social transfers, a further rationalisation in the health sector, reduced spending on capital formation, as well as revenue increases achieved via a reform of the personal income tax simplifying the tax structure, broadening the base by eliminating some tax benefits, increasing the average tax rate while improving progressivity, broadening the corporate income tax base by eliminating interest deductibility, raising excise taxes and changing property taxation. For 2014, a comprehensive expenditure review has been initiated with a view to identifying spending cuts (of EUR 4 billion over two years) in order to reach a budget deficit of 2,5 % of GDP.

(6) Instruments to control government expenses are being put in place. The new commitment control system is being implemented but full compliance needs to be ensured so as to avoid a further build-up of new arrears. Budgetary fragmentation should be reduced and costly inefficiencies are being tackled across a broad range. This includes containing losses of State-owned enterprises (SOEs), renegotiating public-private partnerships (PPP) and pushing for further savings in the health sector.

(7) Under the Commission's current projections for nominal GDP growth (– 1,0 % in 2011, – 2,7 % in 2012, 0,3 % in 2013 and 2,2 % in 2014) and the revised fiscal targets, the path for the debt-to-GDP ratio is expected as follows: 107,8 % in 2011, 119,1 % in 2012, 123,7 % in 2013 and 123,6 % in 2014. The debt-to-GDP ratio would therefore be stabilised at below 124 % and be placed on a declining path in 2014, assuming further progress in the reduction of the deficit. Debt dynamics are affected by several below-the-line operations, including sizeable acquisitions of financial assets, in particular for possible bank recapitalisation and financing to SOEs and differences between accrued and cash interest payments.

(8) The liquidity and the solvency conditions of the banking system have improved since the fourth review, reflecting the ongoing deleveraging, the exceptional liquidity support provided by the Eurosystem, and a capital augmentation worth over EUR 7 billion. Banks presented their updated funding and capital plans (4th edition). Albeit slightly less optimistic on deposits growth, all banks foresee to meet the indicative loan-to-deposit target of 120 % by 2014. Overall, the implementation of the Memorandum of Understanding on Specific Economic Policy Conditionality (Memorandum of Understanding) on the financial sector part is proceeding in accordance with the envisaged objectives to preserve financial stability. Efforts are still needed in some banks to meet the end of the year target for 2012 of the Banco de Portugal of a Core Tier 1 ratio of 10 %.

(9) Progress in the implementation of reforms to raise competitiveness, employment and the growth potential is broadly satisfactory. The revised Labour Code entered into force in August 2012. Further important reforms in the area of severance payment and collective bargaining are planned by the end of September 2012. The Portuguese Government has recently adopted a number of active labour market policies aimed at improving the functioning of public employment services, supporting employment creation, strengthening activation and offering more effective training opportunities. The judiciary reforms in the areas of civil procedure and court organisation, which will speed up civil and commercial litigation and unclog the court system, are progressing well. Steps have been taken to improve the framework for the recognition of professional qualifications with the adoption of amendments to the law transposing Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications [1] and with the adoption by the Portuguese Government of a law proposal aimed at improving the functioning of highly regulated professions. Work on the implementation of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market [2] has advanced at a steady pace as regards sector-specific legislation, with the adoption of the remaining necessary sector-specific legislative amendments expected by the end of 2012. Further efforts in the implementation of the Zero Authorisation initiative and the set-up of the Point of Single Contact provided for in Directive 2006/123/EC are essential to reduce the administrative burden. With a view to facilitating access to finance to small and medium-sized enterprises (SMEs), the Portuguese Government is committed to adopt, if necessary, a number of additional initiatives, including mechanisms to strengthen the export orientation of SMEs.

(10) Building on the independent report on the main national regulator authorities, Portugal will prepare a framework law that protects the public interest and promotes market efficiency. The framework law shall guarantee the regulators' independence and financial, administrative and

(1) OJ L 255, 30.9.2005, p. 22.
(2) OJ L 376, 27.12.2006, p. 36.

management autonomy to exercise their responsibilities, in full compliance with Union law. The framework law shall also contribute towards the effectiveness of the Competition Authority in enforcing competition rules, thereby supporting and complementing the effect of the recently adopted Competition Law.

(11) The fifth update of the Memorandum of Understanding includes a full section on promoting a business-friendly licensing environment which provides a more detailed calendar and specific milestones in the revision of some important legal regimes such as environment and territorial planning, industrial, commercial and tourism licensing.

(12) In the light of these developments, Implementing Decision 2011/344/EU should be amended,

HAS ADOPTED THIS DECISION:

Article 1

Article 3 of Implementing Decision 2011/344/EU is hereby amended as follows:

(1) paragraphs 3 and 4 are replaced by the following:

'3. The general government deficit shall not exceed 5,9 % of GDP in 2011, 5,0 % in 2012, 4,5 % of GDP in 2013 and 2,5 % of GDP in 2014 in line with the revised excessive deficit procedure requirements. For the calculation of this deficit, the possible budgetary costs of bank support measures in the context of the Portuguese Government's financial sector strategy shall not be taken into account. Consolidation shall be achieved by means of high-quality permanent measures and minimising the impact of consolidation on vulnerable groups.

4. Portugal shall adopt the measures specified in paragraphs 5 to 8 before the end of the indicated year, with exact deadlines for the years 2011-2014 being specified in the Memorandum of Understanding. Portugal shall stand ready to take additional consolidation measures to reduce the deficit to below 3 % of GDP by 2014 in case of deviations from targets.';

(2) paragraphs 6 to 9 are replaced by the following:

'6. Portugal shall adopt the following measures during 2012, in line with specifications in the Memorandum of Understanding:

(a) the general government deficit shall not exceed 5,0 % of GDP in 2012. Portugal shall continue to closely monitor fiscal developments and implement further policy adjustments to achieve the 2012 target. To this effect, Portugal shall freeze some of the 2012 budget appropriations for investment projects not yet initiated; increase stamp duties on high value properties; raise tax rates on investment income; frontload some of the 2013 budget measures affecting social benefits; implement additional measures generating savings in intermediate consumption and raising other revenues in order to secure the deficit target for 2012;

(b) Portugal shall aim to reduce expenditure in 2012 by at least EUR 6,8 billion including by reducing public sector wages and employment; making cuts in pensions; carrying out a comprehensive reorganisation of the central administration, eliminating redundancies and other inefficiencies; reducing transfers to SOEs; reorganising and reducing the number of municipalities and parishes; making cuts in education and health; lowering transfers to regional and local authorities; and reducing capital expenditure and other expenditure as set out in the Programme;

(c) on the revenue side, Portugal shall implement revenue measures of at least EUR 3 billion, including by broadening VAT bases through the reduction of exemptions and the rearranging of the lists of goods and services subject to reduced, intermediate and higher rates; increasing excise taxes; broadening the corporate and personal income tax bases by reducing tax deductions and special regimes; ensuring the convergence of personal income tax deductions applied to pensions and labour income; and changing property taxation by substantially reducing exemptions. These measures shall be complemented by action to fight tax evasion, fraud and informality;

(d) Portugal shall continue adopting measures to reinforce public finance management. Portugal shall implement the measures provided for in the new Budgetary Framework Law, including setting up a medium-term budgetary framework. The local and regional budgetary frameworks shall be considerably strengthened, in particular by aligning the respective financing laws with the requirements of the Budgetary Framework Law. Portugal shall step up the reporting and monitoring of public finances and reinforce budgetary execution rules and procedures. The Portuguese Government shall apply the strategy for the validation and settlement of arrears and step up the implementation of the commitment control law to prevent the creation of new arrears. Portugal shall implement the new legal and institutional PPPs framework. No PPP shall be launched until the new framework is fully effective. Based on a study prepared by an international auditing firm, Portugal shall develop a detailed strategic plan, in full compliance with applicable Union law including public procurement law, with a view to obtaining substantial fiscal gains, while minimising the debt burden and ensuring sustainable reduction of government liabilities. Portugal shall adopt a law to regulate the creation and the functioning of SOEs at central, regional and local levels;

(e) Portugal shall apply the new legislation to reorganise and significantly reduce the number of local government entities. These changes shall come into effect by the beginning of the next local election cycle. In addition, Portugal shall enhance efforts to streamline the public sector by reducing entities and improving task sharing at all levels of government;

(f) Portugal shall deepen the reform of the revenue administration by reinforcing the links between the Autoridade Tributária e Aduaneira and the revenue collection units of the Social Security, reducing the number of municipal offices and addressing remaining bottlenecks in the tax appeal system;

(g) Portugal shall implement the financial arrangement with the RAM;

(h) Portugal shall adopt measures to improve the efficiency and sustainability of SOEs at central, regional and local level. Portugal shall explore options in order to manage the heavy debt load of SOEs, including Parpública, and to ensure improved conditions for market financing. Portugal shall aim to reach operational balance at sector level by the end of 2012;

(i) Portugal shall continue implementing the privatisation programme. The direct sale of Caixa Geral de Depósitos' (CGD) insurance arm, Caixa Seguros, is ongoing;

(j) the Portuguese Government shall submit draft legislation to the Portuguese Parliament to align severance payments with the Union average of 8 to 12 days per year of work and to create a compensation fund for severance payments;

(k) Portugal shall promote wage developments consistent with the objectives of fostering job creation and improving firms' competitiveness with a view to correcting macroeconomic imbalances. Over the Programme period, any increase in minimum wages shall take place only if justified by economic and labour market developments. Measures shall be taken to address weaknesses in the current wage bargaining schemes, including legislation to redefine the criteria and modalities of the extension of collective agreements and to facilitate firm-level agreements. Until then, collective agreements shall not be extended;

(l) Portugal shall continue to improve the effectiveness of its active labour market policies in line with the results of the assessment report and the action plan to improve the functioning of the public employment services;

(m) Portugal shall implement the measures set out in its action plans to improve the quality of secondary and vocational education and training;

(n) the functioning of the judicial system shall be improved by implementing the measures proposed under the Judicial Reform Map and by applying targeted measures to progressively eliminate the court backlog and to foster alternative dispute resolution;

(o) Portugal shall continue opening up its economy to competition. The Portuguese Government shall take the necessary measures to ensure that obstacles to free movement of capital will not be created by their action and, in particular, that the Portuguese State or any public body does not conclude, in a shareholder capacity, agreements which may hinder the free movement of capital or influence the management control of companies. The functioning of professional services shall be fostered by improving the framework for recognition of professional qualifications and by eliminating unnecessary restrictions on regulated professions. In construction and real estate activities, Portugal shall make the requirements for cross-border providers less burdensome and review obstacles to the establishment of service providers;

(p) the competition and regulatory framework shall be improved. Portugal shall reinforce the independence, autonomy and governance of the main national regulatory authorities; implement the Competition Law with a view to improving the speed and effectiveness of the enforcement of competition rules; and monitor the inflow of new cases and report on the functioning of the specialised court for competition, regulation and supervision;

(q) in the energy sector, Portugal shall take measures to facilitate market entry and promote the establishment of the Iberian gas market and shall take further steps towards fully transposing the Third EU Energy Package. To ensure the independence and autonomy and powers of the national regulatory authority provided for in the Third EU Energy Package, Portugal shall adopt the new regulators' by-laws, as agreed in July 2012 with the Commission, the ECB and the IMF, by the third quarter of 2012, and shall ensure that they are effective before the end of 2012 in time for the liberalisation of the electricity and gas market. Portugal shall take measures to review the support and compensation schemes for the production of electricity. Portugal shall take measures to reduce excessive rents and eliminate the tariff debt by 2020, focusing on compensation schemes for power guarantee, special regime (renewables — excluding those granted under tender mechanisms — and cogeneration), and the ordinary regime (CMECs and CAEs);

(r) in other network industries, in particular transport, telecommunications and postal services, Portugal shall adopt additional measures to promote competition and flexibility;

(s) Portugal shall adopt a number of measures with a view to increase the efficiency of the licensing schemes for territorial planning, industrial and commercial licensing and tourism. In addition, the Portuguese Government shall analyse and fast-track applications for the licensing of planned investment projects which are left unresolved or undecided for more than 12 months;

(t) Portugal shall prepare an action plan with measures to facilitate access to finance and to export markets for companies, in particular for SMEs.

7. Portugal shall adopt the following measures during 2013, in line with specifications in the Memorandum of Understanding:

(a) the general government deficit shall not exceed 4,5 % of GDP in 2013. The 2013 budget shall include permanent consolidation measures of at least 3 % of GDP aiming at reducing the general government deficit within the timeframe referred to in paragraph 3. The Portuguese Government shall explore ways to increase the weight of expediture reduction in the overall consolidation package for 2013 in order to ensure a medium-term growth-friendly fiscal adjustment tilted towards the expenditure side. The Portuguese Government shall use contingency measures in the course of 2013 in case of slippages given possible implementation risks;

(b) the 2013 budget shall include revenue measures such as reforming the personal income tax by simplifying the tax structure, broadening the tax base through the elimination of some tax benefits and increasing the average tax rate while improving progressivity; broadening the corporate income tax base, increasing investment income tax rate; increasing excise taxes and introducing changes in property taxation;

(c) on the expenditure side, the 2013 budget shall identify measures such as lowering expenditure in the central administration, education, health and social benefits; streamlining public and private social transfers and subsidies; reducing transfers to local and regional authorities; reducing the wage bill by decreasing permanent and temporary staff and reducing overtime pay; and lowering operational and capital expenditures by SOEs;

(d) Portugal shall complete the elimination of the court backlog;

(e) Portugal shall improve the business environment by reducing administrative burden through the extension of simplification reforms [Points of Single Contact (PSC) and "Zero Authorisation" projects] to all sectors of the economy. In particular, Portugal shall adapt the content and the information available at the PSC to ensure compliance with Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (*) and with Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (**). Portugal shall alleviate the credit constraints of SMEs, including through the implementation of Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011 on combating late payment in commercial transactions (***);

(f) Portugal shall adapt the content and the information available at the PSC in respect of the rules applicable to the 44 specific sectors that were amended to ensure compliance with Directive 2006/123/EC, and shall adapt the content and information available at the PSC in respect of the rules applicable to the 13 specific sectors that were amended to ensure compliance with Directive 2005/36/EC;

(g) Portugal shall continue implementing its privatisation programme, which shall be expanded to include additional companies and assets to the ones identified in the Memorandum of Understanding for sale or concession in 2013.

8. The general government deficit shall not exceed 2,5 % of GDP in 2014. To achieve this objective, Portugal shall apply a thorough expenditure-reducing plan worth approximately EUR 4 billion over 2014-2015. A comprehensive expenditure review to fully specify the additional sources of savings shall be carried out for the sixth review and measures shall be fully specified by February 2013. The fiscal consolidation plans for 2014-2015 shall be fully defined in the 2013 Stability Programme.

9. With a view to restoring confidence in the financial sector, Portugal shall aim to maintain an adequate level of capital in its banking sector and ensure an orderly deleveraging process. In that regard, Portugal shall implement the strategy for the Portuguese banking sector agreed with the Commission, the ECB and the IMF so that financial stability is preserved. In particular, Portugal shall:

(a) advise banks to strengthen their collateral buffers on a sustainable basis;

(b) ensure that banks reach the Programme target of the Core Tier 1 ratio of 10 % at the latest by the end of 2012;

(c) ensure a balanced and orderly deleveraging of the banking sector, which remains critical in permanently eliminating funding imbalances. Banks' funding plans aim at reducing the loan-to-deposit ratio to an indicative value of approximately 120 % in 2014 and reducing the reliance on Eurosystem funding in the medium-term. Those funding plans shall be reviewed quarterly;

(d) continue to streamline the State-owned CGD;

(e) optimise the process for recovering the assets transferred from BPN to the three State-owned special purpose vehicles through the outsourcing to a professional third party of the management of the assets, with a mandate to gradually recover the assets over time. The Portuguese Government shall select the party managing the credits through a competitive bidding process and include adequate incentives to maximise the recoveries and minimise operational costs into the mandate. The Portuguese Government shall ensure timely disposition of the subsidiaries and the assets in the other two State-owned special purpose vehicles;

(f) on the basis of the set of preliminary proposals to encourage the diversification of financing alternatives to the corporate sector presented, develop and evaluate the different options put forward with a view to setting priorities. The Portuguese Government shall assess the effectiveness of Union-compatible government-sponsored export credit insurance schemes with a view to taking appropriate measures to promote exports;

(g) ensure the initial and periodical funding arrangements for the Resolution Fund in two steps, first by the approval of a decree-law on the banks' contributions to the Resolution Fund by November 2012, and secondly by the approval of a supervisory notice on the specific periodic contributions by banks one month later; adopt the supervisory notices on recovery plans by the end of October 2012; adopt the regulation on resolution plans by the end of November 2012; and adopt the rules applicable to setting-up and operation of bridge banks in line with Union competition rules by the end of October 2012. Priority shall be given to the review of the recovery and subsequent resolution plans of the banks that are of systemic importance;

(h) establish a framework for financial institutions to engage in out-of-court debt restructuring for households and SMEs and implement an action plan to raise public awareness of the restructuring tools.

(*) OJ L 376, 27.12.2006, p. 36.
(**) OJ L 255, 30.9.2005, p. 22.
(***) OJ L 48, 23.2.2011, p. 1.';

(3) the following paragraph is added:

'10. In order to ensure the smooth implementation of the Programme's conditionality, and to help to correct imbalances in a sustainable way, the Commission shall provide continued advice and guidance on fiscal, financial market and structural reforms. Within the framework of the assistance to be provided to Portugal, together with the IMF and in liaison with the ECB, the Commission shall periodically review the effectiveness and economic and social impact of the agreed measures, and shall recommend necessary corrections with a view to enhancing growth and job creation, securing the necessary fiscal consolidation and minimising harmful social impacts, particularly on the most vulnerable parts of Portuguese society.'.

Article 2

This Decision is addressed to the Portuguese Republic.

Done at Luxembourg, 9 October 2012.

For the Council

The President

V. SHIARLY

COMMISSION IMPLEMENTING DECISION

of 23 October 2012

on granting a derogation requested by the Kingdom of Denmark pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources

(notified under document C(2012) 7182)

(Only the Danish text is authentic)

(2012/659/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources [1] and, in particular, the third subparagraph of paragraph 2 of Annex III thereto,

Whereas:

(1) If the amount of manure that a Member State intends to apply per hectare each year is different from those specified in the first sentence of the second subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC and in point (a) of that subparagraph, that amount is to be fixed so as not to prejudice the achievement of the objectives specified in Article 1 of that Directive and it has to be justified on the basis of objective criteria, such as long growing seasons and crops with high nitrogen uptake.

(2) On 18 November 2002, the Commission adopted Decision 2002/915/EC [2] granting a derogation requested by Denmark pursuant to Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources, allowing the application of livestock manure containing up to 230 kg nitrogen per hectare per year on specific cattle holdings within the framework of the Danish action programme 1999-2003. The derogation was extended by Commission Decision 2005/294/EC [3] in connection with the Danish action programme 2004-2007 and by Commission Decision 2008/664/EC [4] in connection with the Danish action programme 2008-2012.

(3) The derogation granted by Decision 2008/664/EC concerned approximately (for the year 2009/2010) 1 507 cattle holdings, 299 901 livestock units and 134 698 hectare of arable land, corresponding respectively to 3,3 %, 12,5 % and 6,1 % of the total in Denmark.

(4) On 20 June 2012, Denmark submitted to the Commission a request for renewal of the derogation under the third subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC.

(5) Denmark has established an action programme for the period 2012-2015, in conformity with Article 5 of Directive 91/676/EEC, by means of Order on commercial livestock, livestock manure, silage, etc. (the livestock manure notice) No 764 of 28 June 2012, Consolidated Act on farms' use of fertiliser and on plant cover No 415 of 3 May 2011 and Order on farms' use of fertiliser and on plant cover No 845 of 12 July 2011, which applies to the whole Danish territory.

(6) Monitoring data show that for groundwater, 82 % of monitoring sites have mean nitrate concentrations below 50 mg/l, and 67 % below 25 mg/l. For water courses, 99 % of monitoring sites have mean nitrate concentrations below 50 mg/l and 76 % of monitoring sites below 25 mg/l.

(7) The Commission, after examination of Denmark's request and in the light of the experience gained from the derogation as provided in Decisions 2002/915/EC, 2005/294/EC and 2008/664/EC considers that the amount of manure envisaged by Denmark, 230 kg nitrogen per hectare per year, will not prejudice the achievement of the objectives of Directive 91/676/EEC, subject to certain strict conditions being met.

(8) Decision 2008/664/EC expired on 31 July 2012. For the purpose of ensuring that the cattle farmers concerned may continue to benefit from the derogation, it is appropriate to extend the validity of Decision 2008/664/EC.

(9) The articles provided for in this Decision are in accordance with the opinion of the Nitrates Committee set up pursuant to Article 9 of Directive 91/676/EEC,

HAS ADOPTED THIS DECISION:

Article 1

The derogation requested by the Kingdom of Denmark by letter of 20 June 2012, for the purpose of allowing a higher amount of livestock manure than that provided for in the first sentence of the second subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC and in point (a) thereof, is granted, subject to the conditions laid down in this Decision.

Article 2

Definitions

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

(1) OJ L 375, 31.12.1991, p. 1.
(2) OJ L 319, 23.11.2002, p. 24.
(3) OJ L 94, 13.4.2005, p. 34.
(4) OJ L 217, 13.8.2008, p. 16.

(a) ‘cattle farms’ means holdings with more than three livestock units, where at least two thirds of livestock are cattle;

(b) ‘grass’ means permanent or temporary grassland (generally temporary grassland lies less than four years);

(c) ‘crops being undersown by grass’: silage cereals, silage maize and/or spring barley, to be undersown before (maize) or after harvest, by grass which will act as a catch crop, for biological retention of nitrogen residual during winter;

(d) ‘beets’ means forage beets;

(e) ‘crops with high nitrogen uptake and long growing season’ means grass, grass catch crops or beets and other crops being undersown by grass;

(f) ‘soil profile’ means the soil layer below ground level to a depth of 0,90 m, unless the average highest groundwater level is shallower; in this latter case it shall be to a depth of the average highest groundwater level;

(g) ‘plough layer’ is the upper 30 cm of farmland where the soil analysis shall be done for accurate fertilisation.

Article 3

Scope

This derogation applies on an individual basis and under the conditions prescribed in Articles 4 to 6 of this Decision to cattle farms where the crop rotation includes more than 70 % of crops with high nitrogen uptake and long growing season.

Article 4

Annual authorisation and commitment

1. Cattle farmers shall submit an application for derogation to the competent authorities annually.

2. Together with that annual application, they shall undertake in writing to fulfil the conditions provided for in Articles 5 and 6 of this Decision.

Article 5

Application of manure and other fertilisers

The amount of livestock manure applied to the land each year on cattle farms benefiting from an individual derogation, including by the animals themselves, shall not exceed the amount of manure containing 230 kg nitrogen per hectare, under the following conditions:

(1) the total nitrogen inputs must comply with the nutrient uptake of the considered crop, considering the nitrogen supply from the soil. It shall not exceed for all crops, in any case, the maximum application standards for nitrogen, as established in the action programme. The nitrogen maximum application standards shall be fixed at least 10 % below economic optimum.

(2) each cattle farm benefiting from an individual derogation must prepare, for its whole acreage, a fertilisation plan, to be kept on farm. It shall cover the period 1 August to 31 July the following year. The fertilisation plan shall include the following:

(a) the crop rotation plan, which must specify the acreage of parcels with crops with high nitrogen demand and long growing season and parcels with other crops, including a sketch map indicating the location of individual fields;

(b) the number of livestock, a description of the housing and storage system, including the volume of manure storage available;

(c) a calculation of manure nitrogen and phosphorus produced on the farm;

(d) the description of manure treatment, if present, and expected characteristics of treated manure;

(e) the amount, type and characteristics of manure delivered outside the farm or to the farm;

(f) the foreseeable nitrogen and phosphorus crop requirements for each parcel;

(g) a calculation of nitrogen and phosphorus application from manure for each parcel;

(h) a calculation of nitrogen and phosphorus application from chemical and other fertilisers for each parcel;

(i) the indication of the time of application of manure and chemical fertilisers.

Plans shall be revised no later than seven days following any change in agricultural practices to ensure consistency between plans and actual agricultural practices.

(3) each cattle farm benefiting from an individual derogation shall submit the fertilisation account to the competent authorities, including applied amounts of manure and nitrogen fertilisers, by end of March each year;

(4) periodic nitrogen and phosphorus analysis in the plough layer shall be done by each cattle farm benefiting from an individual derogation for accurate fertilisation. Sampling and analysis must be carried out at least once every four years for each homogeneous area of the farm, with regard to crop rotation and soil characteristics. At least one analysis per five hectares of farmland shall be carried out. Results of nitrogen and phosphorus analysis in the plough layer shall be available at the cattle farm benefiting from derogation;

(5) livestock manure shall not be spread in the autumn before grass cultivation.

Article 6

Land management

1. 70 % or more of the acreage available for manure application on a cattle farm benefiting from an individual derogation shall be cultivated with crops with high nitrogen uptake and long growing season.

2. Grass catch crops shall not be ploughed before 1 March in order to ensure permanent vegetal cover of arable area for recovering subsoil autumn losses of nitrates and limit winter losses.

3. Temporary grasslands shall be ploughed in spring and the ploughing will be followed by a crop with high nitrogen uptake.

4. Crop rotation shall not include leguminous or other plants fixing atmospheric nitrogen. This will however not apply to clover or alfalfa in grassland with less than 50 % clover or alfalfa and to barley/pea undersown with grass.

Article 7

Monitoring

1. The competent authority shall ensure that maps showing the percentage of cattle farms, percentage of livestock and percentage of agricultural land covered by individual derogations for each municipality are drawn up and updated every year.

2. In order to ascertain that the derogation will not jeopardise the objective of Directive 91/676/EEC, monitoring shall be done in root zone water, surface waters and groundwater, in order to provide data on nitrogen and phosphorus in the soil profile and nitrates concentrations in surface and groundwater, both under derogation and non-derogation conditions. Monitoring shall be carried out at farm field scale in the agricultural catchment national monitoring programme. The monitoring sites shall include main soil types, fertilisation practices and crops.

3. Surveys and continuous nutrient analysis shall be carried out in the agricultural catchment national monitoring programme and shall provide data on local land use, crop rotations and agricultural practices on cattle farms benefiting from an individual derogation. Collected information and data from nutrient analysis as referred to in Article 5 of this Decision and monitoring as referred to in Article 7(2) of this Decision shall be used for model-based calculations of the magnitude of nitrogen and phosphorus losses from cattle farms benefiting from an individual derogation based on scientific principles.

4. The competent authorities shall quantify the percentage of land under derogation covered by clover or alfalfa in grassland and by barley/pea undersown with grass.

Article 8

Controls

1. The competent authorities shall ensure that all the applications for derogation are submitted to administrative control. Where the control demonstrates that the conditions provided for in Articles 5 and 6 are not fulfilled, the applicant shall be informed thereof. In this instance, the application shall be refused.

2. A programme of inspections shall be established based on risk analysis, results of controls of the previous years and results of general random controls of application of legislation implementing Directive 91/676/EEC. The inspections shall consist of field inspections and on-the-spot control and cover annually at least 5 % of the farms benefiting from an individual derogation in respect to the conditions set out in Articles 5 and 6 of this Decision. Where verification indicates non-compliance, the farmer shall be fined according to the national system and the request for derogation the next year shall be refused.

3. The competent authorities shall be granted the necessary powers and means to verify compliance with the conditions of the derogation granted under this Decision.

Article 9

Reporting

The competent authorities shall submit every year by December and for 2016 by June a report containing the following information:

(a) maps showing the percentage of cattle farms, percentage of livestock, percentage of agricultural land covered by individual derogations for each municipality, as well as maps on local land use, referred to in Article 7(1) of this Decision;

(b) the results of ground and surface water monitoring, as regards nitrates and phosphorus concentrations, including information on water quality trends, both under derogation and non-derogation conditions, as well as the impact of derogation on water quality, as referred to in Article 7(2) of this Decision;

(c) the results of soil monitoring as regards nitrogen and phosphorus concentrations in the root zone water, both under derogation and non-derogation conditions, as referred to in Article 7(2) of this Decision;

(d) results of the surveys on local land use, crop rotations and agricultural practices, referred to in Article 7(3) of this Decision;

(e) results of model-based calculations of the magnitude of nitrogen and phosphorus losses from farms benefiting from an individual derogation, referred to in Article 7(3) of this Decision;

(f) tables showing the percentage of agricultural land under derogation covered by clover or alfalfa in grassland and by barley/pea undersown with grass, referred to in Article 7(4) of this Decision;

(g) evaluation of the implementation of the derogation conditions, on the basis of controls at farm level and information on non-compliant farms, on the basis of the results of the administrative and field inspections, referred to in Article 8(1) and 8(2) of this Decision.

Article 10

This derogation shall apply from 1 August 2012. It shall expire on 31 July 2016.

Article 11

This Decision is addressed to the Kingdom of Denmark.

Done at Brussels, 23 October 2012.

For the Commission

Janez POTOČNIK

Member of the Commission

CORRIGENDA

Corrigendum to Information on the date of entry into force of the Fisheries Partnership Agreement between the European Community and the Republic of Seychelles

(Official Journal of the European Union L 219 of 14 August 2008)

On page 64, first paragraph:

for: ‘On 28 February 2007 and 24 July 2008 respectively, …’,

read: ‘On 28 February 2007 and 2 November 2007 respectively, …’;

on page 64, second paragraph:

for: ‘The Agreement accordingly entered into force on 24 July 2008, …’,

read: ‘The Agreement accordingly entered into force on 2 November 2007, …’.

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