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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 15 November 2013

on the signing, on behalf of the European Union, of the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco

(2013/720/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 22 May 2006 the Council approved the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco ⁽¹⁾ (hereinafter referred to as the 'Partnership Agreement') by adopting Regulation (EC) No 764/2006 ⁽²⁾.
- (2) The application of the last Protocol to this Partnership Agreement setting out the fishing opportunities and financial contribution provided for in the Partnership Agreement ⁽³⁾ ended on 20 December 2011.
- (3) The Council authorised the Commission to negotiate a new Protocol granting vessels of the Union fishing opportunities in the waters falling within the sovereignty or jurisdiction of the Kingdom of Morocco as regards fishing. At the end of those negotiations, a new Protocol was initialled on 24 July 2013.
- (4) The new Protocol should be signed subject to its conclusion,

HAS ADOPTED THIS DECISION:

Article 1

The signature, on behalf of the Union, of the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco (hereinafter referred to as the 'Protocol') is hereby authorised, subject to the conclusion of the said Protocol.

The text of the Protocol is attached to this Decision.

Article 2

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

Article 3

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

Done at Brussels, 15 November 2013.

For the Council

The President

R. ŠADŽIUS

⁽¹⁾ OJ L 141, 29.5.2006, p. 4.

⁽²⁾ Council Regulation (EC) No 764/2006 of 22 May 2006 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco (OJ L 141, 29.5.2006, p. 1).

⁽³⁾ Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial compensation provided for in the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco (OJ L 202, 5.8.2011, p. 3).

PROTOCOL

between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco

Article 1

General Principles

This Protocol, together with its Annex and Appendices, form an integral part of the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco, dated 28 February 2007, hereinafter referred to as the 'Fisheries Agreement' - which forms part of the euro-Mediterranean Agreement establishing an association between the European Union and the Kingdom of Morocco dated 26 February 1996 — hereinafter referred to as the 'Association Agreement'. It helps to meet the general objectives of the Association Agreement and aims to ensure the viability of fisheries resources from ecological, economic and social points of view.

The Protocol is implemented in accordance with Article 1 of the Association Agreement on developing dialogue and cooperation and Article 2 of the same Agreement concerning the respect for democratic principles and fundamental human rights.

Article 2

Period of application, duration and fishing opportunities

From the application of this Protocol and for a period of four years, the fishing opportunities granted under Article 5 of the Fisheries Agreement shall be those stated in the table attached hereto.

The first subparagraph above shall apply subject to the provisions of Articles 4 and 5 of this Protocol.

Under Article 6 of the Fisheries Agreement, vessels flying the flag of a Member State of the European Union (EU) may engage in fishing activities in the Moroccan fishing zone only if they are in possession of a fishing licence issued under this Protocol and in accordance with the provisions of the Annex hereto.

Article 3

Financial contribution

1. The estimated total annual value of the Protocol is EUR 40 000 000 for the period referred to in Article 2, distributed as follows:

(a) EUR 30 000 000 by way of the financial contribution referred to in Article 7 of the Fisheries Agreement, allocated as follows:

(i) EUR 16 000 000 as a financial contribution for access to the resource;

(ii) EUR 14 000 000 as support for the fisheries sector in Morocco;

(b) EUR 10 000 000 corresponding to the estimated amount of fees owed by shipowners under the fishing licences granted under Article 6 of the Fisheries Agreement and in accordance with the provisions of Chapter I, sections D and E, of the Annex to this Protocol.

2. Paragraph 1 above shall apply subject to Articles 4, 5, 6 and 8 of this Protocol.

3. Without prejudice to the provisions of Article 6(9), the payment by the EU of the financial contribution referred to in paragraph 1(a) shall be made, during the first year, no later than three months after the date of application of this Protocol, and no later than the anniversary of the Protocol on subsequent years.

4. The financial contribution referred to in paragraph 1(a) shall be paid to the Treasurer-General of the Kingdom of Morocco into an account opened with the Public Treasury of the Kingdom of Morocco, the references of which shall be communicated by the Moroccan authorities.

5. Subject to the provisions of Article 6 of this Protocol, the Moroccan authorities shall have full discretion regarding the use to which this financial contribution is put.

Article 4

Coordination in the scientific area and in exploratory fishing

1. In accordance with Article 4(1) of the Agreement, the parties undertake to organise, on a regular basis and when needed, scientific meetings to discuss scientific questions raised by the Joint Committee for the management and technical monitoring of this Protocol. The mandate, composition and running of these scientific meetings are to be established by the Joint Committee referred to in Article 10 of the Fisheries Agreement.

2. The two parties hereby undertake to promote responsible fishing in the Moroccan fishing zone based on the principle of non-discrimination between the different fleets fishing in those waters.

3. Pursuant to Article 4(2) of the Fisheries Agreement, the two parties, on the basis of the conclusions of the Scientific Committee's meetings, shall consult each other within the Joint Committee referred to in Article 10 of the Fisheries Agreement in order to adopt, where necessary and by mutual agreement, measures to ensure the sustainable management of fisheries resources.

4. For research purposes and to advance scientific knowledge, exploratory fishing may be carried out in the Moroccan fisheries zone at the request of the Joint Committee. The methods for doing so shall be decided in accordance with the provisions in Chapter IV of the Annex to this Protocol.

Article 5

Review of fishing opportunities

1. The fishing opportunities referred to in Article 2 may be reviewed by the Joint Committee by mutual agreement, provided that this review is designed to ensure the durability of Moroccan fisheries resources.

2. In the event of an increase, the financial contribution referred to in Article 3(1)(a)(i) shall be increased proportionally to the fishing opportunities and *pro rata temporis*. The total amount of the financial contribution made by the EU may not, however, exceed twice the amount indicated in Article 3(1)(a)(i) as a result of this adjustment. If the parties agree to a reduction in the fishing opportunities provided for in Article 2, the financial contribution shall be reduced proportionally to the fisheries opportunities and *pro rata temporis*.

3. The allocation of the fishing opportunities among the various categories of vessels may also be reviewed by mutual agreement between the two parties, taking into account the durability of stock which may be affected by such redistribution. The parties shall agree on the corresponding adjustment of the financial contribution should the redistribution of fishing opportunities so warrant.

Article 6

Support for sectoral fisheries policy in Morocco

1. The financial contribution referred to in Article 3(1)(a)(ii) of this Protocol will help to develop and implement Morocco's sectoral fisheries policy as part of the 'Halieutis' strategy for developing the fisheries sector.

2. The contribution shall be allocated and managed by Morocco on the basis of the setting up by the two parties, by mutual agreement within the Joint Committee, of the objectives

to be met and of the relevant annual and multi-annual programme, in accordance with the 'Halieutis' strategy and based on an estimation of the anticipated impact of the projects to be carried out.

3. For the first year of application of the Protocol, the allocation by Morocco of the contribution referred to in paragraph 1 shall be notified to the EU as soon as the guidelines, objectives, criteria and evaluation indicators have been approved by the Joint Committee. For each of the following years, Morocco shall present this allocation to the EU no later than 30 September of the previous year.

4. Any amendment to these guidelines, objectives, criteria and evaluation indicators shall be approved by the two parties within the Joint Committee.

5. Morocco shall draw up a progress report on projects implemented with sectoral support as provided for by this Protocol, which shall be submitted to and examined by the Joint Committee.

6. Depending on the nature of the projects and the duration of their implementation, Morocco shall submit a report to the Joint Committee on the implementation of projects that have been completed with sectoral support as provided for by this Protocol; the report shall include information on any social and economic consequences, particularly the impact on employment, investment and any other quantifiable repercussions of the measures taken, together with their geographical distribution. This information is to be prepared on the basis of indicators to be defined in greater detail by the Joint Committee.

7. Morocco shall also submit, prior to the expiry of this Protocol, a final report on the implementation of the sectoral support provided for by this Protocol, including the elements referred to in the paragraphs above.

8. The two parties shall, if necessary, continue to monitor the implementation of the sectoral support beyond the expiry of this Protocol or, as the case may be, in the event of its suspension in accordance with the provisions of this Protocol.

9. The specific financial contribution provided for by Article 3(1)(a)(ii) of this Protocol will be paid in instalments, on the basis of an approach where the analysis of the results of the implementation of the sectoral support and the needs identified at the planning stage are taken into account.

10. The framework for operational implementation shall be established by the Joint Committee.

Article 7

Economic integration of EU operators in the Moroccan fisheries sector

In accordance with the legislation and regulations currently in force, the two parties shall promote contacts and help ensure cooperation between economic operators in the following areas:

- development of subsidiary industry related to fisheries, particularly naval construction and repair and the manufacturing of fishing gear and materials;
- promoting exchange of professional expertise and training of managers for the maritime fishing sector;
- sale of fishery products;
- marketing;
- aquaculture.

Article 8

Suspension of the Protocol on the grounds of a dispute as regards interpretation or application

1. Any dispute between the parties over the interpretation of this Protocol or its application shall be the subject of consultations between the parties within the Joint Committee provided for in Article 10 of the Fisheries Agreement, in a special meeting if necessary.
2. The application of this Protocol may be suspended at the initiative of one party if the dispute between the two parties is deemed to be serious and if the consultations held within the Joint Committee mentioned in paragraph 1 above have not resulted in an amicable settlement.
3. Suspension of application of the Protocol shall require the interested party to notify its intention in writing at least three months before the date on which suspension is due to take effect.
4. In the event of suspension, the parties shall continue to consult each other with a view to finding an amicable

settlement to their dispute. The Protocol shall once again be applied once the dispute has been resolved. The amount of the financial contribution shall be reduced proportionately and *pro rata temporis* to the period during which application of the Protocol was suspended.

Article 9

Non-compliance with technical obligations arising under the Protocol

In accordance with the provisions of this Protocol and legislation currently in force, Morocco reserves the right to apply penalties as provided for in the Annexes in the event of non-compliance with the provisions of and obligations arising under the implementation of this Protocol.

Article 10

Electronic data exchange

Morocco and the EU undertake to set up as soon as possible the systems necessary for ensuring the electronic exchange of all information and documents relating to the technical management of this Protocol, such as data on catches, the VMS positions of vessels and notifications of entry into and exit from the zone.

Article 11

Applicable provisions of national law

The activities of vessels operating under this Protocol and its Annex, in particular regarding transshipment, the use of port services and the purchase of supplies, etc., shall be governed by the applicable laws of Morocco.

Article 12

Entry into force

This Protocol and its Annex shall enter into force on the date on which the parties notify each other of the completion of the respective procedures necessary for that purpose.

Fishing opportunities

Small-scale fishing				Demersal fishing	Industrial pelagic fishing	Industrial pelagic fishing with non-freezer vessels
Pelagic fishing in the north: seiners	Small-scale fishing in the south: rods and lines	Small-scale fishing in the north: bottom longliners	Small-scale tuna fishing: pole-and-line	Bottom longliners and bottom trawlers	Pelagic or semi-pelagic trawlers	Pelagic or semi-pelagic trawlers
					C stock Quota 80 000 tonnes	
20 vessels	10 vessels	35 vessels	27 vessels	16 vessels	18 vessels	

Съставено в Брюксел на осемнадесети ноември две хиляди и тринадесета година.

Hecho en Bruselas, el dieciocho de noviembre de dos mil trece.

V Bruselu dne osmnáctého listopadu dva tisíce třináct.

Udfærdiget i Bruxelles den attende november to tusind og tretten.

Geschehen zu Brüssel am achtzehnten November zweitausenddreizehn.

Kahe tuhande kolmeteistkümnenda aasta novembrikuu kaheksateistkümnendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις δέκα οκτώ Νοεμβρίου δύο χιλιάδες δεκατρία.

Done at Brussels on the eighteenth day of November in the year two thousand and thirteen.

Fait à Bruxelles, le dix-huit novembre deux mille treize.

Sastavljeno u Bruxellesu osamnaestog studenoga dvije tisuće trinaeste.

Fatto a Bruxelles, addì diciotto novembre duemilatredecì.

Briselē, divi tūkstoši trīspadsmitā gada astoņpadsmitajā novembrī.

Priimta du tūkstančiai trylikų metų lapkričio aštuonioliką dieną Briuselyje.

Kelt Brüsszelben, a kétézer-tizenharmadik év november havának tizennyolcadik napján.

Magħmul fi Brussell, fit-tmintax-il jum ta' Novembru tas-sena elfejn u tlettax.

Gedaan te Brussel, de achttiende november tweeduizend dertien.

Sporządzono w Brukseli dnia osiemnastego listopada roku dwa tysiące trzynastego.

Feito em Bruxelas, em dezoito de novembro de dois mil e treze.

Întocmit la Bruxelles la optsprezece noiembrie două mii treisprezece.

V Bruseli osemnásteho novembra dvetisíctrinásť.

V Bruslju, dne osemnajstega novembra leta dva tisoč trinajst.

Tehty Brysselissä kahdeksantenatoista päivänä marraskuuta vuonna kaksituhattakolmetoista.

Som skedde i Bryssel den artonde november tjugohundratretton.

حرر ببروكسيل، بتاريخ الثامن عشر نونبر سنة ألفين وثلاثة عشر ميلادية

Za Европейския съюз
Por la Unión Europea
Za Evropskou unii
For Den Europæiske Union
Für die Europäische Union
Euroopa Liidu nimel
Για την Ευρωπαϊκή Ένωση
For the European Union
Pour l'Union européenne
Za Europejską uniję
Per l'Unione europea
Eiropas Savienības vārdā –
Europos Sąjungos vardu
Az Európai Unió részéről
Għall-Unjoni Ewropea
Voor de Europese Unie
W imieniu Unii Europejskiej
Pela União Europeia
Pentru Uniunea Europeană
Za Európsku úniu
Za Evropsko unijo
Euroopan unionin puolesta
För Europeiska unionen



عن الاتحاد الأوروبي

Za Kralstvo Maroko
Por el Reino de Marruecos
Za Marocké království
For Kongeriget Marokko
Für das Königreich Marokko
Maroko Kuningriigi nimel
Για το Βασίλειο του Μαρόκου
For the Kingdom of Morocco
Pour le Royaume du Maroc
Za Kraljevinu Maroko
Per il Regno de Marocco
Marokas Karalistes vārdā –
Maroko Karalystės vardu
A Marokkói Királyság részéről
Għar-Renju tal-Marokk
Voor het Koninkrijk Marokko
W imieniu Królestwa Marokańskiego
Pelo Reino de Marrocos
Pentru Regatul Maroc
Za Marocké kráľovstvo
Za Kraljevino Maroko
Marokon kuningaskunnan puolesta
För Konungariket Marocko



عن المملكة المغربية

ANNEX

CONDITIONS GOVERNING FISHING ACTIVITIES BY EU VESSELS IN THE MOROCCAN FISHING ZONE

CHAPTER I

PROVISIONS GOVERNING APPLICATIONS FOR AND ISSUING OF LICENCES

A. Licence applications

1. Only eligible vessels may obtain a licence to fish in the Moroccan fishing zone.
2. In order for a vessel to be eligible, neither the owner, the master nor the vessel itself must be prohibited from fishing in Morocco, nor must the vessel be legally listed as an IUU vessel.
3. They must be in order vis-à-vis the Moroccan administration in so far as they must have fulfilled all prior obligations arising from their fishing activities in Morocco under fisheries agreements concluded with the European Union.
4. The competent EU authorities (hereinafter referred to as the 'Commission') shall submit to the Ministry of Agriculture and Sea Fisheries – Sea Fisheries Department (hereinafter referred to as 'Department') the lists of vessels applying to engage in fishing activities within the limits laid down in the datasheets annexed to the Protocol at least 20 days before the licences requested are due to become valid. These lists shall be sent electronically in a format compatible with the software used by the Department.

These lists shall state the number of vessels for each fishing category and zone and, for each vessel, its main characteristics, payments broken down by heading and the gear to be used during the period in question.

For the category 'industrial pelagic fishing', the list shall also mention for each vessel the quota requested in tonnes of catches in the form of provisional monthly figures. If catches during a given month reach the vessel's provisional monthly quota before the end of the month, the shipowner may send to the Department, via the Commission, an adjusted provisional monthly catch figure and a request for this provisional monthly quota to be extended.

If during a given month catches remain below the vessel's monthly provisional quota, a corresponding part of the quota or fee shall be credited to the following month.

5. Individual licence applications, grouped into fishing category, will be submitted to the Department at the same time as the lists referred to in points 4 and 5, in accordance with the sample form provided in Appendix 1.
6. All licence applications shall be accompanied by the following documents:
 - a copy of the tonnage certificate, duly certified by the flag Member State;
 - a recent, certified colour photograph showing a side view of the vessel in its current condition. The photograph shall be at least 15 cm by 10 cm;
 - proof of payment of fishing licence fees, other fees and observers' expenses; In the case of 'industrial pelagic fishing', proof of payment of fees must be provided before the first day of the month in which activity is planned in the authorised fishing zone, as indicated on the corresponding datasheet;
 - any other documents or certificates required under the specific provisions applicable to the type of vessel concerned pursuant to this Protocol.
7. Where a licence is renewed year after year under this Protocol in respect of a vessel whose technical characteristics have not changed, the renewal application shall only be accompanied by proof of payment of fishing licence fees, other fees and observers' expenses.

8. The licence application forms and all documents mentioned in paragraph 6 above that contain information necessary for the establishment of fishing licences may be submitted electronically in a format compatible with the software used by the Department.

B. Issuing of licences

1. The Department shall issue fishing licences to the Commission, via the Delegation of the EU to Morocco (the 'Delegation') for all vessels within 15 days of receipt of all the documents referred to in point 6 above. If applicable, the Department shall notify the Commission of the reasons why a licence application has been refused.
2. Fishing licences shall be drawn up in accordance with the information in the datasheets annexed to the Protocol, and shall mention in particular the fishing zone, distance from the coast, information relating to the continuous positioning and tracking system using satellite communication (serial number of the VMS transponder), the authorised gears, the main species, authorised mesh sizes, allowable by-catches and, for the category 'industrial pelagic fishing', the monthly provisional catch quota. The vessel's provisional monthly quota may be extended subject to the catch limits laid down in the corresponding datasheet.
3. Fishing licences shall be issued only for vessels which have complied with all the administrative formalities required.
4. The two parties agree to promote the introduction of an electronic licence system.

C. Validity and utilisation of licences

1. The period of validity of a licence shall correspond to the calendar year, with the exception of the first period which will start on the date of application and end on 31 December of the same year, and the last period which will start on 1 January and end on the date of expiry of the Protocol.
2. A fishing licence shall be valid only for the period covered by the fees paid and for the fishing zone, type of gear and fishing category specified in the licence.
3. A fishing licence shall be issued for a given vessel and shall not be transferable. However, where force majeure is proven, such as the loss or prolonged immobilisation of a vessel due to a serious technical failure duly established by the competent authorities of the flag State and at the request of the EU, a licence issued for one vessel shall be replaced, as soon as possible, by a licence issued for another vessel of the same fishing category, where the tonnage does not exceed that of the damaged vessel.
4. The owner of the vessel which has been damaged, or his/her agent, shall return the cancelled fishing licence to the Department.
5. A fishing licence must be held on board the vessel to which it was issued at all times and presented to the inspection authorities on inspection.
6. Fishing licences shall be valid for one calendar year, one half-year period or one quarter. A half-year period shall consist of one of the six-month periods beginning 1 January or 1 July, except for the first and the last period of the Protocol. A quarter shall consist of one of the three-month periods beginning 1 January, 1 April, 1 July or 1 October, except for the first or the last period of the Protocol.

D. Fishing licence fees and other fees

1. The annual fees for fishing licences shall be laid down by the applicable Moroccan legislation.
2. Licence fees shall cover the calendar year in which the licence is issued and shall be payable when the first licence for that year is applied for. The amounts of such licence fees shall include all related fees and taxes, with the exception of port taxes and service charges.
3. In addition to the fishing licence fees, other fees shall be calculated for each vessel on the basis of the rates established in the datasheets annexed to the Protocol.

4. The fees shall be calculated pro-rata to the period for which the fishing licence is effectively valid, taking into account any biological recovery periods.
5. Any amendment to the legislation governing fishing licences shall be notified to the Commission no later than two months before its entry into force.

E. Terms of payment

Fishing licence fees, other fees and observers' expenses shall be payable, in the name of the Ministerial Treasurer of the Ministry of Agriculture and Maritime Fisheries, into bank account number 0018100078000 20110750201 at the Bank Al Maghrib (Morocco) before the fishing licences are issued.

The fees relating to quotas assigned to trawlers belonging to the category 'industrial pelagic fishing' are to be paid as follows:

- the fee for the vessel's provisional monthly quota requested by the owner will be paid before the beginning of the fishing activity or the 1st day of each month;
- in the event of the monthly provisional quota referred to in paragraph 4 of Section A of Chapter I being extended, the fee covering this extension must be received by the Moroccan authorities before fishing may continue;
- if the monthly provisional quota and any extension is exceeded, the amount of the fee corresponding to this excess will be increased by a factor of 3. The monthly balance, calculated on the basis of actual catches effected, shall be paid within two months of the month in which the catches were made.

CHAPTER II

PROVISIONS APPLICABLE TO TUNA VESSELS

1. Fees shall be EUR 35 per tonne fished in the Moroccan fishing zone.
2. Licences shall be issued for one calendar year following payment of a flat-rate sum of EUR 7 000 per vessel.
3. The advance shall be calculated pro-rata to the duration of the validity of the licence.
4. Masters of vessels holding licences for the fishing of highly migratory species shall keep an up-to-date logbook in line with the template in Appendix 6 to this Annex.
5. They shall also forward a copy of that logbook to their competent authorities no later than 15 days after the landing of the catches. These authorities shall forward copies to the Commission without delay, who shall be responsible for forwarding it to the Department.
6. By 30 April the Commission shall submit to the Department a statement of fees due for the previous fishing year on the basis of the catch declarations drawn up by each shipowner and confirmed by the scientific institutes responsible in the Member States and Morocco, such as the IRD (Institut de Recherche pour le Développement), the IEO (Instituto Español de Oceanografía), the IPMA (Instituto Português do Mar e da Atmosfera) and the INRH (Institut National de Recherche Halieutique).
7. For the last year of application, the statement of the fees due for the previous fishing year shall be notified within four months of expiry of the Protocol.
8. The final statement shall be sent to the shipowners concerned, who shall have 30 days from the notification of approval of the figures by the Department within which to discharge their financial obligations. Proof of payment by the shipowner, made out in euro in the name of the Treasurer-General of Morocco into the account mentioned in section E of Chapter I, shall be sent to the Department by the Commission no later than one and a half months after that notification.

9. However, if the amount of the final statement is less than the advance mentioned above, the difference shall not be reimbursable.
10. Shipowners shall take all the necessary steps to ensure that the copies of the logbook are sent and any additional payments made within the deadlines given in points 5 and 8.
11. Failure by the shipowner to comply with the obligations provided for in points 5 and 8 shall entail automatic suspension of the fishing licence until such obligations have been met.

CHAPTER III

FISHING ZONES

Morocco shall inform the EU, prior to the date of application of the Protocol, of the geographical coordinates of the baselines, its fishing zone and all zones within it which are closed to fishing, other than the Mediterranean zone of Morocco situated east of 35°47'18"N – 5°55'33"W (Cape Spartel), which is excluded from this Protocol.

The fishing zones for each category in Morocco's Atlantic zone are defined in the datasheets (Appendix 2).

CHAPTER IV

DETAILS OF IMPLEMENTATION OF EXPLORATORY FISHING

The two parties shall decide jointly on (i) which European operators may practice exploratory fishing, (ii) the most favourable period for such fishing and (iii) the conditions applicable. To facilitate exploratory work by vessels, the Department shall forward any available scientific data and other basic data. The two parties shall agree on the scientific protocol to be used as a basis for such exploratory fishing, and which shall be forwarded to the operators concerned.

The Moroccan fishing sector shall be closely involved (coordination and dialogue on the conditions for implementing exploratory fishing).

The duration of the campaigns will be a minimum of three months and maximum of six months, unless modified by the parties by mutual agreement.

The Commission shall communicate requests for licences for exploratory fishing to the Moroccan authorities. It shall provide a technical dossier specifying:

- the technical characteristics of the vessel;
- the level of expertise of the vessel's officers as regards such fishing;
- the proposal for the technical parameters of the campaign (length, gear, exploration regions, etc.);
- the form of funding.

If necessary, the Department shall organise a dialogue regarding technical and financial aspects with the Commission, and possibly with the shipowners concerned.

Before the start of the exploratory fishing campaign, the EU vessel shall report to a Moroccan port for inspections such as those provided for in points 1.1 and 1.2 of Chapter IX of this Annex.

Before the start of the campaign, vessel owners shall submit the following to the Department and to the Commission:

- a declaration of the catches already on board;
- the technical characteristics of the fishing gear to be used during the campaign;
- an assurance that they will comply with Moroccan fisheries legislation.

During the campaign, the owners of the vessels concerned shall:

- send to the Department and to the Commission a weekly report on catches made per day and by haul, including a description of the campaign's technical parameters (position, depth, date and time, catches and other observations or comments);
- communicate the vessel's position, speed and heading by VMS;
- ensure the presence on board of a Moroccan scientific observer or an observer chosen by the Moroccan authorities. The role of the observer will be to gather scientific information from the catches, as well as to sample the catches. Observers shall be treated in the same way as a ship's officer, and the shipowner shall cover their living costs during their stay on the vessel. The decision on the observer's time on board, the length of their stay and the boarding and landing harbour will be fixed in agreement with the Moroccan authorities. Unless there is agreement between the parties to the contrary, the vessel will never be obliged to put into harbour more than once per two months,
- submit their vessel to inspection before it leaves the Moroccan fishing zone if the Moroccan authorities so request,
- comply with Morocco's fisheries legislation.

The catches, including by-catches, made during the scientific campaign shall remain the property of the shipowner, provided they comply with the provisions made to this end by the Joint Committee and the provisions of the scientific protocol.

The Department shall appoint a contact person responsible for addressing any unforeseen problems that might hinder the development of the exploratory fishing.

CHAPTER V

PROVISIONS APPLICABLE TO SATELLITE MONITORING OF EU FISHING VESSELS OPERATING IN THE MOROCCAN FISHING ZONES ON THE BASIS OF THIS AGREEMENT

General provisions

1. Moroccan regulations governing the operation of satellite tracking and positioning devices apply to EU vessels operating or intending to operate in the Moroccan fishing zone under this Protocol. The flag State shall ensure that vessels flying its flag comply with the provisions of those regulations.
2. For the purposes of satellite monitoring, the Moroccan authorities shall communicate to the EU the coordinates (latitudes and longitudes) of the Moroccan fishing zone, as well as any area in which fishing is prohibited.
 - (i) The Department shall forward this information to the Commission prior to the date of application of this Protocol;
 - (ii) This information shall be transmitted in electronic form, in decimal form N/S DD.dddd (WGS84);
 - (iii) Any changes to these coordinates must be notified immediately.
3. The flag State and Morocco shall each designate a VMS correspondent who will act as the point of contact.
 - (i) The Fisheries Monitoring and Control Centres (CSCP) of the flag State and of Morocco shall communicate, prior to the date of application of the Protocol, the coordinates (name, address, telephone, telex, e-mail) of their respective VMS correspondent.
 - (ii) Any changes to the contact details of the VMS correspondent must be notified immediately.

VMS data

4. The position of vessels shall be determined with a margin of error of less than 100 metres and a confidence interval of 99 %.
5. When a vessel which is fishing under the Agreement and is the subject of satellite tracking under this Protocol enters the Moroccan fishing zone, the subsequent position reports shall be transmitted immediately by the CSCP of the flag State to the Moroccan CSCP. These messages shall be submitted as follows:
 - (i) electronically using a secure protocol;
 - (ii) with a frequency of less than or equal to two hours;
 - (iii) in the format indicated in Appendix 3;
 - (iv) as position reports.
6. The VMS positions shall be identified as follows:
 - (i) the first position recorded after entry into the Moroccan fishing zone is identified by the code 'ENT'.
 - (ii) all following positions are identified by the code 'POS';
 - (iii) the first position recorded after entry into the Moroccan fishing zone is identified by the code 'EXI'.
 - (iv) positions transmitted manually, in accordance with point 13, are identified by the code 'MAN'.
7. The components of the software and hardware of the satellite monitoring equipment used must be:
 - (i) reliable, not allowing any form of falsification of positions and unable to be manipulated manually;
 - (ii) fully automatic and operational at all times regardless of environmental and weather conditions.
8. It is forbidden to move, disconnect, destroy, damage or render inoperative the continuous tracking system using satellite communications placed on board the vessel for the purposes of data transmission or to intentionally alter, divert or falsify data emitted or recorded by such a system.
9. Masters of vessels shall at all times ensure that:
 - (i) data are not altered;
 - (ii) the antenna or antennas connected to the satellite-tracking equipment are not obstructed in any way;
 - (iii) the power supply of the satellite-tracking equipment is not interrupted;
 - (iv) the satellite-tracking equipment is not removed from the vessel.
10. The parties agree to exchange, upon request, information relating to the equipment used for satellite monitoring, in order to verify that each piece of equipment is entirely compatible with the requirements of the other Party for the purposes of these provisions and also in order to establish any exchange protocols in the event of the inclusion of functionalities allowing catch data to be transferred.

Technical breakdown or failure affecting the monitoring equipment on board the vessel

11. In the event of technical breakdown or failure affecting the equipment used for the continuous monitoring by satellite installed on board the fishing vessel, the Department and the Commission must be informed without delay by the flag State.
12. The equipment in question shall be replaced within ten working days following confirmation of the breakdown. Once this deadline has passed, the vessel in question must leave the Moroccan fishing zone or return to a Moroccan port for repair.
13. As long as the equipment is not replaced, the master of the vessel shall send a global position report every four hours manually by e-mail, radio or fax. This report will include the position reports as recorded by the master of the vessel under the conditions referred to in point 5.
14. These manual messages shall be transmitted to the CSCP of the flag State, who shall forward it without delay to the Moroccan CSCP.

Non-reception of VMS data by the Moroccan CSCP

15. If the Moroccan CSCP establishes that the flag State is not transmitting the information specified in point 5, the Commission and the flag State concerned shall be informed thereof immediately.
16. The CSCP of the non-compliant flag State and/or the Moroccan CSCP shall immediately notify any operational anomaly relating to the communication and reception of position messages between the CSCPs in order to find a technical solution as soon as possible. The Commission must be informed of the solution found by both CSCPs.
17. All messages not transmitted during this 'downtime' must be re-broadcast as soon as communication between the CSCP of the flag State concerned and the Moroccan CSCP is re-established.
18. The CSCP of the flag State and the Moroccan CSCP shall mutually agree, prior to the entry into force of this Protocol, on the alternative means of electronic communication to be used in order to transmit VMS data in the event of non-compliance by the CSCP and shall immediately inform each other of any changes thereto without delay.
19. Communication failures between the Moroccan CSCP and EU flag States should not affect the normal operation of vessels' fishing activities. However, the type of transmission decided in accordance with the point 18 must be used immediately.
20. Morocco shall inform its competent control services to ensure that EU vessels are not considered non-compliant because of a failure to transmit VMS data due to a failure of the CSCP and defective transmission equipment decided under point 18.

Protection of VMS data

21. All monitoring data communicated by one party to the other in accordance with these provisions shall be intended exclusively for monitoring, control and surveillance by the Moroccan authorities of the EU fleet fishing under this Agreement, or for research studies carried out by Morocco as regards the management and development of fisheries.
22. This information may not under any circumstances be communicated to third parties for whatever reason.
23. Any dispute over the interpretation or application of these provisions shall be the subject of consultation between the parties within the Joint Committee provided for in Article 10 of the Agreement, which shall take a decision on the matter.
24. If necessary, the parties agree to amend these provisions within the Joint Committee provided for in Article 10 of the Agreement.

CHAPTER VI

CATCH DECLARATIONS

1. Logbook

1. Masters of vessels shall use the logbook specially designed for fishing in Morocco's fishing zone, a template for which is provided in Appendix 7 of the Annex. They shall keep this logbook up-to-date in accordance with the provisions of the explanatory note for that logbook.
2. Shipowners shall forward a copy of the logbook to their competent authorities no later than 15 days after catches have been landed. These authorities shall forward copies to the Commission without delay, who shall be responsible for forwarding to the Department.
3. Failure by shipowners to comply with the obligations provided for in paragraphs 1 and 2 above shall entail automatic suspension of the fishing licence until such obligations have been met. The Commission shall be informed without delay of any such decision.

2. Quarterly catch declarations

1. By the end of the third month of each quarter the Commission shall notify the Department of the quantities caught by all EU vessels in the previous quarter, in accordance with the templates provided in Appendices 8 and 9 of this Annex.
2. This information shall be broken down monthly and by category for each vessel and each species specified in the logbook.
3. The information shall also be sent to the Department in a computer file in a format compatible with software used by the Ministry.

3. Reliability of data

The information in the documents referred to in points 1 and 2 above must reflect the actual fishing situation in order to constitute one of the bases for monitoring changes in stocks.

4. Transition to an electronic system

Both parties have established a protocol for the electronic exchange of all information relating to catches and declarations ('Electronic Reporting System'), referred to as 'ERS data', set out in Appendix 11. Both parties will make provision for the implementation of this protocol and the replacement of the paper version of the catch declaration by ERS data, from the implementation by Morocco of the equipment and software required.

5. Landings outside Morocco

Shipowners shall send the landing declarations for catches made under this Protocol to their competent authorities no later than 15 days after the landing. These authorities shall forward copies to the Delegation without delay, who shall be responsible for forwarding.

CHAPTER VII

EMBARKATION OF MOROCCAN SEAMEN

1. Shipowners who have been awarded fishing licences under this Agreement shall take on board, for the duration of their presence in the Moroccan fishing zone, Moroccan seamen, as provided for in the datasheets contained in Appendix 2.
2. The shipowners will choose the seamen who they take on board their vessels from the official list of successful candidates of maritime training schools transmitted by the Department to the Commission and communicated by the latter to the flag States concerned. The list is updated every year on 1 February. The shipowners are free to select the candidates from the list of successful applicants who have the best expertise and most suitable experience.
3. The employment contracts for the Moroccan seamen, a copy of which shall be given to the signatories, shall be drawn up between the shipowners' agent(s) and the seamen and/or their trade unions or representatives in consultation with the competent Moroccan authority. The contracts shall guarantee the seamen the social security cover applicable to them, including life assurance and sickness and accident insurance.

4. The shipowner or his representative shall send a copy of the contract to the Department via the Delegation, as soon as the competent authorities of the Member State concerned have endorsed the contract.
5. The shipowner or agent shall inform the Department, via the Delegation, of the names of the Moroccan seamen taken on board each vessel, mentioning their position in the crew.
6. The Delegation shall send the Department, on 1 February and 1 August, a half-yearly summary of the Moroccan seamen taken on board each EU vessel, with details of their registration.
7. The International Labour Organisation (ILO) Declaration on Fundamental Principles and Rights at Work shall apply as of right to seamen taken on board EU fishing vessels. This concerns in particular freedom of association, effective recognition of the right to collective bargaining, and elimination of discrimination in respect of employment and occupation.
8. Moroccan seamen's wages shall be paid by the shipowners. They shall be fixed, before licences are issued, by mutual agreement between the shipowners or their agents and the Moroccan seamen concerned or their representatives. However, the wage conditions granted to Moroccan seamen shall not be lower than those applied to Moroccan crews and shall comply with ILO standards and under no circumstances be below those standards.
9. If one or more seamen employed on board fail to report at the time agreed for the vessel's departure, the vessel shall be permitted to start the planned trip after informing the competent authorities in the port of embarkation of the shortfall in the number of seamen required and having updated its crew list. These authorities shall inform the Department thereof.
10. The shipowner shall take all necessary steps to ensure that the number of seamen required by this Agreement are signed on by the vessel by the next trip at the latest.
11. Where an EU vessel fails to take on board Moroccan seamen for reasons other than that specified in the previous point, the owner of the vessel concerned shall be obliged to pay, within a maximum of three months, a flat-rate amount of EUR 20 per Moroccan seaman not taken on board and per day of fishing in the Moroccan fishing zone.
12. This sum shall be used for training Moroccan fishermen and shall be paid into bank account number 0018100078000 20110750201 at Bank Al Maghrib, Morocco.
13. Except as provided for in point 9, repeated failure by shipowners to embark the requisite number of Moroccan seamen shall result in automatic suspension of the vessels' fishing licence until such obligations have been met. The Delegation shall be informed without delay of any such decision.

CHAPTER VIII

MONITORING AND OBSERVATION OF FISHING

A. Observation of fishing

1. Vessels authorised to fish in the Moroccan fishing zone under this Protocol shall take on board the observers appointed by Morocco on the terms set out below.
 - 1.1. Each quarter, 25 % of authorised vessels with a tonnage of more than 100 GT shall take on board observers.
 - 1.2. Industrial pelagic fishing vessels shall take a scientific observer on board for the entire period of activity in the Moroccan fishing zone.
 - 1.3. Other EU fishing vessels with a tonnage less than or equal to 100 GT shall be observed during a maximum of ten voyages per year and per category of fishing.
 - 1.4. The Department shall draw up a list of vessels designated to take an observer on board and a list of appointed observers. These lists shall be sent to the Delegation as soon as they have been drawn up.

- 1.5. The Department shall inform the shipowners concerned, through the Delegation, of the name of the observer appointed to be taken on board their vessel at the time the licence is issued, or no later than 15 days before the observer's planned embarkation date.
2. Observers shall remain on board pelagic trawlers on a permanent basis. For the other categories of fishing, observers shall spend at one voyage per vessel on board.
3. The conditions under which the observer is taken on board shall be agreed between the shipowner or its agent and the Moroccan authorities.
4. The observer shall be taken on board at a port chosen by the shipowner at the beginning of the first trip in the Moroccan fishing zone after notification of the list of designated ships.
5. The shipowner shall provide notification of the dates and ports in Morocco where the observer will be taken on board, no later than two weeks before the planned embarkation.
6. Where the observer is taken on board in a foreign country, their travel costs shall be borne by the vessel owner. Should a vessel with a Moroccan observer on board leave the Moroccan fishing zone, all measures must be taken to ensure the observer's return to Morocco as soon as possible at the shipowner's expense.
7. In the event of a wasted journey by the observer, caused by a failure by the shipowner to comply with its commitments, the shipowner shall pay the observer's travel expenses and daily allowances, equal to those received by Moroccan national officials of an equivalent grade, for each day of inactivity. Similarly, in the event of a delay in embarkation which is due to the shipowner, the shipowner shall pay the observer the daily allowances described above.

Any amendment to the rules and regulations concerning daily allowances shall be notified to the Delegation no later than two months before its entry into force.

8. If the observer is not present at the time and place agreed and during the 12 hours following the time agreed, the shipowner shall be automatically absolved of his duty to take the observer on board.
9. Observers shall be treated on board as officers. They shall carry out the following tasks:
 - 9.1. observe the fishing activities of the vessels;
 - 9.2. verify the position of vessels engaged in fishing operations;
 - 9.3. perform biological sampling in the context of scientific programmes;
 - 9.4. note the fishing gear used;
 - 9.5. verify the catch data for the Moroccan fishing zone recorded in the logbook;
 - 9.6. verify the percentages of by-catches and estimate the quantity of discards of species of marketable fin-fish, crustaceans and cephalopods;
 - 9.7. report fishing data by fax or by radio, including the quantity of catches and by-catches on board.
10. The master shall do everything in their power to ensure the physical safety and welfare of the observer during the performance of their duties.

11. The observer shall be offered every facility needed to carry out their duties. The master shall facilitate their access to the means of communication needed for the discharge of their duties, to documents directly concerned with the vessel's fishing activities, in particular the logbook and the navigation log, and to those parts of the vessel necessary to facilitate the exercise of their tasks as observer.
12. While on board, the observer shall:
 1. take all appropriate steps to ensure that the conditions of their boarding and presence on the vessel neither interrupt nor hamper fishing operations,
 2. take care of the material and equipment on board and respect the confidentiality of all documents belonging to the vessel.
13. At the end of the observation period and before leaving the vessel, the observer shall draw up an activity report to be transmitted to the competent authorities in Morocco, with a copy to the Delegation. He/she shall sign it in the presence of the master, who may add or cause to be added to it any observations considered relevant, followed by the master's signature. A copy of the report shall be handed to the master when the observer is put ashore.
14. The shipowner shall bear the cost of accommodating the observer in the same conditions as the officers on the vessel, within the confines of the structure of the vessel.
15. The salary and social contributions of the observer shall be borne by the competent Moroccan authorities.
16. In order to reimburse Morocco for the costs arising from the presence of observers on board vessels, in addition to the fee payable by shipowners, provision is also made for the 'observers' expenses' to be paid, calculated on the basis of EUR 5,5 per GT per quarter and per vessel fishing in the Moroccan fishing zone.

These costs shall be paid in accordance with the payment terms set out in Chapter I, Section E of this Annex.

17. Failure by the shipowner to comply with the obligations laid down in point 4 shall entail automatic suspension of the fishing licence until such obligations have been met. The Delegation shall be informed without delay of any such decision.

B. Joint monitoring of fishing

1. The contracting parties shall set up a system of joint monitoring and observation of checks on landings, with the aim of improving the effectiveness of such checks so as to ensure compliance with the provisions of this Protocol.
2. The parties shall prepare an annual schedule for joint monitoring, covering all fishing categories provided for in this Protocol.
3. To this end, the competent authorities of each contracting party shall designate a representative to attend checks on landings and observe the arrangements for conducting such checks, notifying their name to the other contracting party.
4. The representative of the Moroccan authority shall attend, as an observer, inspections on landings by vessels which have operated in the Moroccan fishing zone carried out by the national inspection authorities of the Member States.
5. The representative shall accompany national inspection officials in their visits to ports, on board vessels, in dock, to auctions, fish wholesalers' shops, coldstores and other premises for landing fish before it is placed on the market, and shall have access to the documents which are the subject of these inspections.
6. The representative of the Moroccan authority shall draw up and submit a report detailing the inspections attended. A copy of the report shall be sent to the Delegation.

7. The Department shall invite the Delegation to attend inspection visits scheduled in the ports of landing, giving one month's notice.
8. At the Commission's request, EU fishing inspectors may attend as observers inspections carried out by the Moroccan authorities on landing operations by EU vessels in Moroccan ports.
9. The practical arrangements for these operations will be laid down by mutual agreement between the competent authorities of the two parties.

CHAPTER IX

MONITORING

1. Technical inspection

- 1.1. Once a year and after any change to their technical characteristics or following a request for a change in fishing category necessitating the use of a different type of fishing gear, EU vessels holding a licence under this Protocol shall report to a Moroccan port to undergo the inspections required by the legislation in force. Such inspections shall take place within 48 hours of the vessel's arrival in port.
- 1.2. Once the inspection has been completed satisfactorily, the master of the vessel shall be issued with a certificate having the same period of validity as the licence, and which shall be automatically extended in the case of vessels renewing their licence within the year. However, the maximum validity may not exceed one year. This certificate must be kept on board at all times.
- 1.3. The purpose of the technical inspection is to establish the compliance of the vessel's technical characteristics and gear, to check the operation of the satellite tracking and positioning device installed on board and ensure that the provisions relating to its Moroccan crew have been complied with.
- 1.4. The cost of the inspection shall be borne by the shipowner at the rates laid down by Moroccan law. It may not be greater than the amount normally paid by other vessels for the same services.
- 1.5. Failure by the shipowner to comply with points 1.1 and 1.2 above shall result in automatic suspension of the fishing licence until such obligations have been met. The Delegation shall be informed without delay of any such decision.

2. Entering and leaving the zone

- 2.1. EU vessels holding a licence under this Protocol shall notify the Department, at least six hours in advance, of their intention to enter or leave the Moroccan fishing zone, together with the following information:
 - 2.1.1. date and time of transmission;
 - 2.1.2. the vessel's position, in accordance with point 5 of Chapter V;
 - 2.1.3. the weight in kilograms and catches per species on board, as identified using the 3-alpha code;
 - 2.1.4. messages such as 'catches on entry' (COE) and 'catches on exit' (COX).
- 2.2. This information should preferably be communicated by fax or, for vessels not equipped with a fax, by radio (in this respect, see the information provided in Appendix 10).
- 2.3. In the case of vessels falling under the category 'industrial pelagic fishing', the final exit from the Moroccan fishing zone shall be subject to the Department's prior authorisation. This authorisation shall be issued within 24 hours of the request being made by the ship's master or agent, with the exception of a request arriving on the day before a weekend where the authorisation has to be issued on the following Monday. If authorisation is withheld, the Department shall notify the owner of the vessel and the Commission without delay of the reasons for such refusal.

2.4. A vessel found to be fishing without having informed the Department shall be regarded as a vessel without a licence.

2.5. The fax and telephone numbers of the vessel and the master's e-mail address are to be indicated by the owner on the fishing licence application form.

3. Monitoring procedures

3.1. Masters of EU fishing vessels holding a licence under this Protocol shall allow and facilitate boarding and the discharge of their duties by any Moroccan official responsible for the inspection and monitoring of fishing activities.

3.2. These officials shall not remain on board for longer than is necessary for the discharge of their duties.

3.3. Once the inspection and monitoring has been completed, a certificate shall be issued to the master of the vessel.

4. Boarding

4.1. The Department shall inform the Delegation as soon as possible and within no more than 48 hours of all boardings of and penalties imposed on EU vessels in the Moroccan fishing zone.

4.2. The Commission shall at the same time receive a brief report of the circumstances and reasons leading to the boarding.

5. Statement of boarding

5.1. After the Moroccan authorities responsible for inspection have drawn up a statement, the master of the vessel shall sign it.

5.2. This signature shall not prejudice the master's rights or any defence which he or she may make to the alleged infringement.

5.3. The master shall take the vessel to the port indicated by the Moroccan authorities responsible for inspection. A vessel in breach of the applicable Moroccan sea fishing legislation shall be kept in port until completion of the usual administrative formalities relating to boarding.

6. Settlement of infringements:

6.1. Before any judicial procedure, an attempt shall be made to resolve the presumed infringement by means of an amicable settlement. This procedure shall end no later than three working days after the boarding.

6.2. In the event of an amicable settlement, the amount of the fine shall be determined in accordance with Moroccan fisheries legislation.

6.3. If the case cannot be settled by amicable procedure and has to be brought before a competent judicial body, a bank security set to take account of the boarding costs and the fines and compensation payable by the parties responsible for the infringement shall be paid by the shipowner into a bank account specified by the competent Moroccan authority.

6.4. The bank security shall be irrevocable until the legal proceedings have been concluded. It shall be released once legal proceedings end without a conviction. Similarly, in the event of a conviction leading to a fine of less than the security lodged, the balance shall be released by the competent Moroccan authorities.

6.5. The vessel shall be authorised to leave the port:

— once the obligations arising under the amicable settlement have been fulfilled; or

— when the bank security referred to in point 6.3 above has been lodged and accepted by the competent Moroccan authority, pending completion of the legal proceedings.

7. Transhipment

- 7.1. Any transhipment at sea of catches shall be prohibited in the Moroccan fishing zone. However, EU industrial pelagic trawlers that have been granted a licence in accordance with the provisions of this Protocol and wish to tranship catches in Moroccan waters may do so in a Moroccan port or other place designated by the competent Moroccan authorities, after authorisation by the Department. Such transhipment shall take place under the supervision of the observer or of a representative of the maritime fisheries delegation and the control authorities. Any person infringing this provision shall be liable to the penalties provided for by Moroccan law.
- 7.2. Before any transhipment, the owners of these vessels must notify the following information to the Department at least 24 hours in advance:
- the names of the transshipping fishing vessels;
 - the name of the cargo vessel, its flag, registration number and call sign;
 - the tonnage by species to be transhipped;
 - the destination of catches;
 - the date and day of transhipment.
- 7.3. Morocco reserves the right to refuse transhipment if the carrier vessel has carried out illegal, undeclared or unregulated fishing inside or outside the Moroccan fishing zone.
- 7.4. Transhipment shall be considered as an exit from the Moroccan fishing zone. Vessels must therefore submit their catch declarations to the Department and state whether they intend to continue fishing or leave the Moroccan fishing zone.
- 7.5. Masters of EU industrial pelagic trawlers that have been granted a licence in accordance with the provisions of this Protocol engaged in landing or transhipment operations in a Moroccan port shall allow and facilitate the inspection of such operations by Moroccan inspectors. Once the inspection and control have been completed in the port, a certificate shall be issued to the master of the vessel.

CHAPTER X

LANDING OF CATCHES

The contracting parties, aware of the interest of increased integration with a view to ensuring the joint development of their respective fisheries sectors, agree to adopt the following measures concerning the landing in Moroccan ports of a proportion of catches made in the Moroccan fishing zone by EU vessels which have been granted a licence in accordance with the provisions of this Protocol.

The proportion of the catch subject to compulsory landing shall be in accordance with the provisions laid down in the datasheets annexed to this Protocol.

Financial incentives:

1. Landings

EU tuna vessels and RSW (refrigerated sea water) vessels operating on C stocks of small pelagic stocks) which have been granted a licence in accordance with this Protocol and which land, in a Moroccan port, more than the compulsory landings of 25 % provided for in datasheets 5 and 6, shall benefit from a 5 % reduction in the fee for each tonne landed above the compulsory threshold.

2. Implementation rules

During landing operations, fish markets will draw up a weighing slip acting as the basis for product traceability.

A 'statement of sales and deductions' shall be drawn up for sales in fish markets.

Copies of the above weighing slips and statements shall be sent to the Delegation in the port of landing. Once they have been approved by the Department, the shipowners concerned shall be informed of the amounts that will be refunded to them. These amounts shall be deducted from the fees due for future licence applications.

3. Evaluation

The level of the financial incentives shall be adjusted within the Joint Committee taking into account the socio-economic impact of landings.

4. Penalties in the event of non-compliance with the applicable landing requirements.

Vessels in the categories subject to compulsory landing which do not comply with this obligation in accordance with the relevant datasheets may be subject to a 5 % increase in the payment of the next fee. If the offence is repeated, these penalties will be reviewed by the Joint Committee.

Appendices

- (1) Licence application form
 - (2) Datasheets
 - (3) Communication of VMS messages to Morocco, position report
 - (4) Coordinates of fishing zones
 - (5) Contact details of the Moroccan CSCP
 - (6) ICCAT logbook for tuna fishing
 - (7) Logbook (other fisheries)
 - (8) Catch declaration form (industrial pelagic fisheries)
 - (9) Catch declaration form (fisheries other than industrial pelagic and tuna)
 - (10) Characteristics of the radio station of the Moroccan Sea Fisheries Department
 - (11) ERS protocol
-

Appendix 1

MOROCCO — EUROPEAN UNION FISHERIES AGREEMENT
FISHING LICENCE APPLICATION FORM
NUMBER OF FISHING CATEGORY

I — APPLICANT

1. Name of vessel owner:
2. Name of vessel owner's association or agent:
3. Address of vessel owner's association or agent:
.....
4. Telephone: Fax
E-mail:
5. Name of master: Nationality: E-mail:

II — VESSEL AND IDENTIFICATION

1. Vessel name:
2. Flag State:
3. External registration number:
4. Port of registry: MMSI: IMO number:
5. Date on which current flag was acquired: Previous flag, if any:
6. Year and place of construction: Radio call sign:
7. Call frequency: Satellite telephone number:
8. Hull construction material: Steel ☐ Wood ☐ Polyester ☐ Other ☐

III — TECHNICAL CHARACTERISTICS AND EQUIPMENT

1. Overall length: Width:
2. Gross tonnage (GT): Net tonnage:
3. Power of main engine in kW: Make: Type:
4. Vessel type: Fishing category:
5. Fishing gear types:
6. Fishing zones: Target species:
7. Crew complement:
8. Method of preservation on board: Fresh ☐ Chilling ☐ Mixed ☐ Freezing ☐
9. Freezing capacity in tonnes/24 hours:
10. Hold capacity: Number:
11. VMS transponder:
Manufacturer: Model: Serial No.:
Software version: Satellite operator:

Done at, on

Signature of applicant

Appendix 2

The fishing conditions for each category shall be agreed each year before the issue of licences.

Fishing datasheet No 1**Small-scale fishing in the north: pelagic**

Number of vessels authorised	20
Authorised gear	Seine Maximum authorised dimensions corresponding to the conditions in the zone: 500 m × 90 m. Ban on fishing with lampara nets.
Type of vessel	< 100 GT
Fees	EUR 75 per GT per quarter
Geographical limit of the authorised zone	North of 34°18'00" An extension of up to latitude 33°25'00" is permitted for five vessels at once, operating on a rotation system, subject to scientific observation. Beyond 2 nautical miles
Target species	Sardine, anchovy and other small pelagic species
Requirement to land in Morocco	30 % of declared catches
Biological recovery	Two months: February and March.
Requirement to embark	Three Moroccan seaman per vessel
Comments	The fact that the activity of the five seiners is extended to south of latitude 34°18'00N will be the subject of assessment one year after application in order to establish the result of any interaction with the national fleet and impact on resources.

Fishing datasheet No 2**Small-scale fishing in the north**

Number of vessels authorised	35
Authorised gear	Bottom-set longline. Cat. a) < 40 GT — Maximum number of hooks per longline: 10 000 hooks armed, mounted and ready for use, with a maximum of five bottom-set longlines. Cat. b) ≥ 40 GT and < 150 GT - 15 000 hooks armed, mounted and ready for use, with a maximum of eight bottom-set longlines.
Type of vessel	a) < 40 GT: 32 licences b) ≥ 40 GT and < 150 GT: 3 licences
Fees	EUR 67 per GT per quarter

Geographical limit of the authorised zone	North of 34°18'00" N. An extension of up to latitude 33°25'00" is permitted for four vessels at once ⁽¹⁾ , operating on a rotation system, subject to scientific observation. Beyond 6 nautical miles.
Target species	Scabbardfish, sparidae and other demersal species
Requirement to land in Morocco	Voluntary landing
Biological recovery	From 15 March to 15 May
By-catches	0 % of swordfish and surface sharks
Requirement to embark:	< 100 GT: Voluntary ≥ 100 GT: One Moroccan seaman
Comments	The fact that the activity of the four seiners will be extended to south of latitude 34°18'00N will be the subject of assessment one year after application in order to establish the result of any interaction with the national fleet and impact on resources.

⁽¹⁾ After one year, if the situation is favourable and based on the opinion of the Joint Committee, the number of vessels which may operate in the extended zone may be revised.

Fishing datasheet No 3
Small-scale fishing in the south

Number of vessels authorised	10
Authorised gear	Rods and lines
Type of vessel	< 80 GT
Fees	EUR 67 per GT per quarter
Geographical limit of the authorised zone	South of 30°40'00"N Beyond 3 nautical miles
Target species	Croaker, sparidae
Requirement to land in Morocco	Voluntary landing
Biological recovery	—
Seine nets authorised for catching live bait	Mesh of 8 mm for catching live bait Seine used beyond 3 nautical miles.
By-catches	0 % of cephalopods and crustaceans 5 % of other demersal species.
Requirement to embark	Two Moroccan seamen per vessel

Fishing datasheet No 4**Demersal fishing**

Number of vessels authorised	16 vessels; 5 trawlers and 11 longliners
Authorised gear	<ul style="list-style-type: none"> — For trawlers: <ul style="list-style-type: none"> — bottom trawl: <ul style="list-style-type: none"> — Cod end mesh size: 70 mm — Doubling of the cod-end is prohibited. — Doubling of the twine forming the cod-end is prohibited. — For longliners: <ul style="list-style-type: none"> — bottom longline: <ul style="list-style-type: none"> — maximum de 20 000 hameçons par navire
Type of vessel	Trawlers: <ul style="list-style-type: none"> — maximum tonnage: 600 GT per vessel; Longliners: <ul style="list-style-type: none"> — maximum tonnage: 150 GT per vessel.
Fees	60 EUR per GT per quarter
Geographical limit of the authorised zone	South of 29°N Beyond the isobath of 200 m for trawlers; Beyond 12 nautical miles for longliners
Target species	Black hake, scabbardfish, leerfish/bonito
Requirement to land in Morocco	30 % of catches per journey
Biological recovery	—
By-catches	0 % of cephalopods and crustaceans, 5 % of deep-sea sharks.
Requirement to embark	Four Moroccan seamen for longliners Seven Moroccan seamen for trawlers

Fishing datasheet No 5**Tuna fishing**

Number of vessels authorised	27
Authorised gear	Troll pole and line
Geographical limit of the authorised zone	Beyond 3 miles All of Morocco's Atlantic zone, apart from a protected area east of a line from 33°30'N/7°35'W to 35°48'N/6°20'W
Target species	Tunas

Requirement to land in Morocco	25 % of declared catches comprising skipjack (<i>Katsuwonus pelamis</i>), bonito (<i>Sarda sarda</i>) and frigate mackerel (<i>Auxis thazard</i>) per journey.
Biological recovery	—
Seine nets authorised for catching live bait	8 mm mesh for catching live bait, with seiners used beyond 3 nautical miles.
Fees	EUR 35 per tonne fished
Advance	A flat-rate advance of EUR 7 000 is to be paid when applying for an annual licence
Requirement to embark	Three Moroccan seaman per vessel

Fishing datasheet No 6**Industrial pelagic fishing**

Number of vessels authorised	18
Authorised gear	Pelagic or semi-pelagic
Allocated quota	80 000 tonnes per year, — with a maximum of 10 000 tonnes per month for the whole fleet, — except for the months of August to October, when the monthly maximum for catches is increased to 15 000 tonnes.
Type of vessel	Industrial pelagic trawler
Number of vessels authorised	Distribution of vessels authorised to fish: — Ten vessels with a tonnage of more than 3 000 GT — Three vessels with a tonnage of between 150 and 3 000 GT — Five vessels with a tonnage of less than 150 GT
Authorised maximum tonnage per vessel	7 765 GT, taking into account the structure of the European Union's fishing fleet.
Geographical limit of the authorised zone	South of 29°N — beyond 15 nautical miles for freezer trawlers — beyond 8 nautical miles for RSW trawlers
Target species	Sardine, sardinella, mackerel, horse mackerel and anchovy
Composition of catches (per group of species):	— horse mackerel/mackerel/anchovies: 65 % — sardine/sardinella: 33 % — by-catches: 2 % This composition may be changed by the Joint Committee.

Requirement to land in Morocco	25 % of catches per journey
Biological recovery	Authorised fishing vessels must observe all biological recovery periods laid down by the Department in the authorised fishing zone and stop any fishing activity there ⁽¹⁾ .
Authorised net	<p>The minimum size of the stretched mesh of the pelagic or semi-pelagic trawl is 40 mm.</p> <p>The bag of the pelagic or semi-pelagic trawl may be strengthened with a piece of netting with a minimum mesh size of 400 mm of stretched mesh and by straps placed at least 1.5 metres apart, except for the strap at the back of the trawl which may not be placed less than 2 metres from the window in the bag.</p> <p>The strengthening or doubling of the bag by any other means is prohibited and the trawl may in no case target species other than the small pelagic species authorised.</p>
By-catches	<p>Maximum of 2 % of other species.</p> <p>The list of permitted by-catch species is stipulated by the Moroccan regulations on 'small pelagic fisheries in the South Atlantic'.</p>
Industrial processing	<p>Industrial processing of catches into fishmeal and/or fish oil is strictly prohibited.</p> <p>However, damaged or spoiled fish and the waste resulting from handling catches may be processed into fishmeal or fish oil without exceeding the maximum threshold of 5 % of total allowable catches.</p>
Fees	<p>For industrial pelagic freezer trawlers:</p> <p>— EUR 100/tonne payable in advance on a monthly basis.</p> <p>For industrial pelagic trawlers operating with non-freezer vessels:</p> <p>— EUR 35/tonne payable in advance on a monthly basis.</p> <p>Fees will be increased if authorised catches are exceeded by a factor of 3.</p>
Requirement to embark:	<p>Tonnage of vessel < 150 GT:</p> <p>— Two Moroccan seamen</p> <p>150 GT ≤ vessel tonnage < 1 500 GT:</p> <p>— Four Moroccan seamen</p> <p>1 500 GT ≤ vessel tonnage < 5 000 GT:</p> <p>— Eight Moroccan seamen</p> <p>5 000 GT ≤ vessel tonnage < 7 765 GT:</p> <p>— 16 Moroccan seamen</p>

⁽¹⁾ The Department will notify this decision to the Commission in advance, specifying the period or periods for which there is a prohibition on fishing, and the areas concerned.

Appendix 3

COMMUNICATION OF VMS MESSAGES TO MOROCCO

POSITION REPORT

Data element	Code	Mandatory or optional	Remarks
Start record	SR	M	System detail indicating start of record
Addressee	AD	M	Message detail – Addressee Alpha-3 country code (ISO-3166)
From	EN	M	Message detail – Sender Alpha-3 country code (ISO-3166)
Flag State	FS	M	Message detail – Flag State Alpha-3 code (ISO-3166)
Type of message	TM	M	Message detail – Message type (ENT, POS, EXI)
Radio call sign (IRCS)	RC	M	Vessel detail – Vessel international radio call sign (IRCS)
Contracting Party internal reference number	IR	O	Vessel detail – Unique contracting party number Alpha-3 code (ISO-3166) followed by number
External registration number	XR	M	Vessel detail – Number on side of vessel (ISO 8859.1)
Latitude	LT	M	Vessel position detail – Position in degrees and decimal degrees N/S DD.ddd (WGS84)
Longitude	LG	M	Vessel position detail – Position in degrees and decimal degrees E/W DD.ddd (WGS84)
Course	CO	M	Vessel course 360° scale
Speed	SP	M	Vessel speed in tenths of knots
Date	DA	M	Vessel position detail – Date of record of UTC position (YYYYMMDD)
Time	TI	M	Vessel position detail – Time of record of UTC position (HHMM)
End record	ER	M	System detail indicating end of record

The following information is required at the time of transmission to allow the Moroccan CSCP to identify the issuing CSCP:

- IP address of the CSCP server and/or DNS references,
- SSL certificate (complete chain of certification authorities).

Each data transmission is structured as follows:

1. characters used must comply with the ISO 8859.1 standard,
2. a double slash (//) and the characters 'SR' indicate the start of a message,
3. each data element is identified by its code and separated from the other data elements by a double slash (//),
4. a single slash (/) separates the field code and the data,
5. the code 'ER' followed by a double slash (//) indicates the end of the message,
6. the optional data elements must be inserted between the start and the end of the message.

Appendix 4

COORDINATES OF FISHING ZONES

Data sheet	Category	Fishing zone (latitude)	Distance from the coast
1.	Small-scale fishing in the north: pelagic	34°18'00"N — 35°48'00"N (extended to 33°25'00"N, as indicated in datasheet No 1)	Beyond 2 miles
2.	Small-scale fishing in the north: longline	34°18'00"N — 35°48'00"N (extended to 33°25'00"N, as indicated in datasheet No 2)	Beyond 6 miles
3.	Small-scale fishing in the south	South of 30°40'00"	Beyond 3 miles
4.	Demersal fishing	South of 29°00'00"	Longliners: beyond 12 miles
			Trawlers: beyond the 200 metre isobath
5.	Tuna fishing	All of the Atlantic apart from the area delimited by: 35°48'N; 6°20'W/ 33°30'N; 7°35'W	Beyond 3 miles and 3 miles for bait
6.	Industrial pelagic fishing	South of 29°00'00"	Beyond 15 miles (freezers)
			Beyond 8 miles (RSW vessels)

Prior to entry into force, the Department will notify the Commission of the geographical coordinates of the Moroccan base line, the Moroccan fishing zone and areas in which navigation and fishing is prohibited. The Department will also notify, at least one month in advance, any change to these delimitations.

Appendix 5

CONTACT DETAILS OF THE MOROCCAN CSCP

Name of the Moroccan CSCP: CNSNP (Centre National de Surveillance des Navires de Pêche)

CNSNP telephone number: +212 5 37 68 81 45/46

CNSNP fax number: +212 5 37 68 83 29/82

CNSNP e-mail:

cnsnp@mpm.gov.ma

cnsnp.radio@mpm.gov.ma

Radio station coordinates:

Call sign: CNM

Bands	Vessel emission frequency	Vessel reception frequency
8.	8 285 khz	8 809 khz
12.	12 245 khz	13 092 khz
16.	16 393 khz	17 275 khz

E-mail addresses for individuals responsible for protocol of VMS data transmission:

boukhanfra@mpm.gov.ma

belhad@mpm.gov.ma

abida@mpm.gov.ma

FISHING LOGBOOK (NON-TUNA)

The format of the log for the non-tuna fishing activities will be established by mutual agreement before the entry into force of this Protocol.

S E C T I O N 1	Name of vessel (1)	Left (4)	Date (6)	Day	Month	Year	Time
	Radio call sign (2)						
	Name of master (3)	Returned (5)	Date (6)				
	Fishing gear (7)	Gear code (8)		Mesh size (9)		Gear measurements (10)	
							Captain's signature (11)

SECTION No 2				SECTION No 3: Delete list A or B (whichever is not used)														SECTION No 4		
Date (12)	Sta- tistical sector (13)	Number of fishing opera- tions (14)	Fishing time (hours) (15)	Estimate of quantities caught per species: (in kg) (16) (or comments if fishing is interrupted)														Total weight of catches (kg) (17)	Total weight of fish (kg) (18)	Total weight of fish meal (kg) (19)
				Horse mackerel A	Sardines	Sardin- la	Ancho- vies	Mackerel	Scabbard fish	Tunas	Hake	Red bream	Squid	Cuttle- fish	Octopus	Shrimps	Lobsters			
				Crawfish B	Deep- water shrimp	Deep- water rose shrimp	Blue- and-red shrimp	Other shrimp	Albacore tuna	Pink spiny lobster	Other crusta- ceans	Rough ray	Hake	Other fish	Misc. cephalo- pods	Misc. shellfish				

Catch declarations (industrial pelagic vessels)

Name of vessel

Flag State

Category

Catch (in kg)[illegible]

Appendix 9

APP - MOROCCO
YEAR - QUARTER

Catch declaration (vessels other than industrial pelagic or tuna)

Name of vessel

Flag State

Category

Catch (in kg)

[illegible]

Appendix 10

CHARACTERISTICS OF THE RADIO STATION OF THE MOROCCAN SEA FISHERIES DEPARTMENT

MMSI:	242 069 000
Call sign:	CNM
Location:	Rabat
Frequency range:	1,6 to 30 MHz
Class of transmission:	SSB-A1A-J2B
Transmission power:	800 W

Working frequencies

Bands	Channels	Transmission	Reception
Band 8	831	8 285 kHz	8 809 kHz
Band 12	1206	12 245 kHz	13 092 kHz
Band 16	1612	16 393 kHz	17 275 kHz

Station operating hours

Period	Times
Working days	from 08.30 to 16.30
Saturday, Sunday and public holidays	from 09.30 to 14.00

VHF:	Channel 16	Channel 70 ASN
Radio Telex		
	Type	DP-5
	Class of transmission:	ARQ-FEC
	Number:	31356
Fax		
	Numbers	212 5 37 68 8329

*Appendix 11***PROTOCOL FOR THE MANAGEMENT AND IMPLEMENTATION OF THE ELECTRONIC SYSTEM FOR COMMUNICATING DATA RELATING TO FISHING ACTIVITY (ERS SYSTEM)*****General provisions***

1. All EU fishing vessels must be equipped with an electronic system, hereinafter referred to as an 'ERS', capable of recording and transmitting data on the vessel's fishing activities, hereinafter referred to as 'ERS data', when the vessel is operating in the Moroccan fishing zone.
2. An EU vessel that is not equipped with an ERS, or whose ERS is not working, shall not be authorised to enter the Moroccan fishing zone in order to engage in fishing activities.
3. ERS data shall be transmitted, in accordance with the procedures of the vessel's flag State to the Fisheries Monitoring and Control Centre (CSCP) of the flag State.
4. The CSCP of the flag State shall transmit instant messages from the vessel (COE, COX, PNO) automatically and without delay to the CSCP in Morocco. Daily catch declarations (FAR) shall be made available automatically and without delay to the CSCP in Morocco.
5. The flag State and Morocco shall ensure that their CSCPs have the necessary IT equipment and software to automatically transmit ERS data in XML format, available on the website of DG Maritime Affairs and Fisheries, and shall have a backup procedure in place capable of saving and storing ERS data in a format which will be computer-readable for at least three years.
6. Any change or update to this format shall be identified and dated and must be operational six months after its introduction.
7. ERS data must be transmitted using the electronic means of communication operated by the European Commission on behalf of the EU, referred to as the DEH (Data Exchange Highway).
8. The flag State and Morocco shall each designate an ERS correspondent who will act as the point of contact.
9. ERS correspondents shall be designated for a minimum period of six months.
10. The CSCP of the flag State and that of Morocco shall notify each other of the contact details (name, address, telephone and telex numbers and emails) of their ERS correspondents, once the ERS system is operational. Any changes to the contact details of the ERS correspondent must be notified immediately.

Producing and communicating ERS data

11. EU fishing vessels must:
 - (a) draw up ERS data on a daily basis for each day spent in the Moroccan fishing zone;
 - (b) record, for each seine or trawl tow or set of a longline, the quantities of each species caught and retained on board as a target species and bycatch, or rejected;
 - (c) for each species identified in the fishing authorization issued by Morocco, also declare zero catches;
 - (d) identify each species using its FAO alpha-3 code;
 - (e) express the quantities in kilograms of live weight or, where necessary, the number of individual fish;
 - (f) record, in the ERS data, the transhipped and/or unloaded quantity of each species;
 - (g) record, in the ERS data, a specific message declaring the quantities held on board of each species specified in the fishing authorisation issued by Morocco at each entry into (COE) or exit from (COX) the Moroccan fishing zone;

(h) provide daily transmissions of ERS data to the CSCP of the flag State as referred to in paragraph 5, electronically and in XML format, at 23:59 hours UTC at the latest.

12. The master is responsible for the accuracy of the ERS data recorded and sent.
13. The CSCP of the flag State shall automatically and promptly provide the CPSC of Morocco with ERS data in XML format, as referred to in paragraph 5.
14. The CSCP of Morocco shall acknowledge receipt of all ERS messages received in the form of a return message (RET).
15. The CSCP of Morocco shall treat ERS data confidentially.

Failure of the on-board ERS and/or transmission of ERS data between the vessel and the CSCP of the flag State

16. The flag State shall without delay inform the master and/or owner of a vessel flying its flag, or his representative, of any technical failure of the ERS installed on board or breakdown in transmission of ERS data between the vessel and the CSCP of the flag State.
17. The flag State shall inform Morocco of the failure detected and the corrective measures taken.
18. In the event of a breakdown in the on-board ERS, the master and/or owner shall ensure the ERS is repaired or replaced within ten working days. If the vessel makes a call at a port within those 10 days, it may only resume fishing activity in the Moroccan fishing zone once its ERS is in perfect working order, unless Morocco authorises otherwise.
19. Following a technical failure in its ERS, a fishing vessel may only leave port:
 - (a) when the system is once again operational, to the satisfaction of the flag State, or
 - (b) beforehand, if it receives authorisation from the flag State. In the latter case, the flag State shall inform Morocco of its decision before the vessel leaves.
20. Any EU vessel operating in the Moroccan fishing zone using a defective ERS system shall transmit its ERS data, on a daily basis and by 23:59 hours UTC, to the CSCP of the flag State by any other electronic communication means available.
21. ERS data as referred to in paragraph 11 which have not been made available to Morocco because of a technical failure are to be transmitted by the CSCP of the flag State to the Moroccan CSCP in an alternative electronic format to be mutually agreed. This alternative transmission shall be considered priority, it being understood that it will not be possible to comply with the transmission deadlines usually applicable.
22. If the Moroccan CSCP does not receive the ERS data from a vessel for three consecutive days, Morocco may instruct a vessel to immediately call at a port of Morocco's choosing in order to investigate.

CSCP failure – ERS data not received by Moroccan CSCP

23. If a CSCP does not receive ERS data, its ERS correspondent shall inform the ERS correspondent of the other CSCP without delay and, if necessary, cooperate for as long as is needed to resolve the problem.
24. The CSCP of the flag State and the Moroccan CSCP shall mutually agree on the alternative means of electronic communication to be used in order to transmit ERS data in the event of a CSCP failure, and shall immediately inform one another of any changes.
25. If the Moroccan CSCP reports that ERS data have not been received, the CSCP of the flag State shall identify the causes of the problem and take appropriate measures in order to resolve it. The CSCP of the flag State shall notify the Moroccan CSCP and the EU of the results of its examination and the measures taken, within 24 hours.
26. If more than 24 hours are required to resolve the problem, the CSCP of the flag State shall transmit the missing ERS data to the Moroccan CSCP without delay via the alternative means of electronic communication referred to in point 24.

27. Morocco shall inform its competent inspection services so that EU vessels are not considered to be in breach of their obligation to transmit ERS data owing to the technical failure of a CSCP.

CSCP maintenance

28. Planned maintenance of a CSCP (maintenance programme) which may affect the exchange of ERS data must be notified at least 72 hours in advance to the other CSCP, indicating, where possible, the date and duration of the maintenance work. Information on unplanned maintenance work shall be sent to the other CSCP as soon as possible.
29. During the maintenance work, the provision of ERS data may be put on hold until the system is operational again. The relevant ERS data shall be made available immediately after the maintenance work has been completed.
30. If the maintenance work takes more than 24 hours, the ERS data shall be sent to the other CSCP using the alternative means of electronic communication referred to in point 24.
31. Morocco shall inform its competent inspection services so that EU vessels are not considered to be in breach of their obligation to transmit ERS data owing to the maintenance of a CSCP.
-

REGULATIONS

COUNCIL REGULATION (EU) No 1270/2013

of 15 November 2013

on the allocation of fishing opportunities under the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) On 22 May 2006, the Council approved the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco ⁽¹⁾ (hereinafter referred to as the 'Partnership Agreement') by adopting Regulation (EC) No 764/2006 ⁽²⁾.
- (2) The Union has negotiated with the Kingdom of Morocco a new Protocol to the Partnership Agreement which grants European Union vessels fishing opportunities in the waters falling within the sovereignty or jurisdiction of the Kingdom of Morocco as regards fishing. The new Protocol was initialled on 24 July 2013.
- (3) On 15 November 2013, the Council adopted Decision 2013/1270/EU ⁽³⁾ on the signature of the new Protocol.
- (4) The method for allocating the fishing opportunities among the Member States should be defined for the period of application of the new Protocol.

(5) In accordance with Article 10(1) of Council Regulation (EC) No 1006/2008 ⁽⁴⁾, if it transpires that the fishing opportunities allocated to the Union by virtue of the new Protocol are not fully exhausted, the Commission will inform the Member States thereof. If no reply is received within a time limit to be set by the Council, this will be considered as confirmation that the vessels of the Member State concerned are not making full use of their fishing opportunities during the period in question. The deadline should be set by the Council.

(6) This Regulation should apply from the entry into force of the new Protocol.

(7) In view of the urgency of the matter, it is important to apply an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union,

HAS ADOPTED THIS REGULATION:

Article 1

1. The fishing opportunities established under the Protocol between the European Union and the Kingdom of Morocco setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Kingdom of Morocco (hereinafter referred to as the 'Protocol') shall be allocated among the Member States as follows:

Fishing category	Type of vessel	Member State	Licences or quota
Small-scale fishing/north, pelagic species	Seiners < 100 GT	Spain	20
Small-scale fishing in the north	Bottom longliners, < 40 GT	Spain	25
		Portugal	7
	Bottom longliners, ≥ 40 GT < 150 GT	Portugal	3

⁽¹⁾ OJ L 141, 29.5.2006, p. 4.

⁽²⁾ Council Regulation (EC) No 764/2006 of 22 May 2006 on the conclusion of the Fisheries Partnership Agreement between the European Community and the Kingdom of Morocco (OJ L 141, 29.5.2006, p. 1).

⁽³⁾ See page 40 of the present Official Journal.

⁽⁴⁾ Council Regulation (EC) No 1006/2008 of 29 September 2008 concerning authorisations for fishing activities of Community fishing vessels outside Community waters and the access of third country vessels to Community waters, amending Regulation (EEC) No 2847/93 and (EC) No 1627/94 and repealing Regulation (EC) No 3317/94 (OJ L 286, 29.10.2008, p. 33).

Fishing category	Type of vessel	Member State	Licences or quota
Small-scale fishing in the south	Rod and pole < 80 GT	Spain	10
Demersal fishing	Bottom longliners	Spain	7
		Portugal	4
	Trawlers	Spain	5
		Italy	0
Tuna fishing	Pole-and-line vessels	Spain	23
		France	4
Industrial fishing for pelagic species	80 000 tonnes per year With a maximum of 10 000 tonnes per month for the whole of the fleet, except for August till October, for which the monthly ceiling is 15 000 tonnes Distribution of vessels authorised to fish: 10 vessels of more than 3 000 GT 3 vessels of between 150 and 3 000 GT 5 vessels of less than 150 GT	Germany	6 467 t
		Lithuania	20 693 t
		Latvia	11 640 t
		Netherlands	24 567 t
		Ireland	2 917 t
		Poland	4 525 t
		United Kingdom	4 525 t
		Spain	467 t
		Portugal	1 555 t
		France	2 644 t

2. Regulation (EC) No 1006/2008 shall apply notwithstanding the Partnership Agreement.

3. If the applications for fishing authorisations from the Member States referred to in the first paragraph do not cover all the fishing opportunities set by the Protocol, the Commission may take into consideration applications for fishing authorisations from any other Member State in accordance with Article 10 of Regulation (EC) No 1006/2008.

4. The time limit within which the Member States must confirm that they are not fully exhausting the fishing oppor-

tunities granted to them, as provided by Article 10(1) of Regulation (EC) No 1006/2008, is set at ten working days from the date on which the Commission informs them that the fishing opportunities are not fully exhausted.

Article 2

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

It shall apply from the date of entry into force of the Protocol.

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

Done at Brussels, 15 November 2013.

For the Council
The President
R. ŠADŽIUS

COMMISSION DELEGATED REGULATION (EU) No 1271/2013**of 30 September 2013****on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ⁽¹⁾, and in particular Article 208 thereof,

Whereas:

- (1) Commission Regulation (EC, Euratom) No 2343/2002 ⁽²⁾ on the framework Financial Regulation for the bodies set up by the Communities was based on Council Regulation (EC, Euratom) No 1605/2002 ⁽³⁾. Regulation (EC, Euratom) No 1605/2002 has been replaced by Regulation (EU, Euratom) No 966/2012. It is therefore necessary to revise Regulation (EC, Euratom) No 2343/2002. In the interests of clarity, it is necessary to replace Regulation (EC, Euratom) No 2343/2002.
- (2) It is necessary to take into account the Joint statement of the European Parliament, the Council of the EU and the European Commission on decentralised agencies of 19 July 2012.
- (3) Certain provisions of Regulation (EC, Euratom) No 2343/2002 need to be reviewed in order to take into account the experience gained in their application.
- (4) This Regulation should establish the broad principles and basic rules applicable to the bodies set up under TFEU and the Euratom Treaty (hereinafter 'Union bodies') that receive contributions charged to the budget and without prejudice to the constituent act. On the basis of this Regulation Union bodies should adopt their own financial rules which may not depart from the Regulation except where their specific needs so require, and with the Commission's prior consent.

- (5) Nevertheless Union bodies that are fully self-financed, to which this Regulation does not apply, should establish for the sake of consistency similar rules where appropriate. In accordance with the Joint statement of the European Parliament, the Council and the Commission of 19 July 2012, those bodies should submit to the European Parliament, the Council and the Commission an annual report on the execution of their budget and take duly into account their requests and recommendations.
- (6) Union bodies should establish and implement their budget in accordance with the five fundamental principles of budgetary law — unity, accuracy, universality, specification and annuality, and the principles of equilibrium, unit of account, sound financial management and transparency.
- (7) The balancing nature of the Union contribution should be emphasised. The part of the Union body's positive budget result that exceeds the amount of Union contribution paid during the year should be returned to the Union budget.
- (8) Where the constituent act provides that the revenue is constituted by fees and charges in addition to the Union contribution and that the revenues arising from fees and charges are assigned to particular items of expenditure, Union bodies should have the possibility to carry forward the balance in the form of assigned revenues.
- (9) It is necessary to ensure that the fees are set at an appropriate level to cover the costs of providing the services and to avoid significant surpluses.
- (10) The delegation of budget implementation tasks to the Union bodies needs to be duly justified by the characteristics of the tasks and the specific expertise of the Union body, while ensuring sound financial management and cost-efficiency. The delegated tasks should be compatible with the constituent act.
- (11) The Union bodies should be allowed to receive ad-hoc grants only if this is expressly provided in the relevant basic acts and authorised in the constituent act.

⁽¹⁾ OJ L 298, 26.10.2012, p. 1.

⁽²⁾ Commission Regulation (EC, Euratom) No 2343/2002 of 19 November 2002 on the framework Financial Regulation for the bodies referred to in Article 185 of Council Regulation (EC, Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 357, 31.12.2002, p. 72).

⁽³⁾ Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities (OJ L 248, 16.9.2002, p. 1).

- (12) Pursuant to Article 50 of Regulation (EU, Euratom) No 966/2012, the Union body has to take part in a benchmarking exercise with other Union bodies and institutions.
- (13) It is necessary to establish rules on the action plan to follow up on conclusions of the overall periodic evaluations in order to ensure their efficient implementation.
- (14) For the purpose of ensuring the consistent programming, the Union body should draw up a document containing annual and multiannual programming taking into account Commission guidelines.
- (15) The Union body should align the timetable for the annual and multiannual programming with the budgetary procedure to ensure its efficiency and consistency of all programming documents.
- (16) It is necessary to clarify the current architecture of the internal audit and internal control functions and to streamline the reporting requirements. The internal audit function within the Union body should be performed by the Commission's internal auditor who should carry out audits when justified by the risks involved. It is necessary to provide rules on establishment and functioning of internal audit capabilities.
- (17) Reporting obligations should be streamlined. Union bodies should provide a consolidated annual activity report which includes comprehensive information on the implementation of its work programme, budget, staff policy plan, its management and internal control systems.
- (18) In order to improve the cost-efficiency of Union bodies, it is necessary to provide for the possibility of sharing services or transferring them to another Union body or to the Commission. In particular cost-efficiency can be improved by allowing the accounting officer of the Commission to be entrusted with all or part of the tasks of the accounting officer of the Union body.
- (19) As foreseen in Regulation (EU, Euratom) No 966/2012, the possibility to break down commitments extending over several years into annual instalments should be allowed only where the constituent act or basic act so provides or where they relate to administrative expenditure
- (20) In order to align the rules on assigned revenues with those of Regulation (EU, Euratom) No 966/2012 it is necessary to provide for rules on a differentiation of assigned revenue (internal and external) and on their carry over.
- (21) In order to align the rules on treatment of interest generated by the Union contribution to the Union body with those of Regulation (EU, Euratom) No 966/2012, it is necessary to provide that interest is not due to the budget.
- (22) Regulation (EU, Euratom) No 966/2012 provides for a possibility to enter a legal commitment before a budgetary commitment in specific cases. Union bodies should also have that possibility.
- (23) In order to ensure the consistency between Regulation (EC, Euratom) No 2343/2002 and Regulation (EU, Euratom) No 966/2012, specific provisions on procurement and grants should not be allowed. The application of a single set of rules ensures simplification of the Union body's work and enables the use of the guidelines and models prepared by the Commission.
- (24) The possibility of awarding prizes by the Union body should be introduced in order to align the provisions of Regulation (EC, Euratom) No 2343/2002 with Regulation (EU, Euratom) No 966/2012.
- (25) To identify and correctly manage risk of actual or perceived conflict of interests, Union bodies should be required to adopt rules on the prevention and management of conflict of interests. Such rules should take into account guidelines developed by the Commission following the Joint statement of the European Parliament, The Council and the Commission of 19 July 2012.
- (26) The provisions regarding building policy, including the introduction of the possibility and conditions allowing Union bodies to raise loans, should be aligned with Regulation (EU, Euratom) No 966/2012 to ensure a consistent application of newly introduced rules by all Union bodies and institutions.
- (27) It is necessary to provide for transitional provisions for programming and reporting given that Commission needs time to develop the appropriate guidelines in cooperation with the Union bodies,
- (28) This Regulation should enter into force on the day following that of its publication in the *Official Journal of the European Union* in order to allow for the timely adoption of the revised financial regulations of the Union bodies as of 1 January 2014 in order to ensure coherent rules for the next multiannual financial framework,

HAS ADOPTED THIS REGULATION:

TITLE I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down the essential financial rules on the basis of which the Union body is to adopt its own financial rules. The Union body's financial rules shall not depart from this Regulation except where its specific needs so require and with the Commission's prior consent.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

— 'constituent act' means the instrument of Union law governing the main aspects of the setting up and operation of the Union body,

- 'budget of the Union body' means the instrument which, for each financial year, forecasts and authorises all revenue and expenditure considered necessary for the Union body,
- 'Union body' means any body referred to in Article 208 of Regulation (EU, Euratom) No 966/2012,
- 'management board' means the main internal body of the Union body that is responsible for taking decisions on financial and budgetary matters, irrespective of the name given to it in the constituent act,
- 'director' means the person responsible for implementing the decisions of the management board and the budget of the Union body as authorising officer, irrespective of the title given to that person in the constituent act,
- 'executive board' means the internal body of the Union body that assists the management board and whose responsibilities and rules of procedures are set out in the constituent act.

Article 3

Periods, dates and time limits

Unless otherwise provided, Regulation (EEC, Euratom) No 1182/71 of the Council ⁽¹⁾ shall apply to deadlines set by this Regulation.

Article 4

Protection of personal data

This Regulation is without prejudice to the requirements of Directive 95/46/EC of the European Parliament and of the Council ⁽²⁾ and of Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽³⁾.

Article 5

Respect for budgetary principles

The budget of the Union body shall be established and implemented in accordance with the principles of unity, budgetary accuracy, annuality, equilibrium, unit of account, universality, specification, sound financial management which requires effective and efficient internal control, and transparency as set out in this Regulation.

⁽¹⁾ Regulation (EEC, Euratom) No 1182/71 of the Council of 3 June 1971 determining the rules applicable to periods, dates and time limits (OJ L 124, 8.6.1971, p. 1).

⁽²⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

⁽³⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

TITLE II

BUDGETARY PRINCIPLES

CHAPTER 1

Principles of unity and of budget accuracy

Article 6

Scope of the budget of the Union body

1. The budget of the Union body shall comprise:
 - (a) own revenue consisting of all fees and charges which the Union body is authorised to collect by virtue of the tasks entrusted to it, and any other revenue;
 - (b) revenue made up of any financial contributions of the host Member States;
 - (c) a contribution granted by the Union;
 - (d) revenue assigned to specific items of expenditure in accordance with Article 23(1);
 - (e) the expenditure of the Union body, including administrative expenditure.
2. Revenue consisting of fees and charges shall only be assigned in exceptional and duly justified cases provided for in the constituent act.

3. When one or several constituent acts provide that clearly defined tasks are financed separately or when the Union body implements tasks entrusted to it by a delegation agreement, it shall hold separate accounts, on the revenue and expenditure operations. The Union body shall clearly identify each group of tasks in its human resource programming included in the annual and multiannual programming document referred to in Article 32.

Article 7

Ad hoc grants

1. Union bodies may not receive ad-hoc grants from the budget unless authorised in the constituent act and expressly provided for by the basic act.
2. Where the Union body has been authorised to receive ad-hoc grants the tasks financed by these grants shall be included in the annual work programme referred to in Article 32(3).

Article 8

Delegation agreements

1. The Union body shall not be entrusted budget implementation tasks by the Commission except if it is duly justified by the special nature of the action and specific expertise of the Union body.

2. The choice of the Union body shall take due account of:

- (a) the cost efficiency of entrusting those tasks;
- (b) the impact on the body's governance structure and on its financial and human resources.

3. Where the Commission exceptionally entrusts tasks to the Union body:

- (a) Article 60 of Regulation (EU, Euratom) No 966/2012 shall apply to the Union body in respect of funds allocated to those tasks and Articles 108 and 109 of this Regulation shall not apply;
- (b) tasks entrusted should be referred to in the annual work programme of the Union body, referred to in Article 32(3), for information purposes only.

4. Without prejudice to paragraph 2, the authorising officer shall consult the management board before signing the delegation agreement.

Article 9

Specific rules on the principles of unity and budgetary accuracy

1. No revenue shall be collected and no expenditure effected unless booked to a line in the budget of the Union body.
2. No expenditure may be committed or authorised in excess of the appropriations authorised by the budget of the Union body.
3. An appropriation may be entered in the budget of the Union body only if it is for an item of expenditure considered necessary.
4. Interests generated by pre-financing payment made from the budget of the Union body shall not be due to the Union body.

CHAPTER 2

Principle of annuality

Article 10

Definition

The appropriations entered in the budget of the Union body shall be authorised for a financial year which shall run from 1 January to 31 December.

Article 11

Type of appropriations

1. The budget of the Union body shall contain non-differentiated appropriations and, where justified by operational needs, differentiated appropriations. Differentiated appropriations shall consist of commitment appropriations and payment appropriations.
2. Commitment appropriations shall cover the total cost of the legal commitments entered into during the financial year.
3. Payment appropriations shall cover payments made to honour the legal commitments entered into in the financial year or preceding financial years.

Article 12

Accounting for revenue and appropriations

1. The revenue of the Union body referred to in Article 6 shall be entered in the accounts for the financial year on the basis of the amounts collected during that financial year.
2. The revenue of the Union body shall give rise to an equivalent amount of payment appropriations.
3. The appropriations authorised for a financial year shall be used solely to cover expenditure committed and paid in that financial year, and to cover amounts due against commitments from preceding financial years.
4. Commitments shall be entered in the accounts on the basis of the legal commitments entered into up to 31 December.
5. Payments shall be entered in the accounts for a financial year on the basis of the payments effected by the accounting officer by 31 December of that year.

Article 13

Commitment of appropriations

The appropriations entered in the budget of the Union body may be committed with effect from 1 January, once the budget of the Union body has been definitively adopted.

Article 14

Cancellation and carry-over of appropriations

1. Appropriations which have not been used by the end of the financial year for which they were entered shall be cancelled. However, they may be carried over, but only to the following financial year, by a decision taken by 15 February by the management board or, where the constituent act allows it, by the executive board in accordance with paragraphs 3 and 4 or they may be carried over automatically in accordance with paragraph 5.
2. Appropriations relating to staff expenditure may not be carried over.
3. Differentiated commitment appropriations and non-differentiated appropriations not yet committed at the end of the financial year may be carried over in respect of:

- (a) amounts corresponding to commitment appropriations;
- (b) amounts corresponding to non-differentiated appropriations relating to building projects, for which most of the preparatory stages of the commitment procedure have been completed by 31 December. The preparatory stage of the commitment procedure shall be specified in the rules implementing the financial regulation of each Union body.

Such amounts may be committed up to 31 March of the following year, or up to 31 December of the following year for amounts relating to building projects.

4. Payment appropriations may be carried over in respect of amounts needed to cover existing commitments or commitments linked to commitment appropriations carried over, where the payment appropriations provided for in the relevant budget lines for the following financial year are not sufficient to cover requirements.

The Union body concerned shall first use the appropriations authorised for the current financial year and shall not use the appropriations carried over until the former are exhausted.

5. Non-differentiated appropriations corresponding to obligations duly contracted at the end of the financial year shall be carried over automatically to the following financial year only.

6. Appropriations carried over which have not been committed by 31 March of year N+1 shall be automatically cancelled and shall be identified in the accounts.

Article 15

Carry-over rules for assigned revenue

Carry-over of assigned revenue referred to in Article 23, and of appropriations not used and available at 31 December arising from such revenue, shall comply with the following rules:

- (a) external assigned revenue shall be carried over automatically and shall be fully used by the time all the operations relating to the programme or action to which it is assigned have been carried out; external assigned revenue received during the last year of the programme or action may be used in the first year of the succeeding programme or action;
- (b) internal assigned revenue shall be carried over for one year only, with the exception of internal assigned revenue defined in point (f) of Article 23(3), which shall be carried over automatically.

By 1 June of the year N+1 at the latest, the Union body shall inform the Commission about the implementation of the assigned revenue carried over.

Article 16

Decommitment of appropriations

Where appropriations are decommitted in any financial year after that in which the appropriations were entered in the budget of the Union body as a result of total or partial non-implementation of the actions for which they were earmarked, the appropriations concerned shall be cancelled.

Article 17

Commitments

1. As from 15 October of each year, routine administrative expenditure may be committed in advance against the appropriations provided for the following financial year. Such commitments shall not, however, exceed one quarter of the appropriations decided by the management board on the corresponding budget line for the current financial year. They shall not apply to new expenditure of a kind not yet approved in principle in the last budget of the Union body duly adopted.

2. Expenditure which shall be paid in advance, for example rents, may give rise to payments from 1 December onwards to be charged to the appropriations for the following financial year. In this case, the limit referred to in paragraph 1 shall not apply.

Article 18

Rules applicable in the event of late adoption of the budget of the Union body

1. If the budget of the Union body has not been definitively adopted at the beginning of the financial year, the rules set out in paragraphs 2 to 6 shall apply.

2. Commitments and payments may be made within the limits laid down in paragraph 3.

3. Commitments may be made per chapter up to a maximum of one quarter of the total appropriations authorised in the relevant chapter of the previous financial year plus one twelfth for each month which has elapsed.

The limit of the appropriations provided for in the statement of estimates of revenue and expenditure shall not be exceeded.

Payments may be made monthly per chapter up to a maximum of one twelfth of the appropriations authorised in the relevant chapter of the preceding financial year. That sum shall not, however, exceed one twelfth of the appropriations provided for in the same chapter in the statement of estimates of revenue and expenditure.

4. The appropriations authorised in the relevant chapter of the preceding financial year, as specified in paragraphs 2 and 3, shall be understood as referring to the appropriations voted in the budget of the Union body, including by amending budgets, and after adjustment for the transfers made during that financial year.

5. At the request of the director, if the continuity of action by the Union body and management needs so require, the management board, may authorise expenditure in excess of one provisional twelfth but not exceeding the total of four provisional twelfths, except in duly justified cases, both for commitments and for payments over and above those automatically made available in accordance with paragraphs 2 and 3.

The additional twelfths shall be authorised in full and shall not be divisible.

6. If, for a given chapter, the authorisation of four provisional twelfths granted in accordance with paragraph 5 is not sufficient to cover the expenditure necessary to avoid a break in continuity of action by the Union body in the area covered by the chapter in question, authorisation may exceptionally be given to exceed the amount of the appropriations entered in the corresponding chapter of the budget of the Union body of the preceding financial year. The management board shall act in accordance with the procedures provided for in paragraph 5. However, the overall total of the appropriations available in the budget of the Union body of the preceding financial year or in the draft budget of the Union body, as proposed, may in no circumstances be exceeded.

CHAPTER 3

Principle of equilibrium

Article 19

Definition and scope

1. Revenue and payment appropriations shall be in balance.
2. Commitment appropriations may not exceed the amount of the Union contribution, plus own revenue and any other revenue referred to in Article 6.
3. For bodies for which the revenue is constituted by fees and charges in addition to the Union contribution, fees should be set at a level such as to avoid a significant accumulation of surplus. Where a significant positive or negative budget result, within the meaning of Article 97, becomes recurrent, the level of the fees and charges shall be revised.
4. The Union body may not raise loans within the framework of the budget of the Union body.
5. The Union contribution to the Union body shall constitute for the budget of the Union body a balancing contribution and may be divided into a number of payments.
6. The Union body shall implement rigorous cash management, taking due account of assigned revenue, in order to ensure that its cash balances are limited to duly justified requirements. With its payment requests it shall submit detailed and updated forecasts on its real cash requirements throughout the year, including information on assigned revenue.

Article 20

Budget result from financial year

1. If the budget result within the meaning of Article 97 is positive, it shall be repaid to the Commission up to the amount of the contribution paid during the year. The part of the budget result exceeding the amount of the Union contribution paid during the year shall be entered in the budget of the Union body for the following financial year as revenue.

The first subparagraph shall also apply when the revenue of the Union body is constituted by fees and charges in addition to the Union contribution.

The difference between the contribution entered in the budget and that actually paid to the Union body shall be cancelled.

The Union body shall provide, no later than 31 January of the year N at the latest, an estimate of the budget result from the year N-1, which is to be returned to the budget later in year N, in order to complete the information already available concerning the budget result of the year N-2. This information shall be duly taken into account by the Commission when assessing the financial needs of Union body for the year N+1.

2. In exceptional cases, where the constituent act provides that the revenues arising from fees and charges are assigned to particular items of expenditure, the Union body may carry-over the balance of fees and charges as assigned revenue for the activities related to the provision of the services for which the fees are due.

3. If the budget result within the meaning of Article 97 is negative, it shall be entered in the budget of the Union body for the following financial year as payment appropriations or, where appropriate, offset against positive budget result of the Union body in the following financial years.

4. The revenue or payment appropriations shall be entered in the budget of the Union body during the budgetary procedure using the letter of amendment procedure set out in Article 39 of Regulation (EU, Euratom) No 966/2012 or, while implementation of the budget of the Union body is under way, by means of an amending budget.

CHAPTER 4

Principle of unit of account

Article 21

Use of euro

The budget of the Union body shall be drawn up and implemented in euro and the accounts shall be presented in euro. However, for cash-flow purposes, the accounting officer and, in the case of imprest accounts, the imprest administrators shall be authorised to carry out operations in other currencies as laid down in the financial rules of each Union body.

CHAPTER 5

Principle of universality

Article 22

Definition and scope

Without prejudice to Article 23, total revenue shall cover total payment appropriations. Without prejudice to Article 25, all revenue and expenditure shall be entered in full without any adjustment against each other.

Article 23

Assigned revenue

1. External assigned revenue and internal assigned revenue shall be used to finance specific items of expenditure.
2. The following shall constitute external assigned revenue:
 - (a) financial contributions from Member States and third countries, including in both cases their public agencies, entities or natural persons, to certain activities, of Union bodies insofar as this is provided for in the agreement concluded between the Union body and the Member States, third countries or the public agencies, entities or natural persons in question;
 - (b) revenue earmarked for a specific purpose, such as income from foundations, subsidies, gifts and bequests;
 - (c) financial contributions, not covered by point (a), to Union bodies' activities from third countries or various non-Union bodies;

— revenue from ad-hoc grants referred to in Article 7,

— revenue from delegation agreements referred to in Article 8;

(d) internal assigned revenue referred to in paragraph 3, to the extent that it is ancillary to the other revenue referred to in points (a) to (c) of this paragraph;

(e) revenue from fees and charges referred to in Article 6(2).

3. The following shall constitute internal assigned revenue:

(a) revenue from third parties in respect of goods, services or work supplied at their request, with the exception of fees and charges referred to in Article 6(1)(a);

(b) proceeds from the sale of vehicles, equipment, installations, materials, and scientific and technical apparatus which are replaced or scrapped when the book value is fully depreciated;

(c) revenue arising from the repayment, in accordance with Article 62, of amounts wrongly paid;

(d) proceeds from the supply of goods, services and works for Union institutions or other Union bodies;

(e) insurance payments received;

(f) revenue from lettings;

(g) revenue from the sale of publications and films, including those on an electronic medium;

(h) revenue arising from subsequent reimbursement of taxes pursuant to Article 25(3)(b).

4. Without prejudice to Article 23(2)(e) the relevant constituent act may also assign the revenue for which it provides to specific items of expenditure. Unless specified otherwise in the relevant constituent act, such revenue shall constitute internal assigned revenue.

5. All items of revenue within the meaning of points (a) to (c) of paragraph 2 and points (a) and (d) of paragraph 3 shall cover all direct or indirect expenditure incurred by the activity or purpose in question.

6. The budget of the Union body shall include lines to accommodate external assigned revenue and internal assigned revenue and wherever possible shall indicate the amount.

Assigned revenue may be included in the estimate of revenue and expenditure only for the amounts which are certain at the date of the establishment of the estimate.

Article 24

Donations

1. The Director may accept any donation made to the Union body, such as foundations, subsidies, gifts and bequests.

2. Acceptance of donations which may involve a financial charge shall be subject to the prior authorisation of the

management board or, where the constituent act allows it, of the executive board, which shall take a decision within two months of the date on which the request is submitted to it. If the management board or, where the constituent act allows it, the executive board fails to take a decision within that period, the donation shall be deemed accepted.

Article 25

Rules on deductions and exchange rates adjustments

1. The following deductions may be made from payment requests which shall then be passed for payment of the net amount:

(a) penalties imposed on parties to procurement contracts or beneficiaries;

(b) discounts, refunds and rebates on individual invoices and cost statements;

(c) adjustments for amounts unduly paid.

The adjustments referred to in point (c) of the first subparagraph may be made, by means of direct deduction, against a new interim payment or payment of a balance to the same payee under the chapter, article and financial year in respect of which the excess payment was made.

Union accounting rules shall apply to the deductions referred to in points (c) of the first subparagraph.

2. The cost of products or services provided to the Union body incorporating taxes refunded by the Member States pursuant to the Protocol on the Privileges and Immunities of the European Union shall be charged to the budget of the Union body for the ex-tax amount provided that it applies to the Union body.

3. The cost of products or services provided to the Union body incorporating taxes refunded by third countries on the basis of relevant agreements may be charged to the budget of the Union body for any of the following:

(a) the ex-tax amount;

(b) the tax-inclusive amount. In such case, subsequently reimbursed taxes shall be treated as internal assigned revenue.

4. Any national taxes temporarily borne by the Union body under paragraphs 2 and 3 shall be entered in a suspense account until they are refunded by the State concerned.

5. Any negative budget result shall be entered in the budget of the Union body as expenditure.

6. Adjustments may be made in respect of exchange differences occurring in the implementation of the budget of the Union body. The final gain or loss shall be included in the budget result for the year.

CHAPTER 6

Principle of specification

Article 26

General provisions

Appropriations shall be earmarked for specific purposes by title and chapter. The chapters shall be further subdivided into articles and items.

Article 27

Transfers

1. The Director may transfer appropriations:
 - (a) from one title to another up to a maximum of 10 % of the appropriations for the year shown on the line from which the transfer is made;
 - (b) from one chapter to another and from one article to another without limit.
2. Beyond the limit referred in paragraph 1, the director may propose to the management board or, where the constituent act allows it, to the executive board transfers of appropriations from one title to another. The management board or, where the constituent act allows it, the executive board shall have three weeks to oppose such transfers. After that time-limit they shall be deemed to be adopted.
3. Proposals for transfers and transfers carried out under paragraphs 1 and 2 shall be accompanied by appropriate and detailed supporting documents showing the implementation of appropriations and estimates of requirements up to the end of the financial year, both for the headings to be credited and for those from which the appropriations are drawn.
4. The director shall inform the management board as soon as possible of all transfers made. The director shall inform the European Parliament and the Council of all transfers carried out under paragraph 2.

Article 28

Specific rules on transfers

1. Appropriations may only be transferred to lines in budget of the Union body for which the budget of the Union body has authorised appropriations or which carry a token entry '*pro memoria*'.
2. Appropriations corresponding to assigned revenue may be transferred only if such revenue is used for the purpose for which it is assigned.

CHAPTER 7

Principle of sound financial management

Article 29

Principles of economy, efficiency and effectiveness/Principle of sound financial management

1. Appropriations shall be used in accordance with the principle of sound financial management, namely in accordance with the principles of economy, efficiency and effectiveness.

2. The principle of economy requires that the resources used by the Union body in the pursuit of its activities shall be made available in due time, in appropriate quantity and quality and at the best price.

The principle of efficiency concerns the best relationship between resources employed and results achieved.

The principle of effectiveness concerns the attainment of the specific objectives set and the achievement of the intended results.

3. The Union body shall carry out a benchmarking exercise referred to in Article 50 of Regulation (EU, Euratom) No 966/2012.

The benchmarking exercise shall include:

- a review of the efficiency of the Union body's horizontal services,
- a cost-benefit analysis of sharing services or transferring them entirely to other Union body or the Commission.

When carrying out the benchmarking exercise referred to in the first and the second subparagraph the Union body shall make necessary arrangements to avoid any conflict of interests.

4. Specific, measurable, achievable, relevant and timed objectives shall be set for all sectors of activity covered by the budget of the Union body. The achievement of those objectives shall be monitored by performance indicators for each activity, and the information shall be provided to the management board by the director. That information shall be provided annually and at the latest in the documents accompanying the draft budget of the Union body.

5. In order to improve decision-making, the Union body shall undertake both *ex ante* and *ex post* evaluations in line with guidance provided by the Commission. Such evaluations shall be applied to all programmes and activities which entail significant spending and evaluation results shall be sent to the management board.

6. The director shall prepare an action plan to follow-up on the conclusions of the evaluations referred to in paragraph 5 and report on its progress twice a year to the Commission and regularly to the management board.

7. The management board shall scrutinise the implementation of the action plan referred to in paragraph 6.

Article 30

Internal control of budget implementation

1. The budget of the Union body shall be implemented in compliance with effective and efficient internal control.

2. For the purposes of the implementation of the budget of the Union body, internal control is defined as a process applicable at all levels of management and designed to provide reasonable assurance of achieving the following objectives:

- (a) effectiveness, efficiency and economy of operations;
- (b) reliability of reporting;
- (c) safeguarding of assets and information;
- (d) prevention, detection, correction and follow-up of fraud and irregularities;
- (e) adequate management of the risks relating to the legality and regularity of the underlying transactions, taking into account the multiannual character of programmes as well as the nature of the payments concerned.

3. Effective internal control shall be based on best international practices and include, in particular, the following:

- (a) segregation of tasks;
- (b) an appropriate risk management and control strategy including control at recipient level;
- (c) avoidance of conflicts of interests;
- (d) adequate audit trails and data integrity in data systems;
- (e) procedures for monitoring of performance and for follow-up of identified internal control weaknesses and exceptions;
- (f) periodic assessment of the sound functioning of the internal control system.

4. Efficient internal control shall be based on the following elements:

- (a) the implementation of an appropriate risk management and control strategy coordinated among appropriate actors involved in the control chain;
- (b) the accessibility for all appropriate actors in the control chain of the results of controls carried out;
- (c) reliance, where appropriate, on independent audit opinions, provided that the quality of the underlying work is adequate and acceptable and that it was performed in accordance with agreed standards;
- (d) the timely application of corrective measures including, where appropriate, dissuasive penalties;
- (e) the elimination of multiple controls;
- (f) improving the cost-benefit ratio of controls.

CHAPTER 8

Principle of transparency

Article 31

Publication of accounts, budgets and reports

1. The budget of the Union body shall be established and implemented and the accounts presented in accordance with the principle of transparency.

2. A summary of the budget of the Union body and any amending budget of the Union body, as definitively adopted, shall be published in the *Official Journal of the European Union* within three months of their adoption.

The summary shall show the five main revenue budget lines, the five main expenditure budget lines for the administrative and operational budget of the Union body, the establishment plan and an estimate of the number of contract staff expressed in full-time equivalents for which appropriations are budgeted, and seconded national experts. It shall also indicate the figures for the previous year.

3. The budget of the Union body including the establishment plan and amending budgets of the Union body, as finally adopted, as well as an indication of the number of contract staff expressed in full-time equivalents for which appropriations are budgeted, and seconded national experts, shall be transmitted for information to the European Parliament and the Council, the Court of Auditors and the Commission, and shall be published on the internet site of the Union body concerned within four weeks of their adoption.

4. The Union body shall make available on its internet site no later than 30 June of the following financial year information on the recipients of funds deriving from the budget of the Union body, including experts contracted pursuant to Article 89, in accordance with paragraphs 2, 3 and 4 of Article 21 of Commission Delegated Regulation (EU) No 1268/2012⁽¹⁾ following a standard presentation. The published information shall be easily accessible, transparent and comprehensive. The information shall be made available with due observance of the requirements of confidentiality and security, in particular the protection of personal data laid down in Regulation (EC) No 45/2001.

TITLE III

ESTABLISHMENT AND STRUCTURE OF THE BUDGET

CHAPTER 1

Establishment of the budget of the Union body

Article 32

Annual and multiannual programming

1. The Union body shall draw up a programming document containing multiannual and annual programming taking into account guidelines set by the Commission.

2. The multiannual programme shall set out:

— overall strategic programming including objectives, expected results and performance indicators,

⁽¹⁾ Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 362, 31.12.2012, p. 1).

- resource programming including multiannual budget and staff.

The resource programming shall include qualitative and quantitative information on the human resource and budgetary matters for the reporting purposes, in particular:

- for the years N-1 and N, the information on, the number of officials, temporary and contract staff as defined in the Staff Regulations as well as seconded national experts,
- for the year N-1 an estimate of the budgetary operations within the meaning of Article 97 and information on contribution in kind granted by the host Member State to the Union body,
- for the year N+1 estimate of the number of officials, temporary and contract staff as defined in the Staff Regulations,
- for the following years, an indicative budget and staff resource programming.

The Commission shall send to the Union body the opinion of its relevant services on the draft human resource programming.

If the Union body does not fully take into account the Commission services' opinion, it shall provide the Commission with adequate explanations.

The resource programming shall be updated annually. The strategic programming shall be updated where appropriate, and in particular to address the outcome of the overall evaluations referred to in the constituent act.

3. The annual work programme of the Union body shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the action(s) to be financed and an indication of the amount of financial and human resource allocated to each action. The annual work programme shall be coherent with the multiannual programme referred to in paragraph 1.

It shall clearly indicate which tasks of the Union body have been added, changed or deleted in comparison with the previous financial year.

4. Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial work programme, in accordance with the provisions of the constituent act and Article 33 of this Regulation.

The management board may delegate the power to make non-substantial amendments to the annual work programme to the authorising officer of the Union body.

Article 33

Establishment of the budget

1. The budget shall be established in accordance with the provisions of the constituent act.

2. The Union body shall send the Commission a provisional draft estimate of its revenue and expenditure and the general guidelines underlying that estimate no later than 31 January each year.

3. In accordance with Article 37 of Regulation (EU, Euratom) No 966/2012, each year the Union body shall send to the Commission, the European Parliament and the Council an estimate of its revenue and expenditure as specified in the constituent act.

4. The estimate of revenue and expenditure of the Union body shall include:

- (a) an establishment plan setting the number of permanent and temporary posts authorised within the limits of the budget appropriations, by grade and by category;
- (b) where there is a change in the number of persons in post, a statement justifying the request for new posts;
- (c) a quarterly estimate of cash payments and receipts;
- (d) information on the achievement of all previously set objectives for the various activities. Evaluation results shall be consulted and referred to as evidence of the likely merits of an increase or decrease of the proposed budget of the Union body in comparison with its budget for year N.

5. The Union body shall send to the Commission, the European Parliament and the Council the draft programming document referred to in Article 32 no later than 31 January each year as well as any later updated version of that document.

6. As part of the procedure for adoption of the budget, the Commission shall send the Union body's statement of estimates to the European Parliament and the Council and propose the amount of the contribution for the Union body and the number of staff it considers that the body needs. The Commission shall provide the draft establishment plan of the Union bodies and for an estimate of the number of contract staff and of seconded national experts expressed in full-time equivalents for which appropriations are proposed as soon as the Commission has established the draft budget.

7. The European Parliament and the Council shall adopt the establishment plan of the Union body and any subsequent amendment thereto in accordance with Article 38(1). The establishment plan shall be published in an Annex to Section III — Commission — of the budget.

8. The budget of the Union body and the establishment plan together with the programming document referred to in Article 32 shall be adopted by the management board. They shall become definitive after final adoption of the budget setting the amount of the contribution and the establishment plan and if necessary the budget of the Union body and the establishment plan shall be adjusted accordingly.

9. When entrusting new tasks to a Union Body, the Commission shall, without prejudice to the legislative procedures for the modification of the constituent act, submit to the European Parliament and to the Council the necessary information to assess impact of the new tasks on the resources of the Union body so as to review, where necessary, its financing.

Article 34

Amending budgets

Any amendment to the budget of the Union body, including the establishment plan, shall be the subject of an amending budget adopted by the same procedure as the initial budget of the Union body, in accordance with the provisions of the constituent act and Article 33 of this Regulation.

CHAPTER 2

Structure and presentation of the budget of the union body

Article 35

Structure of the budget of the Union body

The budget of the Union body shall consist of a statement of revenue and a statement of expenditure.

Article 36

Budget nomenclature

In so far as it is justified by the nature of the Union body's activities, the statement of expenditure must be set out on the basis of a nomenclature with a classification by purpose. That nomenclature shall be determined by the Union body and shall make a clear distinction between administrative appropriations and operating appropriations.

Article 37

Presentation of the budget of the Union body

The budget of the Union body shall show:

- (1) in the statement of revenue:
 - (a) the estimated revenue of the Union body for the financial year concerned ('year N');
 - (b) the estimated revenue for the preceding financial year and the revenue for year N-2;
 - (c) appropriate remarks on each revenue line;
- (2) in the statement of expenditure:
 - (a) the commitment and payment appropriations for year N;
 - (b) the commitment and payment appropriations for the preceding financial year, and the expenditure committed and the expenditure paid in year N-2 — the latter also expressed as a percentage of the budget of the Union body of year N;

- (c) a summary statement of the schedule of payments due in subsequent financial years to meet budget commitments entered into in earlier financial years;

- (d) appropriate remarks on each subdivision.

Article 38

Rules on the establishment plans for staff

1. The establishment plan referred to in Article 33 shall show next to the number of posts authorised for the financial year, the number authorised for the preceding year and the number of posts actually filled. It shall constitute an absolute limit for the Union body. No appointment may be made in excess of the limit set.

However, save in the case of grades AD 16, AD 15, AD 14 and AD 13, the management board may modify the establishment plan by up to 10 % of posts authorised, subject to the following conditions:

- (a) the volume of staff appropriations corresponding to a full financial year is not affected;
- (b) the limit of the total number of posts authorised by the establishment plan is not exceeded;
- (c) the Union body has taken part in a benchmarking exercise with other bodies of the Union as initiated by the Commission's staff screening exercise.

2. By derogation from the second subparagraph of paragraph 1, the effects of part-time work authorised by the appointing authority in accordance with the Staff Regulations may be offset by other appointments. Where a staff member requests the withdrawal of the authorisation before expiry of the granted period, the Union body shall take appropriate measures to respect the limit referred to in point (b) of the second subparagraph of paragraph 1 as soon as possible.

TITLE IV

IMPLEMENTATION OF THE BUDGET OF THE UNION BODY

CHAPTER 1

General provisions

Article 39

Budget implementation in accordance with the principle of sound financial management

1. The director shall perform the duties of authorising officer. He or she shall implement the revenue and expenditure of the budget in accordance with the financial rules of the Union body and the principle of sound financial management under his or her own responsibility and within the limits of the appropriations authorised.

2. Without prejudice to the responsibilities of the authorising officer as regards prevention and detection of fraud and irregularities, the Union body shall participate in fraud prevention activities of the European Anti-fraud Office.

*Article 40***Delegation of budget implementation powers**

1. The director may delegate the powers of budget implementation to staff of the Union body covered by the Staff Regulations, in accordance with the conditions laid down in the financial rules of the Union body adopted by the management board. Those so empowered may act only within the limits of the powers expressly conferred upon them.
2. The delegatee may subdelegate the powers received as provided for in the rules implementing this Regulation referred to in Article 114. Each act of subdelegation shall require the explicit agreement of the director.

*Article 41***Conflict of interests**

1. Financial actors within the meaning of Chapter 2 of this Title and other persons involved in budget implementation and management, including acts preparatory thereto, audit or control shall not take any action which may bring their own interests into conflict with those of the Union body.

Where such a risk exists, the person in question shall refrain from such action and shall refer the matter to the competent authority who shall confirm in writing whether a conflict of interests exists. Where a conflict of interest is found to exist, the person in question shall cease all activities in the matter. The competent authority shall take any further appropriate action.

2. For the purposes of paragraph 1, a conflict of interest exists where the impartial and objective exercise of the functions of a financial actor or other person, as referred to in paragraph 1, is compromised for reasons involving family, emotional life, political or national affinity, economic interest or any other shared interest with a recipient.

3. The competent authority referred to in paragraph 1 shall be the immediate superior of the member of staff concerned. If the member of staff is the director, the competent authority shall be the management board or, where the constituent act allows it, the executive board.

4. The Union body shall adopt rules on the prevention and management of conflict of interests.

*Article 42***Method of implementation of the budget of the Union body**

1. The budget of the Union body shall be implemented by the director in the departments placed under his or her authority.
2. Technical expertise tasks and administrative, preparatory or ancillary tasks not involving the exercise of public authority or the use of discretionary powers of judgement may be entrusted by contract to external private-sector entities or bodies, where this proves to be indispensable.

*CHAPTER 2***Financial actors***Section 1***Principle of segregation of duties***Article 43***Segregation of duties**

The duties of authorising officer and accounting officer shall be segregated and mutually exclusive.

*Section 2***Authorising officer***Article 44***Powers and duties of authorising officer**

1. The authorising officer shall be responsible for implementing revenue and expenditure in accordance with the principle of sound financial management and for ensuring compliance with the requirements of legality and regularity.

2. For the purposes of paragraph 1, the authorising officer shall, in accordance with the minimum standards adopted by the management board or, where the constituent act allows it, by the executive board on the basis of equivalent standards laid down by the Commission for its own departments and having due regard to the risks associated with the management environment and the nature of the action financed, put in place the organisational structure and the internal control systems suited to the performance of the duties of authorising officer.

The establishment of such structure and systems shall be supported by a comprehensive risk analysis, which takes into account their cost-effectiveness.

The authorising officer may establish within his or her departments an expertise and advice function to help him or her control the risks involved in his or her activities.

3. To implement expenditure, the authorising officer shall make budgetary and legal commitments, shall validate expenditure and authorise payments and shall undertake the preliminary steps for the implementation of appropriations.

4. Implementation of revenue shall comprise drawing up estimates of amounts receivable, establishing entitlements to be recovered and issuing recovery orders. It shall involve waiving established entitlements, where appropriate.

5. The authorising officer shall conserve the supporting documents relating to operations carried out for a period of five years from the date of the decision granting discharge in respect of implementation of the budget of the Union body. Personal data contained in supporting documents shall be deleted where possible when those data are not necessary for budgetary discharge, control and audit purposes. In any event, as regards the conservation of traffic data, Article 37(2) of Regulation (EC) No 45/2001 shall apply.

Article 45

Ex ante controls

1. Each operation referred to in Article 44 shall be subject at least to an *ex ante* control based on a desk review of documents and on the available results of controls already carried out, relating to the operational and financial aspects of the operation.

Ex ante controls shall comprise the initiation and the verification of an operation.

2. Initiation of an operation shall be understood as all the operations which are preparatory to the adoption of the acts implementing the budget of the Union body by the authorising officers referred to in Articles 33 and 34.

3. *Ex ante* verification of an operation shall be understood as all the *ex ante* checks put in place by the authorising officer in order to verify the operational and financial aspects.

4. *Ex ante* controls shall verify the coherence among supporting documents requested and any other information available. The extent in terms of frequency and intensity of the *ex ante* controls shall be determined by the authorising officer responsible taking into account risk-based and cost-effectiveness considerations. In case of doubt, the authorising officer responsible for validating the relevant payment shall request complementary information or perform an on-the-spot control in order to obtain reasonable assurance as part of the *ex ante* control.

The purpose of the *ex ante* controls shall be to ascertain that:

- (a) the expenditure is in order and comply with the provisions applicable;
- (b) the principle of sound financial management set out in Article 29 has been applied.

For the purpose of controls, a series of similar individual transactions relating to routine expenditure on salaries, pensions, reimbursement of mission expenses and medical expenses may be considered by the authorising officer to constitute a single operation.

5. For a given transaction, the verification shall be carried out by staff other than those who initiated the operation. The staff who carry out the verification shall not be subordinate to the members of staff who initiated the operation.

Article 46

Ex post controls

1. The authorising officer may put in place *ex post* controls to verify operations already approved following *ex ante* controls. Such controls may be organised on a sample basis according to risk.

2. The *ex post* controls may be carried out on the basis of documents and, where appropriate, on the spot.

The *ex post* controls shall verify that operations financed by the budget of the Union body are correctly implemented and in particular that the criteria referred to in Article 45(4) are complied with.

The outcomes of *ex post* controls shall be reviewed by the authorising officer at least annually to identify any potential systemic issues. The authorising officer shall take measures to address those issues.

The risk analysis referred to in paragraph 1 shall be reviewed in the light of the results of controls and other relevant information.

In case of multiannual programmes, the authorising officer shall establish a multiannual control strategy, specifying the nature and extent of controls over the period and the manner how the results are to be measured year-on-year for the annual assurance process.

3. The *ex ante* controls shall be carried out by staff other than those responsible for the *ex post* controls. The staff responsible for the *ex post* controls shall not be subordinate to the members of staff responsible for the *ex ante* controls.

Where the authorising officer implements financial audits of beneficiaries as *ex-post* controls, the related audit rules shall be clear, consistent and transparent, and shall respect the rights of both the Union body and the auditees.

4. Staff responsible for controlling the management of financial operations referred to in paragraph 3 shall have the necessary professional skills. They shall respect a specific code of professional standards adopted by the Union body and based on standards laid down by the Commission for its own departments.

Article 47

Consolidated Annual Activity Report

1. The authorising officer shall report to the management board on the performance of his duties in a form of a consolidated annual activity report containing:

(a) information on:

- the implementation of the body's annual work programme, budget and staff resources referred to in Article 38,
- management and internal control systems including the summary of number and type of internal audits carried out by the internal auditor, the internal audit capabilities, the recommendations made and the action taken on these recommendations and on the recommendations of previous years, as referred to in Articles 82 and 83,
- any observations of the Court of Auditors and the actions taken on these observations,
- the accounts and the report on budgetary and financial management without prejudice to Articles 92, 96 and 97;

(b) a declaration of the authorising officer stating whether he has a reasonable assurance that unless otherwise specified in any reservations related to defined areas of revenue and expenditure:

- the information contained in the report presents a true and fair view,

- the resources assigned to the activities described in the report have been used for their intended purpose and in accordance with the principle of sound financial management,
- the control procedures put in place give the necessary guarantees concerning the legality and regularity of the underlying transactions.

The consolidated annual activity report shall indicate the results of the operations by reference to the objectives set, the risks associated with the operations, the use made of the resources provided and the efficiency and effectiveness of the internal control systems, including an overall assessment of the costs and benefits of controls.

The consolidated annual report shall be submitted to the management board for the assessment.

2. No later than 1 July each year the consolidated annual activity report together with its assessment shall be sent by the management board to the Court of Auditors, to the Commission, to the European Parliament and the Council.

3. Additional reporting requirements may be provided in the constituent act in duly justified cases, in particular when it is required by the nature of the field in which the body operates.

Article 48

Protection of Union's financial interests

1. If a member of staff, involved in the financial management and control of transactions, considers that a decision he or she is required by his or her superior to apply or to agree to is irregular or contrary to the principles of sound financial management or the professional rules which that member of staff is required to observe, he or she shall inform the director in writing who shall reply in writing. If the director fails to take action or confirms the initial decision or instruction and the member of staff believes that such confirmation does not constitute a reasonable response to his or her concern, the member of staff shall inform the relevant panel referred to in Article 54(5) and the management board in writing.

2. In the event of any illegal activity, fraud or corruption which may harm the interests of the Union, the member of staff shall inform the authorities and bodies designated by the applicable legislation. Contracts with external auditors carrying out audits of the financial management of the Union body shall provide for an obligation of the external auditor to inform the authorising officer of any suspected illegal activity, fraud or corruption which may harm the interests of the Union.

Article 49

Delegation of budget implementation

Where powers of budget implementation are delegated or subdelegated in accordance with Article 40, Article 44(1), (2) and (3) shall apply *mutatis mutandis* to the authorising officers by delegation or subdelegation.

Section 3

Accounting officer

Article 50

Powers and duties of the accounting officer

1. The management board shall appoint an accounting officer, covered by the Staff Regulations, who shall be totally independent in the performance of his or her duties. The accounting officer shall be responsible in the Union body for:

- (a) properly implementing payments, collecting revenue and recovering amounts established as being receivable;
- (b) preparing and presenting the accounts in accordance with Title IX;
- (c) keeping the accounts in accordance with Title IX;
- (d) implementing, in accordance with Title IX, the accounting rules and the chart of accounts in accordance with the provisions adopted by the Commission's accounting officer;
- (e) laying down and validating the accounting systems and, where appropriate, validating systems laid down by the authorising officer to supply or justify accounting information; in this respect, the accounting officer shall be empowered to verify at any time compliance with validation criteria;
- (f) treasury management.

2. Two or more Union bodies may appoint the same accounting officer.

Union bodies may also agree with the Commission that the accounting officer of the Commission shall also act as accounting officer of the Union body.

Union bodies may also entrust the accounting officer of the Commission with part of the tasks of an accounting officer of the Union body, taking into account the cost-benefit analysis referred to in Article 29.

In the case referred to in this subparagraph, they shall make necessary arrangements in order to avoid any conflict of interests.

3. The accounting officer shall obtain from the authorising officer all the information necessary for the production of accounts which give a true and fair view of the Union body's financial situation and of budgetary implementation. The authorising officer shall guarantee the reliability of that information.

4. Before the adoption of the accounts by the director, the accounting officer shall sign them off, thereby certifying that the accounting officer has reasonable assurance that the accounts present a true and fair view of the financial situation of the Union body.

For the purposes of the first subparagraph, the accounting officer shall verify that the accounts have been prepared in accordance with the accounting rules, referred to in Article 143 of Regulation (EU, Euratom) No 966/2012, and that all revenue and expenditure is entered in the accounts.

The authorising officer shall forward any information that the accounting officer needs in order to fulfil his or her duties.

The authorising officers shall remain fully responsible for the proper use of the funds they manage, the legality and regularity of the expenditure under their control and the completeness and accuracy of the information forwarded to the accounting officer.

5. The accounting officer shall be empowered to check the information received as well as to carry out any further checks he or she deems necessary in order to sign off the accounts.

The accounting officer shall make reservations, if necessary, explaining exactly the nature and scope of such reservations.

6. Subject to paragraph 7 of this Article and Article 51, only the accounting officer shall be empowered to manage cash and cash equivalents. The accounting officer shall be responsible for their safekeeping.

7. The accounting officer may, in the performance of his or her duties, delegate certain tasks to subordinate staff subject to the Staff Regulations, where this is indispensable for the performance of his or her duties.

8. The instrument of delegation shall lay down the tasks entrusted to the delegates and their rights and obligations.

Section 4

Imprest administrator

Article 51

Imprest accounts

Where it proves indispensable for the payment of small sums and for the collection of other revenue referred to in Article 6, imprest accounts may be set up. Imprest accounts shall be endowed by the accounting officer and shall be placed under the responsibility of imprest administrators designated by him or her.

The maximum amount of each item of expenditure or revenue that can be paid by the imprest administrator to third parties shall not exceed EUR 60 000 and shall be specified by each Union body for each item of expenditure or revenue. Payments from imprest accounts may be made by bank credit transfer, including the direct debit system referred to in Article 74(1), cheque or other means of payment, in accordance with the instructions laid down by the accounting officer.

CHAPTER 3

Liability of financial actors

Section 1

General rules

Article 52

Withdrawal of delegation and suspension of duties given to financial actors

1. Authorising officers by delegation and subdelegation may at any time have their delegation or subdelegation withdrawn temporarily or definitively by the authority which appointed them. The authorising officer may at any time withdraw his or her agreement to a specific subdelegation.

2. The accounting officer or imprest administrator, or both, may at any time be suspended temporarily or definitively from

their duties by the management board. In such a case, the management board shall appoint an interim accounting officer.

3. Paragraphs 1 and 2 shall be without prejudice to any disciplinary action taken in respect of the financial actors referred to in those paragraphs.

Article 53

Liability of the financial actors for illegal activity, fraud or corruption

1. Articles 52 to 56 are without prejudice to any liability under criminal-law which the financial actors referred to in Article 52 may incur as provided for in the applicable national law and in the provisions in force concerning the protection of the Union's financial interests and the fight against corruption involving Union officials or officials of Member States.

2. Without prejudice to Articles 54, 55 and 56 each authorising officer, accounting officer or imprest administrator shall be liable to disciplinary action and payment of compensation as laid down in the Staff Regulations. In the event of illegal activity, fraud or corruption which may harm the interests of the Union, the matter shall be submitted to the authorities and bodies designated by the applicable legislation, in particular to European Anti-Fraud Office.

Section 2

Rules applicable to authorising officers

Article 54

Rules applicable to authorising officers

1. The authorising officer shall be liable for payment of compensation as laid down in the Staff Regulations.

2. The obligation to pay compensation shall apply in particular if the authorising officer, whether intentionally or through gross negligence on his or her part:

(a) determines entitlements to be recovered or issues recovery orders, commits expenditure or signs a payment order without complying with this Regulation and, where appropriate, with the rules implementing the Union body's Financial Regulation;

(b) omits to draw up a document establishing an amount receivable, neglects to issue a recovery order or is late in issuing it or is late in issuing a payment order, thereby rendering the Union body liable to civil action by third parties.

3. An authorising officer by delegation or subdelegation who considers that a decision, which is his or her responsibility to take, is irregular or contrary to the principle of sound financial management shall inform the delegating authority in writing. If the delegating authority then gives a reasoned instruction in writing to the authorising officer by delegation or subdelegation to take that decision, that authorising officer shall not be held liable.

4. In the event of delegation, the authorising officer shall continue to be responsible for the efficiency and effectiveness of the internal management and control systems put in place and for the choice of the authorising officer by delegation.

5. The specialised financial irregularities panel set up by the Commission or in which the Commission participates in accordance with Article 73(6) of Regulation (EU, Euratom) No 966/2012, shall exercise the same powers in respect of the Union body as it does in respect of Commission departments, unless the management board or, where the constituent act allows it, the executive board decides to set up a functionally independent panel, or to participate in a joint panel established by several bodies. For cases submitted by Union bodies, the specialised financial irregularities panel set up by the Commission or in which the Commission participates shall include one staff member of a Union body.

On the basis of the opinion of the panel referred to in the first subparagraph, the director shall decide whether to initiate proceedings for disciplinary action or payment of compensation. If the panel detects systemic problems, it shall send a report with recommendations to the authorising officer and to the Commission's internal auditor. If the opinion implicates the director, the panel shall send it to the management board and the Commission's internal auditor. The director shall refer, in anonymous form, to opinions of the panel in his or her annual activity report and indicate the follow-up measures taken.

6. Any member of staff may be required to compensate, in whole or in part, any damage suffered by the Union body as a result of serious misconduct on his or her part in the course of or in connection with the performance of his or her duties. The appointing authority shall take a reasoned decision, after completing the formalities laid down by the Staff Regulations with regard to disciplinary matters.

Section 3

Rules applicable to accounting officers and imprest administrators

Article 55

Rules applicable to accounting officers

An accounting officer shall be liable to disciplinary action and payment of compensation, as laid down in, and in accordance with the procedures in the Staff Regulations. An accounting officer may, in particular, become liable as a result of any of the following forms of misconduct on his or her part:

- (a) losing or damaging funds, assets or documents in his or her keeping or causing them to be lost or damaged by his or her negligence;
- (b) wrongly altering bank accounts or postal giro accounts;
- (c) recovering or paying amounts which are not in conformity with the corresponding recovery or payment orders;
- (d) failing to collect revenue due.

Article 56

Rules applicable to imprest administrators

An imprest administrator officer shall be liable to disciplinary action and payment of compensation, as laid down in, and in accordance with, the procedures in the Staff Regulations. An imprest administrator may in particular become liable as a result of any of the following forms of misconduct on his or her part:

- (a) losing or damaging funds, assets and documents in his or her keeping or causing them to be lost or damaged by his or her negligence;
- (b) not providing proper supporting documents for the payments he or she has made;
- (c) making payments to persons other than those entitled to such payments;
- (d) failing to collect revenue due.

CHAPTER 4

Revenue operations

Article 57

Request for payment

The Union body shall present to the Commission requests for payment of all or part of the Union contribution pursuant to Article 19(6) under terms and at intervals agreed with the Commission.

Article 58

Treatment of interest

The interest generated by funds paid to the Union body by the Commission by way of the contribution shall not be due to the budget.

Article 59

Estimate of amounts receivable

1. When the authorising officer has sufficient and reliable information in respect of any measure or situation which may give rise to an amount owing to the Union body, the authorising officer shall make an estimate of the amount receivable.
2. The estimate of the amount receivable shall be adjusted by the authorising officer as soon as he or she is aware of an event modifying the measure or the situation which gave rise to the estimate being made.

When establishing the recovery order on a measure or situation that had previously given rise to an estimate of amounts receivable, that estimate shall be adjusted accordingly by the authorising officer.

If the recovery order is drawn up for the same amount as the original estimate of amounts receivable, that estimate shall be reduced to zero.

Article 60

Establishment of amounts receivable

1. The establishment of an amount receivable is the act by which the authorising officer:
 - (a) verifies that the debt exists;
 - (b) determines or verifies the reality and the amount of the debt;
 - (c) verifies the conditions according to which the debt is due.

2. Any amount receivable that is identified as being certain, of a fixed amount and due shall be established by a recovery order to the accounting officer followed by a debit note sent to the debtor, both drawn up by the authorising officer.

3. Amounts wrongly paid shall be recovered.

4. Any debt not repaid on the due date laid down in the debit note shall bear interest in accordance with Delegated Regulation (EU) No 1268/2012.

5. In duly substantiated cases, certain routine revenue items may be established provisionally. Provisional establishment shall cover the recovery of several individual amounts which need not therefore be established individually. Before the end of the financial year, the authorising officer shall amend the amounts established provisionally to ensure that they correspond to the amounts receivable actually established.

Article 61

Authorisation of recovery

The authorisation of recovery is the act by which the authorising officer instructs the accounting officer, by issuing a recovery order, to recover an amount receivable which that authorising officer has established.

Article 62

Rules on recovery

1. The accounting officer shall act on recovery orders for amounts receivable duly established by the authorising officer. The accounting officer shall exercise due diligence to ensure that the Union body receives its revenue and shall ensure that its rights are safeguarded.

2. If actual recovery has not taken place by the due date stipulated in the debit note, the accounting officer shall inform the authorising officer and immediately launch the procedure for effecting recovery by any means offered by the law, including, where appropriate, by offsetting and, if this is not possible, by enforced recovery.

3. The accounting officer shall recover amounts by offsetting them against equivalent claims that the Union body has on any debtor who in turn has a claim on the Union body. Such claims shall be certain, of a fixed amount and due.

4. Where the authorising officer plans to waive or partially waive recovery of an established amount receivable, he or she shall ensure that the waiver is in order and is in accordance with the principles of sound financial management and proportionality. The waiver decision shall be substantiated. The authorising officer may delegate the waiver decision only for amounts receivable of less than EUR 5 000.

The waiver decision shall state what action has been taken to secure recovery and the points of law and fact on which it is based.

5. The authorising officer shall cancel an established amount receivable in full or in part when the discovery of a mistake

reveals that the amount had not been correctly established. Such cancellation shall be by decision of the authorising officer and shall be suitably substantiated.

Article 63

Collection formalities

1. Upon actual recovery of the sum due, the accounting officer shall make an entry in the accounts and shall inform the authorising officer.

2. A receipt shall be issued in respect of all cash payments made to the accounting officer.

3. Partial reimbursement by a debtor subject to several recovery orders shall first be posted on the oldest entitlement unless otherwise specified by the debtor.

Any partial payments shall first cover the interest.

Article 64

Additional time for payment

1. The accounting officer, in collaboration with the authorising officer, may allow additional time for payment only at the written request of the debtor, with due indication of the reasons, and provided that the following two conditions are fulfilled:

(a) the debtor undertakes to pay interest at the rate specified in Article 83 of Delegated Regulation (EU) No 1268/2012 for the entire additional period allowed, starting from the deadline referred to in Article 80(3)(b) of Delegated Regulation (EU) No 1268/2012;

(b) in order to safeguard the rights of the Union body, the debtor lodges a financial guarantee covering the debt outstanding in both the principal sum and the interest, which is accepted by the Union body's accounting officer.

The guarantee referred to in point (b) of the first subparagraph may be replaced by a joint and several guarantee by a third party approved by the Union body's accounting officer.

2. In exceptional circumstances, following a request by the debtor, the accounting officer may waive the requirement of a guarantee referred to in point (b) of the first subparagraph of paragraph 1 when, on the basis of his assessment, the debtor is willing and able to make the payment in the additional time period but is not able to lodge such guarantee and is in a distressed situation.

Article 65

List of entitlements

1. The accounting officer shall keep a list of amounts due to be recovered. Union body's entitlements shall be grouped in the list according to the date of issue of the recovery order. The accounting officer shall also indicate decisions to waive or partially waive recovery of established amounts. The list shall be added to the Union body's report on budgetary and financial management.

2. The Union body shall establish a list of Union body entitlements stating the names of the debtors and the amount of the debt, where the debtor has been ordered to reimburse by a court decision that has the force of *res judicata* and where no or no significant reimbursement has been made for one year following its pronouncement. The list shall be published, with due regard to the protection of personal data in accordance with the requirements of Regulation (EC) No 45/2001.

As far as personal data referring to natural persons are concerned, the information published shall be removed once the amount of the debt has been fully reimbursed. The same shall apply to personal data referring to legal persons for whom the official title identifies one or more natural persons.

The decision to include the debtor on the list of Union body entitlements shall be taken in compliance with the principle of proportionality and shall take into account, in particular the significance of the amount.

Article 66

Limitation period

Entitlements of the Union body in respect of third parties and entitlements of third parties in respect of the Union body shall be subject to a limitation period of five years.

Article 67

Specific provisions applicable to fees and charges

Where the Union body collects fees and charges referred to in Article 6(1)(a), an overall provisional estimate of such fees and charges shall be made at the beginning of each financial year.

Where fees and charges are entirely determined by legislation or decisions of the management board, the authorising officer may abstain from issuing recovery orders and directly draw up debit notes after having established the amount receivable. In this case all details of the Union body's entitlement shall be registered. The accounting officer shall keep a list of all debit notes and provide the number of the debit notes and the global amount in the Union body's report on budgetary and financial management.

Where the Union body uses a separate invoicing system, the accounting officer shall regularly, and at least on a monthly basis, enter the accumulated sum of fees and charges received into the accounts.

The Union body shall provide services by virtue of the tasks entrusted to it only after the corresponding fee or charge has been paid in its entirety. However, in exceptional circumstances, a service may be provided without prior payment of the corresponding charge or fee. In cases where service has been provided without prior payment of the corresponding charge or fee, Articles 60 to 66 shall apply.

CHAPTER 5

Expenditure operations

Article 68

Financing decisions

1. Every item of expenditure shall be committed, validated, authorised and paid.
2. Every commitment of expenditure shall be preceded by a financing decision.
3. The annual work programme of the Union body shall be equivalent to a financing decision for the activities it covers, provided that the elements set out in Article 32(3) are clearly identified.
4. Administrative appropriations may be implemented without a prior financing decision.

Article 69

Types of commitments

1. A budgetary commitment is the operation by which the appropriation necessary to cover subsequent payments to honour legal commitments is reserved.
2. A legal commitment is the act whereby the authorising officer enters into or establishes an obligation which results in a charge.
3. Budgetary commitments shall fall into one of the following three categories:
 - (a) individual: the budgetary commitment is individual when the recipient and the amount of the expenditure are known;
 - (b) global: the budgetary commitment is global when at least one of the elements necessary to identify the individual commitment is still not known;
 - (c) provisional: the budgetary commitment is provisional when it is intended to cover routine administrative expenditure and either the amount or the final payees are not definitively known.

The provisional budget commitment shall be implemented either by the conclusion of one or more individual legal commitments giving rise to an entitlement to subsequent payments or, in exceptional cases relating to expenditure on staff management, directly by payments.

4. Budgetary commitments for actions extending over more than one financial year may be broken down over several years into annual instalments only where the constituent act or basic act so provides or where they relate to administrative expenditure.

Article 70

Rules applicable to commitments

1. In respect of any measure which may give rise to expenditure chargeable to the budget of the Union body, the authorising officer shall make a budgetary commitment before entering into a legal commitment with third parties.

2. The obligation to make a budgetary commitment before entering into a legal commitment as provided for in paragraph 1, shall not be applicable to legal commitments concluded following a declaration of a crisis situation in the framework of a business continuity plan, in accordance with the procedures adopted by the Union body.

3. Global budgetary commitments shall cover the total cost of the corresponding individual legal commitments concluded up to 31 December of year N+1.

Subject to Articles 69(4) and 87(2) individual legal commitments relating to individual or provisional budgetary commitments shall be concluded by 31 December of year N.

At the end of the periods referred to in the first and the second subparagraph, the unused balance of such budgetary commitments shall be decommitted by the authorising officer.

The amount of each individual legal commitment adopted following a global budgetary commitment shall, prior to signature, be registered by the authorising officer in the budgetary accounts and booked to the global budgetary commitment.

4. The budgetary and legal commitments entered into for actions extending over more than one financial year shall, except in the case of staff expenditure, have a final date for implementation set, in accordance with the principle of sound financial management.

Any parts of such commitments which have not been executed six months after the date referred to in the first subparagraph of this paragraph shall be decommitted in accordance with Article 16.

The amount of a budget commitment corresponding to a legal commitment for which no payment within the meaning of Article 75 has been made within two years of the signing of the legal commitment shall be decommitted, except where that amount relates to a case under litigation before judicial courts or arbitral bodies or where there are special provisions laid down in basic acts.

Article 71

Checks applicable to commitments

1. When adopting a budget commitment, the authorising officer shall ensure that:

- (a) the expenditure has been charged to the correct item in the budget of the Union body;
- (b) the appropriations are available;
- (c) the expenditure is in compliance with the applicable provisions, in particular those of the constituent act, the financial rules of each Union body and all acts adopted pursuant to them;
- (d) the principle of sound financial management is respected.

2. When registering a legal commitment by physical or electronic signature, the authorising officer shall ensure that:

- (a) the commitment is covered by the corresponding budgetary commitment;
- (b) the expenditure is legal and regular and in compliance with the applicable provisions, in particular those of the constituent act, the financial rules of each Union body and all acts adopted pursuant to them;

(c) the principle of sound financial management is respected.

Article 72

Validation of expenditure

Validation of expenditure is the act whereby the authorising officer:

- (a) verifies the existence of the creditor's entitlement;
- (b) determines or verifies the reality and the amount of the claim;
- (c) verifies the conditions according to which payment is due.

Article 73

Validation and material form of 'passed for payment'

1. Validation of any expenditure shall be based on supporting documents attesting the creditor's entitlement, on the basis of a statement of services actually rendered, supplies actually delivered or work actually carried out, or on the basis of other documents justifying payment, including recurring payments of subscriptions or training courses.

2. The authorising officer shall personally check the supporting documents or shall, on his own responsibility, ascertain that this has been done, before taking the decision validating the expenditure.

3. The validation decision shall be expressed by the signing of a 'passed for payment' voucher by the authorising officer.

4. In a non-computerised system, 'passed for payment' shall take the form of a stamp incorporating the signature of the authorising officer.

In a computerised system, 'passed for payment' shall take the form of validation using the personal password of the authorising officer.

Article 74

Authorisation of expenditure

1. The authorisation of expenditure is the act by which the authorising officer, having verified that the appropriations are available, instructs the accounting officer, by issuing a payment order, to pay an amount of expenditure which the authorising officer has validated.

Where periodic payments are made with regard to services rendered, including rental services, or goods delivered, and subject to the authorising officer's risk analysis, the authorising officer may order the application of a direct debit system.

2. The payment order shall be dated and signed by the authorising officer, then sent to the accounting officer. The supporting documents shall be kept by the authorising officer in accordance with Article 44(5).

3. Where appropriate, the payment order sent to the accounting officer shall be accompanied by a document certifying that the goods have been entered in the inventories referred to in Article 106(1).

Article 75

Types of payments

1. Payment shall be made on production of proof that the relevant action has been carried out in accordance with the provisions of the basic act or the contract or grant agreement, and shall cover one of the following operations:

- (a) payment of the entire amount due;
- (b) payment of the amount due in any of the following ways:
 - (1) pre-financing, which may be divided into a number of payments after the signature of the contract or grant agreement or after notification of the grant decision;
 - (2) one or more interim payments as a counterpart of a partial execution of the action;
 - (3) payment of the balance of the amounts due where the action is completely executed.

Pre-financing shall provide a float. It may be split into a number of payments in accordance with sound financial management.

An interim payment, which may be repeated, may cover expenditure incurred for the implementation of the decision or agreement or to pay for services, supplies or works completed and/or delivered at interim stages of the contract. It may clear pre-financing in whole or in part, without prejudice to the provisions of the basic act.

The closure of the expenditure shall take the form of the payment of the balance which may not be repeated and which clears all preceding expenditure, or a recovery order.

2. A distinction shall be made in the budgetary accounting between the different types of payment referred to in paragraph 1 at the time each payment is made.

Article 76

Payment limited to funds available

Payment of expenditure shall be made by the accounting officer within the limits of the funds available.

Article 77

Time limits

The payment of expenditure shall be carried out within the time limits specified in, and in accordance with Regulation (EU, Euratom) No 966/2012 and Delegated Regulation (EU) No 1268/2012.

CHAPTER 6

IT systems

Article 78

Electronic management of operations

Where revenue and expenditure operations are managed by means of computer systems, documents may be signed by a computerised or electronic procedure.

Article 79

e-Government

The Union body shall establish and apply uniform standards for the electronic exchange of information with third parties participating in procurement and grant procedures. In particular, they shall, to the greatest possible extent, design and implement solutions for the submission, storage and processing of data submitted in grant and procurement procedures, and to this end, shall put in place a single electronic data interchange area for applicants, candidates and tenderers.

Article 80

Good administration

1. The authorising officer shall make known without delay the need to supply evidence and/or documentation, their form and prerequisite content, as well as, where appropriate, the indicative timetable for completion of award procedures.

2. Where, due to an obvious clerical error on the part of the applicant or tenderer, the applicant or tenderer omits to submit evidence or to make statements, the evaluation committee or, where appropriate, the authorising officer shall, except in duly justified cases, ask the applicant or tenderer to provide the missing information or clarify supporting documents. Such information or clarifications shall not substantially change the proposal or alter the terms of the tender.

Article 81

Indication of means of redress

Where a procedural act of an authorising officer adversely affects the rights of an applicant or tenderer, beneficiary or contractor, it shall contain an indication of the available means of administrative and/or judicial redress for challenging that act.

In particular, the nature of the redress, the body or bodies before which it can be brought, as well as time limits for their exercise shall be indicated.

CHAPTER 7

Internal auditor

Article 82

Appointment and powers and duties of the internal auditor

1. The Union body shall have an internal auditing function which shall be performed in compliance with the relevant international standards.

2. The internal audit function shall be performed by the Commissions' internal auditor. The internal auditor may be neither authorising officer nor accounting officer neither of the Union body nor of the Commission

3. The internal auditor shall advise the Union body on dealing with risks, by issuing independent opinions on the quality of management and control systems and by issuing recommendations for improving the conditions of implementation of operations and promoting sound financial management.

The internal auditor shall be responsible, in particular, for:

(a) assessing the suitability and effectiveness of internal management systems and the performance of departments in implementing programmes and actions by reference to the risks associated with them;

(b) assessing the efficiency and effectiveness of the internal control and audit systems applicable to each operation for implementation of the budget of the Union body.

4. The internal auditor shall perform his or her duties in relation to all the Union body's activities and departments. The internal auditor shall enjoy full and unlimited access to all information required to perform his or her duties.

5. The internal auditor shall take note of the consolidated annual activity report of the authorising officer and any other pieces of information identified.

6. The internal auditor shall report to the management board and the director on his or her findings and recommendations.

The internal auditor shall also report in any of the following cases:

- critical risks and recommendations have not been addressed,
- there are significant delays in the implementation of the recommendations made in previous years.

The management board or, where the constituent act allows it, the executive board, and the director shall ensure regular monitoring of the implementation of audit recommendations. The management board or, where the constituent act allows it, the executive board shall examine the information referred to in the Article 47(1)(a) and whether the recommendations have been fully and timely implemented.

7. The Union body shall make available the contact details of the internal auditor to any natural or legal person involved in expenditure operations, for the purposes of confidentially contacting the internal auditor.

8. The reports and findings of the internal auditor shall be accessible to the public only after validation by the internal auditor of the action taken for their implementation.

Article 83

Independence of the internal auditor

The independence of the internal auditor, his or her liability for action taken in the performance of his or her duties and the

right for the internal auditor to bring action before the Court of Justice of the European Union shall be determined in accordance with Article 100 of Regulation (EU, Euratom) No 966/2012.

Article 84

Establishment of internal audit capability

1. The management board or, where the constituent act allows it, the executive board may establish, with due regard to cost effectiveness and added value, an internal audit capability which shall perform its duties in compliance with the relevant international standards.

The purpose, authority and responsibility of the internal audit capability shall be provided for in the internal audit charter and shall be subject to the approval of the management board or, where the constituent act allows it, of the executive board.

The annual audit plan of an internal audit capability shall be drawn up by the Head of internal audit capability taking into consideration, inter alia, the director's assessment of risk in the Union body.

It shall be reviewed and approved by management board or, where the constituent act allows it, by the executive board.

The internal audit capability shall report to the management board and the director on his or her findings and recommendations.

2. If the internal audit capability of a single Union body is not cost-effective or is not able to meet international standards, the Union body may decide to share an internal audit capability with other Union bodies functioning in the same policy area.

In such cases the management board or, where the constituent act allows it, the executive board of the concerned Union bodies shall agree on the practical modalities of the shared internal audit capability.

3. The internal audit actors shall cooperate efficiently through exchanging information and audit reports and, where appropriate, establishing joint risk assessments, and carrying out joint audits.

The management board or, where the constituent act allows it, the executive board, and the director shall ensure regular monitoring of the implementation of internal audit capability's recommendation.

TITLE V

PROCUREMENT

Article 85

General provisions

1. As regards procurement, Title V of Regulation (EU, Euratom) No 966/2012 and Delegated Regulation (EU) No 1268/2012 shall apply subject to Article 86.

2. The Union body may be associated, at its request, as contracting authority, in the award of Commission or interinstitutional contracts and with the award of contracts of other Union bodies.

3. The Union body shall participate in the central exclusion database set up and operated by the Commission pursuant to Article 108 of Regulation (EU, Euratom) No 966/2012.

Article 86

Procurement Procedures

1. The Union body may conclude a contract, without having recourse to a public procurement procedure, with the Commission, the interinstitutional offices and the Translation Centre for bodies of the European Union established by Council Regulation (EC) No 2965/94 ⁽¹⁾ for the supply of goods, provision of services or performance of work that the latter provide.

2. The Union body may use joint procurement procedures with contracting authorities of the host Member State to cover its administrative needs. In such case, Article 133 of Delegated Regulation (EU) No 1268/2012 shall apply *mutatis mutandis*.

TITLE VI

SPECIFIC PROVISIONS REGARDING ADMINISTRATIVE APPROPRIATIONS

Article 87

Administrative appropriations

1. Administrative appropriations shall be non-differentiated appropriations.

2. Administrative expenditure arising from contracts covering periods that extend beyond the financial year, either in accordance with local practice or relating to the supply of equipment, shall be charged to the budget of the Union body of the financial year in which it is effected.

3. The Union body shall provide the European Parliament and the Council, by 1 July each year, with a working document on its building policy, which shall incorporate the following information:

- (a) for each building, the expenditure and surface area covered by the appropriations of the corresponding lines in the budget of the Union body;
- (b) the expected evolution of the global programming of surface area and locations for the coming years with a description of the building projects in planning phase which are already identified;
- (c) the final terms and costs, as well as relevant information regarding project implementation of new building projects previously submitted to the European Parliament and the Council under the procedure established in Article 88 and not included in the preceding year's working documents.

⁽¹⁾ Council Regulation (EC) No 2965/94 of 28 November 1994 setting up a Translation Centre for bodies of the European Union (OJ L 314, 7.12.1994, p. 1).

Article 88

Building projects

1. For any building project likely to have significant financial implications for the budget of the Union body, the Union body shall inform the European Parliament and the Council as early as possible about the building surface area required and provisional planning before any prospecting of the local market takes place, in the case of building contracts, or before invitations to tender are issued, in the case of building works.

2. For any building project likely to have significant financial implications for the budget of the Union body, the Union body shall present the building project, including its detailed estimated costs and its financing, as well as a list of draft contracts intended to be used, and shall request the approval of the European Parliament and the Council before contracts are concluded. At the request of the Union body, documents submitted relating to the building project shall be treated confidentially.

Except in cases of force majeure, the European Parliament and the Council shall deliberate upon the building project within four weeks of its receipt by both institutions.

The building project shall be deemed approved at the expiry of this four-week period, unless the European Parliament or the Council take a decision contrary to the proposal within that period of time.

If the European Parliament and/or the Council raise duly justified concerns within that four-week period, that period shall be extended once by two weeks.

If the European Parliament or the Council takes a decision contrary to the building project, the Union body shall withdraw its proposal and may submit a new one.

3. In cases of force majeure, the information provided for in paragraph 4 may be submitted jointly with the building project. The European Parliament and the Council shall deliberate upon the building project within two weeks of its receipt by both institutions. The building project shall be deemed to be approved at the expiry of this two-week period, unless the European Parliament and/or the Council take a decision contrary to the proposal within this period of time.

4. The following shall be considered as building projects likely to have significant financial implications for the budget of the Union body:

- (a) any acquisition of land;
- (b) the acquisition, sale, structural renovation, construction of buildings or any project combining these elements to be implemented in the same timeframe, exceeding EUR 3 000 000;

- (c) any new building contract (including usufructs, long-term leases and renewals of existing building contracts under less favourable conditions) not covered by point (b) with an annual charge of at least EUR 750 000;
- (d) the extension or renewal of existing building contracts (including usufruct and long-term leases) under the same or more favourable conditions, with an annual charge of at least EUR 3 000 000.

5. Without prejudice to Article 19(4), a building acquisition project may be financed through a loan, subject to prior approval by the European Parliament and the Council.

Loans shall be contracted and repaid in accordance with the principle of sound financial management and with due regard to the best financial interests of the Union.

When the Union body proposes to finance the acquisition through a loan, the financing plan to be submitted, together with the request for prior approval by the Union body, shall specify in particular, the maximum level of financing, the financing period, the type of financing, the financing conditions and savings compared to other types of contractual arrangements.

The European Parliament and the Council shall deliberate upon the request for prior approval within four weeks, extendable once by two weeks, of its receipt by both institutions. The acquisition through a loan shall be deemed to be rejected if the European Parliament and the Council do not expressly approve it within the deadline.

TITLE VII

EXPERTS

Article 89

Remunerated external experts

Article 287 of Delegated Regulation (EU) No 1268/2012 shall apply *mutatis mutandis* to the selection of experts. Such experts shall be paid on the basis of a fixed amount announced in advance and shall be chosen on the basis of their professional capacity. The selection shall be done on the basis of selection criteria respecting the principles of non-discrimination, equal treatment and absence of conflict of interests.

TITLE VIII

GRANTS AND PRIZES AWARDED BY THE UNION BODY

Article 90

Grants

Where the Union body may award grants in accordance with the constituent act or by delegation of the Commission pursuant to Article 58(1)(c)(iv) of Regulation (EU, Euratom) No 966/2012, the relevant provisions of that Regulation and Delegated Regulation (EU) No 1268/2012 shall apply.

Article 91

Prizes

Where the Union body may award prizes in accordance with the constituent act or by delegation of the Commission

pursuant to Article 58(1)(c)(iv) of Regulation (EU, Euratom) No 966/2012, the relevant provisions of that Regulation and Delegated Regulation (EU) No 1268/2012 shall apply.

TITLE IX

PRESENTATION OF THE ACCOUNTS AND ACCOUNTING

CHAPTER 1

Presentation of the accounts

Article 92

Structure of the accounts

The accounts of the Union body shall comprise:

- (a) the financial statements of the Union body;
- (b) the reports on implementation of the budget of Union body.

Article 93

Report on budgetary and financial management

1. Each Union body shall prepare a report on budgetary and financial management for the financial year.
2. The director shall send the report to the European Parliament, the Council, the Commission and the Court of Auditors, by 31 March of the following financial year.

3. The report referred to in paragraph 2 shall give an account, both in absolute terms and expressed as a percentage, at least, of the rate of implementation of appropriations together with summary information on the transfers of appropriations among the various budget items.

Article 94

Rules governing the accounts

1. The accounting officer of the Union body shall apply the rules adopted by the accounting officer of the Commission based on internationally accepted accounting standards for the public sector.
2. The accounts of the Union body referred to in Article 92 shall respect the budgetary principles laid down in Articles 5 to 31. They shall present a true and fair view of the budgetary revenue and expenditure operations.

Article 95

Accounting principles

The financial statements referred to in Article 92 shall present information, including information on accounting policies, in a manner that ensures it is relevant, reliable, comparable and understandable. The financial statements shall be drawn up in accordance with generally accepted accounting principles as outlined in the accounting rules referred to in Article 143 of Regulation (EU, Euratom) No 966/2012.

Article 96

Financial statements

1. The financial statements shall be presented in euro and shall comprise:

- (a) the balance sheet and the statement of financial performance, which represent all assets and liabilities, the financial situation and the economic result at 31 December of the preceding year; they shall be presented in accordance with the accounting rules referred to in Article 143 of Regulation (EU, Euratom) No 966/2012;
- (b) the cash-flow statement showing amounts collected and disbursed during the year and the final treasury position;
- (c) the statement of changes in net assets presenting an overview of the movements during the year in reserves and accumulated results.

2. The notes to the financial statements shall supplement and comment on the information presented in the statements referred to in paragraph 1 and shall supply all the additional information prescribed by internationally accepted accounting practice where such information is relevant to the Union body's activities.

Article 97

Budgetary implementation reports

1. The budgetary implementation reports shall be presented in euro. They shall consist of:

- (a) reports which aggregate all budgetary operations for the year in terms of revenue and expenditure;
- (b) explanatory notes, which shall supplement and comment on the information given in the reports.

2. The budget result shall consist of the difference between:

- all the revenue collected in respect of that financial year,
- the amount of payments made against appropriations for that financial year increased by the amount of the appropriations for the same financial year carried over.

The difference referred to in the first subparagraph shall be increased or decreased on the one hand, by the net amount of appropriations carried over from previous financial years which have been cancelled and, on the other hand, by:

- payments made in excess of non-differentiated appropriations carried over from the previous financial year, as a result of change in euro rates,
- the balance resulting from exchange gains and losses during the financial year, both realised and non-realised.

3. The structure of the budgetary implementation reports shall be the same as that of the budget of the Union body itself.

Article 98

Provisional accounts

1. The accounting officer of the Union body shall send the provisional accounts to the accounting officer of the Commission and to the Court of Auditors by 1 March of the following year.

2. The accounting officer of the Union body shall also send by 1 March of the following year a reporting package to the accounting officer of the Commission, in a standardised format as laid down by the accounting officer of the Commission for consolidation purposes.

Article 99

Approval of the final accounts

1. In accordance with Article 148(1) of Regulation (EU, Euratom) No 966/2012, the Court of Auditors shall, by 1 June of the following year at the latest, make its observations on the provisional accounts of the Union body.

2. On receiving the Court of Auditors' observations on the provisional accounts of the Union body, the accounting officer shall draw up the final accounts of the Union body in accordance with Article 50. The director shall send them to the management board, which shall give an opinion on these accounts.

3. The accounting officer shall send the final accounts, together with the opinion of the management board, to the accounting officer of the Commission, the Court of Auditors, the European Parliament and the Council, by 1 July of the following financial year.

The accounting officer of the Union body shall also send by 1 July, a reporting package to the accounting officer of the Commission, in a standardised format as laid down by the accounting officer of the Commission for consolidation purposes.

4. The accounting officer of the Union body shall also send to the Court of Auditors, with a copy to the accounting officer of the Commission, at the same date as the transmission of his or her final accounts, a representation letter covering those final accounts.

The final accounts shall be accompanied by a note drawn up by the accounting officer, in which the latter declares that the final accounts were prepared in accordance with this Title and with the applicable accounting principles, rules and methods.

The final accounts of the Union body shall be published in the *Official Journal of the European Union* by 15 November of the following year.

5. The Director shall send the Court of Auditors a reply to the observations made in its annual report by 30 September of the following year at the latest. The replies of the Union body shall be sent to the Commission at the same time.

CHAPTER 2

Accounting and property inventories

Section 1

Common provisions

Article 100

The accounting system

1. The accounting system of the Union body shall serve to organise the budgetary and financial information in such a way that figures can be entered, filed and registered.

2. The accounting system shall consist of general accounts and budgetary accounts. The accounts shall be kept in euro on the basis of the calendar year.

3. The authorising officer may also keep analytical accounts.

Article 101

Common requirements for the institutions' accounting system

The accounting rules and the harmonised chart of accounts to be applied by the Union body shall be adopted by the Commission's accounting officer in accordance with Article 152 of Regulation (EU, Euratom) No 966/2012.

Section 2

General and budgetary accounts

Article 102

The general accounts

The general accounts shall record, in chronological order using the double entry method, all events and operations which affect the economic and financial situation and the assets and liabilities of the Union body.

Article 103

Entries in the general accounts

1. Balances and movements in the general accounts shall be entered in the accounting ledgers.

2. All accounting entries, including adjustments to the accounts, shall be based on supporting documents, to which the entries shall refer.

3. The accounting system shall be such as to leave a clear audit trail for all accounting entries.

Article 104

Accounting adjustments

The accounting officer of the Union body shall, after the close of the financial year and up to the date of presentation of the final accounts, make any adjustments which, without involving disbursement or collection in respect of that year, are necessary for a true and fair presentation of the accounts. Such adjustments shall comply with the accounting rules referred to in Article 101.

Article 105

Budgetary accounting

1. The budgetary accounts shall provide a detailed record of the implementation of the budget of the Union body.

2. For the purposes of paragraph 1, the budgetary accounts shall record all budgetary revenue and expenditure operations provided for in Title IV.

Article 106

Property inventory

1. The Union body shall keep inventories showing the quantity and value of all the tangible, intangible and financial assets constituting Union property in accordance with a model drawn up by the accounting officer of the Commission.

The Union body shall check that entries in the inventory correspond to the actual situation.

2. The sale of the Union body's tangible assets shall be suitably advertised.

TITLE X

EXTERNAL AUDIT, DISCHARGE AND COMBATTING FRAUD

Article 107

External audit

1. An independent external auditor shall verify that the annual accounts of the Union body, properly present the income, expenditure and financial position of the Union body prior to the consolidation in the final accounts of the Union body.

Unless otherwise provided for in the constituent act, the Court of Auditors shall prepare a specific annual report on the Union body in line with the requirements of Article 287(1) of TFEU.

In preparing the report referred to in the second subparagraph, the Court shall consider the audit work performed by the independent external auditor referred to in the first subparagraph and the action taken in response to his or her findings.

2. The Union body shall send to the Court of Auditors the budget of the Union body, as finally adopted. It shall inform the Court of Auditors, as soon as possible, of all decisions and acts adopted pursuant to Articles 10, 14, 19 and 23.

3. The scrutiny carried out by the Court of Auditors shall be governed by Articles 158 to 163 of Regulation (EU, Euratom) No 966/2012.

Article 108

Timetable of the discharge procedure

1. The European Parliament, upon a recommendation from the Council, shall, before 15 May of year N+2 save where otherwise provided in the constituent act, give a discharge to the director in respect of the implementation of the budget for year N. The director shall inform the management board of the observations of the European Parliament contained in the resolution accompanying the discharge decision.

2. If the date provided for in paragraph 1 cannot be met, the European Parliament or the Council shall inform the director of the reasons for the postponement.

3. If the European Parliament postpones the decision giving a discharge, the director, in cooperation with the management board, shall make every effort to take measures as soon as possible to remove or facilitate removal of the obstacles to that decision.

Article 109

The discharge procedure

1. The discharge decision shall cover the accounts of all the revenue and expenditure of the Union body, the budget result and the assets and liabilities of the Union body shown in the financial statement.

2. With a view to granting the discharge, the European Parliament shall, after the Council has done so, examine the accounts and financial statements of the Union body. It shall also examine the annual report made by the Court of Auditors, together with the replies of the director of the Union body, any relevant special reports by the Court of Auditors in respect of the financial year concerned and the Court of Auditors' statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions.

3. The director shall submit to the European Parliament, at its request, in the same manner as provided for in Article 165(3) of Regulation (EU, Euratom) No 966/2012 any information required for the smooth application of the discharge procedure for the financial year concerned.

Article 110

Follow-up measures

1. The director shall take all appropriate steps to act on the observations accompanying the European Parliament's discharge decision and on the comments accompanying the recommendation for discharge adopted by the Council.

2. At the request of the European Parliament or the Council, the director shall report on the measures taken in the light of those observations and comments. The director shall send a copy thereof to the Commission and the Court of Auditors.

Article 111

On-the-spot checks by the Commission, the Court of Auditors and OLAF

1. The EU body shall grant Commission staff and other persons authorised by it, as well as the Court of Auditors, access to its sites and premises and to all the data and information, including data and information in electronic format, needed in order to conduct their audits.

2. The European Anti-Fraud Office (OLAF) may carry out investigations including on-the-spot checks and inspections, in

accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council⁽¹⁾ and Council Regulation (Euratom, EC) No 2185/96⁽²⁾ with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with grant or contract awarded under this Regulation.

3. Without prejudice to paragraphs 1 and 2, agreements with third countries and international organisations, contracts, grants and procurements of the EU body shall contain provisions expressly empowering the European Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.

TITLE XI

TRANSITIONAL AND FINAL PROVISIONS

Article 112

Information requests by the European Parliament and the Council

The European Parliament, the Council and the Commission shall be entitled to obtain any necessary information or explanations from the Union body regarding budgetary matters within their fields of competence.

Article 113

Adoption of the new financial regulation of the Union body

Each body referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 shall adopt a new financial regulation in view of its entry into force on 1 January 2014 or, in any event, within six months of the date on which a body falls within the scope of Article 208 of that Regulation, following the granting of a contribution charged to the budget.

Article 114

Rules implementing the financial regulation of the Union body

The management board shall, as far as is necessary and with the Commission's prior consent, adopt detailed rules for implementing the financial regulation of the Union body, on a proposal from its Director.

Article 115

Repeal

Regulation (EC, Euratom) No 2343/2002 is repealed with effect from 1 January 2014. However, Article 40 shall continue to apply until 31 December 2014 and paragraphs 4 and 7 of Article 27 shall continue to apply until 31 December 2015.

⁽¹⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

⁽²⁾ Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJ L 292, 15.11.1996, p. 2).

*Article 116***Entry into force**

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*. It shall apply from 1 January 2014. However, Articles 47 and 82(5) shall apply from 1 January 2015 and Article 32 and paragraphs 5 and 8 of Article 33 shall apply from 1 January 2016.

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

Done at Brussels, 30 September 2013.

For the Commission
The President
José Manuel BARROSO

COMMISSION REGULATION (EU) No 1272/2013

of 6 December 2013

amending Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council on the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) as regards polycyclic aromatic hydrocarbons

(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 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC ⁽¹⁾, and in particular Article 68(2) thereof,

Whereas:

- (1) Benzo[a]pyrene, Benzo[e]pyrene, Benzo[a]anthracene, Chrysene, Benzo[b]fluoranthene, Benzo[j]fluoranthene, Benzo[k]fluoranthene and Dibenzo[a,h]anthracene, hereinafter referred to as polycyclic aromatic hydrocarbons (PAHs), are classified as carcinogens of category 1B in accordance with Annex VI to Regulation (EC) No 1272/2008 of the European Parliament and the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 ⁽²⁾.
- (2) These PAHs can be found in the plastic and rubber parts of a wide range of consumer articles. They are present as impurities in some of the raw materials used in the production of such articles, in particular in extender oils and in carbon black. They are not added intentionally to the articles and do not perform any specific function as constituents of the plastic or rubber parts.
- (3) These PAHs are banned for the sale to the general public as substances on their own or in mixtures by entry 28 of Annex XVII to Regulation (EC) No 1907/2006. Moreover, entry 50 of Annex XVII to that Regulation restricts the presence of PAHs in extender oils used for the manufacture of tyres.
- (4) Information submitted by Germany to the Commission indicates that articles containing PAHs may pose a risk to consumers' health by ingestion, dermal adsorption and, in some cases, by inhalation.
- (5) The conclusion regarding the risk to consumers was based on the estimated dermal exposure to PAHs arising from the use of certain consumer articles, under realistic worst-case conditions of use. That exposure was found to exceed the Derived Minimal Effect Levels (DMEL) ⁽³⁾ determined for benzo[a]pyrene, which was used as surrogate for the toxicity of the other PAHs.
- (6) The Commission evaluated the information provided by Germany and concluded on the existence of a risk to consumers posed by articles containing PAHs, indicating that a restriction would limit the risk. The Commission also consulted industry and other stakeholders on the impact of restricting the presence of PAHs in articles that could be used by consumers.
- (7) In order to protect the health of consumers from the risk arising from exposure to PAHs in articles, limits on the PAH content in the accessible plastic or rubber parts of articles should be set, and the placing on the market of articles containing any of the PAHs in concentrations greater than 1 mg/kg in those parts should be prohibited.
- (8) Taking into account the vulnerability of children a lower limit value should be established. Therefore the placing on the market of toys and childcare articles, containing any of the PAHs in concentrations greater than 0,5 mg/kg in their accessible plastic or rubber parts, should be prohibited.
- (9) This restriction should only apply to those parts of articles that come into direct as well as prolonged or short-term repetitive contact with the human skin or the oral cavity under normal or reasonably foreseeable conditions of use. Articles or parts thereof which are only in short and infrequent contact with the skin or oral cavity should not be included within the scope of the restriction as the resulting exposure to PAHs would be insignificant. Further guidance in this respect should be developed.
- (10) Alternative raw materials containing low levels of PAHs have been identified in the Union market. Those include carbon black and oils meeting the requirements of Commission Regulation (EU) No 10/2011 of 14 January 2011 on plastic materials and articles intended to come into contact with food ⁽⁴⁾.

⁽¹⁾ OJ L 396, 30.12.2006, p. 1.⁽²⁾ OJ L 353, 31.12.2008, p. 1.⁽³⁾ http://www.echa.europa.eu/documents/10162/13643/information_requirements_part_b_en.pdf⁽⁴⁾ OJ L 12, 15.1.2011, p. 1.

- (11) The Commission should review the existing limit values adopted in this restriction in particular in the light of new scientific information, including information on the migration of PAHs from plastic and rubber materials of the articles covered, as well as on alternative raw materials. The availability and reliability of testing methods should also be considered in this review of new scientific information.
- (12) Regulation (EC) No 1907/2006 should therefore be amended accordingly.
- (13) It is appropriate to provide for a reasonable period of time for the stakeholders concerned to take the measures that may be required to comply with the measures set out in this Regulation.
- (14) A restriction on the placing on the market of second-hand articles and articles that are in the supply chain at the date of entry into application of this Regulation could pose difficulties for enforcement. Therefore, the

restriction should not apply to articles placed on the market for the first time before that date.

- (15) The measures provided for in this Regulation are in accordance with the opinion of the Committee established under Article 133 of Regulation (EC) No 1907/2006,

HAS ADOPTED THIS REGULATION:

Article 1

Annex XVII to Regulation (EC) No 1907/2006 is amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 27 December 2015.

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

Done at Brussels, 6 December 2013.

For the Commission

The President

José Manuel BARROSO

ANNEX

In Annex XVII to Regulation (EC) No 1907/2006, in Column 2 of entry 50, the following paragraphs 5, 6, 7 and 8 are added:

	<p>‘5. Articles shall not be placed on the market for supply to the general public, if any of their rubber or plastic components that come into direct as well as prolonged or short-term repetitive contact with the human skin or the oral cavity, under normal or reasonably foreseeable conditions of use, contain more than 1 mg/kg (0,0001 % by weight of this component) of any of the listed PAHs.</p> <p>Such articles include amongst others:</p> <ul style="list-style-type: none">— sport equipment such as bicycles, golf clubs, racquets— household utensils, trolleys, walking frames— tools for domestic use— clothing, footwear, gloves and sportswear— watch-straps, wrist-bands, masks, head-bands <p>6. Toys, including activity toys, and childcare articles, shall not be placed on the market, if any of their rubber or plastic components that come into direct as well as prolonged or short-term repetitive contact with the human skin or the oral cavity, under normal or reasonably foreseeable conditions of use, contain more than 0,5 mg/kg (0,00005 % by weight of this component) of any of the listed PAHs.</p> <p>7. By way of derogation from paragraphs 5 and 6, these paragraphs shall not apply to articles placed on the market for the first time before 27 December 2015.</p> <p>8. By 27 December 2017, the Commission shall review the limit values in paragraphs 5 and 6 in the light of new scientific information, including migration of PAHs from the articles referred to therein, and information on alternative raw materials and, if appropriate, modify these paragraphs accordingly.’</p>
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COMMISSION REGULATION (EU) No 1273/2013**of 6 December 2013****amending Regulation (EU) No 454/2011 on the technical specification for interoperability relating to the subsystem 'telematics applications for passenger services' of the trans-European rail system****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) Article 7 of Commission Regulation (EU) No 454/2011 of 5 May 2011 on the technical specification for interoperability relating to the subsystem 'telematics applications for passenger services' of the trans-European rail system ⁽²⁾ (hereinafter 'the TAP-TSI') requires that the Regulation should be amended taking into account the results of phase 1 defined in Section 7.2 of Annex I to the TAP-TSI.
- (2) Section 7.2.2.2 of Annex I to the TAP-TSI provides that the European Railway Agency (hereinafter 'ERA') has to assess the deliverables produced by the stakeholders in terms of IT specifications, governance and master plan with a view to determining whether the objectives pursued in phase 1 have been achieved.
- (3) The Commission has received from the European Railway Agency recommendation ERA/REC/09-2012/INT of 31 October 2012 which includes a number of draft amendments to the TAP-TSI.
- (4) The Steering Committee established under Section 7.2.1 of the TAP-TSI has discussed the ERA Recommendation and, in particular, the legal status of phase 1 deliverables. It has decided to change the status of some IT specifications to Application Guides.
- (5) Regulation (EU) No 454/2011 should therefore be amended accordingly.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Committee established in accordance with Article 29(1) of Directive 2008/57/EC,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 454/2011 shall be modified as follows:

- (a) Article 4 shall be replaced by the following provision:

'Article 4

Railway undertakings, infrastructure managers, station managers, ticket vendors and the Agency shall support the works of phase 2 as specified in Section 7.3 of Annex I by providing functional and technical information and expertise.'

- (b) Article 5 shall be replaced by the following provision:

'Article 5

The representative bodies from the railway sector acting at European level as defined in Article 3(2) of Regulation (EC) No 881/2004 of the European Parliament and of the Council ^(*) together with a representative of ticket vendors and a representative of European passengers, shall further develop the Telematic Applications for Passenger Services subsystem as specified in Section 7.3 of Annex I. The phase 1 deliverables (Application guides, Architecture, Governance and Master plan) shall be made publicly available by the European Railway Agency on its website.

^(*) OJ L 164, 30.4.2004, p. 1.;

- (c) Article 6 shall be replaced by the following provision:

'Article 6

Member States shall ensure that railway undertakings, infrastructure managers, station managers and ticket vendors are informed of this Regulation and shall designate a national contact point (NCP) for the follow-up of its implementation. The role of the NCPs is described in Annex VI.;

- (d) Article 7 shall be replaced by the following provision:

'Article 7

1. The Regulation shall be amended taking into account the results of phase 2 referred to in Section 7.3 of Annex I.
2. The European Railway Agency shall amend technical document B.60 (Architecture) taking into account the results of phase 1 and by applying the procedure of Article 3.1.

Article 2

The Annexes to Regulation (EU) No 454/2011 shall be amended as set out in the Annex to this Regulation.

Article 3

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 191, 18.7.2008, p. 1.

⁽²⁾ OJ L 123, 12.5.2011, p. 11.

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

Done at Brussels, 6 December 2013.

For the Commission
The President
José Manuel BARROSO

ANNEX

The Annexes to Regulation (EU) No 454/2011 shall be amended as follows:

1. Annex I shall be amended as follows:

(a) Section 4.2.1 should be replaced with the following text:

‘4.2.1. Exchange of timetable data

This basic parameter lays down how the railway undertaking shall perform the exchange of timetable data.

This basic parameter shall ensure that timetables comprising the data elements defined below shall be made available.

This basic parameter shall further ensure that each railway undertaking shall provide accurate and up-to-date timetable data.

The provisions of this basic parameter shall apply to the passenger services of the railway undertaking.

This basic parameter shall have the following process:’

(b) Section 4.2.2 should be replaced with the following text:

‘4.2.2. Exchange of tariff data

This basic parameter lays down how the railway undertaking shall perform the exchange of tariff data.

This basic parameter shall ensure that tariff data in the format defined below shall be made available.

The provisions of this basic parameter shall apply in respect of all passenger tariffs of the railway undertaking for domestic, international and foreign sales.

This basic parameter shall have following process:’

(c) Section 4.2.2.1 should be replaced with the following text:

‘4.2.2.1. The railway undertaking makes available its own tariffs to other railway undertakings, authorised public bodies and third parties

Without prejudice to passenger rights and in accordance with distribution agreements, each railway undertaking shall make available its tariffs (including fare tables) by guaranteeing access to railway undertakings to which it grants authorisation to sell, third parties to which it grants authorisation to sell, and to authorised public bodies. The railway undertaking shall ensure that the tariff data are accurate and up-to-date. Where a railway undertaking operates a transport service for which it is one of the joint carriers, the railway undertaking shall ensure, together with all the other joint carriers, that the tariff data are accurate and up-to-date.

The main content of tariff data intended for international or foreign sales shall be as defined in Annex IV.

Tariff data intended for international or foreign sales shall be made available at least as far in advance as provided for in Annex IV.

The above process and the information used for it shall be compliant for tariff data intended for international or foreign sales with the technical document(s):

— B.1 (see Annex III),

— B.2 (see Annex III),

— B.3 (see Annex III).

The above process and the information used for it in respect of tariff data intended for domestic sales shall comply with the technical documents to be developed by the Agency (see Annex II).'

(d) In Section 4.2.6 the following sentence shall be deleted:

'The provision of this basic parameter regarding electronic request/confirmation shall be applied if there is an agreement between the requesting and the addressed parties.'

(e) In Section 4.2.6.1 the sentence:

'This website shall comply with web content accessibility guidelines which take into account the needs of people with auditory and/or visual impairment.'

shall be replaced with the following text:

'This website shall be accessible to persons with disabilities'.

(f) Section 4.2.6.2 shall be replaced with the following text:

'4.2.6.2. If the railway undertaking or ticket vendor uses IT communication for the purposes of sending an availability/reservation request for PRM assistance, such request must comply with the relevant provisions

The requesting distribution system shall send to the system requests for the relevant train availability/reservation in respect of the specified type of assistance.

The main types of requests shall be:

- Availability request,
- Reservation request,
- Partial cancellation request,
- Full cancellation request.

This process shall be performed following a request from a customer transmitted to the system of the railway undertaking or ticket vendor.

The data elements and the information content of the message used to meet the obligations shall comply:

- either with elements defined in technical document B.10 (see Annex III), in which case all addressed systems must be able to understand the request and to respond,
- or with otherwise defined standards, in which case the addressed system must be able to understand the request and to reply.'

(g) Section 7.2.3 of Annex I shall be replaced with the following text:

'7.2.3. *Deliverables*

The phase 1 deliverables include the following:

- (1) Application guides describing functional, technical and performance specifications, the associated data, the interface requirements, the security and the quality requirements.
- (2) The outline of the global architecture of the system.
- (3) The master plan including:
 - The identification of the activities necessary to achieve the implementation of the system.
 - A migration plan which includes a set of phases that is conducive to intermediate and verifiable tangible results, from the current framework of stakeholders' information and communication systems to the system itself.
 - A detailed milestone plan.
 - A risk assessment of the crucial phases of the master plan.

— An assessment of the total lifecycle costs (LCC) associated with the deployment and operation of the system, together with a subsequent investment plan and the relevant cost-benefit analysis.

- (4) The governance deliverable which includes the identification of the appropriate governance structures, methods and procedures to support the development and validation of the system and subsequently its deployment and its field operation and management throughout its lifetime (including dispute management between the parties involved under the provisions of this TSI).’

(h) Chapter 7.3 of Annex I shall be replaced with the following text:

‘7.3. Phase 2 — Development

All actors concerned shall develop the system following the provisions of the phase 1 deliverables as follows:

(a) Project governance

In order to guarantee the appropriate development of the system the governance structure as described in technical document B.61 (see Annex V) shall be progressively implemented by the actors.

Roles and responsibilities of all actors shall evolve with the implementation of the new governance structure as described in technical document B.61.

The steering committee set up under phase 1 will be maintained in phase 2 until the governance structure described in technical document B.61 is fully operational. Its rules of procedure will be updated also to take into account its new role which is to monitor progress of implementation of the new governance structure, the architecture developed in phase 1 and the development of the system by individual companies taking particularly into account the adherence to the application guides published and maintained by ERA. Before recognising the end of phase 2 the Steering Committee will issue an opinion on the legal status and ownership of the Application Guides.

Full compliance with technical document B.61 will be considered as a presumption of conformity of the new governance structure with the requirements of this Regulation. However due to the nature of the document and the continuous need for alignment of the governance structure to the real needs of the market, any deviation from its provisions should be immediately reported to the Steering Committee which will assess the deviation and decide if the technical document and/or its legal status needs to evolve at the end of phase 2.

(b) Master Plan

In order to guarantee the appropriate development of the system all actors concerned shall cooperate and implement the system in full adherence to the master plan as specified in ERA technical document B.62 (see Annex V).

(c) Development of the system

All actors concerned shall cooperate and develop the retail architecture of the system according to the architecture provisions as described in ERA technical document B.60 (see Annex V).

All concerned actors shall cooperate and develop the system and its parts as to be as much as possible compliant with the Application Guides as described in the technical documents:

B.50 (see Annex III)

B.51 (see Annex III)

B.52 (see Annex III)

B.53 (see Annex III)

B.54 (see Annex III)

B.55 (see Annex III)

B.56 (see Annex III).

Full compliance with these technical documents will be considered as a presumption of conformity of the system with the technical requirements of this Regulation. Any deviation from the Application Guides shall be reported to the Steering Committee which will assess it in the context of its role described under item (a). As the Application Guides B.50 to B.56 referred to in Annex III are not mandatory specifications, they are not subject to the Change Control Management.'

2. Annex III shall be replaced with the following Annex III:

'ANNEX III

List of technical documents

Reference	Label
B.1. (V1.1.1)	Computer generation and exchange of tariff data meant for international or foreign sales — NRT tickets
B.2. (V1.1)	Computer generation and exchange of tariff data meant for international and foreign sales — Integrated Reservation Tickets (IRT)
B.3. (V1.1)	Computer generation and exchange of data meant for international or foreign sales — Special offers
B.4. (V1.1.1)	Implementation guide for EDIFACT messages covering timetable data exchange
B.5. (V1.1)	Electronic reservation of seats/berths and electronic production of travel documents — Exchange of messages
B.6. (V1.1)	Electronic seat/berth reservation and electronic production of transport documents (RCT2 standards)
B.7. (V1.1.1)	International Rail ticket for Home Printing
B.8. (V1.1)	Standard numerical coding for railway undertakings, infrastructure managers and other companies involved in rail-transport chains
B.9. (V1.1)	Standard numerical coding of locations
B.10 (V1.1)	Electronic reservation of assistance for persons with reduced mobility — Exchange of messages
B.30. (V1.1)	Schema — messages/datasets catalogue needed for the RU/IM communication of TAP TSI
B.50. (V1.0)	Timetable Application Guide
B.51. (V1.0)	Tariff Application Guide
B.52. (V1.0)	Reservation Application Guide
B.53. (V1.0)	Direct Fulfilment Application Guide
B.54. (V1.0)	Indirect Fulfilment Application Guide
B.55. (V1.0)	PRM Assistance Application Guide
B.56. (V1.0)	RU/IM communication Application Guide'

3. The text of Section C.1 of Annex IV shall be replaced with the following text:

'C.1. NRT Tariffs

The main content of NRT tariff data shall be:

— Series,

- Products,
- Services,
- Carrier codes,
- Fare tables,
- Station list.

NRT tariffs shall be made available in advance according to their sales conditions.'

4. An Annex V shall be added as follows:

'ANNEX V

List of technical documents for retail architecture, governance and master plan

Reference	Label
B.60 (V1.0)	TAP Retail Architecture
B.61 (V1.0)	TAP Governance
B.62 (V1.0)	TAP Master Plan'

5. An Annex VI shall be added as follows:

'ANNEX VI

Tasks to be undertaken by the TAF/TAP National Contact Point (NCP)

- (1) Act as point of contact between ERA, the TAF/TAP Steering Committee and railway actors (Infrastructure Managers, Railway Undertakings, Wagon Keepers, Station Managers, Ticket Vendors and relevant associations) in the Member State in order to ensure that the railway actors are engaged with TAF and TAP and are aware of general developments and decisions of the Steering Committee.
 - (2) Communicate the concerns and issues of the railway actors in the Member State to the TAF/TAP Steering Committee via the co-chairs, to the extent that concerns are known and there is a wish to raise them.
 - (3) Liaise with the Member State Railway Interoperability and Safety Committee (RISC) member ensuring that the RISC member is briefed on national issues relating to TAF/TAP prior to each RISC meeting and ensuring that RISC decisions relating to TAF/TAP are communicated appropriately to affected railway actors.
 - (4) The Member State ensures that all licensed Railway Undertakings and other railway actors (Infrastructure Managers, Railway Undertakings, Wagon Keepers, Station Managers, Ticket Vendors) are contacted and provided with NCP details and advised to make contact with the NCP if contact is not already established.
 - (5) To the extent that railway actors in the Member State are known, make them aware of their obligations under the TAF and TAP regulations and that they must comply.
 - (6) Work with the Member State to ensure that an entity is appointed to be responsible for populating the Central Reference Domain with primary location codes. The identity of the appointed entity shall be reported to DG MOVE for appropriate distribution.
 - (7) Facilitate information sharing between the Member State railway actors (Infrastructure Managers, Railway Undertakings, Wagon Keepers, Station Managers, Ticket Vendors and relevant associations) in the Member State.'
-

COMMISSION REGULATION (EU) No 1274/2013

of 6 December 2013

amending and correcting Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council and the Annex to Commission Regulation (EU) No 231/2012 as regards certain food additives

(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 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives⁽¹⁾, and in particular Articles 10(3), 14 and 30(5) thereof,

Having regard to Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings⁽²⁾, and in particular Article 7(5) thereof,

Whereas:

- (1) Annex II to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in foods and their conditions of use.
- (2) Annex III to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in food additives, food enzymes, flavourings, nutrients and their conditions of use.
- (3) Commission Regulation (EU) No 231/2012 lays down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008⁽³⁾.
- (4) Those lists may be updated in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008, either on the initiative of the Commission or following an application.
- (5) When updating the specifications it is necessary to take into account the specifications and analytical techniques

for food additives as set out in the Joint FAO/WHO Expert Committee on Food Additives' specifications adopted by the Codex Alimentarius Commission and also the International Numbering System for Food Additives, i.e., INS name⁽⁴⁾.

- (6) The currently authorised food colour 'Brilliant Black BN, Black PN' (E 151) should be renamed as 'Brilliant Black PN' in the Union list of food additives approved for use in foods and their conditions of use and in the specifications for this additive for the purpose of clarity and in order to align it with its registered name in the INS.
- (7) At present, the definition of the food additive Algal Carotenes (E 160a (iv)) in the specifications reads 'Mixed carotenes may also be produced from strains of the algae *Dunaliella salina*, grown in large saline lakes located in Whyalla, South Australia. (...)' referring to a specific location where the algae are grown, namely, Whyalla. However, in the last years, global demand on algal carotenes has increased and further saline lakes have been established in Australia and in other countries. There is no mention or any restriction about the location(s) where *Dunaliella salina* is grown in the current Joint FAO/WHO Expert Committee on Food Additives' specifications for algal carotenes⁽⁵⁾ and the European Food Safety Authority's opinion on the re-evaluation of mixed carotenes (E 160a (i)) and beta-carotene (E 160a (ii)) as a food additive⁽⁶⁾. Therefore, in order to avoid market disruption, the description of Algal Carotenes (E 160a (iv)) in the specifications should be amended.
- (8) Regulation (EU) No 231/2012 contains errors in the specifications for Calcium Bisulphite (E 227) and Potassium Bisulphite (E 228). Those errors should be corrected.

⁽¹⁾ OJ L 354, 31.12.2008, p. 16.

⁽²⁾ OJ L 354, 31.12.2008, p. 1.

⁽³⁾ OJ L 83, 22.3.2012, p. 1.

⁽⁴⁾ International Numbering System for Food Additives (INS).

⁽⁵⁾ Monograph 4 (2007) on CAROTENES (Algae) available at <http://www.fao.org/ag/agn/jecfa-additives/specs/Monograph1/Additive-114.pdf>

⁽⁶⁾ EFSA Panel on Food Additives and Nutrient Sources added to Food (ANS); Scientific Opinion on the re-evaluation of Mixed Carotenes (E 160a (i)) and beta-Carotene (E 160a (ii)) as a food additive. EFSA Journal 2012; 10(3):2593.

- (9) Regulation (EU) No 231/2012 lays down specifications also for Microcrystalline Cellulose (E 460(i)) which indicate that the synonym for this food additive is Cellulose gel. Since the Codex Alimentarius adopted a dual name for Microcrystalline Cellulose (E 460(i)), its designated INS name is 'Microcrystalline cellulose (Cellulose gel)'. Taking into account previous practice⁽¹⁾ and in order to ensure consistency, and to avoid any disruption in trade, the dual name of Microcrystalline Cellulose, Cellulose Gel should be adopted for the food additive (E 460(i)). Accordingly, the name 'Cellulose gel' should be removed from the entry 'Synonyms' in the specifications for that food additive and its name should be amended accordingly in Annex II to Regulation (EC) No 1333/2008.
- (10) The food additive 'Carboxy methyl cellulose, Sodium carboxy methyl cellulose, cellulose gum' (E 466) should be renamed as 'Sodium carboxy methyl cellulose, Cellulose gum' in the Union list of food additives set out in Annexes II and III to Regulation (EC) No 1333/2008 and in the specifications for this additive for the purpose of clarity and in order to align it with its registered name in the INS.
- (11) Pursuant to Article 3(2) of Regulation (EC) No 1331/2008, the Commission has to seek the opinion of the European Food Safety Authority ('the Authority') in order to update the Union list of food additives set out in Annexes II and III to Regulation (EC) No 1333/2008, except if the updates in question are not liable to have an effect on human health. Since the updates in the Union lists referred to above are not liable to have an effect on human health, it is not necessary to seek the opinion of the Authority.
- (12) Regulations (EC) No 1333/2008 and (EU) No 231/2012 should therefore be amended and corrected accordingly.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,
- HAS ADOPTED THIS REGULATION:
- Article 1*
- Annexes II and III to Regulation (EC) No 1333/2008 are amended in accordance with Annex I to this Regulation.
- Article 2*
- The Annex to Regulation (EU) No 231/2012 is amended in accordance with Annex II to this Regulation.
- Article 3*
- The food additives 'Brilliant Black BN, Black PN' (E 151) or 'Carboxy methyl cellulose, Sodium carboxy methyl cellulose, Cellulose gum' (E 466) and foods containing those food additives, labelled or placed on the market up to twenty four months after the entry into force of this Regulation and which do not comply with the requirements of this Regulation, may be marketed until the stocks are exhausted.
- Article 4*
- 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, 6 December 2013.

For the Commission
The President
José Manuel BARROSO

⁽¹⁾ The proposed amendment is in line with other similar cases, such as Sodium carboxymethyl cellulose (E 466), Cross-linked sodium carboxymethyl cellulose (E 468) and Enzymatically hydrolysed carboxymethyl cellulose (E 469), to which dual names have been attributed.

A. Annex II to Regulation (EC) No 1333/2008 is amended as follows:

(1) In Part A, table 3, the entry for food additive E 151 is replaced by the following:

E 151	Brilliant Black PN'
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(2) In Part B:

(a) in point 1 'Colours', the entry for food additive E 151 is replaced by the following:

E 151	Brilliant Black PN'
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(b) in point 3 'Additives other than colours and sweeteners', the entry for food additive E 466 is replaced by the following:

E 466	Sodium carboxy methyl cellulose, Cellulose gum'
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(3) In Part C:

(a) in Group III: Food colours with combined maximum limit, the entry for food additive E 151 is replaced by the following:

E 151	Brilliant Black PN'
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(b) in Group I, the entry for food additive E 466 is replaced by the following:

E 466	Sodium carboxy methyl cellulose, Cellulose gum	<i>quantum satis</i> '
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(4) In Part E:

(a) in food category 09.2 'Processed fish and fishery products including molluscs and crustaceans', the entry for food additive E 151 is replaced by the following:

E 151	Brilliant Black PN	100	(35)	only fish paste and crustacean paste'
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- (b) in food category 09.2 'Processed fish and fishery products including molluscs and crustaceans', the entry for food additive E 151 is replaced by the following:

'E 151	Brilliant Black PN	250	(36)	only precooked crustacean'
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- (c) in food category 09.2 'Processed fish and fishery products including molluscs and crustaceans', the entry for food additive E 151 is replaced by the following:

'E 151	Brilliant Black PN	100	(37)	only smoked fish'
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- (d) in food category 11.4.1 'Table-top sweeteners in liquid form', the entry for food additive E 460 (i) is replaced by the following:

'E 460 (i)	Microcrystalline Cellulose, Cellulose gel	<i>quantum satis</i>		
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- (e) in food category 11.4.3 'Table-top sweeteners in tablets', the entry for food additive E 460 (i) is replaced by the following:

'E 460 (i)	Microcrystalline Cellulose, Cellulose gel	<i>quantum satis</i>		
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- (f) in food category 01.6.1 'Unflavoured pasteurised cream (excluding reduced fat creams)', the entry for food additive E 466 is replaced by the following:

'E 466	Sodium carboxy methyl cellulose, Cellulose gum	<i>quantum satis</i>		
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- (g) in food category 01.6.2 'Unflavoured live fermented cream products and substitute products with a fat content of less than 20 %', the entry for food additive E 466 is replaced by the following:

'E 466	Sodium carboxy methyl cellulose, Cellulose gum	<i>quantum satis</i>		
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- (h) in food category 11.4.1 'Table-top sweeteners in liquid form', the entry for food additive E 466 is replaced by the following:

'E 466	Sodium carboxy methyl cellulose, Cellulose gum	<i>quantum satis</i>		
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- (i) in food category 11.4.2 'Table-top sweeteners in powder form', the entry for food additive E 466 is replaced by the following:

'E 466	Sodium carboxy methyl cellulose, Cellulose gum	<i>quantum satis</i>		
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- (j) in food category 11.4.3 'Table-top sweeteners in tablets', the entry for food additive E 466 is replaced by the following:

'E 466	Sodium carboxy methyl cellulose, Cellulose gum	<i>quantum satis</i>		
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- (k) in food category 13.1.5.1 'Dietary foods for infants for special medical purposes and special formulae for infants', the entry for food additive E 466 is replaced by the following:

'E 466	Sodium carboxy methyl cellulose, Cellulose gum	10 000		From birth onwards in products for the dietary management of metabolic disorders'
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- (l) in food category 13.1.5.2 'Dietary foods for babies and young children for special medical purposes as defined in Directive 1999/21/EC', the entry for food additive E 466 is replaced by the following:

'E 466	Sodium carboxy methyl cellulose, Cellulose gum	10 000		From birth onwards in products for the dietary management of metabolic disorders'
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- (m) in food category 14.1.3 'Fruit nectars as defined by Directive 2001/112/EC and vegetable nectars and similar products', the entry for food additive E 466 is replaced by the following:

'E 466	Sodium carboxy methyl cellulose, Cellulose gum	<i>quantum satis</i>		only traditional Swedish and Finnish fruit syrups from citrus'
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B. Annex III to Regulation (EC) No 1333/2008 is amended as follows:

- (1) In Part 1, the entry for food additive E 466 is replaced by the following:

'E 466	Sodium carboxy methyl cellulose, Cellulose gum	<i>quantum satis</i>	All food additives'	
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(2) In Part 3, the entry for food additive E 466 is replaced by the following:

E 466	Sodium carboxy methyl cellulose, Cellulose gum	<i>quantum satis</i>	<i>quantum satis</i>	<i>quantum satis</i>	Yes'
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(3) In Part 5, Section A, the entry for food additive E 466 is replaced by the following:

E 466	Sodium carboxy methyl cellulose, Cellulose gum	<i>quantum satis</i>	All nutrients	Yes'
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(4) In Part 5, Section B, the entry for food additive E 466 is replaced by the following:

E 466	Sodium carboxy methyl cellulose, Cellulose gum	For uses in nutrient preparations under the condition that the maximum level in foods mentioned in point 13.1 of Part E of Annex II is not exceeded	All nutrients	Dietary foods for infants and young children for special medical purposes as defined in Directive 1999/21/EC'
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(5) In Part 6, table 1, the entry for food additive E 466 is replaced by the following:

E 466	Sodium carboxy methyl cellulose, Cellulose gum'
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ANNEX II

The Annex to Regulation (EU) No 231/2012 is amended as follows:

- (1) In the entry for E 160a (iv) Algal Carotenes, the specification as regards definition is replaced by the following:

Definition	<p>Mixed carotenes may also be produced from strains of the algae <i>Dunaliella salina</i>. Beta-carotene is extracted using an essential oil. The preparation is a 20 to 30 % suspension in edible oil. The ratio of trans-cis isomers is in the range of 50/50 to 71/29.</p> <p>The main colouring principle consists of carotenoids of which beta- carotene accounts for the major part. Alpha-carotene, lutein, zeaxanthin and beta-crypto-xanthin may be present. Besides the colour pigments, this substance may contain oils, fats and waxes naturally occurring in the source material.'</p>
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- (2) The entry for E 151 Brilliant Black BN, Black PN, is amended as follows:

- (a) the heading is replaced by the following:

'E 151 BRILLIANT BLACK PN'

- (b) the specification as regards definition is replaced by the following:

Definition	<p>Brilliant Black PN consists essentially of tetrasodium-4-acetamido-5- hydroxy-6-[7-sulfonato-4-(4-sulfonatophenylazo)-1-naphthylazo] naphthalene-1,7-disulfonate and subsidiary colouring matters together with sodium chloride and/or sodium sulphate as the principal uncoloured components.</p> <p>Brilliant Black PN is described as the sodium salt.</p> <p>The calcium and the potassium salt are also permitted.'</p>
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- (3) In the entry for E 227 Calcium Bisulphite, the heading is replaced by the following:

'E 227 CALCIUM HYDROGEN SULPHITE'

- (4) In the entry for E 228 Potassium Bisulphite, the heading is replaced by the following:

'E 228 POTASSIUM HYDROGEN SULPHITE'

- (5) The entry for E 460(i) Microcrystalline Cellulose is amended as follows:

- (a) the heading is replaced by the following:

'E 460 (i) MICROCRYSTALLINE CELLULOSE, CELLULOSE GEL'

- (b) the specification as regards synonyms is replaced by the following:

'Synonyms'	
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- (6) The entry for E 466 Sodium Carboxy Methyl Cellulose, Carboxy Methyl Cellulose, Cellulose Gum is amended as follows:

- (a) the heading is replaced by the following:

'E 466 SODIUM CARBOXY METHYL CELLULOSE, CELLULOSE GUM'

- (b) the specification as regards synonyms is replaced by the following:

'Synonyms'	NaCMC; Sodium CMC'
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- (c) the specification as regards definition is replaced by the following:

Definition	Sodium carboxy methyl cellulose is the partial sodium salt of a carboxymethyl ether of cellulose, the cellulose being obtained directly from strains of fibrous plant material'
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COMMISSION REGULATION (EU) No 1275/2013

of 6 December 2013

amending Annex I to Directive 2002/32/EC of the European Parliament and of the Council as regards maximum levels for arsenic, cadmium, lead, nitrites, volatile mustard oil and harmful botanical impurities

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2002/32/EC of the European Parliament and of the Council of 7 May 2002 on undesirable substances in animal feed⁽¹⁾, and in particular Article 8(1) thereof,

Whereas:

- (1) Directive 2002/32/EC provides that the use of products intended for animal feed which contain levels of undesirable substances exceeding the maximum levels laid down in Annex I to that Directive is prohibited.
- (2) Certain long-term supply formulations of complementary feed for particular nutritional purposes with a high concentration of trace elements unavoidably contain amounts of arsenic, cadmium or lead exceeding the maximum levels established for these heavy metals in complementary feed. Higher maximum levels for these heavy metals in long-term supply formulations do not, however, entail a risk for animal or public health or the environment as the exposure of the animals to the heavy metals by making use of these specific long-term supply formulations is significantly lower than in the case of other complementary feeds containing trace elements. Therefore it is appropriate to establish higher maximum levels for those heavy metals for such long-term supply formulations, containing high levels of trace elements.
- (3) Data have been received indicating that the level of arsenic in the feed additive ferrous carbonate following change of area of production exceeds in certain cases the current maximum level. In order to guarantee the supply of ferrous carbonate on the European market it is appropriate to increase the maximum level of arsenic in ferrous carbonate. This increase does not adversely affect the animal and public health or the environment as the maximum level established for arsenic in complementary feed and complete feed remain unchanged.
- (4) Recently, a significant difference has been identified by the European Union Reference Laboratory for heavy metals in feed and food (EURL-HM) between the

analytical results obtained by the application of different extraction methods currently used for the determination of lead in kaolinitic clay and feed containing kaolinitic clay⁽²⁾. Before, no significant differences were observed between the levels of heavy metals in mineral feed by the application of different extraction methods⁽³⁾. The maximum levels of heavy metals in feed relate 'to an analytical determination of lead, whereby extraction is performed in nitric acid (5 % w/w) for 30 minutes at boiling temperature'. It is therefore appropriate to provide for the use of that method of extraction for the determination of lead in kaolinitic clay.

- (5) As regards nitrite, for products and by-products from sugar beet and sugarcane and from the starch production no maximum level applies for the time being. In the light of developments in scientific and technical knowledge the same should apply to products and by-products from alcoholic drink production.
- (6) In the light of developments in scientific and technical knowledge it is appropriate to establish the maximum level for volatile mustard oil in *Camelina sativa* and derived products to the same level as the maximum level for rapeseed cakes.
- (7) The *Brassica* species have been listed under harmful botanical impurities because of their high volatile mustard oil (expressed as allyl isothiocyanates) content. The European Food Safety Authority (EFSA) concluded in its opinion on glucosinolates (allyl isothiocyanates) as undesirable substances in animal feed⁽⁴⁾ that adverse effects in animals have been generally correlated to the amount of total glucosinolates in the diet. If the amount of total glucosinolates is measured, impurities caused by the presence of products from *Brassica juncea* ssp., *Brassica nigra* and *Brassica carinata*, would be detected as well. It is therefore appropriate to delete the products, with the exception of the seeds, of these species from Section VI of Annex I on harmful botanical impurities and to

(2) Determination of extractable and total lead in kaolinitic clay. Technical support from the EURL-HM to the Directorate-General for Health and Consumers – JRC 69122 – Joint Research Centre – Institute for Reference Materials and Measurements.

(3) IMEP-111: Total cadmium, lead, arsenic, mercury and copper and extractable cadmium and lead in mineral feed. Report of the eleventh interlaboratory comparison organised by the European Union Reference Laboratory for heavy metals in Feed and Food – EUR 24758 EN — Joint Research Centre – Institute for Reference Materials and Measurements.

(4) Opinion of the Scientific Panel on Contaminants in the Food Chain on a request from the European Commission on glucosinolates as undesirable substances in animal feed, *The EFSA Journal* (2008) 590, 1-76.

(1) OJ L 140, 30.5.2002, p. 10.

establish for feed materials derived from these *Brassica* species the same maximum level for volatile mustard oil as the maximum level for rapeseed cakes.

- (8) It is appropriate to use the denomination for feed materials as provided for in Commission Regulation (EU) No 68/2013 of 16 January 2013 on the catalogue of feed materials ⁽¹⁾.
- (9) Directive 2002/32/EC should therefore be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Directive 2002/32/EC is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 6 December 2013.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ OJ L 29, 30.1.2013, p. 1.

ANNEX

Annex I to Directive 2002/32/EC is amended as follows:

(1) Row 1 of Section I, Arsenic, is replaced by the following:

Undesirable substance	Products intended for animal feed	Maximum content in mg/kg (ppm) relative to a feed with a moisture content of 12 %
'1. Arsenic ⁽¹⁾	Feed materials	2
	with the exception of:	
	— meal made from grass, from dried lucerne and from dried clover, and dried sugar beet pulp and dried molasses sugar beet pulp;	4
	— palm kernel expeller;	4 ⁽²⁾
	— phosphates and calcareous marine algae;	10
	— calcium carbonate; calcium and magnesium carbonate ⁽¹⁰⁾ ;	15
	— magnesium oxide; magnesium carbonate;	20
	— fish, other aquatic animals and products derived thereof;	25 ⁽²⁾
	— seaweed meal and feed materials derived from seaweed.	40 ⁽²⁾
	Iron particles used as tracer.	50
	Feed additives belonging to the functional group of compounds of trace elements	30
	with the exception of:	
	— cupric sulphate pentahydrate; cupric carbonate; di copper chloride trihydroxide; ferrous carbonate;	50
	— zinc oxide; manganous oxide; cupric oxide.	100
	Complementary feed	4
	with the exception of:	
	— mineral feed;	12
	— complementary feed for pet animals containing fish, other aquatic animals and products derived thereof and/or seaweed meal and feed materials derived from seaweed;	10 ⁽²⁾
	— long-term supply formulations of feed for particular nutritional purposes with a concentration of trace elements higher than 100 times the established maximum content in complete feed;	30
	Complete feed	2
	with the exception of:	
	— complete feed for fish and fur animals;	10 ⁽²⁾
	— complete feed for pet animals containing fish, other aquatic animals and products derived thereof and/or seaweed meal and feed materials derived from seaweed.	10 ⁽²⁾

(2) Row 2 of Section I, Cadmium, is replaced by the following:

Undesirable substance	Products intended for animal feed	Maximum content in mg/kg (ppm) relative to a feed with a moisture content of 12 %
2. Cadmium	Feed materials of vegetable origin	1
	Feed materials of animal origin	2
	Feed materials of mineral origin	2
	with the exception of:	
	— phosphates.	10
	Feed additives belonging to the functional group of compounds of trace elements	10
	with the exception of:	
	— cupric oxide, manganous oxide, zinc oxide and manganous sulphate monohydrate.	30
	Feed additives belonging to the functional groups of binders and anti-caking agents	2
	Premixtures ⁽⁶⁾	15
	Complementary feed	0,5
	with the exception of:	
	— mineral feed	
	— containing < 7 % phosphorus ⁽⁸⁾	5
	— containing ≥ 7 % phosphorus ⁽⁸⁾	0,75 per 1 % phosphorus ⁽⁸⁾ , with a maximum of 7,5
	— complementary feed for pet animals	2
	— long-term supply formulations of feed for particular nutritional purposes with a concentration of trace elements higher than 100 times the established maximum content in complete feed;	15
	Complete feed	0,5
	with the exception of:	
	— complete feed for cattle (except calves), sheep (except lambs), goats (except kids) and fish;	1
	— complete feed for pet animals.	2'

(3) Row 4 of Section I, Lead, is replaced by the following:

Undesirable substance	Products intended for animal feed	Maximum content in mg/kg (ppm) relative to a feed with a moisture content of 12 %
'4. Lead (*)	Feed materials	10
	with the exception of:	
	— forage ⁽³⁾ ;	30
	— phosphates and calcareous marine algae;	15
	— calcium carbonate; calcium and magnesium carbonate ⁽¹⁰⁾ ;	20
	— yeasts.	5
	Feed additives belonging to the functional group of compounds of trace elements	100
	with the exception of:	
	— zinc oxide;	400
	— manganous oxide, ferrous carbonate, cupric carbonate.	200
	Feed additives belonging to the functional groups of binders and anti-caking agents	30
	with the exception of:	
	— clinoptilolite of volcanic origin; natrolite-phonolite;	60
	Premixtures ⁽⁶⁾	200
	Complementary feed	10
	with the exception of:	
	— mineral feed;	15
	— long-term supply formulations of feed for particular nutritional purposes with a concentration of trace elements higher than 100 times the established maximum content in complete feed;	60
	Complete feed.	5

(*) for the determination of lead in kaolinitic clay and in feed containing kaolinitic clay, the maximum level refers to an analytical determination of lead, whereby extraction is performed in nitric acid (5 % w/w) for 30 minutes at boiling temperature. Equivalent extraction procedures can be applied for which it can be demonstrated that the used extraction procedure has an equal extraction efficiency.'

(4) Row 6 of Section I, Nitrite, is replaced by the following:

Undesirable substance	Products intended for animal feed	Maximum content in mg/kg (ppm) relative to a feed with a moisture content of 12 %
'6. Nitrite ⁽⁵⁾	Feed materials	15
	with the exception of:	
	— fishmeal;	30
	— silage;	—
	— products and by-products from sugar beet and sugarcane and from starch and alcoholic drink production.	—
	Complete feed	15
	with the exception of:	
	— complete feed for dogs and cats with a moisture content exceeding 20 %.	—'

(5) Row 5 of Section III, Volatile mustard oil, is replaced by the following:

Undesirable substance	Products intended for animal feed	Maximum content in mg/kg (ppm) relative to a feed with a moisture content of 12 %
'5. Volatile mustard oil ⁽¹⁾	Feed materials	100
	with the exception of:	
	— Camelina seed and products derived thereof (*), products derived from mustard seed (*), rape seed and products derived thereof.	4 000
	Complete feed	150
	with the exception of:	
	— complete feed for cattle (except calves), sheep (except lambs) and goats (except kids);	1 000
	— complete feed for pigs (except piglets) and poultry.	500

(*) Upon request of the competent authorities, the responsible operator must perform an analysis to demonstrate that the content of total glucosinolates is lower than 30 mmol/kg. The method of analysis of reference is EN-ISO 9167-1:1995.'

(6) Section VI: Harmful Botanical Impurities is replaced by the following:

'SECTION VI: HARMFUL BOTANICAL IMPURITIES

Undesirable substance	Products intended for animal feed	Maximum content in mg/kg (ppm) relative to a feed with a moisture content of 12 %
1. Weed seeds and unground and uncrushed fruits containing alkaloids, glucosides or other toxic substances separately or in combination including	Feed materials and compound feed	3 000
— <i>Datura</i> sp.		1 000

Undesirable substance	Products intended for animal feed	Maximum content in mg/kg (ppm) relative to a feed with a moisture content of 12 %
2. <i>Crotalaria</i> spp	Feed materials and compound feed	100
3. Seeds and husks from <i>Ricinus communis</i> L., <i>Croton tiglium</i> L. and <i>Abrus precatorius</i> L. as well as their processed derivatives ⁽¹⁾ , separately or in combination	Feed materials and compound feed	10 ⁽²⁾
4. Unhusked beech mast – <i>Fagus sylvatica</i> L.	Feed materials and compound feed	Seeds and fruit as well as their processed derivatives may only be present in feed in trace amounts not quantitatively determinable
5. Purghera – <i>Jatropha curcas</i> L.	Feed materials and compound feed	Seeds and fruit as well as their processed derivatives may only be present in feed in trace amounts not quantitatively determinable
6. Seeds from <i>Ambrosia</i> spp.	Feed materials	50
	with the exception of — Millet (grains of <i>Panicum miliaceum</i> L.) and sorghum (grains of <i>Sorghum bicolor</i> (L) Moench s.l.) not directly fed to animals	200
	Compound feed containing unground grains and seeds	50
7. Seeds from — Indian mustard – <i>Brassica juncea</i> (L.) Czern. and Coss. ssp. integrifolia (West.) Thell. — Sareptian mustard – <i>Brassica juncea</i> (L.) Czern. and Coss. ssp. juncea — Chinese mustard – <i>Brassica juncea</i> (L.) Czern. and Coss. ssp. juncea var. <i>lutea</i> Batalin — Black mustard – <i>Brassica nigra</i> (L.) Koch — Ethiopian mustard – <i>Brassica carinata</i> A. Braun	Feed materials and compound feed	Seeds may only be present in feed in trace amounts not quantitatively determinable

⁽¹⁾ Insofar determinable by analytical microscopy.

⁽²⁾ Includes also seed husk fragments.

COMMISSION IMPLEMENTING REGULATION (EU) No 1276/2013**of 6 December 2013****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 multi-lateral 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, 6 December 2013.

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

Jerzy PLEWA
*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	45,1
	MA	75,2
	TN	78,7
	TR	84,0
	ZZ	70,8
0707 00 05	AL	59,9
	MA	154,0
	TR	118,1
	ZZ	110,7
0709 93 10	MA	147,0
	TR	94,4
	ZZ	120,7
0805 10 20	AR	28,0
	AU	88,3
	MA	36,7
	TR	54,5
	UY	36,0
	ZA	56,9
	ZW	22,6
0805 20 10	ZZ	46,1
	AU	135,6
	MA	57,8
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	ZZ	96,7
	TR	58,3
0805 50 10	ZZ	58,3
	TR	68,2
0808 10 80	ZZ	68,2
	BA	42,7
	MK	32,3
	NZ	160,5
	US	165,4
	ZA	199,9
0808 30 90	ZZ	120,2
	TR	130,4
	US	211,2
	ZZ	170,8

⁽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

DECISION OF THE EUROPEAN PARLIAMENT

of 9 October 2013

on discharge in respect of the implementation of the European Union general budget for the financial year 2011, Section II — European Council and Council

(2013/721/EU)

THE EUROPEAN PARLIAMENT,

- having regard to the European Union general budget for the financial year 2011 ⁽¹⁾,
 - having regard to the consolidated annual accounts of the European Union for the financial year 2011 (COM(2012) 436 — C7-0226/2012) ⁽²⁾,
 - having regard to the Annual Report of the Court of Auditors on the implementation of the budget for the financial year 2011, together with the institutions' replies ⁽³⁾,
 - having regard to the statement of assurance ⁽⁴⁾ as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2011 pursuant to Article 287 of the Treaty on the Functioning of the European Union,
 - having regard to its decision of 17 April 2013 ⁽⁵⁾ postponing its decision on granting discharge for the financial year 2011, and the accompanying resolution,
 - having regard to Article 314(10) and Articles 317, 318 and 319 of the Treaty on the Functioning of the European Union,
 - having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁶⁾, and in particular Articles 50, 86, 145, 146 and 147 thereof,
 - having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ⁽⁷⁾, and in particular Articles 164, 165 and 166 thereof,
 - having regard to the Interinstitutional Agreement between the European Parliament, the Council and the Commission of 17 May 2006 on budgetary discipline and sound financial management ⁽⁸⁾,
 - having regard to Rule 77 of, and Annex VI to, its Rules of Procedure,
 - having regard to the second report of the Committee on Budgetary Control (A7-0310/2013),
1. Refuses to grant the Secretary-General of the Council discharge in respect of the implementation of the European Council's and the Council's budget for the financial year 2011;
 2. Sets out its observations in the resolution below;

⁽¹⁾ OJ L 68, 15.3.2011, p. 1.

⁽²⁾ OJ C 348, 14.11.2012, p. 1.

⁽³⁾ OJ C 344, 12.11.2012, p. 1.

⁽⁴⁾ OJ C 348, 14.11.2012, p. 130.

⁽⁵⁾ OJ L 308, 16.11.2013, p. 20.

⁽⁶⁾ OJ L 248, 16.9.2002, p. 1.

⁽⁷⁾ OJ L 298, 26.10.2012, p. 1.

⁽⁸⁾ OJ C 139, 14.6.2006, p. 1.

3. Instructs its President to forward this Decision and the resolution that forms an integral part of it to the European Council, the Council, the Commission, the Court of Justice of the European Union, the Court of Auditors, the European Ombudsman and the European Data Protection Supervisor, and to arrange for their publication in the *Official Journal of the European Union* (L series).

The President
Martin SCHULZ

The Secretary-General
Klaus WELLE

RESOLUTION OF THE EUROPEAN PARLIAMENT**of 9 October 2013****with observations forming an integral part of the decision on the discharge for implementation of the European Union general budget for the financial year 2011, Section II — European Council and Council**

THE EUROPEAN PARLIAMENT,

- having regard to the European Union general budget for the financial year 2011 ⁽¹⁾,
- having regard to the consolidated annual accounts of the European Union for the financial year 2011 (COM(2012) 436 — C7-0226/2012) ⁽²⁾,
- having regard to the Annual Report of the Court of Auditors on implementation of the budget for the financial year 2011, together with the institutions' replies ⁽³⁾,
- having regard to the statement of assurance ⁽⁴⁾ as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2011 pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to its decision of 17 April 2013 ⁽⁵⁾ postponing its decision on granting discharge for the financial year 2011, and the accompanying resolution,
- having regard to Article 314(10) and Articles 317, 318 and 319 of the Treaty on the Functioning of the European Union,
- having regard to Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities ⁽⁶⁾, and in particular Articles 50, 86, 145, 146 and 147 thereof,
- having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ⁽⁷⁾, and in particular Articles 164, 165 and 166 thereof,
- having regard to the Interinstitutional Agreement between the European Parliament, the Council and the Commission of 17 May 2006 on budgetary discipline and sound financial management ⁽⁸⁾,
- having regard to Rule 77 of, and Annex VI to, its Rules of Procedure,
- having regard to the second report of the Committee on Budgetary Control (A7-0310/2013),

⁽¹⁾ OJ L 68, 15.3.2011, p. 1.⁽²⁾ OJ C 348, 14.11.2012, p. 1.⁽³⁾ OJ C 344, 12.11.2012, p. 1.⁽⁴⁾ OJ C 348, 14.11.2012, p. 130.⁽⁵⁾ OJ L 308, 16.11.2013, p. 20.⁽⁶⁾ OJ L 248, 16.9.2002, p. 1.⁽⁷⁾ OJ L 298, 26.10.2012, p. 1.⁽⁸⁾ OJ C 139, 14.6.2006, p. 1.

- A. Whereas in a democratic society, taxpayers and public opinion have the right to be kept informed of the use of public funds ⁽¹⁾;
- B. Whereas citizens have the right to know how their taxes are being spent and how the power entrusted to political bodies is handled;
- C. Whereas the Council, as a Union institution, should be subject to democratic accountability towards the citizens of the Union as far as it is a beneficiary of the general budget of the European Union;
- D. Whereas Parliament is the sole directly elected body among the Union institutions and has responsibility to grant discharge in respect of the implementation of the general budget of the European Union;
1. Emphasises Parliament's role specified in the Treaty on the Functioning of the European Union (TFEU) in respect of the budget discharge;
 2. Points out that under Article 335 TFEU, 'the Union shall be represented by each of the institutions, by virtue of their administrative autonomy, in matters relating to their respective operation' and that accordingly, taking into account Article 55 of the Financial Regulation, the institutions are individually responsible for the implementation of their budgets;
 3. Notes that under Rule 77 of its Rules of Procedure, 'the provisions governing the procedure for granting discharge to the Commission in respect of the implementation of the budget shall likewise apply to the procedure for granting discharge to [...] the persons responsible for the implementation of the budgets of the other institutions and bodies of the European Union such as the Council (as regards its activity as executive), the Court of Justice of the European Union, the Court of Auditors, the European Economic and Social Committees and the Committee of the Regions';

Opinion of the Court of Auditors on the European Council and Council in its statement of assurance for the financial year 2011

4. Emphasises the fact that in the annual report concerning the financial year 2011, the Court of Auditors included observations on the European Council and the Council concerning procurement procedures relating to cleaning services and the purchase of service clothing and shoes, in which certain weaknesses in the application of selection and award criteria were identified;
5. Notes the Council's explanations concerning the procurement shortcomings and its assurance of full respect of the spirit and the principles of the Financial Regulation;
6. Shares the Court of Auditors' recommendations that authorising officers should improve the design, coordination and performance of procurement procedures through appropriate checks and better guidance; recommends the stricter application of the procurement rules, with which all the Union institutions are bound to comply;
7. Notes that the Council did not provide any further reply to the Court of Auditors' recommendation relating to the appropriate checks and better guidance of procurement procedures;

⁽¹⁾ Judgment of the Court of Justice of 20 May 2003 in Joined Cases C-465/00, C-138/01 and C-139/01 *Österreichischer Rundfunk and others* ([2003] ECR I-4989, paragraph 85).

Pending issues

8. Regrets the difficulties encountered in discharge procedures for the financial years 2007, 2008, 2009 and 2010, which were due to a lack of cooperation from the Council; points out that Parliament refused to grant discharge to the Secretary-General of the Council in respect of the implementation of the Council's budget for the financial years 2009 and 2010 for the reasons set out in its resolutions of 10 May 2011 ⁽¹⁾, 25 October 2011 ⁽²⁾, 10 May 2012 ⁽³⁾ and 23 October 2012 ⁽⁴⁾;
9. Expects that future annual activity reports which are received by Parliament from the Council will include a comprehensive overview of all human resources broken down by category, grade, sex, nationality and vocational training, as well as the internal budget decisions of the Council;
10. Stresses that the budget of the European Council and the Council should be separated in order to contribute to the transparency of their financial management and to ensure better accountability of both institutions;
11. Reiterates that the Council must provide a thorough written explanation detailing the total amount of appropriations used in the purchase of the Résidence Palace building, the budget items from which those appropriations were drawn, the instalments that have been paid thus far, the instalments that are yet to be paid and the purpose that the building will serve;
12. Regrets that the Council continues to refuse to answer Parliament's questions;
13. Reiterates that it is still waiting for a reply from the Council to the questions and the request for documents set out in its resolution of 10 May 2012; calls on the Secretary-General of the Council to provide Parliament's Committee on Budgetary Control with comprehensive written answers to these questions;
14. Insist that the expenditure of the Council must be scrutinised in the same way as that of other institutions; is of the opinion that the fundamental elements of such scrutiny are laid down in its resolution of 23 October 2012;
15. Welcomes, however, the fact that the Presidency in office of the Council accepted Parliament's invitation to the debate held in plenary on 16 April 2013 on the 2011 discharge reports; endorses the fact that the Presidency was open to developing a beneficial cooperation between Parliament and the Council;
16. Notes the Irish Presidency's proposal to establish an interinstitutional working group to negotiate possible solutions to the Council's discharge; looks to the Lithuanian Presidency of the Council for a specific proposal;

The right of Parliament to grant discharge

17. Emphasises Parliament's prerogatives to grant discharge pursuant to Articles 317, 318 and 319 TFEU, in line with current interpretation and practice, namely to grant discharge to each heading of the budget individually in order to maintain transparency and democratic accountability towards Union taxpayers;

⁽¹⁾ OJ L 250, 27.9.2011, p. 25.

⁽²⁾ OJ L 313, 26.11.2011, p. 13.

⁽³⁾ OJ L 286, 17.10.2012, p. 23.

⁽⁴⁾ OJ L 350, 20.12.2012, p. 71.

18. Recalls that the Commission, in its reply of 25 November 2011 to the letter from the Chair of the Committee on Budgetary Control, wrote that it is desirable for Parliament to continue to give, postpone or refuse discharge to the other institutions, including the Council, as has been the case up until now;
 19. Is of the opinion that in any event, an assessment must be carried out of the Council's management as a Union institution during the financial year under examination, thereby upholding Parliament's prerogatives, in particular the assurance of democratic accountability towards the citizens of the Union;
 20. Believes therefore that some progress could be achieved if Parliament and the Council could set up together a list of documents to be exchanged in order to fulfil their respective roles in the discharge process;
 21. Considers that a satisfactory cooperation between both institutions materialised in an open and formal dialogue procedure can be a positive sign to be sent to the citizens of the Union in these difficult times.
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COMMISSION IMPLEMENTING DECISION

of 29 November 2013

approving annual and multiannual programmes and the financial contribution from the Union for the eradication, control and monitoring of certain animal diseases and zoonoses presented by the Member States for 2014 and the following years

(notified under document C(2013) 8417)

(2013/722/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field ⁽¹⁾, and in particular Article 27(5) thereof,

Whereas:

(1) Decision 2009/470/EC lays down the procedures governing the Union financial contribution for programmes for the eradication, control and monitoring of animal diseases and zoonoses.

(2) In addition, Article 27(1) of Decision 2009/470/EC provides that a Union financial measure is to be introduced to reimburse the expenditure incurred by the Member States for the financing of national programmes for the eradication, control and monitoring of the animal diseases and zoonoses listed in Annex I to that Decision.

(3) Commission Decision 2008/341/EC of 25 April 2008 laying down Community criteria for national programmes for the eradication, control and monitoring of certain animal diseases and zoonoses ⁽²⁾ provides that in order to be approved under the Union financial measures, programmes submitted by the Member States must meet at least the criteria set out in the Annex to that Decision.

(4) Regulation (EC) No 999/2001 of the European Parliament and of the Council of 22 May 2001 laying down rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies ⁽³⁾ provides for annual monitoring programmes by Member States for transmissible spongiform encephalopathies (TSE) in bovine, ovine and caprine animals.

(5) Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian

influenza ⁽⁴⁾ also provides for surveillance programmes by Member States to be carried out in respect of poultry and wild birds in order to contribute, *inter-alia*, on the basis of regularly updated risk-assessments, to the knowledge on the threats posed by the wild birds in relation to any influenza virus of avian origin in birds. Those annual programmes, and their financing, for monitoring should also be approved.

(6) Certain Member States have submitted to the Commission annual and multiannual programmes for the eradication, control and monitoring (of animal diseases, programmes of checks aimed at the prevention of zoonoses, and annual monitoring programmes for the eradication and monitoring of certain TSE for which they wish to receive a financial contribution from the Union.

(7) In the light of the importance of those programmes for the achievement of Union objectives in the field of the public and animal health, it is appropriate to fix financial contribution of the Union to the costs incurred by the Member States concerned for the measures referred to in this Decision up to a maximum amount for each programme.

(8) Although the TSE epidemiological situation in the Union has significantly improved during the last few years, TSE monitoring targeted to specific animal subpopulations remains of great significance for providing a reliable insight into the prevalence and evolution of TSE in Member States and at the same time verifying the effectiveness of the preventive measures in place. It is therefore appropriate to fix a financial contribution of the Union at 100 % of the costs of Member States for performing certain laboratory tests for the monitoring of TSE under the approved programmes.

(9) Rabies eradication programmes in some Member States are now approaching the stage of achieving their objective of eradicating this important public health threat while in other Member States they play a key role in preventing the reintroduction of the disease to the rest of the Union. It is appropriate to maintain a higher level of financial contribution by the Union, at 75 %, in order to reinforce the efforts of the Member States to eradicate that disease as soon as possible.

⁽¹⁾ OJ L 155, 18.6.2009, p. 30.

⁽²⁾ OJ L 115, 29.4.2008, p. 44.

⁽³⁾ OJ L 147, 31.5.2001, p. 1.

⁽⁴⁾ OJ L 10, 14.1.2006, p. 16.

- (10) Certain Member States which have been successfully implementing rabies eradication programmes that have been co-financed for several years, share land borders with third countries where that disease is present. In order to finally eradicate rabies, certain vaccination activities need to be carried out in the territory of those third countries adjacent to the Union. It is appropriate to provide full support to activities in bordering areas of those third countries through a 100 % of financial contribution by the Union for the cost purchase and distribution of oral vaccines.
- (11) In order to ensure that all rabies infected Member States shall continue with no interruption the oral vaccination activities foreseen in their programmes, it is necessary to allow for the possibility of paying of advances of up to 60 % of the maximum amount set for each programme, upon the request for the concerned Member State and subject to the availability of appropriations.
- (12) Classical swine fever has since 2012 been detected in wild boar population in an area of Latvia bordering the Russian Federation and Belarus. Commission Implementing Decision 2013/427/EU ⁽¹⁾ provided emergency union financial contribution for the oral vaccination wild boar against classical swine fever in areas of Belarus neighbouring the infected areas in Latvia for the year 2013, to control the spread of the infection and prevent the reinfection of the Latvian territory. It is appropriate to maintain the support to these activities in Belarus through a 100 % of financial contribution by the Union for the certain of the relevant costs.
- (13) Due to the specific epidemiological situation and the financial, technical and administrative problems encountered to properly implement, the programme for the eradication of ovine and caprine brucellosis in Greece, it is appropriate to provide a reinforced level of financing for certain measures and support the remuneration of private practitioners and of seasonal staff to ensure the proper implementation of this programme.
- (14) The presence of African swine fever on Sardinia poses a threat for spread of the disease to other areas in the Union through illegal movements of products or animals. To minimise this risk, it is appropriate to approve a measure for the financial support to Italy for implementing reinforced controls at the ports and airports in Sardinia.
- (15) The Commission has assessed the annual and multi-annual programmes submitted by the Member States from both the veterinary and financial point of view. Those programmes comply with the relevant Union veterinary legislation and in particular with the criteria set out in Decision 2008/341/EC.
- (16) The measures eligible for Union financial support are defined within the current Commission Implementing Decision. However, in cases where it was deemed appropriate, the Commission has informed the Member States in writing on limitations to the eligibility of certain measures in terms of maximum numbers of activities carried out or in terms of geographical areas covered by the programmes.
- (17) In the light of the importance of the annual and multi-annual programmes for the achievement of Union objectives in the field of animal and public health, as well as the obligatory application in all Member States in the case of the TSE and avian influenza programmes, it is appropriate to fix the appropriate rate of the Union financial contribution to reimburse the costs to be incurred by the Member States concerned for the measures referred to in this Decision up to a maximum amount for each programme.
- (18) In accordance with Article 84 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 ⁽²⁾ and with Article 94 of Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union ⁽³⁾, the commitment of expenditure from the Union budget shall be preceded by a financing Decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.
- (19) For the purposes of simplification and reduction of administrative burden regarding the financial management of the programmes by the Member States and by the Commission it is appropriate to apply a system of unit costs for determining the Union contribution to the eligible activities for sampling and testing under the approved programmes.
- (20) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

CHAPTER I

Article 1

Definitions

For the purposes of the present Implementing Decision the following definitions shall apply:

- (a) sampling of domestic animals: the procedure of collecting biological material from animals at the holding by or on behalf of the Competent Authority for laboratory testing;

⁽¹⁾ OJ L 213, 8.8.2013, p. 22.

⁽²⁾ OJ L 298, 26.10.2012, p. 1.

⁽³⁾ OJ L 362, 31.12.2012, p. 1.

- (b) sampling of poultry flocks: The collection of samples from the environment of a poultry flock performed by or on behalf of the Competent Authority in the framework of a programme for the control of certain zoonotic *Salmonella*;
- (c) test: the procedure performed on a sample in a laboratory to detect, diagnose or evaluate disease agent presence or absence, disease process or the susceptibility to a specific disease agent;
- (d) tuberculin testing: The procedure of performing a tuberculin skin test as defined in Annex B point 2 to Council Directive 64/432/EEC ⁽¹⁾, in the framework of a bovine tuberculosis programme.

Article 2

Bovine brucellosis

1. The programmes for the eradication of bovine brucellosis submitted by Spain, Croatia, Italy, Portugal and the United Kingdom are hereby approved for the period from 1 January 2014 to 31 December 2014.
2. The financial contribution by the Union:
 - (a) shall be at a rate of 50 % of the unit cost defined in points 1(a) and 4(a) of Annex I for:
 - (i) the sampling of domestic animals;
 - (ii) rose bengal tests;
 - (iii) complement fixation tests;
 - (b) shall be at a rate of 50 % of the eligible costs to be incurred by each Member State referred to in paragraph 1 for:
 - (i) SAT tests up to a maximum of EUR 0,25 on average per test;
 - (ii) ELISA tests up to a maximum of EUR 0,5 on average per test;
 - (iii) bacteriological tests up to a maximum of EUR 10 on average per test;
 - (iv) purchase of vaccines up to a maximum of EUR 0,50 on average per dose;
 - (v) the compensation to be paid to owners for the value of their animals slaughtered subject to those programmes up to a maximum of EUR 375 on average per animal;
 - (c) and shall not exceed the following:
 - (i) EUR 4 900 000 for Spain;
 - (ii) EUR 150 000 for Croatia;
 - (iii) EUR 2 715 000 for Italy;
 - (iv) EUR 805 000 for Portugal;
 - (v) EUR 1 355 000 for the United Kingdom.

Article 3

Bovine tuberculosis

1. The programmes for the eradication of bovine tuberculosis submitted by Ireland, Spain, Croatia, Italy, Portugal and the United Kingdom are hereby approved for the period from 1 January 2014 to 31 December 2014.
2. The financial contribution by the Union to the Member States referred to in paragraph 1, except for Ireland:
 - (a) shall be at a rate of 50 % of the unit cost defined in points 3 and 4(b) of Annex I for:
 - (i) tuberculin testing;
 - (ii) gamma-interferon tests;
 - (b) shall be at a rate of 50 % of the eligible costs to be incurred by each Member State referred to in paragraph 1 for the cost of:
 - (i) bacteriological tests up to a maximum of EUR 10 on average per test;
 - (ii) the compensation to be paid to owners for the value of their animals slaughtered subject to those programmes up to a maximum of EUR 375 on average per animal;
 - (c) and shall not exceed the following:
 - (i) EUR 11 780 000 for Spain;
 - (ii) EUR 330 000 for Croatia;
 - (iii) EUR 4 570 000 for Italy;
 - (iv) EUR 1 035 000 for Portugal;
 - (v) EUR 31 000 000 for the United Kingdom.

3. The financial contribution by the Union to Ireland:

- (a) shall be at a rate of 50 % of the unit cost defined in point 4(b) of Annex I for gamma-interferon tests;
- (b) shall be at a rate of 50 % of the eligible costs to be incurred by Ireland for the compensation to be paid to owners for the value of their animals slaughtered subject to those programmes up to a maximum of EUR 375 on average per animal;
- (c) shall not exceed EUR 7 390 000.

Article 4

Ovine and caprine brucellosis

1. The programmes for the eradication of ovine and caprine brucellosis submitted by Greece, Spain, Croatia, Italy, Cyprus, and Portugal are hereby approved for the period from 1 January 2014 to 31 December 2014.
2. The financial contribution by the Union to the Member States referred to in paragraph 1, except for Greece:
 - (a) shall be at a rate of 50 % of the unit cost defined in points 1(b) and 4(c) of Annex I for:

⁽¹⁾ OJ 121, 29.7.1964, p. 1977/64.

- (i) the sampling of domestic animals;
- (ii) rose bengal tests;
- (iii) complement fixation tests;
- (b) shall be at a rate of 50 % of the eligible costs to be incurred by each Member State referred to in paragraph 1 for:
 - (i) bacteriological tests up to a maximum of EUR 10 on average per test;
 - (ii) the purchase of vaccines up to a maximum of EUR 0,50 on average per dose;
 - (iii) the compensation to be paid to owners for the value of their animals slaughtered subject to those programmes up to a maximum of EUR 50 on average per animal;
- (c) and shall not exceed the following:
 - (i) EUR 7 715 000 for Spain;
 - (ii) EUR 385 000 for Croatia;
 - (iii) EUR 3 925 000 for Italy;
 - (iv) EUR 175 000 for Cyprus;
 - (v) EUR 1 125 000 for Portugal.
- 3. The financial contribution by the Union for Greece:
 - (a) shall be at a rate of 75 % of the unit cost defined in points 4(c) of Annex I for:
 - (i) rose bengal tests;
 - (ii) complement fixation tests;
 - (b) shall be at a rate of 75 % of the eligible costs to be incurred for:
 - (i) bacteriological tests up to a maximum of EUR 15 on average per test;
 - (ii) the purchase of vaccines up to a maximum of EUR 0,75 on average per dose;
 - (iii) the remuneration of private practitioners performing vaccination and sampling activities under the programme;
 - (iv) the salaries of seasonal staff specially recruited for management of data on the implementation of the measures of that programme;
 - (c) shall be at a rate of 50 % of the eligible costs to be incurred for the compensation to be paid to owners for the value of its animals slaughtered subject to that programme up to a maximum of EUR 50 on average per animal; and
 - (d) shall not exceed EUR 3 290 000.

Article 5

Bluetongue in endemic or high risk areas

1. The programmes for the eradication and monitoring of bluetongue submitted by Belgium, Bulgaria, Germany, Estonia, Greece, Spain, France, Italy, Latvia, Lithuania, Malta, Austria, Poland, Portugal, Romania, Slovenia, Slovakia and Finland are hereby approved for the period from 1 January 2014 to 31 December 2014.

2. The financial contribution by the Union:

- (a) shall be at a rate of 50 % of the unit cost defined in points 1(c) and 4(d) of Annex I for:
 - (i) the sampling of domestic animals;
 - (ii) ELISA tests;
 - (iii) PCR tests;
- (b) shall be at a rate of 50 % of the eligible costs to be incurred by each Member State referred to in paragraph 1 for the purchase of vaccines up to a maximum of EUR 0,50 on average per dose;
- (c) shall not exceed the following:
 - (i) EUR 11 000 for Belgium;
 - (ii) EUR 7 000 for Bulgaria;
 - (iii) EUR 70 000 for Germany;
 - (iv) EUR 3 000 for Estonia;
 - (v) EUR 75 000 for Greece;
 - (vi) EUR 590 000 for Spain;
 - (vii) EUR 170 000 for France;
 - (viii) EUR 350 000 for Italy;
 - (ix) EUR 15 000 for Latvia;
 - (x) EUR 8 000 for Lithuania;
 - (xi) EUR 5 000 for Malta;
 - (xii) EUR 5 000 for Austria;
 - (xiii) EUR 25 000 for Poland;
 - (xiv) EUR 125 000 for Portugal;
 - (xv) EUR 35 000 for Romania;
 - (xvi) EUR 13 000 for Slovenia;
 - (xvii) EUR 25 000 for Slovakia;
 - (xviii) EUR 5 000 for Finland.

Article 6

Zoonotic Salmonella

1. The annual programmes for the control of certain zoonotic *Salmonella* in breeding, laying and broiler flocks of *Gallus gallus* and in flocks of turkeys (*Meleagris gallopavo*) submitted by Bulgaria, Denmark, Germany, Estonia, Ireland, Greece, France, Croatia, Italy, Cyprus, Latvia, Luxembourg, Hungary, Malta, the Netherlands, Austria, Portugal, Romania, Slovenia, Slovakia and the United Kingdom are hereby approved for the period from 1 January 2014 to 31 December 2014.
2. The annual programme for the control of certain zoonotic *Salmonella* in flocks of turkeys (*Meleagris gallopavo*) submitted by Poland is hereby approved for the period from 1 January 2014 to 31 December 2014.

3. The annual programme for the control of certain zoonotic *Salmonella* in breeding flocks of *Gallus gallus* submitted by the Czech Republic is hereby approved for the period from 1 January 2014 to 31 December 2014.

4. The multiannual programmes for the control of certain zoonotic *Salmonella* in laying and broiler flocks of *Gallus gallus* and in flocks of turkeys (*Meleagris gallopavo*) submitted by the Czech Republic are hereby approved for the period from 1 January 2014 to 31 December 2016.

5. The multiannual programme for the control of certain zoonotic *Salmonella* in breeding, laying and broiler flocks of *Gallus gallus* and in flocks of turkeys (*Meleagris gallopavo*) submitted by the Spain is hereby approved for the period from 1 January 2014 to 31 December 2016.

6. The multiannual programme for the control of certain zoonotic *Salmonella* in breeding, laying and broiler flocks of *Gallus gallus* submitted by Poland is hereby approved for the period from 1 January 2014 to 31 December 2016.

7. The multiannual programme for the control of certain zoonotic *Salmonella* in breeding and laying flocks of *Gallus gallus* submitted by Belgium is hereby approved for the period from 1 January 2014 to 31 December 2019.

8. The financial contribution by the Union for the year 2014:

(a) shall be at a rate of 50 % of the unit cost defined in points 2 and 4(e) of Annex I for:

- (i) the sampling of poultry flocks;
- (ii) bacteriological tests;
- (iii) serotyping tests;
- (iv) tests to verify the efficacy of disinfection;
- (v) tests for the detection of antimicrobials;

(b) shall be at a rate of 50 % of the eligible costs to be incurred by each Member State referred to in paragraphs 1 to 7 for:

- (i) purchase of vaccine up to a maximum of EUR 0,05 on average per dose;
- (ii) the compensation to be paid to owners for the value of:
 - the culled breeding birds of *Gallus gallus* up to a maximum of EUR 4 on average per bird,
 - the culled laying birds of *Gallus gallus* up to a maximum of EUR 2,20 on average per bird,
 - the culled parent breeding turkey birds of *Meleagris gallopavo* up to a maximum of EUR 12 on average per bird,
 - the destroyed hatching eggs of parent breeding *Gallus gallus* up to a maximum of EUR 0,20 on average per egg,
 - the destroyed table eggs of *Gallus gallus* up to a maximum of EUR 0,04 on average per egg,

— the destroyed hatching eggs of parent breeding *Meleagris gallopavo* up to a maximum of EUR 0,40 on average per egg;

(c) and shall not exceed the following:

- (i) EUR 1 070 000 for Belgium;
- (ii) EUR 50 000 for Bulgaria;
- (iii) EUR 175 000 for the programme of the Czech Republic referred to in paragraph 3;
- (iv) EUR 710 000 for the programme of the Czech Republic referred to in paragraph 4;
- (v) EUR 90 000 for Denmark;
- (vi) EUR 1 335 000 for Germany;
- (vii) EUR 20 000 for Estonia;
- (viii) EUR 25 000 for Ireland;
- (ix) EUR 620 000 for Greece;
- (x) EUR 760 000 for Spain;
- (xi) EUR 860 000 for France;
- (xii) EUR 160 000 for Croatia;
- (xiii) EUR 550 000 for Italy;
- (xiv) EUR 95 000 for Cyprus;
- (xv) EUR 240 000 for Latvia;
- (xvi) EUR 10 000 for Luxembourg;
- (xvii) EUR 1 940 000 for Hungary;
- (xviii) EUR 30 000 for Malta;
- (xix) EUR 2 700 000 for the Netherlands;
- (xx) EUR 1 190 000 for Austria;
- (xxi) EUR 20 000 for the programme of Poland referred to in paragraph 2;
- (xxii) EUR 2 610 000 for the programme of Poland referred to in paragraph 6;
- (xxiii) EUR 35 000 for Portugal;
- (xxiv) EUR 1 170 000 for Romania;
- (xxv) EUR 35 000 for Slovenia;
- (xxvi) EUR 970 000 for Slovakia;
- (xxvii) EUR 40 000 for United Kingdom.

Article 7

Classical swine fever

1. The programmes for the control and monitoring of Classical swine fever submitted by Bulgaria, Germany, France, Croatia, Latvia, Hungary, Romania and Slovakia are hereby approved for the period from 1 January 2014 to 31 December 2014.

2. The financial contribution by the Union:

(a) shall be at a rate of 50 % of the unit cost defined in points 1(d) and 4(f) of Annex I for:

- (i) the sampling of domestic animals;
- (ii) ELISA tests;
- (iii) PCR tests;
- (iv) virological tests;

(b) shall be at a rate of 50 % of the eligible costs to be incurred by each Member State referred to in paragraph 1 for:

- (i) the delivery of wild boars to the authorities for laboratory testing up to a maximum of EUR 5 on average per animal;
- (ii) the purchase of oral vaccines up to a maximum of EUR 0,50 on average per dose;

(c) shall not exceed the following:

- (i) EUR 150 000 for Bulgaria;
- (ii) EUR 670 000 for Germany;
- (iii) EUR 15 000 for France;
- (iv) EUR 65 000 for Croatia;
- (v) EUR 295 000 for Latvia;
- (vi) EUR 40 000 for Hungary;
- (vii) EUR 1 435 000 for Romania;
- (viii) EUR 345 000 for Slovakia.

3. Notwithstanding paragraph 2 points (a) and (b), for the part of the Latvian programme that will be implemented in Belarus, the financial contribution by the Union for the year 2014 shall:

- (a) be granted only for the eligible costs of the purchase of oral vaccine baits up to a maximum of EUR 1 on average per dose;
- (b) be at the rate of 100 %; and
- (c) not exceed EUR 135 000.

Article 8

Swine vesicular disease

1. The programme for the eradication of swine vesicular disease submitted by Italy is hereby approved for the period from 1 January 2014 to 31 December 2014.

2. The financial contribution by the Union:

(a) shall be at a rate of 50 % of the unit cost defined in points 1(e) of Annex I for the sampling of domestic animals;

(b) shall be at a rate of 50 % of the eligible costs to be incurred by Italy for:

- (i) ELISA tests up to a maximum of EUR 1 on average per test;
- (ii) PCR tests up to a maximum of EUR 5 on average per test;

(iii) virological tests up to a maximum of EUR 10 on average per test;

(c) shall not exceed EUR 790 000 for Italy.

Article 9

Avian influenza in poultry and wild birds

1. The annual surveillance programmes for avian influenza in poultry and wild birds submitted by Belgium, Bulgaria, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Austria, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden and the United Kingdom are hereby approved for the period from 1 January 2014 to 31 December 2014.

2. The multiannual surveillance programmes for avian influenza in poultry and wild birds submitted by the Czech Republic and Poland are hereby approved for the period from 1 January 2014 to 31 December 2016.

3. The multiannual surveillance programme for avian influenza in poultry and wild birds submitted by the Netherlands is hereby approved for the period from 1 January 2014 to 31 December 2017.

4. The financial contribution by the Union for the year 2014:

(a) shall be at a rate of 50 % of the unit cost defined in points 1(f) and 4(g) of Annex I for:

- (i) the sampling of domestic birds;
- (ii) ELISA tests;
- (iii) agar gel immune diffusion tests;
- (iv) HI test for H5/H7;
- (v) virus isolation tests;
- (vi) PCR tests;

(b) shall be at a rate of 50 % of the eligible costs to be incurred by each Member State referred to in paragraphs 1 to 3 for the delivery of wild birds to the authorities for laboratory testing in the framework of passive surveillance up to a maximum of EUR 5 on average per bird;

(c) shall not exceed the following:

- (i) EUR 50 000 for Belgium;
- (ii) EUR 25 000 for Bulgaria;
- (iii) EUR 20 000 for Czech Republic;
- (iv) EUR 50 000 for Denmark;
- (v) EUR 55 000 for Germany;
- (vi) EUR 5 000 for Estonia;
- (vii) EUR 70 000 for Ireland;
- (viii) EUR 15 000 for Greece;
- (ix) EUR 65 000 for Spain;
- (x) EUR 120 000 for France;

- (xi) EUR 75 000 for Croatia;
- (xii) EUR 905 000 for Italy;
- (xiii) EUR 20 000 for Cyprus;
- (xiv) EUR 20 000 for Latvia;
- (xv) EUR 10 000 for Lithuania;
- (xvi) EUR 10 000 for Luxembourg;
- (xvii) EUR 160 000 for Hungary;
- (xviii) EUR 5 000 for Malta;
- (xix) EUR 160 000 for the Netherlands;
- (xx) EUR 25 000 for Austria;
- (xxi) EUR 95 000 for Poland;
- (xxii) EUR 25 000 for Portugal;
- (xxiii) EUR 260 000 for Romania;
- (xxiv) EUR 45 000 for Slovenia;
- (xxv) EUR 25 000 for Slovakia;
- (xxvi) EUR 40 000 for Finland;
- (xxvii) EUR 30 000 for Sweden;
- (xxviii) EUR 135 000 for the United Kingdom.

Article 10

Transmissible spongiform encephalopathies

1. The programmes for the monitoring and eradication of certain transmissible spongiform encephalopathies (TSE), submitted by Belgium, Bulgaria, the Czech Republic, Denmark, Germany, Estonia, Ireland, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland and Sweden are hereby approved for the period from 1 January 2014 to 31 December 2014.

2. The multiannual programmes for the monitoring and eradication of certain transmissible spongiform encephalopathies, submitted by Greece and Luxembourg are hereby approved for the period from 1 January 2014 to 31 December 2015.

3. The multiannual programme for the monitoring and eradication of certain transmissible spongiform encephalopathies, submitted by the United Kingdom is hereby approved for the period from 1 January 2014 to 31 December 2018.

4. The financial contribution by the Union:

- (a) shall be at a rate of 100 % of the unit cost defined in point 4(h) of Annex I for:
 - (i) rapid tests on bovine animals, performed to fulfil the requirements of Article 12 paragraph 2 and Annex III Chapter A Part I points 2.1 and 3 to Regulation (EC) No 999/2001;
 - (ii) rapid tests on bovine animals performed to fulfil the requirements of Annex III Chapter A Part I points 2.2

to Regulation (EC) No 999/2001, under the programmes of Bulgaria, Croatia and Romania or under the programmes of other Member States referred to in paragraphs 1 to 3 on bovine animals originating from Member States not included in the Annex to Commission Decision 2009/719/EC⁽¹⁾ or third countries;

(iii) rapid tests on ovine and caprine animals:

— in accordance with the requirements of Article 12 paragraph 2, Annex III Chapter A Part II point 5 and Annex VII to Regulation (EC) No 999/2001,

— up to the number necessary to fulfil the minimum requirements of Annex III Chapter A Part II points 2 and 3;

(iv) primary molecular discriminatory tests to perform as referred to in point 3(2)(c)(i) of Chapter C of Annex X to Regulation (EC) No 999/2001;

(b) shall be at a rate of 75 % of the unit cost defined in point 4(h) of Annex I for rapid tests on bovine animals, performed to fulfil the requirements of Annex III Chapter A Part I point 2.2 to Regulation (EC) No 999/2001, not falling under paragraph (a)(ii);

(c) shall be at a rate of 100 % of the eligible costs to be incurred by each Member State referred to paragraphs 1 to 3 for:

(i) confirmatory tests, other than rapid tests, as referred to in Annex X Chapter C to Regulation (EC) No 999/2001 up to a maximum of EUR 50 on average per test;

(ii) genotyping tests up to a maximum of EUR 6 on average per test;

(d) shall be at a rate of 50 % of the cost incurred by each Member State for the compensation of the owners of animals:

— bovines culled and destroyed up to a maximum of EUR 500 on average per animal,

— sheep and goats culled and destroyed up to a maximum of EUR 70 on average per animal,

— sheep and goats compulsorily slaughtered in accordance with Annex VII, Chapter B, point 2.2.2(b) and (c) to Regulation (EC) No 999/2001 up to a maximum of EUR 50 on average per animal; and

(e) shall not exceed the following:

(i) EUR 260 000 for Belgium;

(ii) EUR 310 000 for Bulgaria;

(iii) EUR 250 000 for the Czech Republic;

(iv) EUR 235 000 for Denmark;

(v) EUR 2 390 000 for Germany;

(vi) EUR 45 000 for Estonia;

(vii) EUR 660 000 for Ireland;

⁽¹⁾ OJ L 256, 29.9.2009, p. 35.

- (viii) EUR 1 355 000 for Greece;
- (ix) EUR 1 525 000 for Spain;
- (x) EUR 7 615 000 for France;
- (xi) EUR 2 115 000 for Italy;
- (xii) EUR 355 000 for Croatia;
- (xiii) EUR 1 060 000 for Cyprus;
- (xiv) EUR 65 000 for Latvia;
- (xv) EUR 55 000 for Lithuania;
- (xvi) EUR 30 000 for Luxembourg;
- (xvii) EUR 660 000 for Hungary;
- (xviii) EUR 15 000 for Malta;
- (xix) EUR 435 000 for the Netherlands;
- (xx) EUR 345 000 for Austria;
- (xxi) EUR 1 220 000 for Poland;
- (xxii) EUR 475 000 for Portugal;
- (xxiii) EUR 1 675 000 for Romania;
- (xxiv) EUR 115 000 for Slovenia;
- (xxv) EUR 170 000 for Slovakia;
- (xxvi) EUR 100 000 for Finland;
- (xxvii) EUR 105 000 for Sweden;
- (xxviii) EUR 1 475 000 for the United Kingdom.

Article 11

Rabies

1. The annual programmes for the eradication of rabies submitted by Bulgaria, Estonia, Italy, Lithuania, Hungary, Poland, Romania and Slovakia are hereby approved for the period from 1 January 2014 to 31 December 2014.

2. The multiannual programme for the eradication of rabies submitted by Greece is hereby approved for the period from 1 January 2014 to 31 December 2015.

3. The multiannual programmes for the eradication of rabies submitted by Latvia and Finland are hereby approved for the period from 1 January 2014 to 31 December 2016.

4. The multiannual programme for the eradication of rabies submitted by Croatia is hereby approved for the period from 1 January 2014 to 31 December 2018.

5. The multiannual programme for the eradication of rabies submitted by Slovenia is hereby approved for the period from 1 January 2014 to 31 December 2019.

6. The financial contribution by the Union for the year 2014:

- (a) shall be at a rate of 75 % of the unit cost defined in point 4(i) of Annex I for:
 - (i) fluorescent antibody tests (FAT);
 - (ii) serological tests;

(b) shall be at a rate of 75 % of the eligible costs to be incurred by each Member State referred to in paragraph 1 for:

- (i) the delivery of wild animals to the authorities for laboratory testing up to a maximum of EUR 10 on average per animal;
- (ii) tests for the detection of biomarker up to a maximum of EUR 7,50 on average per test;
- (iii) the isolation and characterisation of rabies virus up to a maximum of EUR 30 on average per investigation;
- (iv) the titration of the virus contained a sample of vaccine baits up to a maximum of EUR 75 on average per sample of vaccine baits tested;
- (v) the purchase of oral vaccine baits up to a maximum of EUR 0,60 on average per bait;
- (vi) the distribution of oral vaccine baits up to a maximum of 0,35 on average per bait;

(c) shall not exceed the following:

- (i) EUR 1 790 000 for Bulgaria;
- (ii) EUR 3 210 000 for Greece;
- (iii) EUR 510 000 for Estonia;
- (iv) EUR 165 000 for Italy;
- (v) EUR 1 700 000 for Croatia;
- (vi) EUR 1 225 000 for Latvia;
- (vii) EUR 2 600 000 for Lithuania;
- (viii) EUR 1 970 000 for Hungary;
- (ix) EUR 7 470 000 for Poland;
- (x) EUR 5 500 000 for Romania;
- (xi) EUR 800 000 for Slovenia;
- (xii) EUR 285 000 for Slovakia;
- (xiii) EUR 250 000 for Finland.

7. Notwithstanding paragraphs 6 (a) and (b), for the part of the Estonian, Latvian, Lithuanian, Polish and Finnish programmes that will be implemented outside these Member States' territories, the financial contribution by the Union for the year 2014 shall:

- (a) be granted only for the eligible costs of the purchase and of the distribution of oral vaccine baits;
- (b) be at the rate of 100 %; and
- (c) not exceed:
 - (i) EUR 110 000 for the part of the Estonian programme implemented in the Russian Federation;
 - (ii) EUR 475 000 for the part of the Latvian programme implemented in Belarus;
 - (iii) EUR 1 570 000 for the part of the Lithuanian programme implemented in Belarus;

(iv) EUR 1 500 000 for the part of the Polish programme implemented in Ukraine;

(v) EUR 660 000 for the part of the Polish programme implemented in Belarus;

(vi) EUR 95 000 for the part of the Finnish programme implemented in the Russian Federation.

8. The maximum of the eligible costs to be reimbursed for the costs referred to in paragraph 7 shall on average not exceed for the purchase and the distribution of oral vaccine baits EUR 0,95 on average per dose.

9. Notwithstanding the provisions of Article 13(2) for the programmes referred to under the current article:

(a) the Commission, upon the request of the concerned Member State, may pay an advance of up to 60 % of the specified maximum amount within the 3 months following the receipt of the request;

(b) eligible costs referred to in paragraph 7 shall be eligible if paid by the authorities of the third country in the territory of which the activities have been implemented and a final report and payment request has been submitted to the concerned Member State.

Article 12

African swine fever

1. A financial contribution to Italy for the implementation of reinforced control measures in ports and airports of Sardinia for the prevention of the spread of African swine fever is hereby approved for the period from 1 January 2014 to 31 December 2014.

2. The financial contribution by the Union:

(a) shall be at a rate of 50 % of the eligible costs to be incurred by Italy for the implementation of the measures referred to in paragraph 1;

(b) shall not exceed EUR 50 000.

CHAPTER II

GENERAL AND FINAL PROVISIONS

Article 13

1. The financial contribution by the Union provided for in Articles 2 to 11, shall be the proportion specified in those Articles of:

(a) the unit costs as set for each programme in Annex I;

(b) eligible costs limited to the costs set out in Annex II.

2. Only costs incurred in the carrying out of the annual or multiannual programmes referred to in Articles 2 to 12 and paid before the submission of the final report by the Member States shall be eligible for co-financing by means of a financial contribution by the Union.

Article 14

1. The expenditure submitted by the Member States for a financial contribution by the Union shall be expressed in euro and shall exclude value added tax and all other taxes.

2. Where the expenditure of a Member State is in a currency other than the euro, the Member State concerned shall convert it into euro by applying the most recent exchange rate set by the European Central Bank prior to the first day of the month in which the application is submitted by the Member State.

Article 15

1. The financial contribution by the Union for the annual and multiannual programmes referred to in Articles 2 to 12 shall be granted provided that the Member States concerned:

(a) implement the activities and measures as described in the programmes approved;

(b) implement the programmes in accordance with the relevant provisions of Union law, including rules on the marketing authorisation of veterinary medicinal products and rules on competition and on the award of public contracts;

(c) bring into force by 1 January 2014 at the latest the laws, regulations and administrative provisions necessary for actually fully implementing the programmes as of the 1 January 2014;

(d) forward to the Commission, the intermediate technical and financial reports for the programmes, in accordance with Article 27(7)(a) of Decision 2009/470/EC and Article 3 of Commission Decision 2008/940/EC ⁽¹⁾;

(e) forward an annual detailed report to the Commission for the programmes in accordance with Article 27(7)(b) of Decision 2009/470/EC and Article 4 of Decision 2008/940/EC;

(f) do not submit further requests for other contributions from the Union for those measures, and have not previously submitted such requests.

2. Where a Member State does not comply with paragraph 1, the Commission may reduce the financial contribution by the Union having regard to the nature and gravity of the infringement, and to the financial loss for the Union.

Article 16

This Decision constitutes a financing decision in the meaning of Article 84 of the Financial Regulation.

Article 17

This financing decision is subject to the availability of the appropriations provided for in the draft budget for 2014 after the adoption of the budget for 2014 by the budgetary authority or if the budget is not adopted as provided for in the system of provisional twelfths.

⁽¹⁾ OJ L 335, 13.12.2008, p. 61.

Article 18

This Decision shall apply from 1 January 2014.

Article 19

This Decision is addressed to the Member States.

Done at Brussels, 29 November 2013.

For the Commission

Tonio BORG

Member of the Commission

ANNEX I

UNIT COSTS

(referred to in Article 13(1)(a))

Unit costs referred to in Articles 2 to 11 are set as follows:

1. Sampling of domestic animals or birds:

(a) bovine brucellosis:

(in EUR)

Member State	Unit cost
Croatia	0,76
Portugal	
Spain	1,80
Italy	2,97
United Kingdom	

(b) ovine and caprine brucellosis:

(in EUR)

Member State	Unit cost
Croatia	0,55
Portugal	
Spain	1,28
Cyprus	
Italy	2,12

(c) bluetongue in endemic and high risk areas:

(in EUR)

Member State	Unit cost
Bulgaria	0,55
Estonia	
Greece	
Latvia	
Lithuania	
Poland	
Portugal	
Romania	
Slovakia	
Malta	
Spain	1,28
Slovenia	
Belgium	2,12
France	
Italy	
Germany	2,78
Austria	
Finland	

(d) classical swine fever:

(in EUR)

Member State	Unit cost
Bulgaria	0,55
Croatia	
Hungary	
Latvia	
Romania	
Slovakia	
France	2,12
Germany	2,78

(e) swine vesicular disease:

(in EUR)

Member State	Unit cost
Italy	2,12

(f) avian influenza:

(in EUR)

Member State	Unit cost
Bulgaria	1,19
Czech republic	
Estonia	
Greece	
Croatia	
Hungary	
Latvia	
Lithuania	
Poland	
Portugal	
Romania	
Slovakia	
Malta	
Spain	2,81
Cyprus	
Slovenia	
Belgium	4,65
Ireland	
France	
Italy	
United Kingdom	
Denmark	6,09
Germany	
Luxembourg	
Austria	
The Netherlands	
Finland	
Sweden	

2. Sampling of poultry flocks in the framework of zoonotic *Salmonella* programmes:

(in EUR)

Member State	Unit cost
Bulgaria	5,97
Czech republic	
Estonia	
Greece	
Croatia	
Hungary	
Latvia	
Poland	
Portugal	
Romania	
Slovakia	
Malta	
Spain	14,03
Cyprus	
Slovenia	
Belgium	23,24
Ireland	
France	
Italy	
United Kingdom	
Denmark	30,43
Germany	
Luxembourg	
Austria	
The Netherlands	

3. Tuberculin testing (bovine tuberculosis programmes):

(in EUR)

Member State	Unit cost
Croatia	1,12
Portugal	
Spain	2,63
Italy	4,36
United Kingdom	

4. Laboratory tests:

(a) bovine brucellosis:

(in EUR)

Member State	Laboratory test	Unit cost
All Member States	rose bengal test	0,47
	complement fixation test	0,49

(b) bovine tuberculosis:

(in EUR)

Member State	Laboratory test	Unit cost
All Member States	gamma-interferon test	10,43

(c) ovine and caprine brucellosis:

(in EUR)

Member State	Laboratory test	Unit cost
All Member States	rose bengal test	0,24
	complement fixation test	0,63

(d) bluetongue:

(in EUR)

Member State	Laboratory test	Unit cost
All Member States	PCR test	25,08
	ELISA test	1,69

(e) zoonotic *Salmonella*:

(in EUR)

Member State	Laboratory test	Unit cost
All Member States	Bacteriological test	18,19
	Serotyping test	38,38
	test to verify the efficacy of disinfection	16,72
	test for the detection of antimicrobials	3,43

(f) classical swine fever:

(in EUR)

Member State	Laboratory test	Unit cost
All Member States	ELISA test	3,38
	PCR test	19,01
	virological test	24,95

(g) avian influenza in poultry and wild birds:

(in EUR)

Member State	Laboratory test	Unit cost
All Member States	ELISA test	3,26
	agar gel immunodiffusion test	1,80
	HI test for H5/H7	9,64
	virus isolation test	37,87
	PCR test	19,74

(h) transmissible spongiform encephalopathies:

(in EUR)

Member State	Laboratory test	Unit cost
All Member States	rapid test	7,40
	discriminatory test	194

(i) rabies:

(in EUR)

Member State	Laboratory test	Unit cost
All Member States	fluorescent antibody test (FAT)	13,09
	serological test	15,24

ANNEX II

ELIGIBLE COSTS

(referred to in Article 13(1)(b))

1. Tests:

- (a) the purchase of test kits, reagents and all consumables identifiable and especially used for carrying out the laboratory test;
- (b) personnel, whatever the status, specifically allocated entirely or in part for carrying out the tests in the premises of the laboratory; the costs are limited to actual salaries plus social security charges and other statutory costs included in the remuneration; and
- (c) overheads equal to 7 % of the sum of the costs referred to in (a) and (b) for the coordination of activities and office supplies.

2. Compensation to owners for the value of their animals or birds slaughtered or culled, destroyed eggs and heat treated non-incubated hatching eggs:

- (a) the compensation shall not exceed the market value of the animal immediately before it was slaughtered or culled or of the eggs immediately before their destruction or heat treatment;
- (b) for slaughtered animals or birds and for heat treated non incubated hatching eggs, the salvage value, if any, shall be deducted from the compensation;
- (c) the compensation to be paid to owners for the value of the animals culled or slaughtered, of the destroyed products and heat treated non-incubated hatching eggs shall be granted within 90 days from the date of:
 - (i) the slaughter or culling of the animal;
 - (ii) the destruction or the heat treatment of the products; or
 - (iii) the presentation of the completed claim by the owner;
- (d) Article 9(1), (2) and (3) of Commission Regulation (EC) No 883/2006 ⁽¹⁾ shall apply to compensation payments made after the period 90 days referred to in paragraph 1 of this Article.

3. The purchase of vaccines or vaccine baits for domestic or wild animals respectively:

- the cost of acquisition of the vaccine doses or vaccine baits,
- the cost of storage of the vaccine doses or vaccine baits.

4. The distribution of vaccines baits for wild animals:

- (a) the transport of the vaccines baits;
- (b) the costs for the aerial or manual distribution of the vaccines plus baits;
- (c) personnel, whatever the status, specifically allocated entirely or in part for distributing vaccine baits; the costs are limited to their actual salaries plus social security charges and other statutory costs included in the remuneration.

5. The remuneration of private practitioners performing vaccination and sampling activities under the programme (referred to in Article 4(3)(b)(iii)):

shall be limited the amount paid to specifically contracted private practitioners for the sampling or for the vaccination of animals and defined on by the number of the animals sampled or vaccinated and/or the number of holdings visited for this purpose.

6. The salaries of seasonal staff specifically recruited for the management of data on the implementation of the measures of that programme (referred to in Article 4(3)(b)(iv)):

shall be limited to the specified seasonal staff's actual salaries plus social security charges and other statutory costs included in their remuneration.

7. Delivery of wild animals to the authorities for laboratory testing (referred to in Article 7(2)(b)(i) and Article 11(6)(b)(i)):

shall be limited to the amount paid to hunters or other individuals or entities for the collection of dead wild animals (wild boar in the case of classical swine fever and all mammal species in the case of rabies) or the hunting of animals (wild boar in the case of classical swine fever and suspected wild mammals and healthy shot foxes and raccon dogs in the case of rabies) and their delivery (whole animal or specified part thereof) to the Competent Authority for performing eligible laboratory tests in the framework of the programme.

⁽¹⁾ OJ L 171, 23.6.2006, p. 1.

8. Delivery of wild birds to the authorities for laboratory testing (referred to in Article 9(4)(b):

shall be limited to the amount paid to hunters or other individuals or entities for the delivery of suspect wild birds and their delivery and their delivery to the Competent Authority for performing laboratory tests in the framework of the programme.

COMMISSION IMPLEMENTING DECISION

of 4 December 2013

on the European Union financial contribution to national programmes of 3 Member States (Spain, Croatia and United Kingdom) in 2013 for the collection, management and use of data in the fisheries sector

*(notified under document C(2013) 8498)***(Only the Croatian, English and Spanish texts are authentic)**

(2013/723/EU)

THE EUROPEAN COMMISSION,

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

the year 2013 which were adopted by Commission Implementing Decision C(2013) 3533. The Commission decided on the contribution to those 9 national programmes, for the year 2013, by Commission Implementing Decision C(2013) 6255.

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 24(1) thereof,

Whereas:

- (1) Regulation (EC) No 861/2006 lays down the conditions whereby Member States may receive a contribution from the European Union for expenditure incurred in their national programmes of collection and management of data.
- (2) Those programmes are to be drawn up in accordance with Council Regulation (EC) No 199/2008 of 25 February 2008 concerning the establishment of a Community framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the Common Fisheries Policy ⁽²⁾ and Commission Regulation (EC) No 665/2008 ⁽³⁾ laying down detailed rules for the application of Regulation (EC) No 199/2008.
- (3) Bulgaria, Denmark, Germany, Italy, Latvia, Lithuania, Malta, Romania, Slovenia, Finland and Sweden have not amended their national programmes 2011-2013 for the year 2013. The Commission decided on the contribution to those 11 national programmes, for the year 2013, by Commission Implementing Decision C(2013) 4434.
- (4) Belgium, Estonia, Greece, France, Cyprus, Netherlands, Poland and Portugal have also not amended their national programmes 2011-2013 for 2013. Ireland submitted amendments to their national programme for

- (5) Spain submitted its national programme for the collection, management and use of data in the fisheries sector for the years 2011-2013 as provided for in Articles 4(4) and 4(5) of Regulation (EC) No 199/2008. This programme was approved in 2011 in accordance with Article 6(3) of the same Regulation through the decision C(2011) 7645. Spain submitted amendments to its national programme for the year 2012 pursuant to Article 5(2) of Regulation (EC) No 199/2008. These amendments were adopted by the Commission in 2012 in accordance with Article 6(3) of the same Regulation through the decision C(2012) 7499. Spain did not submit amendments to its national programme for the year 2013.
- (6) The United Kingdom submitted amendments to its national programme for the year 2013 pursuant to Article 5(2) of Regulation (EC) No 199/2008. These amendments were adopted by the Commission in 2013 in accordance with Article 6(3) of the same Regulation through the decision C(2013) 6325.
- (7) Croatia submitted a national programme for the collection, management and use of data in the fisheries sector for the period 1 July 2013 till 31 December 2013 as provided for in Articles 4(4) and 4(5) of Regulation (EC) No 199/2008. This programme was approved in 2013 in accordance with Article 6(3) of the same Regulation through the Commission decision C(2013) 5854.
- (8) Spain, Croatia and the United Kingdom have submitted annual budget forecasts for the year 2013 according to Article 2(2) of Commission Regulation (EC) No 1078/2008 ⁽⁴⁾ laying down detailed rules for the implementation of Regulation (EC) No 861/2006. The Commission has evaluated those Member States' annual budget forecasts, as laid down in Article 4 of Regulation (EC) No 1078/2008 by taking into account the approved national programmes.

⁽¹⁾ OJ L 160, 14.6.2006, p. 1.

⁽²⁾ OJ L 60, 5.3.2008, p. 1.

⁽³⁾ OJ L 186, 15.7.2008, p. 3.

⁽⁴⁾ OJ L 295, 4.11.2008, p. 24.

- (9) Article 5 of Regulation (EC) No 1078/2008 establishes that the Commission is to approve the annual budget forecast and is to decide on the annual Union financial contribution to each national programme in accordance with the procedure laid down in Article 24 of Regulation (EC) No 861/2006 and on the basis of the outcome of the evaluation of the annual budget forecasts as referred to in Article 4 of Regulation (EC) No 1078/2008.
- (10) Article 24(3)(b) of Regulation (EC) No 861/2006 establishes that a Commission Decision is to fix the rate of the financial contribution. Article 16 of that Regulation provides that Union financial measures in the area of basic data collection are not to exceed 50 % of the costs incurred by Member States in carrying out the programme of collection, management and use of data in the fisheries sector.
- (11) This Decision constitutes the financing decision within the meaning of Article 84(2) of Regulation (EC, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union ⁽¹⁾.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Committee for Fisheries and Aquaculture.

HAS ADOPTED THIS DECISION:

Article 1

The maximum global amounts of the Union financial contribution to be granted to each Member State for the collection, management and use of data in the fisheries sector for 2013 and the rate of the Union financial contribution, are established in the Annex.

Article 2

This Decision is addressed to the Kingdom of Spain, the Republic of Croatia and the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 4 December 2013.

For the Commission

Maria DAMANAKI

Member of the Commission

⁽¹⁾ OJ L 298, 26.10.2012, p. 1.

ANNEX

NATIONAL PROGRAMMES 2011-2013

ELIGIBLE EXPENDITURE AND MAXIMUM UNION CONTRIBUTION FOR 2013

(EUR)

Member State	Eligible expenditure	Maximum Union contribution (Rate of 50 %)
Croatia	646 680	323 340,0
Spain	14 386 953	7 193 476,5
United Kingdom	9 674 645	4 837 322,5
Total	24 708 278	12 354 139

COMMISSION IMPLEMENTING DECISION

of 5 December 2013

on a financial contribution from the Union towards emergency measures to combat Newcastle disease in Cyprus in 2013*(notified under document C(2013) 8560)***(Only the Greek text is authentic)**

(2013/724/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Decision 2009/470/EC of 25 May 2009 on expenditure in the veterinary field ⁽¹⁾, in particular Article 6(2),

Whereas:

(1) Newcastle disease is an infectious viral disease of poultry and other captive birds with a severe impact on the profitability of poultry farming causing disturbance to trade within the Union and export to third countries.

(2) In the event of an outbreak of Newcastle disease, there is a risk that the disease agent spreads to other poultry holdings within that Member State, but also to other Member States and to third countries through trade in live poultry or their products.

(3) Council Directive 92/66/EEC ⁽²⁾ sets out measures which in the event of an outbreak of Newcastle disease have to be immediately implemented by Member States as a matter of urgency to prevent further spread of the virus.

(4) In accordance with Article 84 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council ⁽³⁾, the commitment of expenditure from the Union budget shall be preceded by a financing decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.

(5) Decision 2009/470/EC lays down the procedures governing the financial contribution from the Union towards specific veterinary measures, including emergency measures. Pursuant to Articles 3(2) and 6(2) of that Decision, Member States shall obtain a financial contribution towards the costs of certain measures to eradicate Newcastle disease.

(6) Article 3(6) of Decision 2009/470/EC lays down rules on the percentage of the costs incurred by the Member State that may be covered by the financial contribution from the Union.

(7) The payment of a financial contribution from the Union towards emergency measures to eradicate Newcastle disease is subject to the rules laid down in Commission Regulation (EC) No 349/2005 ⁽⁴⁾.

(8) Outbreaks of Newcastle disease occurred in Cyprus. Cyprus took measures in accordance with Directive 92/66/EEC to combat those outbreaks.

(9) The authorities of Cyprus informed the Commission and the other Member States in the framework of the Standing Committee on the Food Chain and Animal Health of the measures applied in accordance with Union legislation on notification and eradication of the disease and the results thereof.

(10) The authorities of Cyprus have therefore fulfilled their technical and administrative obligations with regard to the measures provided for in Article 3(2) of Decision 2009/470/EC and Article 6 of Regulation (EC) No 349/2005.

⁽¹⁾ OJ L 155, 18.6.2009, p. 30.

⁽²⁾ Council Directive 92/66/EEC of 14 July 1992 introducing Community measures for the control of Newcastle disease (OJ L 260, 5.9.1992, p. 1).

⁽³⁾ Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

⁽⁴⁾ Commission Regulation (EC) No 349/2005 of 28 February 2005 laying down rules on the Community financing of emergency measures and of the campaign to combat certain animal diseases under Council Decision 90/424/EEC (OJ L 55, 1.3.2005, p. 12).

- (11) At this stage, the exact amount of the financial contribution from the Union cannot be determined as the information on the cost of compensation and on operational expenditure provided are estimates.
- (12) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS DECISION:

Article 1

Financial contribution from the Union to Cyprus

1. A financial contribution from the Union shall be granted to Cyprus towards the costs incurred by this Member State in taking measures pursuant to Articles 3(2) and 6(2) of Decision 2009/470/EC, to combat Newcastle disease in Cyprus in 2013.
2. The amount of the financial contribution mentioned in paragraph 1 shall be fixed in a subsequent decision to be adopted in accordance with the procedure established in Article 40(2) of Decision 2009/470/EC.

Article 2

Payment arrangements

A first tranche of EUR 250 000 for 2013 shall be paid to Cyprus as part of the Union financial contribution provided for in Article 1 paragraph 1.

Article 3

Addressee

This Decision is addressed to the Republic of Cyprus.

Done at Brussels, 5 December 2013.

For the Commission

Tonio BORG

Member of the Commission

2013/723/EU:

- ★ **Commission Implementing Decision of 4 December 2013 on the European Union financial contribution to national programmes of 3 Member States (Spain, Croatia and United Kingdom) in 2013 for the collection, management and use of data in the fisheries sector** (*notified under document C(2013) 8498*) 118

2013/724/EU:

- ★ **Commission Implementing Decision of 5 December 2013 on a financial contribution from the Union towards emergency measures to combat Newcastle disease in Cyprus in 2013** (*notified under document C(2013) 8560*) 121

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