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II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2015/523

of 25 March 2015

amending Regulations (EU) No 43/2014 and (EU) 2015/104 as regards certain fishing opportunities

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) Council Regulation (EU) 2015/104 ⁽¹⁾ does not contain limits on fishing opportunities for the stock of sea bass (*Dicentrarchus labrax*) in the north-east Atlantic.
- (2) In June 2014, the International Council for the Exploration of the Sea (ICES) released scientific advice on the stock on sea bass in the north-east Atlantic, and confirmed that this stock has been in rapid decline since 2012. Furthermore, the Scientific, Technical and Economic Committee for Fisheries (STECF) has evaluated the protection of sea bass by national measures in place and, in general, has deemed those measures ineffective. Sea bass is a late maturing and slow growing species. The fishing mortality on sea bass in the north-east Atlantic is currently four times higher than the level which would ensure maximum sustainable yield (MSY).
- (3) The Commission has adopted Implementing Regulation (EU) 2015/111 ⁽²⁾, based on Article 12 of Regulation (EU) No 1380/2013 of the European Parliament and of the Council ⁽³⁾, to alleviate a serious threat to the conservation of the sea bass (*Dicentrarchus labrax*) stock in the Celtic Sea, Channel, Irish Sea and southern North Sea.

Also recreational fisheries contribute significantly to the fishing mortality on that stock. It is therefore appropriate to establish fishing opportunities in the form of a daily limit on the number of fish that a recreational fisherman may retain. Recreational fisheries include various forms, such as fishing from a recreational vessel or fishing from shore.
- (4) In order to avoid interpretation problems, Article 7(1) and (2) of Regulation (EU) 2015/104 should be formulated so as to correspond to the wording in Article 15 of Regulation (EU) No 1380/2013.
- (5) Catch limits for sand eel in Union waters of ICES zones IIa, IIIa and IV were set at zero in Annex IA to Regulation (EU) 2015/104, pending advice from the ICES. ICES advice on the stock has been available since 23 February 2015, and it is now possible to set a total allowable catch (TAC) for sand eel in this area, distributed in seven management areas in order to avoid local depletion.

⁽¹⁾ Council Regulation (EU) 2015/104 of 19 January 2015 fixing for 2015 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union vessels, in certain non-Union waters, amending Regulation (EU) No 43/2014 and repealing Regulation (EU) No 779/2014 (OJ L 22, 28.1.2015, p. 1).

⁽²⁾ Commission Implementing Regulation (EU) 2015/111 of 26 January 2015 establishing measures to alleviate a serious threat to the conservation of the sea bass (*Dicentrarchus labrax*) stock in the Celtic Sea, Channel, Irish Sea and southern North Sea (OJ L 20, 27.1.2015, p. 31).

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

- (6) It is appropriate to provide certain inter-area flexibility for megrims that constitute the same biological stock for all Member States with a quota in the relevant areas.
- (7) Regulation (EU) 2015/104 contains an error in the TAC and quota for Northern prawn in the North Sea, where a rollover of the 2014 TAC should have been adopted. Annex IA to Regulation (EU) 2015/104 should therefore be amended accordingly.
- (8) For some stocks, fishing opportunities and conditions of access to fishery resources for vessels in Coastal State waters are established each year in the light of consultations on fisheries between the relevant Coastal States. As no agreement on quota-sharing arrangements for 2015 concerning Atlanto-Scandian herring has been reached, it is appropriate to fix an autonomous quota based on the Union share of this stock in recent years. Annex IB to Regulation (EU) 2015/104 should therefore be amended accordingly.
- (9) At its third annual meeting in 2015, the South Pacific Regional Fisheries Management Organisation (SPRFMO) fixed fishing opportunities consisting of a total allowable catch (TAC) for jack mackerel. This measure should be implemented in the law of the Union.
- (10) A footnote in Annex III to Regulation (EU) 2015/104 wrongly referred to an obsolete agreement, and should thus be corrected.
- (11) In order to accurately reflect the present gear distribution of the French and Spanish 2015 bluefin tuna fishing fleet, it is necessary to amend Annex IV of Regulation (EU) 2015/104, laying down the fishing, farming and fattening limitations for bluefin tuna.
- (12) An error needs to be corrected in the TAC table for mackerel (*Scomber scombrus*) in areas VI, VII, VIIa, VIIb, VIIId and VIIle; Union and international waters of Vb; international waters of IIa, XII and XIV (MAC/2CX14-).
- (13) Scientific advice received from the STECF on 2 March 2015 indicates that it is precautionary to allow a small by-catch quota for undulate ray (*Raja undulata*) in ICES areas VIa, VIb, VIIa-c, VIId, VIIe-k, VIII and IX. Annex IA to Regulation (EU) 2015/104 should therefore be amended accordingly.
- (14) Whereas in accordance with the procedure provided for in the agreement on fisheries relations with the Faroe Islands, the Union has held additional consultations on reciprocal arrangements with the Faroe Islands on fishing opportunities for Atlanto-Scandian herring and blue whiting for 2015; it is therefore appropriate to fix fishing opportunities for these stocks.
- (15) Regulation (EU) 2015/104 should therefore be amended accordingly.
- (16) According to Article 3(1) of Council Regulation (EC) No 847/96 ⁽¹⁾, when more than 75 % of a precautionary TAC has been utilised before 31 October of the year of its application, a Member State with a quota for the stock may request an increase in the TAC. A request for a 10 % increase of the 2014 TAC for skates and rays in the North Sea has been received by the Commission. The supporting biological information, submitted with the request, has been verified and validated by experts at the Commission's Joint Research Centre.
- (17) Council Regulation (EU) No 43/2014 ⁽²⁾ should therefore be amended accordingly.
- (18) The catch limits provided for in Regulation (EU) 2015/104 apply from 1 January 2015. The provisions of this Regulation concerning catch limits should therefore also apply from that date. Such retroactive application is without prejudice to the principles of legal certainty and protection of legitimate expectations as the fishing opportunities concerned have not yet been exhausted. However, the new catch limit for sea bass should apply from the date of entry into force of this Regulation. Since the modification of catch limits has an influence on the economic activities and the planning of the fishing season of Union vessels, this Regulation should enter into force immediately after its publication. For reasons set out in recital 16, the provisions on higher fishing opportunities for skates and rays in the North Sea should apply with effect from 1 January 2014,

⁽¹⁾ Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (OJ L 115, 9.5.1996, p. 3).

⁽²⁾ Council Regulation (EU) No 43/2014 of 20 January 2014 fixing for 2014 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, to Union vessels, in certain non-Union waters (OJ L 24, 28.1.2014, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2015/104 is amended as follows:

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

‘Article 2

Scope

1. This Regulation shall apply to the following vessels:

- (a) Union vessels;
- (b) third-country vessels in Union waters.

2. For the purpose of Article 11a, this Regulation shall also apply to recreational fisheries.’

- (2) In Article 3, the following point is added:

‘(m) “recreational fisheries” means non-commercial fishing activities exploiting marine living aquatic resources such as for recreation, tourism or sport.’

- (3) Article 7 is replaced by the following:

‘Article 7

Conditions for landing catches and by-catches

1. Catches of species which are subject to catch limits and which have been caught in fisheries specified in point (a) of Article 15(1) of Regulation (EU) No 1380/2013 are subject to the landing obligation, as established in Article 15 of that Regulation (“the landing obligation”).

2. Fish subject to catch limits caught in fisheries not subject to the landing obligation shall be retained on board or landed only if:

- (a) the catches have been taken by vessels flying the flag of a Member State having a quota and that quota is not exhausted; or
- (b) the catches consist of a share in a Union quota which has not been allocated by quota among Member States, and that Union quota has not been exhausted.

3. The stocks of non-target species within safe biological limits referred to in Article 15(8) of Regulation (EU) No 1380/2013 are identified in Annex I to this Regulation for the purposes of the derogation from the obligation to count catches against the relevant quotas provided for in that Article.’.

- (4) The following Article is inserted:

‘Article 11a

Recreational sea bass fisheries in the north-east Atlantic

In recreational fisheries in ICES divisions IVb, IVc, VIIa, VIId, VIIe, VIIf, VIIg, VIIh, VIIj and VIIk not more than three specimens of sea bass may be retained per person per day.’.

- (5) Annex I to Regulation (EU) 2015/104 is amended in accordance with Annex I to this Regulation.

- (6) Annex IA to Regulation (EU) 2015/104 is amended in accordance with Annex III to this Regulation.

- (7) Annex IB to Regulation (EU) 2015/104 is amended in accordance with Annex IV to this Regulation.

- (8) Annex IJ to Regulation (EU) 2015/104 is replaced by Annex V to this Regulation.

- (9) Annex III to Regulation (EU) 2015/104 is replaced by Annex VI to this Regulation.

- (10) Annex IV to Regulation (EU) 2015/104 is replaced by Annex VII to this Regulation.
- (11) Annex VIII to Regulation (EU) 2015/104 is amended in accordance with Annex VIII to this Regulation.

Article 2

Annex IA to Regulation (EU) No 43/2014 is amended in accordance with Annex II to this Regulation.

Article 3

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

Article 1(3), (6), (7), (8), (9), (10), and (11) shall apply from 1 January 2015.

Article 2 shall apply from 1 January 2014.

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

Done at Brussels, 25 March 2015.

For the Council
The President
E. RINCĒVIČS

ANNEX III

Species:	Sand eel <i>Ammodytes</i> spp.	Zone:	Norwegian waters of IV (SAN/04-N.)
Denmark	0		
United Kingdom	0		
Union	0		
TAC	Not relevant		<div> Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply </div>

Species:	Sand eel <i>Ammodytes</i> spp.	Zone:	Union waters of IIa, IIIa and IV ⁽¹⁾
Denmark	336 964 ⁽²⁾		
United Kingdom	7 366 ⁽²⁾		
Germany	515 ⁽²⁾		
Sweden	12 374 ⁽²⁾		
Union	357 219		
TAC	357 219		<div> Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply </div>

⁽¹⁾ Excluding waters within six nautical miles of the UK baselines at Shetland, Fair Isle and Foula.

⁽²⁾ Without prejudice to the landing obligation, catches of dab and whiting may be counted against up to 2 % of the quota (OT1/*2A3A4), provided that not more than 9 % in total of this quota for sand eel is accounted for by these catches and by-catches of those species that are accounted for under Article 15(8) of Regulation (EU) No 1380/2013.

Special condition:

within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following sand eel management areas, as defined in Annex IID:

Zone:	Union waters of sand eel management areas						
	1	2	3	4	5	6	7
	(SAN/234_1)	(SAN/234_2)	(SAN/234_3)	(SAN/234_4)	(SAN/234_5)	(SAN/234_6)	(SAN/234_7)
Denmark	125 459	27 355	179 227	4 717	0	206	0
United Kingdom	2 742	598	3 918	103	0	5	0
Germany	192	42	274	7	0	0	0
Sweden	4 607	1 005	6 581	173	0	8	0
Union	133 000	29 000	190 000	5 000	0	219	0
Total	133 000	29 000	190 000	5 000	0	219	0

Species:	Megrim <i>Lepidorhombus</i> spp.	Zone:	VII (LEZ/07.)
Belgium	470 ⁽¹⁾ ⁽³⁾		
Spain	5 216 ⁽¹⁾ ⁽²⁾		
France	6 329 ⁽¹⁾ ⁽²⁾		
Ireland	2 878 ⁽¹⁾ ⁽³⁾		
United Kingdom	2 492 ⁽¹⁾ ⁽³⁾		
Union	17 385		
TAC	17 385		Analytical TAC Article 11 of this Regulation applies

⁽¹⁾ In addition to this quota, a Member State may grant to vessels flying its flag and participating in trials on fully documented fisheries an additional allocation within an overall limit of 1 % of the quota allocated to that Member State, under the conditions set out in Chapter II of Title II of this Regulation.

⁽²⁾ 5 % of this quota may be fished in VIIIa, VIIIb, VIIIc and VIId (LEZ/*8ABDE).

⁽³⁾ 5 % of this quota may be used in VIIIa, VIIIb, VIIIc and VIId (LEZ/*8ABDE) for by-catches in directed fisheries for sole.

Species:	Blue whiting <i>Micromesistius poutassou</i>	Zone:	Union and international waters of I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIIc, VIId, VIIE, XII and XIV (WHB/1X14)
Denmark	30 106 ⁽¹⁾ ⁽³⁾		
Germany	11 706 ⁽¹⁾ ⁽³⁾		
Spain	25 524 ⁽¹⁾ ⁽²⁾ ⁽³⁾		
France	20 952 ⁽¹⁾ ⁽³⁾		
Ireland	23 313 ⁽¹⁾ ⁽³⁾		
The Netherlands	36 711 ⁽¹⁾ ⁽³⁾		
Portugal	2 371 ⁽¹⁾ ⁽²⁾ ⁽³⁾		
Sweden	7 447 ⁽¹⁾ ⁽³⁾		
United Kingdom	39 065 ⁽¹⁾ ⁽³⁾		
Union	197 195 ⁽¹⁾ ⁽³⁾		
Norway	102 605		
Faroe Islands	15 000		
TAC	Not relevant		Analytical TAC

⁽¹⁾ Special condition: of which up to the following percentage may be fished in Norwegian Economic Zone or in the fishery zone around Jan Mayen (WHB/*NZJM1): 0 %

⁽²⁾ Transfers of this quota may be effected to VIId, IX and X; Union waters of CECAF 34.1.1. However, such transfers shall be notified in advance to the Commission.

⁽³⁾ Special condition: within a total access quantity of 35 000 tonnes for the Union, Member States may fish up to the following percentage of their quotas in Faroese waters (WHB/*05-F): 17,7 %

Species:	Blue whiting <i>Micromesistius poutassou</i>	Zone:	Union waters of II, IVa, V, VI north of 56° 30' N and VII west of 12° W (WHB/24A567)
Norway	0 ⁽¹⁾ ⁽²⁾		
Faroe Islands	35 000 ⁽³⁾ ⁽⁴⁾		
TAC	Not relevant		Analytical TAC

⁽¹⁾ To be counted against Norway's catch limits established under the Coastal States arrangement.

⁽²⁾ Special condition: the catch in IV shall be no more than the following amount (WHB/*04A-C): 0
This catch limit in IV amounts to the following percentage of Norway's access quota: 0 %

⁽³⁾ To be counted against the catch limits of the Faroe Islands.

⁽⁴⁾ Special conditions: may also be fished in VIb (WHB/*06B-C). The catch in IVa shall be no more than the following amount (WHB/*04A-C): 6 250

Species:	Northern prawn <i>Pandalus borealis</i>	Zone:	Union waters of IIa and IV (PRA/2AC4-C)
Denmark	1 818		
The Netherlands	17		
Sweden	73		
United Kingdom	538		
Union	2 446		
TAC	2 446		Analytical TAC

Species: Skates and rays <i>Rajiformes</i>		Zone: Union waters of VIa, VIb, VIIa-c and VIIe-k (SRX/67AKXD)
Belgium	725 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
Estonia	4 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
France	3 255 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
Germany	10 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
Ireland	1 048 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
Lithuania	17 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
The Netherlands	3 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
Portugal	18 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
Spain	876 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
United Kingdom	2 076 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
Union	8 032 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
TAC	8 032 ⁽²⁾	

Precautionary TAC
 Article 11 of this Regulation applies

⁽¹⁾ Catches of cuckoo ray (*Leucoraja naevus*) (RJN/67AKXD), thornback ray (*Raja clavata*) (RJC/67AKXD), blonde ray (*Raja brachyura*) (RJH/67AKXD), spotted ray (*Raja montagui*) (RJM/67AKXD), small-eyed ray (*Raja microocellata*) (RJE/67AKXD), sandy ray (*Raja circularis*) (RJI/67AKXD) and shagreen ray (*Raja fullonica*) (RJF/67AKXD) shall be reported separately.

⁽²⁾ Shall not apply to undulate ray (*Raja undulata*). This species shall not be targeted in the areas covered by this TAC. By-catch of undulate ray in area VIIe exclusively may be landed provided that it does not comprise more than 20 kilograms live weight per fishing trip and remain under the quotas shown in the table below. This provision shall not apply for catches subject to the landing obligation. The former provisions are without prejudice to the prohibitions set out in Articles 12 and 44 of this Regulation for the areas specified therein. By-catches of undulate ray shall be reported separately under the following code: (RJU/67AKXD). Within the limits of the abovementioned quotas, no more than the quantities of undulate ray given below may be taken:

Species: Undulate ray <i>Raja undulata</i>		Zone: Union waters of VIIe (RJU/67AKXD)
Belgium	9	
Estonia	0	
France	41	
Germany	0	
Ireland	13	
Lithuania	0	
The Netherlands	0	
Portugal	0	
Spain	11	
United Kingdom	26	
Union	100	
TAC	100	

⁽³⁾ Special condition: of which up to 5 % may be fished in Union waters of VIId (SRX/*07D.), without prejudice to the prohibitions set out in Articles 12 and 44 of this Regulation for the areas specified therein. Catches of cuckoo ray (*Leucoraja naevus*) (RJN/*07D.), thornback ray (*Raja clavata*) (RJC/*07D.), blonde ray (*Raja brachyura*) (RJH/*07D.), spotted ray (*Raja montagui*) (RJM/*07D.), small-eyed ray (*Raja microocellata*) (RJE/*07D.), sandy ray (*Raja circularis*) (RJI/*07D.), shagreen ray (*Raja fullonica*) (RJF/*07D.) and undulate ray (*Raja undulata*) (RJU/*07D.) shall be reported separately.

Species: Skates and rays <i>Rajiformes</i>		Zone: Union waters of VIIId (SRX/07D.)
Belgium	72 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
France	602 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
The Netherlands	4 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
United Kingdom	120 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
Union	798 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
TAC	798 ⁽²⁾	Precautionary TAC

⁽¹⁾ Catches of cuckoo ray (*Leucoraja naevus*) (RJN/07D.), thornback ray (*Raja clavata*) (RJC/07D.), blonde ray (*Raja brachyura*) (RJH/07D.), spotted ray (*Raja montagui*) (RJM/07D.), small-eyed ray (*Raja microocellata*) (RJE/07D.) and undulate ray (*Raja undulata*) (RJU/07D.) shall be reported separately.

⁽²⁾ Shall not apply to undulate ray (*Raja undulata*). This species shall not be targeted in the areas covered by this TAC. By-catch of undulate ray in the area covered by this TAC may be landed provided that it does not comprise more than 20 kilograms live weight per fishing trip and remain under the quotas shown in the table below. This provision shall not apply for catches subject to the landing obligation. The former provisions are without prejudice to the prohibitions set out in Articles 12 and 44 of this Regulation for the areas specified therein. By-catches of undulate ray shall be reported separately under the following code: (RJU/07D.). Within the limits of the abovementioned quotas, no more than the quantities of undulate ray given below may be taken:

Species: Undulate ray <i>Raja undulata</i>		Zone: Union waters of VIIId (RJU/07D.)
Belgium	1	
France	8	
The Netherlands	0	
United Kingdom	2	
Union	11	
TAC	11	

⁽³⁾ Special condition: of which up to 5 % may be fished in Union waters of VIa, VIb, VIIa-c and VIIe-k (SRX/*67AKD). For undulate ray, this special condition shall apply exclusively in VIIe. Catches of Cuckoo ray (*Leucoraja naevus*) (RJN/*67AKD), thornback ray (*Raja clavata*) (RJC/*67AKD), blonde ray (*Raja brachyura*) (RJH/*67AKD), spotted ray (*Raja montagui*) (RJM/*67AKD), small-eyed ray (*Raja microocellata*) (RJE/*67AKD) and undulate ray (*Raja undulata*) (RJU/*67AKD) shall be reported separately.

Species: Skates and rays <i>Rajiformes</i>		Zone: Union waters of VIII and IX (SRX/89-C.)
Belgium	7 ⁽¹⁾ ⁽²⁾	
France	1 298 ⁽¹⁾ ⁽²⁾	
Portugal	1 051 ⁽¹⁾ ⁽²⁾	
Spain	1 057 ⁽¹⁾ ⁽²⁾	
United Kingdom	7 ⁽¹⁾ ⁽²⁾	
Union	3 420 ⁽¹⁾ ⁽²⁾	
TAC	3 420 ⁽²⁾	Precautionary TAC

⁽¹⁾ Catches of cuckoo ray (*Leucoraja naevus*) (RJN/89-C.), blonde ray (*Raja brachyura*) (RJH/89-C.), thornback ray (*Raja clavata*) (RJC/89-C.) and undulate ray (*Raja undulata*) (RJU/89-C.) shall be reported separately.

⁽²⁾ Shall not apply to undulate ray (*Raja undulata*). This species shall not be targeted in the areas covered by this TAC. By-catch of undulate ray in area VIII exclusively may be landed provided that it does not comprise more than 20 kilograms live weight per fishing trip and remain under the quotas shown in the table below. This provision shall not apply for catches subject to the landing obligation. The former provisions are without prejudice to the prohibitions set out in Articles 12 and 44 of this Regulation for the areas specified therein. By-catches of undulate ray shall be reported separately under the following code: (RJU/89-C.). Within the limits of the abovementioned quotas, no more than the quantities of undulate ray given below may be taken:

Species: Undulate ray <i>Raja undulata</i>		Zone: Union waters of VIII (RJU/89-C.)
Belgium	0	
France	9	
Portugal	8	
Spain	8	
United Kingdom	0	
Union	25	
TAC	25	

Species:	Mackerel <i>Scomber scombrus</i>	Zone:	VI, VII, VIIIa, VIIIb, VIIIc and VIIIe; Union and international waters of Vb; international waters of IIa, XII and XIV (MAC/2CX14-)
Germany	26 766		
Spain	28		
Estonia	223		
France	17 846		
Ireland	89 220		
Latvia	164		
Lithuania	164		
The Netherlands	39 033		
Poland	1 885		
United Kingdom	245 363		
Union	420 692		
Norway	18 852 ⁽¹⁾ ⁽²⁾		
Faroe Islands	39 824 ⁽³⁾		
TAC	Not relevant		Analytical TAC Article 7(3) of this Regulation applies

⁽¹⁾ May be fished in IIa, VIa north of 56° 30' N, IVa, VIId, VIIe, VIIf and VIIh (MAC/*AX7H).

⁽²⁾ The following additional amount of access quota, in tonnes, may be fished by Norway north of 56° 30' N and counted against its catch limit (MAC/*N5630): 43 680

⁽³⁾ This amount shall be deducted from the Faroe Islands' catch limit (access quota). It may be fished only in VIa north of 56° 30' N (MAC/*6AN56). However, from 1 January to 15 February and from 1 October to 31 December this quota may also be fished in IIa, IVa north of 59° N (EU zone) (MAC/*24N59).

Special condition:

within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zones and periods:

	Union waters of IIa; Union and Norwegian waters of IVa. During the periods from 1 January to 15 February 2015 and from 1 September to 31 December 2015 (MAC/*4A-EN)	Norwegian waters of IIa (MAC/*2AN-)	Faroe waters (MAC/*FRO2)
Germany	16 154	2 176	2 228
France	10 770	1 449	1 485
Ireland	53 847	7 254	7 426
The Netherlands	23 557	3 172	3 249
United Kingdom	148 087	19 952	20 424
Union	252 415	34 003	34 812

ANNEX IV

Species: Herring <i>Clupea harengus</i>		Zone: Union and international waters of I and II (HER/1/2-)
Belgium	6 ⁽¹⁾	
Denmark	6 314 ⁽¹⁾	
Germany	1 105 ⁽¹⁾	
Spain	21 ⁽¹⁾	
France	272 ⁽¹⁾	
Ireland	1 634 ⁽¹⁾	
The Netherlands	2 259 ⁽¹⁾	
Poland	319 ⁽¹⁾	
Portugal	21 ⁽¹⁾	
Finland	98 ⁽¹⁾	
Sweden	2 339 ⁽¹⁾	
United Kingdom	4 036 ⁽¹⁾	
Union	18 424 ⁽¹⁾	
Faroe Islands	9 000 ⁽²⁾ ⁽³⁾	
TAC	Not established	Analytical TAC

⁽¹⁾ When reporting catches to the Commission the quantities fished in each of the following areas shall also be reported: NEAFC Regulatory Area and Union waters.

⁽²⁾ May be fished in Union waters north of 62° N.

⁽³⁾ To be counted against the catch limits of the Faroe Islands.

Special condition:

within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zones:

Norwegian waters north of 62° N and the fishery zone around Jan Mayen (HER/*2AJMN)

0

II, Vb north of 62° N (Faroes waters)
(HER/*2A 5B-F)

Belgium	3
Denmark	3 084
Germany	540
Spain	10
France	133
Ireland	798
Netherlands	1 104
Poland	156
Portugal	10
Finland	48
Sweden	1 143
United Kingdom	1 971

ANNEX V

‘ANNEX II

SPRFMO CONVENTION AREA

Species:	Jack mackerel <i>Trachurus murphyi</i>	Zone:	SPRFMO Convention Area (CJM/SPRFMO)
Germany	7 067,15		
The Netherlands	7 660,06		
Lithuania	4 917,5		
Poland	8 455,29		
Union	28 100		
TAC	Not relevant		Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply’

ANNEX VI

ANNEX III

MAXIMUM NUMBER OF FISHING AUTHORISATIONS FOR UNION VESSELS FISHING IN THIRD-COUNTRY WATERS

Area of fishing	Fishery	Number of fishing authorisations	Allocation of fishing authorisations amongst Member States		Maximum number of vessels present at any time
Norwegian waters and fishery zone around Jan Mayen	Herring, north of 62° 00' N	To be established	DK	To be established	To be established
			DE	To be established	
			FR	To be established	
			IE	To be established	
			NL	To be established	
			PL	To be established	
			SV	To be established	
			UK	To be established	
	Demersal species, north of 62° 00' N	80	DE	16	50
			IE	1	
			ES	20	
			FR	18	
			PT	9	
			UK	14	
			Unallocated	2	
	Mackerel ⁽¹⁾	Not relevant	Not relevant		70
	Industrial species, south of 62° 00' N	480	DK	450	150
			UK	30	
Faroese waters	All trawl fisheries with vessels of not more than 180 feet in the zone between 12 and 21 miles from the Faroese base-lines	26	BE	0	13
			DE	4	
			FR	4	
			UK	18	
	Directed fisheries for cod and haddock with a minimum mesh of 135 mm, restricted to the area south of 62° 28' N and east of 6° 30' W	8 ⁽²⁾	Not relevant		4

Area of fishing	Fishery	Number of fishing authorisations	Allocation of fishing authorisations amongst Member States		Maximum number of vessels present at any time
	Trawl fisheries outside 21 miles from the Faroese baseline. In the periods from 1 March to 31 May and from 1 October to 31 December, these vessels may operate in the area between 61° 20' N and 62° 00' N and between 12 and 21 miles from the baselines	70	BE	0	26
			DE	10	
			FR	40	
			UK	20	
	Trawl fisheries for blue ling with a minimum mesh of 100 mm in the area south of 61° 30' N and west of 9° 00' W and in the area between 7° 00' W and 9° 00' W south of 60° 30' N and in the area south-west of a line between 60° 30' N, 7° 00' W and 60°00' N, 6°00' W	70	DE ⁽³⁾	8	20 ⁽⁴⁾
			FR ⁽³⁾	12	
	Directed trawl fisheries for saithe with a minimum mesh size of 120 mm and with the possibility to use round-straps around the cod end	70	Not relevant		22 ⁽⁴⁾
	Fisheries for blue whiting. The total number of fishing authorisations may be increased by four vessels to form pairs, should the Faroese authorities introduce special rules of access to an area called 'main fishing area of blue whiting'	34	DE	2	20
			DK	5	
			FR	4	
			NL	6	
			UK	7	
			SE	1	
			ES	4	
			IE	4	
			PT	1	
	Line fisheries	10	UK	10	6
	Mackerel	12	DK	1	12
			BE	0	
			DE	1	
			FR	1	
			IE	2	
			NL	1	
			SE	1	
			UK	5	

Area of fishing	Fishery	Number of fishing authorisations	Allocation of fishing authorisations amongst Member States		Maximum number of vessels present at any time
	Herring, north of 62° 00' N	20	DK	5	
			DE	2	
			IE	2	
			FR	1	
			NL	2	
			PL	1	
			SE	3	
			UK	4	

⁽¹⁾ Without prejudice to additional licences granted to Sweden by Norway in accordance with established practice.

⁽²⁾ These figures are included in the figures for all trawl fisheries with vessels of not more than 180 feet in the zone between 12 and 21 miles from the Faroese baselines.

⁽³⁾ These figures refer to the maximum number of vessels present at any time.

⁽⁴⁾ These figures are included in the figures for "Trawl fisheries outside 21 miles from the Faroese baselines".

ANNEX VII

‘ANNEX IV

ICCAT CONVENTION AREA ⁽¹⁾

1. Maximum number of Union bait boats and trolling boats authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the eastern Atlantic

Spain	60
France	37
Union	97

2. Maximum number of Union coastal artisanal fishing vessels authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Mediterranean

Spain	151
France	94
Italy	30
Cyprus	6 ⁽²⁾
Malta	28 ⁽³⁾
Union	309

3. Maximum number of Union vessels authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Adriatic Sea for farming purposes

Croatia	11
Italy	12
Union	23

4. Maximum number and total capacity in gross tonnage of fishing vessels of each Member State that may be authorised to fish for, retain on board, tranship, transport, or land bluefin tuna in the eastern Atlantic and Mediterranean

Table A

Number of fishing vessels ⁽⁴⁾							
	Cyprus ⁽⁵⁾	Greece ⁽⁶⁾	Croatia	Italy	France	Spain	Malta ⁽⁷⁾
Purse Seiners	1	1	11	12	17	6	1
Longliners	6 ⁽⁸⁾	0	0	30	8	58	28
Baitboat	0	0	0	0	8	70	0

Number of fishing vessels ⁽⁴⁾							
	Cyprus ⁽⁵⁾	Greece ⁽⁶⁾	Croatia	Italy	France	Spain	Malta ⁽⁷⁾
Handline	0	0	12	0	29 ⁽⁹⁾	1	0
Trawler	0	0	0	0	57	0	0
Other artisanal ⁽¹⁰⁾	0	21	0	0	94	83	0

Table B

Total capacity in gross tonnage							
	Cyprus	Croatia	Greece	Italy	France	Spain	Malta
Purse Seiners	To be established	To be established	To be established	To be established	To be established	To be established	To be established
Longliners	To be established	To be established	To be established	To be established	To be established	To be established	To be established
Baitboats	To be established	To be established	To be established	To be established	To be established	To be established	To be established
Handlines	To be established	To be established	To be established	To be established	To be established	To be established	To be established
Trawlers	To be established	To be established	To be established	To be established	To be established	To be established	To be established
Other artisanal	To be established	To be established	To be established	To be established	To be established	To be established	To be established

5. Maximum number of traps engaged in the eastern Atlantic and Mediterranean bluefin tuna fishery authorised by each Member State

	Number of traps ⁽¹¹⁾
Spain	5
Italy	6
Portugal	2

6. Maximum bluefin tuna farming capacity and fattening capacity for each Member State and maximum input of wild-caught bluefin tuna that each Member State may allocate to its farms in the eastern Atlantic and Mediterranean

Table A

Maximum tuna farming capacity and fattening capacity		
	Number of farms	Capacity (in tonnes)
Spain	14	11 852
Italy	15	13 000
Greece	2	2 100

Maximum tuna farming capacity and fattening capacity		
	Number of farms	Capacity (in tonnes)
Cyprus	3	3 000
Croatia	7	7 880
Malta	8	12 300

Table B

Maximum input of wild-caught bluefin tuna (in tonnes)	
Spain	5 855
Italy	3 764
Greece	785
Cyprus	2 195
Croatia	2 947
Malta	8 768

⁽¹⁾ The numbers shown in Sections 1, 2 and 3 may decrease in order to comply with international obligations of the Union.

⁽²⁾ This figure may increase by 10, if Cyprus decides to replace the purse seine vessel by 10 longline vessels as indicated in footnote 5 to Table A of Section 4.

⁽³⁾ This figure may increase by 10, if Malta decides to replace the purse seine vessel by 10 longline vessels as indicated in footnote 7 to Table A of Section 4.

⁽⁴⁾ The numbers in this Table A of Section 4 may be further increased, provided that the international obligations of the Union are complied with.

⁽⁵⁾ One medium sized purse seiner may be replaced by no more than 10 longline vessels.

⁽⁶⁾ One medium sized purse seiner may be replaced by no more than 10 artisanal vessels or by one small sized purse seiner and three artisanal vessels.

⁽⁷⁾ One medium sized purse seiner may be replaced by no more than 10 longline vessels.

⁽⁸⁾ Polyvalent vessels, using multi-gear equipment.

⁽⁹⁾ Trolling liners fishing in the eastern Atlantic.

⁽¹⁰⁾ Polyvalent vessels, using multi-gear equipment (longline, handline, trolling line).

⁽¹¹⁾ This number may be further increased, provided that the international obligations of the Union are complied with.'

ANNEX VIII

‘ANNEX VIII

**QUANTITATIVE LIMITATIONS OF FISHING AUTHORISATIONS FOR THIRD-COUNTRY VESSELS FISHING
IN UNION WATERS**

Flag State	Fishery	Number of fishing authori- sations	Maximum number of vessels present at any time
Norway	Herring, north of 62° 00' N	To be established	To be established
Faroe Islands	Mackerel, VIa (north of 56° 30' N), IIa, IVa (north of 59° N) Horse mackerel, IV, VIa (north of 56° 30' N), VIIe, VIIIf, VIIh	14	14
	Herring, north of 62° 00' N	20	
	Herring, IIIa	4	4
	Industrial fishing for Norway pout, IV, VIa (north of 56° 30' N) (including unavoidable by-catches of blue whiting)	14	14
	Ling and tusk	20	10
	Blue whiting, II, IVa, V, VIa (north of 56° 30' N), VIb, VII (west of 12° 00' W)	20	20
	Blue ling	16	16'

COMMISSION IMPLEMENTING REGULATION (EU) 2015/524**of 27 March 2015****correcting the Bulgarian version of Implementing Regulation (EU) No 79/2012 laying down detailed rules for implementing certain provisions of Council Regulation (EU) No 904/2010 concerning administrative cooperation and combating fraud in the field of value added tax**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EU) No 904/2010 of 7 October 2010 on administrative cooperation and combating fraud in the field of value added tax ⁽¹⁾ and, in particular Articles 14, 32, 48 and 49 and Article 51(1) thereof,

Whereas:

- (1) The Bulgarian version of Commission Implementing Regulation (EU) No 79/2012 ⁽²⁾ contains an error. The words 'on the territory of the European Union' need to be deleted from Articles 2 and 3. Therefore a correction of the Bulgarian language version is necessary. The other language versions are not affected.
- (2) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Administrative Cooperation,

HAS ADOPTED THIS REGULATION:

Article 1

(Concerns only the Bulgarian version.)

Article 2

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

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

Done at Brussels, 27 March 2015.

For the Commission

The President

Jean-Claude JUNCKER

⁽¹⁾ OJ L 268, 12.10.2010, p. 1.

⁽²⁾ OJ L 29, 1.2.2012, p. 13.

COMMISSION IMPLEMENTING REGULATION (EU) 2015/525**of 27 March 2015****amending Annex I to Regulation (EC) No 669/2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin****(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 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽¹⁾, and in particular Article 15(5) thereof,

Whereas:

- (1) Commission Regulation (EC) No 669/2009 ⁽²⁾ lays down rules concerning the increased level of official controls to be carried out on imports of feed and food of non-animal origin listed in Annex I thereto ('the list'), at the points of entry into the territories referred to in Annex I to Regulation (EC) No 882/2004.
- (2) Article 2 of Regulation (EC) No 669/2009 provides that the list is to be reviewed on a regular basis, and at least quarterly, taking into account at least the sources of information referred to in that Article.
- (3) The occurrence and relevance of recent food incidents notified through the Rapid Alert System for Food and Feed, the findings of audits to third countries carried out by the Food and Veterinary Office, as well as the quarterly reports on consignments of feed and food of non-animal origin submitted by Member States to the Commission in accordance with Article 15 of Regulation (EC) No 669/2009 indicate that the list should be amended.
- (4) In particular, for consignments of almonds originating from Australia, pistachios originating from the United States and dried apricots originating from Uzbekistan, the relevant sources of information indicate the emergence of new risks requiring the introduction of an increased level of official controls. Entries concerning those consignments should therefore be included in the list.
- (5) In addition, it is necessary to amend the endnotes set out in Annex I to Regulation (EC) No 669/2009 in order to ensure that the controls carried out by the Member States in accordance with that Regulation target at least the pesticides listed in the control programme adopted in accordance with Article 29(2) of Regulation (EC) No 396/2005 ⁽³⁾ that can be analysed with multi-residue methods based on GC-MS and LC-MS. It is also appropriate to maintain individual endnotes as regards certain pesticides which are not listed in that control programme or which may require, in one or more Member States, a single-residue method in order to be analysed.
- (6) In order to ensure consistency and clarity, it is appropriate to replace Annex I to Regulation (EC) No 669/2009 by the text set out in the Annex to this Regulation.
- (7) Regulation (EC) No 669/2009 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

⁽¹⁾ OJ L 165, 30.4.2004, p. 1.

⁽²⁾ Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC (OJ L 194, 25.7.2009, p. 11).

⁽³⁾ Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 669/2009 is replaced by the text set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 April 2015.

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

Done at Brussels, 27 March 2015.

For the Commission
The President
Jean-Claude JUNKER

ANNEX

‘ANNEX I

Feed and food of non-animal origin subject to an increased level of official controls at the designated point of entry

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub- division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Dried grapes (vine fruit) (Food)	0806 20		Afghanistan (AF)	Ochratoxin A	50
— Almonds, in shell	— 0802 11		Australia (AU)	Aflatoxins	20
— Almonds, shelled	— 0802 12				
(Food)					
— Groundnuts (peanuts), in shell	— 1202 41 00		Brazil (BR)	Aflatoxins	10
— Groundnuts (peanuts), shelled	— 1202 42 00				
— Peanut butter	— 2008 11 10				
— Groundnuts (peanuts), otherwise prepared or preserved	— 2008 11 91; 2008 11 96; 2008 11 98				
(Feed and food)					
— Yardlong beans (<i>Vigna unguiculata</i> spp. <i>sesquipedalis</i>)	— ex 0708 20 00; ex 0710 22 00	10 10	Cambodia (KH)	Pesticide residues ⁽²⁾ ⁽³⁾	50
— Aubergines	— 0709 30 00; ex 0710 80 95	72			
(Food — fresh, chilled or frozen vegetables)					
Chinese celery (<i>Apium graveolens</i>) (Food — fresh or chilled herb)	ex 0709 40 00	20	Cambodia (KH)	Pesticide residues ⁽²⁾ ⁽⁴⁾	50
<i>Brassica oleracea</i> (other edible Brassica, “Chinese Broccoli”) ⁽⁵⁾ (Food — fresh or chilled)	ex 0704 90 90	40	China (CN)	Pesticide residues ⁽²⁾	50
Tea, whether or not flavoured (Food)	0902		China (CN)	Pesticide residues ⁽²⁾ ⁽⁶⁾	10
— Aubergines	— 0709 30 00; ex 0710 80 95	72	Dominican Republic (DO)	Pesticide residues ⁽²⁾ ⁽⁷⁾	10
— Bitter melon (<i>Momordica charantia</i>)	— ex 0709 99 90; ex 0710 80 95	70 70			
(Food — fresh, chilled or frozen vegetables)					

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub- division	Country of origin	Hazard	Frequency of physical and identity checks ^(%)
— Yardlong beans (<i>Vigna unguiculata</i> spp. <i>sesquipedalis</i>) — Peppers (sweet and other than sweet) (<i>Capsicum</i> spp.) (Food — fresh, chilled or frozen vegetables)	— ex 0708 20 00; ex 0710 22 00 — 0709 60 10; ex 0709 60 99 — 0710 80 51; ex 0710 80 59	10 10 20 20	Dominican Republic (DO)	Pesticide residues ⁽²⁾ ⁽⁷⁾	20
Strawberries (fresh) (Food)	0810 10 00		Egypt (EG)	Pesticide residues ⁽²⁾ ⁽⁸⁾	10
Peppers (sweet and other than sweet) (<i>Capsicum</i> spp.) (Food — fresh, chilled or frozen)	0709 60 10; ex 0709 60 99; 0710 80 51; ex 0710 80 59	20 20	Egypt (EG)	Pesticide residues ⁽²⁾ ⁽⁹⁾	10
Betel leaves (<i>Piper betle</i> L.) (Food)	ex 1404 90 00	10	India (IN)	Salmonella ⁽¹⁰⁾	50
Sesamum seeds (Food — fresh or chilled)	1207 40 90		India (IN)	Salmonella ⁽¹⁰⁾	20
— <i>Capsicum annuum</i> , whole — <i>Capsicum annuum</i> , crushed or ground — Dried fruit of the genus <i>Capsicum</i> , whole, other than sweet peppers (<i>Capsicum annuum</i>) — Nutmeg (<i>Myristica fragrans</i>) (Food — dried spices)	— 0904 21 10 — ex 0904 22 00 — 0904 21 90 — 0908 11 00; 0908 12 00	10	India (IN)	Aflatoxins	20
Enzymes; prepared enzymes (Feed and food)	3507		India (IN)	Chloramphenicol	50
— Nutmeg (<i>Myristica fragrans</i>) (Food — dried spices)	— 0908 11 00; 0908 12 00		Indonesia (ID)	Aflatoxins	20
— Peas with pods (unshelled) — Beans with pods (unshelled) (Food — fresh or chilled)	— ex 0708 10 00 — ex 0708 20 00	40 40	Kenya (KE)	Pesticide residues ⁽²⁾ ⁽¹¹⁾	10

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub- division	Country of origin	Hazard	Frequency of physical and iden- tity checks ^(%)
Mint (Food — fresh or chilled herb)	ex 1211 90 86; ex 2008 99 99	30 70	Morocco (MA)	Pesticide resi- dues ⁽²⁾ ⁽¹²⁾	10
Dried beans (Food)	0713 39 00		Nigeria (NG)	Pesticide resi- dues ⁽²⁾	50
Table grapes (Food — fresh)	0806 10 10		Peru (PE)	Pesticide resi- dues ⁽²⁾ ⁽¹³⁾	10
Watermelon (<i>Egusi</i> , <i>Citrullus lanatus</i>) seeds and derived products (Food)	ex 1207 70 00; ex 1106 30 90; ex 2008 99 99	10 30 50	Sierra Leone (SL)	Aflatoxins	50
— Groundnuts (peanuts), in shell — Groundnuts (peanuts), shelled — Peanut butter — Groundnuts (peanuts), otherwise prepared or preserved (Feed and food)	— 1202 41 00 — 1202 42 00 — 2008 11 10 — 2008 11 91; 2008 11 96; 2008 11 98		Sudan (SD)	Aflatoxins	50
Peppers (other than sweet) (<i>Capsicum</i> spp.) (Food — fresh or chilled)	ex 0709 60 99	20	Thailand (TH)	Pesticide resi- dues ⁽²⁾ ⁽¹⁴⁾	10
Betel leaves (<i>Piper betle</i> L.) (Food)	ex 1404 90 00	10	Thailand (TH)	Salmonella ⁽¹⁰⁾	50
— Yardlong beans (<i>Vigna unguiculata</i> spp. <i>sesquipedalis</i>) — Aubergines (Food — fresh, chilled or frozen vegetables)	— ex 0708 20 00; ex 0710 22 00 — 0709 30 00; ex 0710 80 95	10 10 72	Thailand (TH)	Pesticide resi- dues ⁽²⁾ ⁽¹⁵⁾	20
— Dried apricots — Apricots, otherwise prepared or preserved (Food)	— 0813 10 00 — 2008 50 61		Turkey (TR)	Sulphites ⁽¹⁶⁾	10
— Sweet peppers (<i>Capsicum annuum</i>) (Food — fresh, chilled or frozen vegetables)	— 0709 60 10; 0710 80 51		Turkey (TR)	Pesticide resi- dues ⁽²⁾ ⁽¹⁷⁾	10

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub- division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Vine leaves (Food)	ex 2008 99 99	11; 19	Turkey (TR)	Pesticide residues ⁽²⁾ ⁽¹⁸⁾	20
— Pistachios, in shell — Pistachios, shelled (Food)	— 0802 51 00 — 0802 52 00		United States (US)	Aflatoxins	20
— Dried apricots — Apricots, otherwise prepared or preserved (Food)	— 0813 10 00 — 2008 50 61		Uzbekistan (UZ)	Sulphites ⁽¹⁶⁾	50
Dried grapes (vine fruit) (Food)	0806 20		Uzbekistan (UZ)	Ochratoxin A	50
— Coriander leaves — Basil (holy, sweet) — Mint — Parsley (Food — fresh or chilled herbs)	— ex 0709 99 90 — ex 1211 90 86; ex 2008 99 99 — ex 1211 90 86; ex 2008 99 99 — ex 0709 99 90	72 20 75 30 70 40	Viet Nam (VN)	Pesticide residues ⁽²⁾ ⁽¹⁹⁾	20
— Pitahaya (dragon fruit) — Okra — Peppers (other than sweet) (<i>Capsicum</i> spp.) (Food — fresh or chilled)	— ex 0810 90 20 — ex 0709 99 90 — ex 0709 60 99	10 20 20	Viet Nam (VN)	Pesticide residues ⁽²⁾ ⁽¹⁹⁾	20

⁽¹⁾ Where only certain products under any CN code are required to be examined and no specific subdivision under that code exists, the CN code is marked "ex".

⁽²⁾ Residues of at least those pesticides listed in the control programme adopted in accordance with Article 29(2) of Regulation (EC) No 396/2005 of the European Parliament and of the Council of 23 February 2005 on maximum residue levels of pesticides in or on food and feed of plant and animal origin and amending Council Directive 91/414/EEC (OJ L 70, 16.3.2005, p. 1) that can be analysed with multi-residue methods based on GC-MS and LC-MS (pesticides to be monitored in/on products of plant origin only).

⁽³⁾ Residues of Chlorbufam.

⁽⁴⁾ Residues of Phenthoate.

⁽⁵⁾ Species of *Brassica oleracea* L. convar. *Botrytis* (L) Alef var. *Italica* Plenck, cultivar *albuglabra*. Also known as "Kai Lan", "Gai Lan", "Gailan", "Kailan", "Chinese bare jielan".

⁽⁶⁾ Residues of Trifluralin.

⁽⁷⁾ Residues of Acephate, Aldicarb (sum of aldicarb, its sulfoxide and its sulfone, expressed as aldicarb), Amitraz (amitraz including the metabolites containing the 2,4-dimethylaniline moiety expressed as amitraz), Diafenthiuron, Dicofof (sum of p, p' and o,p' isomers), Dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram) and Methiocarb (sum of methiocarb and methiocarb sulfoxide and sulfone, expressed as methiocarb).

⁽⁸⁾ Residues of Hexaflumuron, Methiocarb (sum of methiocarb and methiocarb sulfoxide and sulfone, expressed as methiocarb), Phenthoate and Thiophanate-methyl.

⁽⁹⁾ Residues of Dicofof (sum of p, p' and o,p' isomers), Dinotefuran, Folpet, Prochloraz (sum of prochloraz and its metabolites containing the 2,4,6-Trichlorophenol moiety expressed as prochloraz), Thiophanate-methyl and Triforine.

⁽¹⁰⁾ Reference method EN/ISO 6579 or a method validated against it as referred to in Article 5 of Commission Regulation (EC) No 2073/2005 of 15 November 2005 on microbiological criteria for foodstuffs (OJ L 338, 22.12.2005, p. 1).

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- (¹¹) Residues of Acephate and Diafenthiuron.
- (¹²) Residues of Flubendiamide.
- (¹³) Residues of Ethephon.
- (¹⁴) Residues of Formetanate: sum of formetanate and its salts expressed as formetanate (hydrochloride), Prothiofos and Triforine.
- (¹⁵) Residues of Acephate, Dicrotophos, Prothiofos, Quinalphos and Triforine.
- (¹⁶) Reference methods: EN 1988-1:1998, EN 1988-2:1998 or ISO 5522:1981.
- (¹⁷) Residues of Diafenthiuron, Formetanate: sum of formetanate and its salts expressed as formetanate (hydrochloride) and Thiophanate-methyl.
- (¹⁸) Residues of Dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram) and Metrafenone.
- (¹⁹) Residues of Dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram), Phenthoate and Quinalphos.'
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COMMISSION IMPLEMENTING REGULATION (EU) 2015/526
of 27 March 2015

amending Annex I to Regulation (EC) No 798/2008 as regards the entry for the United States in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into or transit through the Union in relation to further outbreaks of highly pathogenic avian influenza in that country

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽¹⁾, and in particular the introductory phrase of Article 8, the first subparagraph of point 1 of Article 8, point 4 of Article 8 and Article 9(4)(c) thereof,

Having regard to Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs ⁽²⁾, and in particular Articles 23(1), 24(2) and 25(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 798/2008 ⁽³⁾ lays down veterinary certification requirements for imports into and transit, including storage during transit, through the Union of poultry and poultry products ('the commodities'). It provides that the commodities may only be imported into and transit through the Union from the third countries, territories, zones or compartments listed in columns 1 and 3 of the table in Part 1 of Annex I thereto.
- (2) Regulation (EC) No 798/2008 also lays down the conditions for a third country, territory, zone or compartment to be considered as free from highly pathogenic avian influenza (HPAI).
- (3) The United States is listed in Part 1 of Annex I to Regulation (EC) No 798/2008 as a third country from which imports into and transit through the Union of the commodities covered by that Regulation are authorised from certain parts of its territory depending on the presence of HPAI outbreaks. That regionalisation was recognised by Regulation (EC) No 798/2008, as amended by Implementing Regulation (EU) 2015/243 ⁽⁴⁾ and Implementing Regulation (EU) 2015/342 ⁽⁵⁾ following outbreaks of HPAI in the States of California, Idaho, Oregon and Washington.
- (4) An Agreement between the Union and the United States ⁽⁶⁾ provides for a swift mutual recognition of regionalisation measures in the event of outbreaks of a disease in the Union or in the United States ('the Agreement').
- (5) The United States confirmed further outbreaks of HPAI of subtype H5 in poultry flocks in the States of California, Oregon, Minnesota and Washington during February and March 2015. The veterinary authorities of the United States immediately suspended issuing veterinary certificates for consignments of commodities intended for export to the Union from the affected States. The United States has also implemented a stamping-out policy in order to control HPAI and limit its spread.

⁽¹⁾ OJ L 18, 23.1.2003, p. 11.

⁽²⁾ OJ L 343, 22.12.2009, p. 74.

⁽³⁾ Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements (OJ L 226, 23.8.2008, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) 2015/243 of 13 February 2015 amending Annex I to Regulation (EC) No 798/2008 as regards the entry for the United States in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into or transit through the Union in relation to highly pathogenic avian influenza (OJ L 41, 17.2.2015, p. 5).

⁽⁵⁾ Commission Implementing Regulation (EU) 2015/342 of 2 March 2015 amending Annex I to Regulation (EC) No 798/2008 as regards the entry for the United States in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into or transit through the Union in relation to highly pathogenic avian influenza following outbreaks in the States of Idaho and California (OJ L 60, 4.3.2015, p. 31).

⁽⁶⁾ Agreement between the European Community and the Government of the United States of America on sanitary measures to protect public and animal health in trade in live animals and animal products, as approved on behalf of the European Community by Council Decision 1998/258/EC (OJ L 118, 21.4.1998, p. 1).

- (6) Following those outbreaks in the States of California, Oregon, Minnesota and Washington, the United States submitted updated information on the epidemiological situation on its territory and the measures it has taken to prevent the further spread of HPAI which has now been evaluated by the Commission. On the basis of that evaluation, as well as the commitments laid down in the Agreement and the guarantees provided by the United States, it is appropriate to modify the prohibition on the introduction into the Union of certain commodities to cover the whole State of Minnesota and those parts of the States of California, Oregon and Washington, which the veterinary authorities of the United States have placed under restrictions due to the current outbreaks.
- (7) The United States has further reported the completion of cleaning and disinfection measures following stamping-out on holdings where outbreaks had been detected between mid-December 2014 and mid-January 2015. It is appropriate to indicate the dates when these parts of the territory that were placed under veterinary restrictions in relation to these outbreaks may again be considered HPAI free and imports into the Union of certain poultry commodities originating from these areas should be re-authorised.
- (8) The entry for the United States in the list in Part 1 of Annex I to Regulation (EC) No 798/2008 should therefore be amended to take account of the current epidemiological situation in that third country.
- (9) Annex I to Regulation (EC) No 798/2008 should therefore be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Part 1 of Annex I to Regulation (EC) No 798/2008 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 27 March 2015.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

In Part 1 of Annex I to Regulation (EC) No 798/2008, the entry for the United States is replaced by the following:

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella control status ⁽⁷⁾
			Model(s)	Additional guarantees		Closing date ⁽¹⁾	Opening date ⁽²⁾			
1	2	3	4	5	6	6A	6B	7	8	9
'US — United States	US-0	Whole country	SPF							
			EP, E							S4
	US-1	Area of the United States, excluding the territory US-2	BPP, BPR, DOC, DOR, HEP, HER, SRP, SRA		N			A		S3, ST1'
			WGM	VIII						
			POU, RAT		N					
	US-2	Area of the United States corresponding to:								
	US-2.1	State of Washington: Benton County Franklin County	WGM	VIII	P2	19.12.2014	7.4.2015			
			POU, RAT		N P2					
	US-2.2	State of Washington: Clallam County	WGM	VIII	P2	19.12.2014	11.5.2015			
			POU, RAT		N P2					

1	2	3	4	5	6	6A	6B	7	8	9
	US-2.3	State of Washington:	WGM	VIII	P2	29.1.2015				
		<p>Okanogan County ⁽¹⁾:</p> <p>(a) North: Beginning at the intersection of US 97 WA 20 and S. Janis Road, turn right onto S. Janis Road. Turn left onto McLaughlin Canyon Road, then right onto Hardy Road, then turn left onto Chewilken Valley Road.</p> <p>(b) East: From Chewilken Valley Road, turn right onto JH Green Road, then left onto Hosheit Road, then left onto Tedrow Trail Road, then left onto Brown Pass Road to the boundary line of the Colville Tribe. Follow the Colville Tribe boundary west and then south until it crosses US 97 WA 20.</p> <p>(c) South: Turn right onto US 97 WA 20, then left onto Cherokee Road, then right onto Robinson Canyon Road. Turn left onto Bide A Wee Road, then left onto Duck Lake Road, then right onto Soren Peterson Road, then left onto Johnson Creek Road, then right onto George Road. Turn left onto Wetherstone Road, then right onto Eplay Road.</p> <p>(d) West: From Eplay Road, turn right onto Conconully Road/ 6th Avenue N., then left onto Green Lake Road, then right onto Salmon Creek Road, then right onto Happy Hill Road, then left onto Conconully Road (turns into Main Street). Turn right onto Broadway, then left onto C Street, then right onto Lake Street E, then right onto Sinlahekin Road, then right onto S. Fish Lake Road, then right onto Fish Lake Road. Turn left onto N. Pine Creek Road, then right onto Henry Road (turns into N. Pine Creek Road), then right onto Indian Springs Road, then right onto Hwy 7, ending at US 97 WA 20.</p>	POU, RAT		N P2					
	US-2.4	State of Washington:	WGM	VIII	P2	3.2.2015				
		<p>Okanogan County ⁽²⁾:</p> <p>(a) North: Beginning where US Hwy 97 intersects with the Canadian border, continue East along the Canadian border, then turn right onto 9 Mile Road (County Hwy 4777).</p>	POU, RAT		N P2					

1	2	3	4	5	6	6A	6B	7	8	9
		<p>(b) East: From 9 Mile Road, turn right onto Old Hwy 4777, which turns South onto Molson Road. Turn right onto Chesaw Road, then left onto Forest Service 3525, then left onto Forest Development Road 350, which turns into Forest Development Road 3625. From there, head due west and turn left onto Forest Service 3525, then right onto Rone Road, then right onto Box Spring Road, then left onto Mosquito Creek Road, and then right onto Swanson Mill Road.</p> <p>(c) South: From Swanson Mill Road, turn left onto O'Neil Road, then merge south onto 97N. Turn right onto Ellis Forde Bridge Road, then left onto Janis Oroville (SR 7), then right onto Loomis Oroville Road, then right onto Wannact Lake Road, then left onto Ellemeham Mountain Road, then left onto Earth Dam Road, then left onto an unnamed road, then right onto an unnamed road, then right onto another unnamed road, then left onto an unnamed road, and then left onto another unnamed road.</p> <p>(d) West: From the unnamed road, turn right onto Loomis Oroville Road, then left onto Smilkameen Road to the Canadian Border.</p>								
US-2.5	State of Oregon: Douglas County		WGM	VIII	P2	19.12.2014	23.3.2015			
			POU, RAT		N P2					
US-2.6	State of Oregon: Deschutes County		WG	VIII	P2	14.2.2015				
			POU, RAT		N P2					
US-2.7	State of Oregon: Malheur County		WGM	VIII	P2	20.1.2015	11.5.2015			
			POU, RAT		N P2					
	State of Idaho: Canyon County Payette County		WGM	VIII	P2					
			POU, RAT		N P2					

1	2	3	4	5	6	6A	6B	7	8	9
	US-2.8.	State of California:	WGM	VIII	P2	23.1.2015				
		Stanislaus County/Tuolumne County: A zone of a 10 km radius starting with N point on the circular Control Zone border and extending in a clockwise fashion: (a) North — 2,5 miles east from intersection between State Hwy. 108 and Williams Road. (b) Northeast — 1,4 miles southeast from intersection between Rock River Dr and Tulloch Road. (c) East — 2,0 miles northwest from intersection between Milpitas Road and Las Cruces Road. (d) Southeast — 1,58 miles east of the north end of Rushing Road. (e) South — 0,70 miles south of intersection between State Highway 132 and Crabtree Road. (f) Southwest — 0,8 miles southeast of intersection between Hazel Dean Road and Loneoak Road. (g) West — 2,5 miles southwest of intersection between Warrnerville Road and Tim Bell Road. (h) Northwest — 1,0 mile southeast of intersection between CA-120 and Tim Bell Road.	POU, RAT		N P2					
	US-2.9	State of California:	WGM	VIII	P2	12.2.2015				
		Kings County: A zone of a 10 km radius starting with N point on the circular Control Zone border and extending in a clockwise fashion: (a) North — 0,58 miles north of Kansas Avenue NE — 0,83 miles east from CA-43. (b) East — 0,04 miles east from 5th Avenue (c) Southeast — 0,1 miles east of intersection between Paris Avenue and 7th Avenue (d) South — 1,23 miles north of Redding Avenue	POU, RAT		N P2					

1	2	3	4	5	6	6A	6B	7	8	9
		(e) Southwest — 0,6 miles west of intersection of Paris Avenue and 15th Avenue (f) West — 1,21 miles east of 19th Avenue (g) Northwest — 0,3 miles north of intersection of Laurel Avenue and 16th Avenue								
	US-2.10	State of Minnesota	WGM	VIII	P2	5.3.2015				
			POU, RAT		N P2					

COMMISSION IMPLEMENTING REGULATION (EU) 2015/527**of 27 March 2015****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 Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾,

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

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 27 March 2015.

*For the Commission,
On behalf of the President,*

*Jerzy PLEWA
Director-General for Agriculture and Rural Development*

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽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	MA	100,4
	TR	119,5
	ZZ	110,0
0707 00 05	MA	170,1
	TR	162,2
	ZZ	166,2
0709 93 10	MA	127,5
	TR	171,3
	ZZ	149,4
0805 10 20	EG	44,5
	IL	72,0
	MA	55,7
	TN	55,6
	TR	68,6
	ZZ	59,3
0805 50 10	BO	92,8
	TR	45,8
	ZZ	69,3
0808 10 80	AR	94,0
	BR	72,6
	CL	111,8
	CN	105,5
	MK	25,7
	US	212,5
	ZA	188,2
	ZZ	115,8
0808 30 90	AR	109,7
	CL	122,0
	CN	71,3
	ZA	123,9
	ZZ	106,7

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EU) No 1106/2012 of 27 November 2012 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards the update of the nomenclature of countries and territories (OJ L 328, 28.11.2012, p. 7). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COUNCIL DECISION (CFSP) 2015/528

of 27 March 2015

establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (Athena) and repealing Decision 2011/871/CFSP

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 26(2) and 41(2) thereof,

Whereas:

- (1) The European Council, meeting in Helsinki on 10 and 11 December 1999, agreed in particular that, 'cooperating voluntarily in Union-led operations, Member States must be able, by 2003, to deploy within 60 days and sustain for at least one year, military forces of up to 50 000 to 60 000 persons capable of the full range of Petersberg tasks'.
- (2) On 17 June 2002, the Council approved the arrangements for the financing of Union-led crisis-management operations having military or defence implications.
- (3) The Council, in its conclusions of 14 May 2003, confirmed the need for a rapid reaction capability, in particular for humanitarian and rescue tasks.
- (4) The European Council, meeting in Thessaloniki on 19 and 20 June 2003, welcomed the conclusions of the Council meeting on 19 May 2003, which in particular confirmed the need for a Union military rapid reaction capability.
- (5) On 22 September 2003, the Council decided that the Union should acquire the capacity to flexibly manage the financing of common costs of military operations of any scale, complexity or urgency, in particular by setting up, by 1 March 2004 at the latest, a permanent financing mechanism to assume charge of the financing of common costs of any future Union military operation.
- (6) On 23 February 2004, the Council adopted Decision 2004/197/CFSP ⁽¹⁾ establishing a mechanism to administer the financing of the common costs of Union operations having military or defence implications. That Decision has subsequently been amended and replaced several times, most recently by Council Decision 2011/871/CFSP ⁽²⁾.
- (7) The Union is capable of conducting military rapid response operations in accordance with the concept defined by the EU Military Committee. The Union is capable of deploying Battle Groups in accordance with the concept defined by the EU Military Committee.
- (8) The scheme for early financing is intended first and foremost for rapid response operations.
- (9) Exercises at the political and military strategic level of the command and control structures and procedures for Union military operations through Union headquarters exercises, as approved by the Political and Security Committee (PSC), contribute to enhancing the Union's overall operational readiness.
- (10) The Council decides on a case-by-case basis whether an operation has military or defence implications, within the meaning of Article 41(2) of the Treaty on European Union (TEU).

⁽¹⁾ Council Decision 2004/197/CFSP of 23 February 2004 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (OJ L 63, 28.2.2004, p. 68).

⁽²⁾ Council Decision 2011/871/CFSP of 19 December 2011 establishing a mechanism to administer the financing of the common costs of European Union operations having military or defence implications (Athena) (OJ L 343, 23.12.2011, p. 35).

- (11) The second subparagraph of Article 41(2) of the TEU provides that Member States whose representatives in the Council have made a formal declaration pursuant to the second subparagraph of Article 31(1) thereof, shall not be obliged to contribute to the financing of the operation having military or defence implications concerned.
- (12) In accordance with Article 5 of the Protocol No 22 on the position of Denmark annexed to the TEU and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and implementation of decisions and actions of the Union which have defence implications. Denmark does not participate in this decision and therefore does not participate in the financing of the mechanism.
- (13) Provisions should be adopted to ensure that Athena protects individuals with regard to the processing of their personal data.
- (14) Pursuant to Article 43 of Decision 2011/871/CFSP, the Council has reviewed that Decision and agreed to amend it.
- (15) For the sake of clarity, Decision 2011/871/CFSP should be repealed and replaced by a new Decision,

HAS ADOPTED THIS DECISION:

Article 1

Definitions

For the purpose of this Decision:

- (a) 'participating Member States' means the Member States of the Union, except Denmark;
- (b) 'contributing States' means the Member States contributing to the financing of the military operation in question in accordance with Article 41(2) of the TEU and the third States contributing to the financing of the common costs of this operation pursuant to agreements between them and the Union;
- (c) 'operations' means the Union operations having military or defence implications;
- (d) 'military supporting actions' means the Union operations, or parts thereof, decided by the Council in support of a third State or a third organisation, which have military or defence implications, but which are not under the authority of Union Headquarters;
- (e) 'day' refers to a calendar day, not a working day, unless otherwise indicated.

CHAPTER 1

MECHANISM

Article 2

Establishment of the mechanism

1. A mechanism to administer the financing of the common costs of operations is hereby established.
2. The mechanism shall be called Athena.
3. Athena shall act on behalf of the participating Member States or, regarding the specific operations, the contributing States.

Article 3

Legal capacity

With a view to the administrative management of the financing of Union operations with military or defence implications, Athena shall have the necessary legal capacity, in particular, to hold bank accounts, acquire, hold or dispose of property, enter into contracts and administrative arrangements and be a party to legal proceedings. Athena shall be non-profit-making.

*Article 4***Coordination with third parties**

To the extent necessary to achieve its tasks, and in conformity with the objectives and policies of the Union, Athena shall coordinate its activities with the Member States, Union institutions and bodies, and international organisations.

CHAPTER 2

ORGANISATIONAL STRUCTURE*Article 5***Management bodies and staff**

1. Athena shall be managed, under the authority of the Special Committee, by:
 - (a) the administrator;
 - (b) the commander of each operation, in relation to the operation which he or she commands ('operation commander');
 - (c) the accounting officer.
2. Athena shall use existing administrative structures of the Union to the greatest possible extent. Athena shall resort to staff made available as necessary by the Union institutions or seconded by Member States.
3. The Secretary-General of the Council may provide the administrator and the accounting officer with the staff needed for them to carry out their functions, which may be on the basis of a proposal by a participating Member State.
4. Athena's bodies and staff shall be mobilised on the basis of operational needs.

*Article 6***Special Committee**

1. A Special Committee composed of one representative of each participating Member State is established.

Representatives of the European External Action Service (EEAS) and of the Commission shall be invited to attend the meetings of the Special Committee without taking part in its votes.

2. Athena shall be managed under the authority of the Special Committee.
3. When the Special Committee is discussing the financing of the common costs of a given operation:
 - (a) the Special Committee shall be composed of one representative of each contributing Member State;
 - (b) the representatives of contributing third States shall participate in the proceedings of the Special Committee. They shall neither take part in nor be present at its votes;
 - (c) the operation commander or his or her representative shall participate in the proceedings of the Special Committee, without taking part in its votes.
4. The Presidency of the Council shall convene and chair the meetings of the Special Committee. The administrator shall provide the secretariat for the Special Committee. He or she shall draw up the minutes of the result of the Committee's discussions. He or she shall not take part in its votes.
5. The accounting officer shall participate as necessary in the proceedings of the Special Committee, without taking part in its votes.

6. If a participating Member State, the administrator or the operation commander so requests, the Presidency shall convene the Special Committee within at most 15 days.
7. The administrator shall adequately inform the Special Committee of any claim or dispute involving Athena.
8. The Special Committee shall decide unanimously amongst its members, taking into account its composition as defined in paragraphs 1 and 3. Its decisions shall be binding.
9. The Special Committee approves all budgets, taking into account the relevant reference amounts, and generally exercises the competences pursuant to this Decision.
10. The Special Committee shall be informed by the administrator, the operation commander and the accounting officer as provided for in this Decision.
11. The text of the acts approved by the Special Committee pursuant to this Decision shall at the time of their approval be signed by the chairman of the Special Committee and by the administrator.

Article 7

Administrator

1. The Secretary-General of the Council, after informing the Special Committee, shall appoint the administrator and at least one deputy administrator for a period of three years.
2. The administrator shall carry out his or her duties on behalf of Athena.
3. The administrator:
 - (a) shall draw up and submit to the Special Committee any draft budget. The 'expenditure' section for an operation in any draft budget shall be drawn up on the basis of a proposal from the operation commander;
 - (b) shall adopt the budgets after their approval by the Special Committee;
 - (c) shall be the authorising officer for the sections 'revenue', 'common costs incurred in preparation for, or further to, operations' and 'operational common costs' incurred outside the active phase of the operation;
 - (d) as regards revenue, shall implement the financial arrangements made with third parties in relation to the financing of the common costs of the Union military operations;
 - (e) shall open one or more bank accounts on behalf of Athena.
4. The administrator shall ensure that the rules established by this Decision are complied with, and that the decisions of the Special Committee are implemented.
5. The administrator shall be authorised to adopt any measures which he or she deems necessary to implement the expenditure financed through Athena. He or she shall inform the Special Committee thereof.
6. The administrator shall coordinate work on financial questions relating to the Union military operations. He or she shall be the contact point with national administrations and, as appropriate, international organisations on these matters.
7. The administrator shall be accountable to the Special Committee.

Article 8

Operation commander

1. The operation commander shall carry out his or her duties on behalf of Athena in relation to the financing of the common costs of the operation which he or she commands.

2. For the operation which he or she commands, the operation commander shall:
 - (a) send the administrator his or her proposals for the 'expenditure — operational common costs' section of the draft budgets;
 - (b) as an authorising officer, implement the appropriations relating to the operational common costs as well as expenditure under Article 28; he or she shall exercise authority over any person participating in the implementation of those appropriations, including pre-financing; he or she may award contracts and enter into contracts on behalf of Athena; he or she shall open a bank account on behalf of Athena for the operation which he or she commands;
 - (c) as an authorising officer, implement the appropriations relating to expenditure under Article 30; he shall exercise authority over any person participating in the implementation of those appropriations, on the basis of the relevant provisions in the ad hoc administrative agreement with the third party. He or she may award and enter into contracts on behalf of the third party; he or she shall open one bank account for each third party contribution.
3. The operation commander shall be authorised to adopt any measures which he or she deems necessary to implement the expenditure financed through Athena, for the operation which he or she commands. He or she shall inform the administrator and the Special Committee thereof.
4. Except in duly warranted circumstances approved by the Special Committee following a proposal by the administrator, the operation commander shall use the accounting and asset management system provided by Athena. The administrator shall inform the Special Committee in advance when he or she considers that such circumstances exist.

Article 9

Accounting officer

1. The Secretary-General of the Council shall appoint the accounting officer and at least one deputy accounting officer for a period of three years.
2. The accounting officer shall carry out his or her duties on behalf of Athena.
3. The accounting officer shall be responsible for:
 - (a) proper implementation of payments, collection of revenue and recovery of amounts established as being receivable;
 - (b) preparing the financial statements for Athena each year, and, after completion of each operation, the accounts for that operation;
 - (c) supporting the administrator when he or she submits the annual accounts or the accounts for an operation to the Special Committee for approval;
 - (d) keeping the accounts for Athena;
 - (e) laying down the accounting rules and methods and the chart of accounts;
 - (f) laying down and validating the accounting systems for revenue and, where appropriate, validating systems laid down by the authorising officer to supply or justify accounting information;
 - (g) keeping supporting documents;
 - (h) treasury management, jointly with the administrator.
4. The administrator and the operation commander shall provide the accounting officer with all the information necessary for the production of accounts which accurately represent Athena's financial assets and budget implementation administered by Athena. They shall guarantee its reliability.
5. The accounting officer shall be accountable to the Special Committee.

*Article 10***General provisions applicable to the administrator, the accounting officer and Athena's staff**

1. The functions of administrator or deputy administrator, on the one hand, and accounting officer or deputy accounting officer, on the other, shall be mutually incompatible.
2. Any deputy administrator shall act under the authority of the administrator. Any deputy accounting officer shall act under the authority of the accounting officer.
3. A deputy administrator shall replace the administrator when he or she is absent. A deputy accounting officer shall replace the accounting officer when he or she is absent.
4. Officials and other servants of the Union, when carrying out functions on behalf of Athena, shall remain subject to the rules and regulations applicable to them.
5. The staff made available to Athena by the Member States shall be subject to the same rules as those set out in the Council decision concerning the rules applicable to national experts on secondment, and to the provisions agreed on by their national administration and the Union institution or Athena.
6. Before their appointment, the staff of Athena must have received clearance for access to classified information up to at least 'SECRET UE/EU SECRET' level held by the Council, or equivalent clearance by a Member State.
7. The administrator may negotiate and enter into arrangements with the Member States or Union institutions with a view to designating in advance those staff who could, if need be, be made immediately available to Athena.

CHAPTER 3

ADMINISTRATIVE ARRANGEMENTS AND FRAMEWORK CONTRACTS*Article 11***Administrative arrangements and framework contracts**

1. Administrative arrangements may be negotiated with Member States, Union institutions and bodies, third States and international organisations in order to facilitate procurement and/or the financial aspects of mutual support in operations in the most cost-effective manner.
2. Such arrangements shall be:
 - (a) subject to consultation of the Special Committee if they are concluded with Member States, Union institutions or bodies;
 - (b) submitted for approval to the Special Committee if they are concluded with third States or international organisations.
3. Such arrangements shall be signed by the administrator or, where appropriate, the respective operation commander, acting on behalf of Athena, and by the competent administrative authorities of the other parties referred to in paragraph 1.
4. Framework contracts may be concluded in order to facilitate procurement in the most cost-effective manner. Such contracts shall be submitted for approval to the Special Committee before being signed by the administrator and shall be made available to Member States and operation commanders should they wish to make use of them. This provision will impose no obligation on any Member State to avail of or to procure goods or services on the basis of a framework contract.

*Article 12***Standing and ad hoc administrative arrangements on modalities for the payment of third States' contributions**

1. In the framework of the agreements concluded between the Union and third States indicated by the Council as potential contributors to Union operations or as contributors to a specific Union operation, the administrator shall negotiate with these third States standing or ad hoc administrative arrangements. These arrangements shall take the form of an Exchange of Letters between Athena and the competent administrative services of the third States concerned establishing the modalities necessary to facilitate swift payment of contributions.
2. Pending the conclusion of the agreements referred to in paragraph 1, the administrator may take the necessary measures to facilitate payments by the contributing third States.
3. The administrator shall inform the Special Committee in advance of the envisaged arrangements referred to in paragraph 1, before signing them on behalf of Athena.
4. When a military operation is launched by the Union, the administrator shall, for the amounts of contributions decided by the Council, implement the arrangements with the third States contributing to that operation.

CHAPTER 4

BANK ACCOUNTS*Article 13***Opening and purpose**

1. Any bank account shall be opened at a first-rate financial institution with its head office in a Member State and shall be a current or a short-term account in euro. In duly warranted circumstances, and after approval of the administrator, accounts may be opened at financial institutions with head office outside the Member States.
2. In duly warranted circumstances, accounts may be opened in currencies other than the euro.
3. The contributions from contributing States shall be paid into these bank accounts. They shall be used to make the necessary advances to the operation commander for the implementation of expenditure relating to the common costs of a military operation.
4. The contributions pursuant to Article 28 and 30 shall each be paid in separate bank accounts. They shall be used to implement the expenditures for which the administration has been entrusted to Athena as specified in the respective Articles.

*Article 14***Management of funds**

1. Any payment from Athena's account shall require the joint signature of the administrator or a deputy administrator on the one hand and the accounting officer or a deputy accounting officer on the other.
2. No bank account may be overdrawn.

CHAPTER 5

COMMON COSTS*Article 15***Definition of common costs and periods for eligibility**

1. The common costs listed in Annex I shall be at the expense of Athena whenever they are incurred. When entered in an article of the budget showing the operation to which they are most related, they shall be regarded as operational costs of that operation. Otherwise, they shall be regarded as common costs incurred in preparation for, or following, operations.

2. Furthermore, Athena shall bear the operational common costs listed in Annex II during the period from the approval of the crisis management concept for the operation until the appointment of the operation commander. In particular circumstances, after the PSC has been consulted, the Special Committee may modify the period during which these costs shall be borne by Athena.

3. During the active phase of an operation, which runs from the date on which the operation commander is appointed to the day on which the operation headquarters ceases its activity, Athena shall bear as operational common costs:

- (a) the common costs listed in Part A of Annex III;
- (b) the common costs listed in Part B of Annex III, when the Council so decides;
- (c) the common costs listed in Part C of Annex III, when the operation commander so requests and if the Special Committee approves it.

4. During the active phase of a military supporting action, as determined by the Council, Athena shall bear as operational common costs the common costs defined by the Council on a case-by-case basis by reference to Annex III.

5. The operational common costs of an operation also include the expenditure necessary to wind it up, as listed in Annex IV.

The operation is wound up when the equipment and infrastructure commonly funded for the operation have found their final destination and the accounts for the operation have been approved.

6. No expenditure incurred with a view to covering costs which would in any case have been borne by one or more contributing States, a Union institution or an international organisation, independently of the organisation of an operation, may be eligible as a common cost.

7. The Special Committee may decide on a case-by-case basis that, in view of particular circumstances, certain incremental costs other than those listed in Part B of Annex III shall be regarded as common costs for one given operation during its active phase.

8. If unanimity cannot be achieved in the Special Committee, the latter may, at the initiative of the Presidency, refer the question to the Council.

Article 16

Exercises

1. The common costs of the Union's exercises shall be financed through Athena following the rules and procedures similar to those for operations to which all participating Member States contribute.

2. These exercise common costs shall be composed of, firstly, incremental costs for deployable or fixed headquarters and, secondly, incremental costs incurred by the Union recourse to NATO common assets and capabilities when made available for an exercise.

3. Exercise common costs shall not include costs related to:

- (a) capital acquisitions, including those related to buildings, infrastructure and equipment;
- (b) the planning and preparatory phase of exercises, unless approved by the Special Committee;
- (c) transport, barracks and lodging for forces.

*Article 17***Reference amount**

Any Council decision by which the Council decides to establish or extend a Union military operation shall contain a reference amount for the common costs of that operation. The administrator shall, with the support in particular of the Union military staff and, if he or she is in office, the operation commander, evaluate the amount judged necessary to cover the common costs of the operation for the planned period. The administrator shall propose this amount through the Presidency to the Council body responsible for examining the draft decision. The members of the Special Committee shall be invited to the discussions of this body concerning the reference amount.

CHAPTER 6

BUDGET*Article 18***Budgetary principles**

1. The budget, drawn up in euro, is the act which for each financial year lays down and authorises all the revenue and expenditure relating to common costs administered by Athena.
2. All expenditure shall be linked to a specific operation, except where appropriate for the costs listed in Annex I.
3. The appropriations entered in the budget are authorised for the duration of a financial year which begins on 1 January and ends on 31 December of the same year.
4. Budget revenue and expenditure shall be in balance.
5. No revenue or expenditure relating to common costs may be implemented other than by allocation to a heading in the budget and within the limit of the appropriations entered there, except pursuant to Article 34(5).

*Article 19***Annual budget**

1. Each year the administrator shall draw up a draft budget for the following financial year, with the assistance of each operation commander for his or her operation.
2. The draft shall include:
 - (a) the appropriations deemed necessary to cover the common costs incurred in preparation for, or further to, operations;
 - (b) the appropriations deemed necessary to cover the operational common costs for ongoing or planned operations, including, where appropriate, to reimburse common costs which have been pre-financed by a State or third party;
 - (c) the provisional appropriations as referred to in Article 26;
 - (d) a forecast of the revenue needed to cover expenditure.
3. The commitment and payment appropriations shall be classified in titles and chapters grouping expenditure together by type or purpose, subdivided as necessary into articles. Detailed comments by chapter or article shall be included in the draft budget. One specific title shall be dedicated to each operation. One specific title shall be the general part of the budget and shall include the common costs incurred in preparation for, or further to, operations.
4. Each title may include a chapter entitled 'provisional appropriations'. These appropriations shall be entered where there is uncertainty, based on serious grounds, about the amount of appropriations needed or the scope for implementing the appropriations entered.

5. Revenue shall consist of:
 - (a) contributions payable by the participating and contributing Member States and, where appropriate, by contributing third States;
 - (b) miscellaneous revenue, subdivided by title, which includes interest received, revenue from sales and the budget outturn from the previous financial year, after it has been determined by the Special Committee.
6. The administrator shall propose the draft budget to the Special Committee by 31 October at the latest. The Special Committee shall approve the draft budget by 31 December. The administrator shall adopt the approved budget and notify the participating Member States and contributing third States.

Article 20

Amending budgets

1. In the case of unavoidable, exceptional or unforeseen circumstances, including when an operation is launched during the course of the financial year, the administrator shall propose a draft amending budget. The draft amending budget shall be drawn up, proposed, approved and adopted and notification given in accordance with the same procedure as the annual budget. The Special Committee shall discuss it taking account of its urgency.
2. When this draft amending budget results from the launching of a new operation or changes in the budget of an ongoing operation, the administrator will inform the Special Committee of the total costs foreseen for this operation. If these costs substantially exceed the relevant reference amount, the Special Committee may request the Council to approve it.
3. The draft amending budget resulting from the launching of a new operation shall be submitted to the Special Committee within a period of four months after the approval of the reference amount, unless the Special Committee decides on a longer deadline.

Article 21

Transfers

1. The administrator, where appropriate on the basis of a proposal by the operation commander, may make transfers of appropriations. The administrator shall inform the Special Committee of his or her intention, in so far as the urgency of the situation permits, at least one week in advance. However, the prior approval of the Special Committee shall be required when:
 - (a) the planned transfer will amend the total of the appropriations provided for an operation;or
 - (b) the planned transfers between chapters during the financial year exceed 10 % of the appropriations entered in the chapter from which the appropriations are being drawn, as appearing in the adopted budget for the financial year on the date when the proposal for the transfer in question is made.
2. When he or she deems this to be necessary for the proper conduct of an operation, in the three months following the date of launching of the operation, the operation commander may make transfers of appropriations allocated for the operation, between articles and between chapters in the 'operational common costs' section of the budget. He or she shall inform the administrator and the Special Committee thereof.

Article 22

Carryover of appropriations

1. In principle, the appropriations intended to cover the common costs incurred in preparation for, or further to, operations, which have not been committed are cancelled at the end of the financial year, if not otherwise provided for in paragraph 2.
2. Appropriations intended to cover the cost of storing material and equipment administered by Athena may be carried over once to the following financial year, when a commitment to that effect was made before 31 December of the current financial year. Appropriations intended to cover operational common costs may be carried over if they are necessary for an operation which has not been fully wound up.

3. The administrator shall submit proposals for the carrying over of non-committed appropriations from the preceding financial year to the Special Committee by 15 February. These proposals shall be deemed approved unless the Special Committee decides otherwise by 15 March.

4. The committed appropriations from the preceding financial year shall be carried over and the Special Committee shall be informed thereof by the administrator by 15 February.

Article 23

Anticipated implementation

Once the annual budget has been approved, appropriations may be used to cover commitments and payments in so far as operationally necessary.

CHAPTER 7

CONTRIBUTIONS AND REIMBURSEMENTS

Article 24

Determination of contributions

1. Payment appropriations to cover the common costs incurred in preparation for, or further to, operations which are not covered by miscellaneous revenue shall be financed by contributions from the participating Member States.

2. Payment appropriations to cover the operational common costs of an operation shall be covered by contributions from the contributing States.

3. The contributions payable by the contributing Member States for an operation shall be equal to the amount of the payment appropriations entered in the budget and intended to cover the operational common costs of that operation, after deduction of the amounts of the contributions payable for the same operation by contributing third States pursuant to Article 12.

4. The breakdown of contributions between the Member States from whom a contribution is required shall be determined in accordance with the gross national product scale as specified in Article 41(2) of the TEU and in accordance with the Council Decision 2014/335/EU, Euratom ⁽¹⁾, or any other Council Decision which may replace it.

5. The data for the calculation of contributions shall be those set out in the 'GNI-based own resources' column in the 'Summary of financing of the general budget by type of own resource and by Member State' table appended to the latest general budget adopted by the Union. The contribution of each Member State from whom a contribution is due shall be proportional to the share of gross national income (GNI) of that Member State in the total GNI aggregate of the Member States from whom a contribution is due.

Article 25

Schedule for payment of contributions

1. When the Council has adopted a reference amount for a Union military operation, the contributing Member States shall pay their contributions at the level of 30 % of the reference amount, unless the Council decides on a different percentage. The administrator shall call for contributions according to operational needs for the operation up to the agreed level.

2. The Special Committee, on the basis of a proposal by the administrator, may decide that additional contributions will be called before the adoption of an amending budget for the operation. The Special Committee may decide to refer the matter to the competent preparatory bodies at the Council.

⁽¹⁾ Council Decision 2014/335/EU, Euratom of 26 May 2014 on the system of own resources of the European Union (OJ L 168, 7.6.2014, p. 105).

3. When an amending budget has been adopted for a specific operation, the Member States shall pay the balance of the contributions which they owe for that operation in application of Article 24. However, when the operation is planned to last more than six months within a financial year, the balance of contributions shall be paid in two instalments. In such a case, the first instalment shall be paid within 60 days of the launching of the operation; the second instalment shall be paid by a deadline to be set by the Special Committee acting on a proposal from the administrator, taking into account operational needs. The Special Committee may depart from the provisions of this paragraph.
4. The administrator shall send the corresponding calls for contributions by letter to the national administrations whose details have been communicated to him or her when:
 - (a) a draft budget for a financial year is approved by the Special Committee provided for in Article 19. The first call for contributions covers the operational needs for eight months. The second call for contributions covers the remaining balance of contributions, taking into account the balance of the previous year budget outturn if the Special Committee decided to enter this balance in the current budget after the audit opinion has been received;
 - (b) a reference amount has been adopted as provided for in Article 25(1); or
 - (c) an amending budget is approved as provided for in Article 20.
5. Without prejudice to the other provisions in this Decision, the contributions shall be paid within 30 days following despatch of the relevant call for contributions, with the exception of the first call for contributions for a new financial year's budget, where the deadline for payment shall be 40 days following despatch of the relevant call for contributions.
6. Once the draft aggregated budget has been submitted to the Special Committee, for those Member States with budgetary and financial procedures not allowing payment of their contribution within the established deadlines the administrator may issue to the State concerned, an anticipated call for contributions before the end of the current financial year as a prepayment for the call for contributions for the following financial year's budget.
7. Each contributing State shall pay the bank charges relating to the payment of its own contribution.
8. The administrator shall acknowledge receipt of contributions.

Article 26

Early financing

1. In the case of a Union military rapid response operation, contributions shall be due by contributing Member States at the level of the reference amount. Without prejudice to Article 25(3), payments shall be made as defined below.
2. For the purpose of the early financing of the Union military rapid response operations, the participating Member States shall either:
 - (a) pay contributions to Athena in advance; or
 - (b) when the Council decides to conduct a Union military rapid response operation to the financing of which they contribute, pay their contributions to the common costs of that operation within five days following despatch of the call at the level of the reference amount, unless the Council decides otherwise.
3. For the purpose referred to in paragraph 2, the Special Committee, composed of one representative of each of the Member States contributing in advance, shall establish provisional appropriations in a specific title in the budget. These provisional appropriations shall be covered by contributions payable by the Member States contributing in advance within 90 days following despatch of the call for these contributions.
4. Any provisional appropriations referred to in paragraph 3 which are used for an operation shall be replenished within 90 days following despatch of the call.

5. Without prejudice to paragraph 1, any Member State contributing in advance may in specific circumstances authorise the administrator to use its contribution paid in advance to cover its contribution to an operation in which it participates, other than a rapid response operation. The contribution paid in advance shall be replenished by the Member State concerned within 90 days following despatch of the call.
6. Where funds are required for an operation, other than a rapid response operation, before sufficient contributions to that operation have been received:
 - (a) contributions paid in advance by Member States which contribute to financing that operation after approval by the Member States contributing in advance, may be used up to 75 % of their amount to cover contributions due to that operation. The contributions paid in advance shall be replenished by the Member States contributing in advance within 90 days following despatch of the call;
 - (b) in the case referred to in point (a) of this paragraph, contributions due for the operation under Article 25(1) from Member States that had not contributed in advance shall be paid, after approval by the Member States concerned, within five days following despatch of the call by the administrator.
7. The operation commander may commit and pay the amounts made available to him or her, including pursuant to Article 34(3).
8. Any Member State may reverse its option by notifying the administrator at least three months in advance.
9. Interest earned on the early financing will be apportioned annually to the Member States contributing in advance and added to their provisional appropriations. The amounts will be notified to those Member States as part of the annual budgetary approval process.

Article 27

Reimbursement of pre-financing

1. A Member State, a third State or, as appropriate, an international organisation which has been authorised by the Council to pre-finance a part of the common costs of an operation may obtain reimbursement from Athena by making a request accompanied by the necessary supporting documents and addressed to the administrator at the latest two months after the date of completion of the operation concerned.
2. No request for reimbursement may be honoured if it has not been approved by the operation commander, if still in office, and by the administrator.
3. If a request for reimbursement presented by a contributing State is approved, it may be deducted from the next call for contributions addressed to that State by the administrator.
4. If no call for contributions is anticipated when the request is approved, or if the approved request for reimbursement would exceed the anticipated contribution, the administrator shall make payment of the amount to be reimbursed within 30 days, taking account of Athena's cash flow and of what is needed to finance the common costs of the operation concerned.
5. Reimbursement shall be due in accordance with this Decision even if the operation is cancelled.
6. Reimbursement shall include interest earned on the amount made available through pre-financing.

Article 28

Management by Athena of expenditure not included in common costs

1. The Special Committee, on the basis of a proposal by the administrator, with the assistance of the operation commander, or by a Member State, may decide that the administrative management of certain expenditure in relation to an operation ('nation borne costs'), while remaining the responsibility of the Member State which it concerns, shall be entrusted to Athena.

2. The Special Committee, in its decision, may authorise the operation commander to enter into contracts on behalf of the Member States participating in an operation and, where appropriate, third parties, for the acquisition of the services and supplies to be financed as nation borne costs.
3. The Special Committee, in its decision, shall lay down the modalities for the pre-financing of nation borne costs.
4. Athena shall keep accounts of the nation borne costs entrusted to it and incurred by each Member State and, where appropriate, third parties. Each month it shall send each Member State and, where appropriate, those third parties, a statement of the expenditure borne by it and incurred by it or by its staff during the preceding month, and shall call for the necessary funds to pay for this expenditure. The Member States and, where appropriate, those third parties, shall pay Athena the funds required within 30 days following despatch of the call for funds.

Article 29

Management by Athena of pre-financing and expenditure not included in common costs to facilitate the initial deployment of the forces to an operation

The Special Committee, if particular operational circumstances so require, on the basis of a proposal by the administrator, with the assistance of the operation commander, or by a Member State, may decide that the pre-financing and administrative management of certain expenditure in relation to an operation, while remaining the responsibility of the Member State which it concerns, shall be entrusted to Athena in order to facilitate the initial deployment of the forces to an operation, before participating Member States are confirmed. The management of these costs shall be assured within existing means and resources and the initial outlay capped at 20 % of the reference amount. In this case the Special Committee shall outline in its decision the modalities for pre-financing and reimbursement of the pre-financed amounts by the future participating Member States and third parties.

Article 30

Management by Athena of third party financial contributions

1. In line with the relevant provisions of the operation's legal framework and following PSC decision to accept the implementation or management of a project by the operation or a financial contribution by a third party or a Member State to the expenditure arising from the operation, the Special Committee may authorise that the administrative management of the funding for that project or of that financial contribution to be entrusted to Athena, within existing means and resources. This may include projects funded by the Union.
2. The cost relating to the management of the contribution should be covered by the contribution itself. The Special Committee may decide that certain costs associated with the contribution and relative to the active phase of the operation are eligible as common costs on a case-by-case basis.
3. For the purposes of the management of a contribution by a third party, the Union or a Member State, the administrator shall, upon approval by the Special Committee, negotiate and sign an ad hoc administrative arrangement with the third party, the Union or the Member State, defining the purpose, costs to be covered by the contribution and the management modalities of the contribution, including the accountability of the operation commander to the Special Committee. The Administrator shall make sure that the management of the contribution shall respect the ad hoc arrangements and shall provide to the contributor concerned, directly or through the operation commander, all the relevant information relating to the management of the contribution.

Article 31

Interest on late payment

1. If a State does not fulfil its financial obligations, the Union rules on interest on late payment determined by Article 78 of Regulation (EU, Euratom) No 966/2012 ⁽¹⁾ of the European Parliament and of the Council or any other Regulation which may replace it in relation to the payment of contributions to the Union budget shall be applicable by analogy.
2. When payment is late by no more than 20 days, no interest shall be charged. When payment is late by more than 20 days, interests shall be charged for the entire delay.

⁽¹⁾ 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).

CHAPTER 8

IMPLEMENTATION OF EXPENDITURE*Article 32***Principles**

1. Athena's appropriations shall be used in accordance with the principles of sound financial management, i.e. economy, effectiveness and efficiency.
2. Authorising officers shall be responsible for implementing Athena's revenue and expenditure in accordance with the principles of sound financial management and for ensuring that the requirements of legality and regularity are complied with. To implement expenditure, the authorising officers shall make budgetary commitments and legal commitments, shall validate expenditure and authorise payments and shall undertake the preliminaries for the implementation of appropriations. An authorising officer may delegate his or her duties by a decision determining:
 - (a) staff at an appropriate level for such delegation;
 - (b) the extent of the conferred powers;
 - (c) the scope for beneficiaries to subdelegate their powers.
3. The implementation of appropriations according to the principle of the segregation of the authorising officer and the accounting officer shall be ensured. The duties of authorising officer and accounting officer shall be mutually incompatible. Any payment made from funds administered by Athena shall require the joint signature of an authorising officer and an accounting officer.
4. Without prejudice to this Decision, when the implementation of common expenditure is entrusted to a Member State, a Union institution or, as appropriate, an international organisation, that State, institution or organisation shall apply the rules applicable to the implementation of its own expenditure. When the administrator implements expenditure directly, it shall comply with the rules applicable to the implementation of the 'Council' section of the general budget of the Union.
5. However, the administrator may provide the Presidency with elements for proposal to the Council or the Special Committee on rules for the implementation of common expenditure.
6. The Special Committee may approve rules for the implementation of common expenditure which depart from paragraph 4.

*Article 33***Common costs incurred in preparation for, or further to, operations, or not linked directly to a specific operation**

The administrator shall perform the duties of authorising officer for expenditure covering the common costs incurred in preparation for, or further to, operations, as well as common costs which cannot be linked directly to a specific operation.

*Article 34***Operational common costs**

1. The operation commander shall carry out the duties of authorising officer for expenditure covering the operational common costs of the operation he or she commands. However, the administrator shall carry out the duties of authorising officer for expenditure covering the operational common costs incurred during the preparatory phase of a specific operation, which are implemented directly by Athena, or related to the operation after the end of its active phase.

2. The sums required for the implementation of expenditure on an operation shall be transferred by the administrator from Athena's bank account to the operation commander, upon his or her request, into the bank account opened on behalf of Athena, of which the operation commander has provided the details.

3. By way of derogation from Article 18(5), the adoption of a reference amount shall activate the right of the administrator and the operation commander, each in his or her area of competence, to commit and pay expenses for the operation concerned up to the percentage of the reference amount approved as provided for in Article 25(1), unless the Council decides on a higher level for commitments.

The Special Committee, on the basis of a proposal from the administrator or the operation commander and taking into account the operational necessity and urgency, may decide that additional expenditure may be committed and, as appropriate, paid. The Special Committee may decide to refer the question to the competent preparatory bodies at the Council through the Presidency unless operational circumstances dictate otherwise. This derogation shall not be applied as from the date of adoption of a budget for the operation concerned.

4. During the period prior to the adoption of a budget for an operation, the administrator and the operation commander or his or her representative shall report to the Special Committee every month, each reporting on the matters concerning him or her, as regards the expenses which are eligible as common costs for that operation. The Special Committee, on the basis of a proposal by the administrator, the operation commander or a Member State, may issue directives on the implementation of expenditure during that period.

5. By way of derogation from Article 18(5), in the case of imminent danger to the lives of personnel involved in a Union military operation, the operation commander for that operation may implement the necessary expenditure to save the lives of those personnel, in excess of the appropriations entered in the budget. He or she shall inform the administrator and the Special Committee as soon as possible. In such a case, the administrator shall, liaising with the operation commander, propose the transfers needed to finance this unexpected expenditure. If it is not possible to ensure sufficient funding for such expenditure by means of a transfer, the administrator shall propose an amending budget.

CHAPTER 9

FINAL DESTINATION OF EQUIPMENT AND INFRASTRUCTURE FINANCED IN COMMON

Article 35

Equipment and infrastructure

1. A depreciation rate for equipment and other assets for all operations shall be proposed by the administrator to the Special Committee. If operational circumstances so require, and upon approval by the Special Committee, the operation commander may apply a different depreciation rate.

2. With a view to winding up the operation which he or she has commanded, the operation commander shall propose to the Special Committee a final destination for the equipment and infrastructure financed in common for that operation.

3. The administrator shall manage the equipment and infrastructure remaining after the end of the active phase of the operation, with a view if necessary to finding its final destination.

4. The final destination of equipment and infrastructure financed in common shall be approved by the Special Committee, taking into account operational needs and financial criteria. The final destination may be as follows:

- (a) in the case of infrastructure, be sold or transferred through Athena to the host country, a Member State or a third party;
- (b) in the case of equipment, be sold through Athena to a Member State, the host country or a third party, or be stored and maintained by Athena, a Member State or such a third party, for use in a subsequent operation.

5. When sold, equipment and infrastructure shall be sold for their market value, or, where no market value can be determined, for a fair and reasonable price taking into account specific local conditions.

6. Sale or transfer to the host country or a third party shall be in accordance with the relevant security rules in force.
7. When it is decided that Athena shall retain equipment financed in common for an operation, the contributing Member States may ask for financial compensation from the other participating Member States. The Special Committee, composed of the representatives of all the participating Member States, shall take the appropriate decisions on the basis of a proposal from the administrator.

CHAPTER 10

ACCOUNTING AND INVENTORY

Article 36

Accounting for operational common costs

The operation commander shall keep accounts of transfers received from Athena, of expenditure he or she has committed and of payments made and of revenue received, as well as an inventory of the movable property financed by the Athena budget and used for the operation which he or she commands.

Article 37

Consolidated accounts

1. The accounting officer shall keep the accounts of contributions called for and transfers made. He or she shall also draw up the accounts for the common costs incurred in preparation for, or further to, operations, and for operational expenditure and revenue implemented under the direct responsibility of the administrator.
2. The accounting officer shall draw up the consolidated accounts for Athena's revenue and expenditure. Each operation commander shall send him or her the accounts for the expenditure he or she has committed and the payments he or she has made, and of revenue received.

CHAPTER 11

AUDIT AND PRESENTATION OF ACCOUNTS

Article 38

Regular reports to the Special Committee

Every three months, the administrator shall present to the Special Committee a report on the implementation of revenue and expenditure since the beginning of the financial year. To this end, every operation commander shall provide the administrator with a report on expenditure relating to the operational common costs of the operation which he or she commands.

Article 39

Conditions for the exercise of controls

1. The persons responsible for auditing Athena's revenue and expenditure shall, before carrying out their task, have received clearance for access to classified information up to at least 'SECRET UE/EU SECRET' level held by the Council, or equivalent clearance from a Member State or NATO, as appropriate. Those persons shall ensure that they respect the confidentiality of the information and protect the data of which they acquire knowledge during their audit task, in accordance with the rules applicable to that information and those data.
2. The persons responsible for auditing Athena's revenue and expenditure shall have access without delay and without giving prior notice to the documents and to the contents of all data supports relating to that revenue and expenditure, and to the premises where those documents and supports are kept. They may make copies. The persons involved in implementing Athena's revenue and expenditure shall give the administrator and the persons responsible for the audit of that revenue and expenditure the necessary assistance in performing their task.

Article 40

External auditing of the accounts

1. When the implementation of Athena's expenditure has been entrusted to a Member State, a Union institution or an international organisation, that State, institution or organisation shall apply the rules which apply to the auditing of its own expenditure.

2. However, the administrator or persons appointed by him or her may at any time carry out an audit of the common costs of Athena incurred in preparation for, or further to, operations, or the operational common costs of an operation. Furthermore, the Special Committee, on the basis of a proposal by the administrator or a Member State, may at any time appoint external auditors, whose tasks and conditions of employment it shall determine.

3. With a view to external audits, a six-member College of Auditors shall be established. The Special Committee shall appoint members for a three-year period, renewable once, from candidates proposed by the Member States. The Special Committee may extend a member's mandate by up to six months.

The candidates must be members of the highest national audit body of a Member State, or recommended by that body, and offer adequate guarantees of security and independence. They must be available to carry out tasks on behalf of Athena as needed. In carrying out these tasks:

- (a) the members of the College of Auditors shall continue to be paid by their audit body of origin; Athena shall bear their mission expenses in accordance with the rules applicable to officials of the Union of an equivalent grade;
- (b) the members shall neither request nor receive instructions other than from the Special Committee; within its audit mandate the College of Auditors and its members shall be completely independent and solely responsible for the conduct of the external audit;
- (c) the members shall only report on their task to the Special Committee;
- (d) the members shall check during the financial year as well as *ex post*, through controls on the spot as well as on supporting documents, that expenditure financed or pre-financed through Athena is implemented in accordance with the legislation applicable and the principles of sound financial management, i.e. economy, effectiveness and efficiency, and that internal controls are adequate

Each year, the College of Auditors shall elect its chairman from amongst its members or extend his or her term of office. It shall adopt the rules applicable to audits carried out by its members in accordance with the highest international standards. The College of Auditors shall approve the audit reports drawn up by its members before their transmission to the administrator and to the Special Committee.

4. The Special Committee may decide on a case-by-case basis and upon specific motivations to use other external bodies.

5. The cost of the audits carried out by auditors acting on behalf of Athena shall be considered as a common cost to be borne by Athena.

Article 41

Internal auditing of the accounts

1. On the basis of a proposal by the administrator and after informing the Special Committee, the Secretary-General of the Council shall appoint an internal auditor of the Athena mechanism, and at least one deputy internal auditor, for a period of four years, renewable up to a total period not exceeding 8 years; internal auditors must have the necessary professional qualifications and offer sufficient guarantees of security and independence. The internal auditor may not be either an authorising officer or accounting officer; he or she may not take part in the preparation of financial statements.

2. The internal auditor shall report to the administrator on dealing with risks, by issuing independent opinions on the quality of management and control systems and by issuing recommendations for improving the internal audit in operations and promoting sound financial management. He or she shall be responsible in particular for assessing the suitability and effectiveness of internal management systems and the performance of departments in implementing policies and reaching objectives by reference to the risks associated with them.

3. The internal auditor shall perform his or her duties on all departments involved in the collection of Athena's revenue or the implementation of expenditure financed through Athena.
4. The internal auditor shall perform one or more audits during the financial year as appropriate. He or she shall report to the administrator and inform the operation commander of his or her findings and recommendations. The operation commander and the administrator shall ensure that action is taken on recommendations resulting from the audits.
5. The administrator shall submit a report each year to the Special Committee on the internal audit work done, indicating the number and type of internal audits carried out, observations made, recommendations put forward and how those recommendations were followed up.
6. Furthermore, each operation commander shall give the internal auditor full access to the operation which he or she commands. The internal auditor shall check that the financial and budgetary systems and procedures function correctly, and shall ensure that robust and effective internal audit systems are in operation.
7. The proceedings and reports of the internal auditor shall be made available to the College of Auditors along with all supporting documents relating thereto.

Article 42

Annual presentation and closure of accounts

1. Each operation commander shall provide Athena's accounting officer by 31 March following the end of the financial year, or within four months following the end of the operation which he or she commands, whichever is the earlier, with the necessary information to establish the annual accounts for common costs, the annual accounts for expenditure pursuant to Article 28 and the annual activity report.
2. The administrator, with the assistance of the accounting officer and each operation commander, shall establish and provide to the Special Committee and the College of Auditors, by 15 May following the end of the financial year, the financial statements and the annual activity report.
3. The Special Committee shall be provided, within eight weeks of the transmission of the financial statements, by the College of Auditors with an audit opinion and, by the administrator, assisted by the accounting officer and each operation commander, with Athena's audited financial statements
4. The Special Committee shall be provided, by 30 September following the end of the financial year, with the audit report by the College of Auditors, and shall examine the audit report, the audit opinion and the financial statements with a view to granting a discharge to the administrator, the accounting officer and each operation commander.
5. In a manner consistent with Regulation (EU, Euratom) No 966/2012 or any other Regulation which may replace it, all accounts, inventories and related documents shall be retained, each at its level, by the accounting officer, each operation commander and when applicable by the administrator for a period of five years from the date on which the corresponding discharge was granted. When an operation is terminated, the operation commander shall ensure transmission of all accounts and inventories to the accounting officer.
6. The Special Committee shall decide to enter the balance of the budget outturn for a financial year for which the accounts have been approved in the budget for the following financial year, as revenue or expenditure depending on the circumstances, by means of an amending budget. The Special Committee may, however, decide to enter the balance of the abovementioned budget outturn after having received the audit opinion from the College of Auditors.
7. The part of the balance of the budget outturn for a financial year which comes from the implementation of appropriations intended to cover common costs incurred in preparation for, or further to, operations, shall be entered against the next contributions from participating Member States.
8. The part of the balance of the budget outturn which comes from the implementation of appropriations intended to cover the operational common costs of a given operation shall be entered against the next contributions from the Member States which have contributed to that operation.

9. If reimbursement cannot be done by deduction from the contributions due to Athena, the balance of the budget outturn shall be repaid to the Member States concerned according to the GNI key of the year of reimbursement.

10. Each Member State participating in an operation may provide information by 31 March each year to the administrator, where appropriate through the operation commander, on the incremental costs it has incurred for the operation during the previous financial year. This information shall be broken down to show the main items of expenditure. The administrator shall compile this information in order to provide the Special Committee with an overview of the incremental costs of the operation.

Article 43

Closure of the accounts of an operation

1. When an operation is complete, the Special Committee may decide, on the basis of a proposal by the administrator or by a Member State, that the administrator, with the assistance of the accounting officer and of the operation commander, shall submit to the Special Committee the financial statements for that operation, at least up to the date on which it was completed, and, if possible, up to the date on which it was wound up. The deadline imposed on the administrator may not be less than four months from the date on which the operation was completed.

2. If the financial statements cannot, within the given deadline, include the revenue and expenditure connected with the winding up of that operation, that revenue and expenditure shall appear in the financial statements for Athena and shall be examined by the Special Committee in the context of the procedure foreseen in Article 42.

3. The Special Committee shall, based on an opinion of the College of Auditors, approve the financial statements for the operation which have been submitted to it. It shall grant a discharge to the administrator, the accounting officer and each operation commander for the operation in question.

4. If reimbursement cannot be done by deduction from the contributions due to Athena, the balance of the budget outturn shall be repaid to the Member States concerned according to the GNI key of the year of reimbursement.

CHAPTER 12

MISCELLANEOUS PROVISIONS

Article 44

Liability

1. The conditions governing the disciplinary or criminal liability of the operation commander, the administrator and other staff made available in particular by the Union institutions or Member States, in the event of misconduct or negligence in the implementation of the budget shall be governed by the staff regulations or the arrangements applicable to them. In addition, Athena may at its own initiative or at the request of a contributing State or third party bring a civil action against the abovementioned staff.

2. In no case may the Union or the Secretary-General of the Council be held liable by a contributing State as a result of the performance of their duties by the administrator, the accounting officer or the staff assigned to them.

3. The contractual liability which may arise from contracts concluded in the context of implementation of the budget shall be covered through Athena by the contributing States or third parties. It shall be governed by the law applicable to the contracts in question.

4. In the case of non-contractual liability, any damage caused by the operation headquarters, force headquarters and component headquarters of the crisis structure, the composition of which shall be approved by the operation commander, or by their staff in the course of their duties shall be covered through Athena by the contributing States or third parties, in accordance with the general principles common to the laws of the Member States and the staff regulations of the forces, applicable in the theatre of operations.

5. In no case may the Union or the Member States be held liable by a contributing State for contracts concluded in the framework of budget implementation or for damage caused by the units and departments of the crisis structure, the composition of which shall be approved by the operation commander, or by their staff in the course of their duties.

*Article 45***Security**

Council Decision 2013/488/EU ⁽¹⁾ or any other Council Decision which may replace it shall apply in relation to classified information relating to Athena proceedings.

*Article 46***Protection of personal data**

Athena shall protect individuals with regard to the processing of their personal data in accordance with the principles and procedures laid down in Regulation (EC) No 45/2001 ⁽²⁾ of the European Parliament and of the Council. To this effect, the Special Committee shall adopt the necessary implementing rules upon a proposal of the Administrator.

*Article 47***Review and revision**

All or part of this Decision, including its Annexes, shall be reviewed, if necessary, at the request of a Member State or following each operation. It shall be revised at least every three years. In the course of review or revision, all experts relevant to the proceedings, including in Athena's management bodies, may be called upon.

*Article 48***Repeal**

Decision 2011/871/CFSP is hereby repealed.

*Article 49***Entry into force**

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

Done at Brussels, 27 March 2015.

For the Council

The President

E. RINKĒVIČS

⁽¹⁾ Council Decision 2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information (OJ L 274, 15.10.2013, p. 1).

⁽²⁾ 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).

ANNEX I

COMMON COSTS BORNE BY ATHENA WHENEVER THEY ARE INCURRED

In cases when the following common costs cannot be linked directly to a specific operation, the Special Committee may decide to allocate the corresponding appropriations to the general part of the annual budget. These appropriations should, as much as possible, be entered in the articles showing the operation to which they are most related.

1. Mission expenditure incurred by the operation commander and his or her staff for submitting an operation's accounts to the Special Committee.
2. Indemnities for damages and costs resulting from claims and legal actions to be paid through Athena.
3. Costs pursuant to any decision to store material which was acquired in common for an operation (where these costs are attributed to the general part of the annual budget, a link to a specific operation shall be indicated).

The general part of the annual budget shall furthermore include appropriations, where necessary, to cover the following common costs in operations to the financing of which the participating Member States contribute:

1. Banking costs.
2. Auditing costs.
3. Common costs relative to the preparatory phase of an operation as defined at Annex II.
4. Costs related to the development and maintenance of the Athena accounting and asset management system.
5. Costs related to the Administrative Arrangements and framework contracts in accordance with Article 11.

ANNEX II

OPERATIONAL COMMON COSTS RELATING TO THE PREPARATORY PHASE OF AN OPERATION BORNE BY ATHENA

Incremental costs necessary for exploratory missions and preparations (in particular fact-finding missions and reconnaissance) by military and civilian personnel with a view to a specific Union military operation: transport, accommodation, use of operational communications tools, recruitment of local civilian personnel for the execution of the mission, e.g. interpreters and drivers.

Medical services: the cost of emergency medical evacuations (Medevac) of persons taking part in exploratory missions and preparations by military and civilian personnel with a view to a specific Union military operation, when medical treatment cannot be provided in theatre.

ANNEX III

PART A

OPERATIONAL COMMON COSTS RELATIVE TO THE ACTIVE PHASE OF OPERATIONS ALWAYS BORNE BY ATHENA

For any Union military operation, Athena will bear as operational common costs the incremental costs required for the operation defined below.

1. Incremental costs for (deployable or fixed) headquarters for Union-led operations

1.1. Definition of headquarters whose incremental costs are financed in common:

- (a) Headquarters (HQ): the headquarters (HQ); the command and support elements approved in the operation plan (OPLAN).
- (b) Operation Headquarters (OHQ): the static, out-of-area headquarters of the operation commander, which is responsible for building up, launching, sustaining and recovering a Union force.

The definition of common costs applicable to an OHQ for an operation shall also be applicable to the General-Secretariat of the Council, the EEAS and Athena in so far as they are acting directly for that operation.

- (c) Force Headquarters (FHQ): the headquarters of a Union force deployed to the area of operations.
- (d) Component Command Headquarters (CCHQ): the headquarters of a Union component commander deployed for the operation (i.e. air, land, maritime and other special forces commanders whom it could be deemed necessary to designate depending on the nature of the operation).
- (e) Mission Headquarters (MHQ): the headquarters of a Union operation deployed to the area of operations replacing some or all the functions of both OHQ and FHQ.

1.2. Definition of incremental costs financed in common:

- (a) Transport costs: transport to and from the theatre of operations to deploy, sustain and recover FHQs and CCHQs.
- (b) Travel and accommodation: travel and accommodation costs incurred by the OHQ for official journeys necessary to an operation; travel and accommodation costs incurred by personnel from deployed HQs travelling on official journeys to Brussels and/or operation related meetings.
- (c) Transport/travel (excluding 'per diem' costs) of HQs within the theatre of operations: expenditure related to vehicle transport and other travel by other means and freight costs, including travel by national augmentees and visitors; incremental costs of fuel over and above what normal operations would have cost; lease of additional vehicles; third-party insurance costs imposed by some countries upon international organisations conducting operations in their territory.
- (d) Administration: additional office and accommodation equipment, contractual services and utilities, maintenance costs of the HQ buildings.
- (e) Civilian personnel recruited specifically in the eligible HQs for the requirements of the operation: civilian personnel working in the Union, international and local personnel hired in theatre needed for the conduct of the operation over and above the normal operational requirements (including any overtime compensation payments).
- (f) Communications between eligible HQs and between eligible HQs and directly subordinate forces: capital expenditure for the purchase and use of additional communications and IT equipment and costs for rendered services (lease and maintenance of modems, telephone lines, satphones, cryptofaxes, secure lines, internet providers, data lines, local area networks).
- (g) Barracks and lodging/infrastructure: expenditure for acquisition, rental or refurbishing of required HQ facilities in theatre (rental of buildings, shelters, tents), if required.

- (h) Public information: costs related to information campaigns and to inform media at HQ level, in accordance with the information strategy developed by the HQ.
- (i) Representation and hospitality: representational costs; costs at HQ level necessary for the conduct of an operation.

2. Incremental costs incurred for providing support to the force as a whole

The costs defined below are those incurred as a consequence of the force deployment to its location:

- (a) Works for deployment/infrastructure: expenditure absolutely needed for the force as a whole to fulfil its mission (jointly used airport, railway, harbours, main logistical roads, including points of disembarkation and forward assembly areas; water surveys, pumping, treatment, distribution and disposal, water and power supply, earthworks and static force protection, storage facilities (in particular for fuel and ammunition), logistical assembly areas; technical support for jointly financed infrastructure).
- (b) Identification marking: specific identification marks, 'European Union' identity cards, badges, medals, flags in Union colours or other Force or HQ identification marking (excluding clothes, hats or uniforms).
- (c) Medical services and facilities: emergency medical evacuations (Medevac). Role 2 and 3 services and facilities at theatre operational element level, such as airports and disembarkation ports approved in the operation plan (OPLAN).]
- (d) Acquisition of information: Satellite images for intelligence approved in the operation plan (OPLAN), if they cannot be financed from the funds available in the budget of the European Union Satellite Centre (EUSC).

3. Incremental costs incurred by Union recourse to NATO common assets and capabilities made available for a Union-led operation.

The cost for the Union of the application for one of its military operations of the arrangements between the Union and NATO relating to release, monitoring and return or recall of NATO common assets and capabilities made available for a Union-led operation. Reimbursements by NATO to the Union.

4. Incremental costs incurred by the Union for goods, services or works included in the list of common costs and made available in a Union-led operation by a Member State, a Union institution, a third State or an international organisation pursuant to an arrangement referred to in Article 11. Reimbursements by a State, a Union institution or an international organisation based on such an arrangement.

PART B

OPERATIONAL COMMON COSTS RELATING TO THE ACTIVE PHASE OF A SPECIFIC OPERATION, BORNE BY ATHENA WHEN THE COUNCIL SO DECIDES

Transport costs: transport to and from the theatre of operations to deploy, support and recover the forces necessary for the operation.

Multinational task force headquarters: the multinational headquarters of Union task forces deployed in the area of operation.

PART C

OPERATIONAL COMMON COSTS BORNE BY ATHENA WHEN REQUESTED BY THE OPERATION COMMANDER AND APPROVED BY THE SPECIAL COMMITTEE

- (a) Barracks and lodging/infrastructure: expenditure for acquisition, rental or refurbishing of premises in theatre (buildings, shelters, tents), as necessary for the forces deployed for the operation.
- (b) Essential additional equipment: the rental or purchase in the course of the operation of unforeseen specific equipment essential for the execution of the operation, in so far as the purchased equipment is not repatriated at the end of the mission.

- (c) Medical services and facilities: Role 2 services and facilities in theatre, other than those mentioned in Part A.
- (d) Acquisition of information: acquisition of information (satellite images; theatre-level intelligence, reconnaissance and surveillance (ISR), including air-to-ground surveillance (AGSR); human intelligence).
- (e) Other critical theatre-level capabilities: demining if needed for the operation, chemical, biological, radiological and nuclear (CBRN) protection; storage and destruction of weapons and ammunitions collected within the area of operation.

ANNEX IV

OPERATIONAL COMMON COSTS RELATIVE TO THE WINDING-UP OF AN OPERATION, BORNE BY ATHENA

Costs incurred for finding the final destination for the equipment and infrastructure commonly funded for the operation.

Incremental costs of drawing up the accounts for the operation. The eligible common costs shall be determined in accordance with Annex III, keeping in view the fact that the staff needed to draw up the accounts belong to the headquarters for that operation, even after the latter has ceased its activities.

DECISION (EU) 2015/529 OF THE EUROPEAN CENTRAL BANK**of 21 January 2015****amending Decision ECB/2004/3 on public access to European Central Bank documents (ECB/2015/1)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 12.3 thereof,

Having regard to Decision ECB/2004/2 of 19 February 2004 adopting the Rules of Procedure of the European Central Bank ⁽¹⁾, and in particular Article 23 thereof,

Whereas:

- (1) Pursuant to Article 127(6) of the Treaty on the Functioning of the European Union, the Council adopted Regulation (EU) No 1024/2013 ⁽²⁾ which confers on the European Central Bank (ECB) specific tasks concerning policies relating to the prudential supervision of credit institutions, with a view to contributing to the safety and soundness of credit institutions and the stability of the financial system within the Union and each Member State, with full regard and duty of care for the unity and integrity of the internal market. These specific tasks are in addition to the task of the European System of Central Banks (ESCB), under Article 127(5) of the Treaty, of contributing to the smooth conduct of policies pursued by the competent authorities relating to the prudential supervision of credit institutions and the stability of the financial system.
- (2) Decision ECB/2004/3 ⁽³⁾ was amended by Decision ECB/2011/6 ⁽⁴⁾ in order to ensure the protection of the public interest as regards the stability of the financial system in the Union and in Member States, in respect of requests for access to ECB documents relating to ECB activities and policies or decisions drawn up or held by the ECB in the field of financial stability, including those relating to the provision of support by the ECB to the European Systemic Risk Board.
- (3) In carrying out the specific tasks referred to in the first recital, the ECB will also draw up or hold documents relating to the prudential supervision of credit institutions. Such documents will qualify as ECB documents within the meaning of Decision ECB/2004/3.
- (4) There is a need to ensure the protection of the public interest as regards the Union's or a Member State's policy relating to the prudential supervision of credit institutions in the context of public access requests to ECB documents. There is also a need to ensure the protection of the public interest as regards the purpose of supervisory inspections.
- (5) In accordance with Article 23.1 of the Rules of Procedure of the European Central Bank, adopted in Decision ECB/2004/2, the proceedings of the decision-making bodies of the ECB, or any committee or group established by them, of the Supervisory Board, its Steering Committee and any of its substructures of a temporary nature shall be confidential unless the Governing Council authorises the President of the ECB to make the outcome of their deliberations public. The President is to consult the Chair of the Supervisory Board prior to making any such decision in relation to the proceedings of the Supervisory Board, its Steering Committee and any of its substructures of a temporary nature.
- (6) The applicable Union law is relevant for both disclosure and confidentiality of information held by competent authorities in the exercise of prudential supervision of credit institutions, in particular Regulation (EU) No 575/2013 of the European Parliament and of the Council ⁽⁵⁾ and Directive 2013/36/EU of the European Parliament and of the Council ⁽⁶⁾.

⁽¹⁾ OJ L 80, 18.3.2004, p. 33.

⁽²⁾ Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287, 29.10.2013, p. 63).

⁽³⁾ Decision ECB/2004/3 of 4 March 2004 on public access to European Central Bank documents (OJ L 80, 18.3.2004, p. 42).

⁽⁴⁾ Decision ECB/2011/6 of 9 May 2011 amending Decision ECB/2004/3 on public access to European Central Bank documents (OJ L 158, 16.6.2011, p. 37).

⁽⁵⁾ Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).

⁽⁶⁾ Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).

- (7) Developments in the economies of the Member States and in the financial markets, and their impact on the conduct of the ECB's monetary policy, and/or on the stability of the financial system in the Union or in a Member State, have increased the need for interaction between the ECB and Member States' authorities, and between the ECB and European and international institutions or bodies. It has proven to be of crucial importance for the ECB to be in a position to convey pertinent and candid messages to European and Member States' authorities so as to most effectively serve the public interest in the fulfilment of its mandate. This could entail that effective informal and confidential communication must also be possible and should not be undermined by the prospect of disclosure.
- (8) More specifically, the ECB is required to interact with national authorities and bodies, Union institutions, bodies, offices and agencies, relevant international organisations, supervisory authorities and administrations of third countries, in relation to: (a) the ESCB's support for the general economic policies of the Union pursuant to Article 127(1) of the Treaty; (b) the ESCB's contribution to the smooth conduct of policies pursued by the competent authorities relating to the prudential supervision of credit institutions and the stability of the financial system, pursuant to Article 127(5) of the Treaty; and (c) the tasks conferred on the ECB by Regulation (EU) No 1024/2013. In particular, pursuant to Article 6(2) of Regulation (EU) No 1024/2013, both the ECB and national competent authorities have a duty to cooperate in good faith and an obligation to exchange information. The ECB also cooperates at international level where ESCB tasks are concerned. For the ECB to cooperate effectively, it is essential to provide and preserve a 'space to think' for the free and constructive exchange of views and information between the abovementioned authorities, institutions and other bodies. On this basis, the ECB should be entitled to protect documents exchanged as part of its cooperation with national central banks, national competent authorities, national designated authorities and other relevant authorities and bodies.
- (9) In addition, in carrying out the task of the ESCB to promote the smooth operation of payment systems, it is important to protect documents the disclosure of which would undermine the public interest as regards the soundness and security of the financial market infrastructures, payment schemes and payment service providers.
- (10) Therefore, Decision ECB/2004/3 should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendments

Decision ECB/2004/3 is amended as follows:

- (1) in Article 3 the following definitions are added:

- '(c) "national competent authority" (NCA) and "national designated authority" (NDA) have the meaning given to them by Council Regulation (EU) No 1024/2013 (*);
- (d) "other relevant authorities and bodies" means relevant national authorities and bodies, Union institutions, bodies, offices and agencies, relevant international organisations, supervisory authorities and administrations of third countries.

(*) Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ L 287, 29.10.2013, p. 63);

- (2) in Article 4(1)(a) the first indent is replaced by the following:

— 'the confidentiality of the proceedings of the ECB's decision-making bodies, the Supervisory Board or other bodies established pursuant to Regulation (EU) No 1024/2013;'

(3) in Article 4(1)(a) the following indents are added:

- ‘the Union’s or a Member State’s policy relating to the prudential supervision of credit institutions and other financial institutions,
- the purpose of supervisory inspections,
- the soundness and security of financial market infrastructures, payment schemes or payment service providers.’;

(4) Article 4(3) is replaced by the following:

‘3. Access to a document drafted or received by the ECB for internal use as part of deliberations and preliminary consultations within the ECB, or for exchanges of views between the ECB and NCBs, NCAs or NDAs, shall be refused even after the decision has been taken, unless there is an overriding public interest in disclosure.

Access to documents reflecting exchanges of views between the ECB and other relevant authorities and bodies shall be refused even after the decision has been taken, if disclosure of the document would seriously undermine the ECB’s effectiveness in carrying out its tasks, unless there is an overriding public interest in disclosure.’;

(5) in Article 7(1), the reference to ‘Director-General Secretariat and Language Services’ is replaced by ‘Director-General Secretariat’.

Article 2

Entry into force

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

Done at Frankfurt am Main, 21 January 2015.

The President of the ECB
Mario DRAGHI

DECISION (EU) 2015/530 OF THE EUROPEAN CENTRAL BANK**of 11 February 2015****on the methodology and procedures for the determination and collection of data regarding fee factors used to calculate annual supervisory fees (ECB/2015/7)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions ⁽¹⁾, and in particular the second subparagraph of Article 4(3), Article 30 and the second subparagraph of Article 33(2) thereof,

Having regard to Regulation (EU) No 1163/2014 of the European Central Bank of 22 October 2014 on supervisory fees (ECB/2014/41) ⁽²⁾, and in particular Article 10(3)(b), Article 10(4) and (5) thereof,

Whereas:

- (1) In accordance with Article 30(3) of Regulation (EU) No 1024/2013, the annual supervisory fees to be levied on credit institutions established in the participating Member States or branches established in a participating Member State by a credit institution established in a non-participating Member State will be calculated at the highest level of consolidation within participating Member States and will be based on objective criteria relating to the importance and risk profile of the credit institution concerned, including its risk weighted assets.
- (2) In accordance with Article 10(3)(a) of Regulation (EU) No 1163/2014 (ECB/2014/41), the fee factors used to determine the individual annual supervisory fee payable in respect of each supervised entity or supervised group will be the amount, as at the end of the calendar year, of: (i) total assets; and (ii) total risk exposure.
- (3) Article 10(3)(b) of Regulation (EU) No 1163/2014 (ECB/2014/41) provides that data regarding the fee factors will be determined and collected in accordance with a decision of the European Central Bank (ECB) outlining the applicable methodology and procedures.
- (4) Pursuant to Article 30 of Regulation (EU) No 1024/2013, for the purpose of the calculation of fee factors supervised groups should, as a rule, exclude assets of subsidiaries located in non-participating Member States and third countries. In accordance with Article 10(3)(c) of Regulation (EU) No 1163/2014 (ECB/2014/41), supervised groups may decide not to exclude such assets for the determination of fee factors. However, the cost of making such a calculation should not exceed the expected reduction in the supervisory fee.
- (5) Article 10(4) of Regulation (EU) No 1163/2014 (ECB/2014/41) states that national competent authorities (NCAs) are to submit data regarding the fee factors to the ECB in accordance with procedures to be established by the ECB.
- (6) Article 10(5) of Regulation (EU) No 1163/2014 (ECB/2014/41) states that if a fee debtor fails to provide the fee factors the ECB will determine the fee factors in accordance with procedures to be established by the ECB.
- (7) Accordingly, this Decision should lay down the methodology and procedures for the determination and collection of data regarding the fee factors and the calculation of fee factors, including in cases where the fee debtor fails to provide them, as well as procedures for the submission of fee factors by NCAs to the ECB. In particular, the format, frequency and timing of such submission, as well as the types of quality checks that NCAs should perform before submitting fee factors to the ECB, should be specified.
- (8) For the calculation of the annual supervisory fees payable in respect of each supervised entity and supervised group, the fee debtors should submit data regarding the fee factors to NCAs based on the templates set out in Annexes I and II to this Decision.
- (9) It is necessary to set up a procedure to carry out technical amendments to the Annexes to this Decision in an effective manner, provided that such amendments neither change the underlying conceptual framework nor affect the reporting burden. Account should be taken of the views of the Statistics Committee (STC) of the European System of Central Banks (ESCB) when following this procedure. NCAs and other ESCB Committees will therefore be able to propose such technical amendments to the Annexes through the STC,

⁽¹⁾ OJ L 287, 29.10.2013, p. 63.

⁽²⁾ OJ L 311, 31.10.2014, p. 23.

HAS ADOPTED THIS DECISION:

Article 1

Subject matter and scope

This Decision lays down the methodology and the procedures referred to in Article 10 of Regulation (EU) No 1163/2014 (ECB/2014/41) for the determination and collection of data regarding the fee factors used for the calculation of the annual supervisory fees to be levied in respect of supervised entities and supervised groups and the submission of the fee factors by the fee debtors, as well as procedures for the submission of such data by NCAs to the ECB.

This Decision applies to fee debtors and NCAs.

Article 2

Definitions

For the purposes of this Decision, the definitions contained in Article 2 of Regulation (EU) No 1163/2014 (ECB/2014/41) shall apply, unless otherwise provided for, together with the following definition:

‘working day’ means a day which is not a Saturday, Sunday or a public holiday in the Member State where the relevant NCA is established.

Article 3

Templates for the reporting of the fee factors to NCAs by the fee debtors

The fee factors shall be submitted to the NCAs by the fee debtors using the templates set out in Annexes I and II to this Decision. Auditor’s statements in accordance with Article 7 shall also be submitted to the NCAs. In the case of a group of fee-paying entities with subsidiaries established in non-participating Member States or third countries, the fee debtors shall provide an explanation of the method used for the determination of the fee factors in accordance with Article 10 (3)(c) of Regulation (EU) No 1163/2014 (ECB/2014/41) in the space allocated for this purpose in the template.

Article 4

Remittance dates

1. NCAs shall submit data regarding the fee factors to the ECB at the latest by close of business on the 10th working day following the remittance dates referred to in Article 10(4) of Regulation (EU) No 1163/2014 (ECB/2014/41). Thereafter, the ECB shall verify the data received within five working days of receipt. If so requested by the ECB, NCAs shall explain or clarify the data. The ECB will finalise the data on the 15th working day following the relevant remittance date.

2. Upon the ECB finalising the data in accordance with paragraph 1, it shall grant the fee debtors access to the finalised data. The fee debtors shall be given five working days in which to comment on the fee factors data in the event that they consider that data to be incorrect. Thereafter, the fee factors will be applied for the calculation of the annual supervisory fees.

Article 5

Data quality checks

NCAs shall monitor and ensure the quality and reliability of the data regarding the fee factors submitted to the ECB. NCAs shall apply quality control checks to assess whether the fee factors have been calculated in line with the methodology set out in Article 7. The ECB shall not correct or modify data regarding the fee factors provided by the fee debtors. Any corrections or modifications to the data shall be undertaken by the fee debtors and submitted by them to the NCAs. NCAs shall submit to the ECB any corrected or modified data received by them. When submitting data regarding the fee factors, NCAs shall: (a) provide information on any significant developments implied by such data; and (b) communicate to the ECB the reasons for any significant corrections or modifications to it.

*Article 6***Reporting frequency and first reporting reference date**

Data regarding the fee factors shall be submitted by the fee debtors to the NCAs on an annual basis. The first reporting reference date for the fee factors is 31 December 2014.

*Article 7***Methodology for the calculation of the fee factors**

1. The total risk exposure figure to be reported shall be derived from the regular reporting undertaken pursuant to Commission Implementing Regulation (EU) No 680/2014 ⁽¹⁾. The following specific calculation requirements shall apply.

- (a) For a supervised group that does not have subsidiaries established in non-participating Member States or third countries, the group's total risk exposure shall be determined by reference to the common solvency ratio reporting (COREP) 'own funds requirements' template set out in Annex I to Implementing Regulation (EU) No 680/2014 (hereinafter the 'own funds requirements template').
- (b) For a supervised group that has subsidiaries established in non-participating Member States or third countries, the group's total risk exposure shall be determined by reference to the own funds requirements template, with the option to deduct the contribution to the group's total risk exposure of those subsidiaries which are established in non-participating Member States or third countries with reference to the COREP 'group solvency: information on affiliates' template set out in Annex I to Implementing Regulation (EU) No 680/2014. If the data on the contribution of subsidiaries established in non-participating Member States or third countries is not available in the COREP 'group solvency: information on affiliates' template for the purpose of calculation of supervisory fees, fee debtors may submit this data themselves to NCAs.
- (c) If the fee-paying credit institution is not part of a supervised group, the institution's total risk exposure shall be determined by reference to the own funds requirements template.

2. The total assets figure to be reported should correspond to the amount of total assets stipulated in Article 51 of Regulation (EU) No 468/2014 of the European Central Bank (ECB/2014/17) ⁽²⁾. If total assets cannot be determined by reference to that Article, it shall be determined on the basis of the following data.

- (a) For a supervised group that only has subsidiaries established within the participating Member States, the reporting packages used by the supervised entities for preparing consolidated accounts at group level shall be used to determine total assets. An auditor shall certify the supervised group's total assets by carrying out appropriate verification of the reporting packages.
- (b) For a fee-paying credit institution that is not part of a supervised group but has a parent established in non-participating Member State or a third country, the reporting packages used by the fee-paying credit institution for preparing consolidated accounts at group level shall be used to determine total assets. An auditor shall certify the fee-paying credit institution's total assets by carrying out appropriate verification of the reporting packages.
- (c) In the event that total assets of a fee-paying branch is calculated on the basis of statistical data reported pursuant to Regulation (EU) No 1071/2013 of the European Central Bank (ECB/2013/33) ⁽³⁾, an auditor shall certify the total assets of the fee-paying branch by carrying out appropriate verification of its financial accounts.

3. For a supervised group that has subsidiaries established in non-participating Member States or third countries, its total assets shall be determined in accordance with one of the following options.

- (a) Its total assets may be determined on the basis of Article 51 of Regulation (EU) No 468/2014 (ECB/2014/17) (including subsidiaries established in non-participating Member States or third countries). If the total assets cannot be determined by reference to that Article, they shall be determined in accordance with Article 7(2)(a) of this Decision.

⁽¹⁾ Commission Implementing Regulation (EU) No 680/2014 of 16 April 2014 laying down implementing technical standards with regard to supervisory reporting of institutions according to Regulation (EU) No 575/2013 of the European Parliament and of the Council (OJ L 191, 28.6.2014, p. 1).

⁽²⁾ Regulation (EU) No 468/2014 of the European Central Bank of 16 April 2014 establishing the framework for cooperation within the Single Supervisory Mechanism between the European Central Bank and national competent authorities and with national designated authorities (SSM Framework Regulation) (ECB/2014/17) (OJ L 141, 14.5.2014, p. 1).

⁽³⁾ Regulation (EU) No 1071/2013 of the European Central Bank of 24 September 2013 concerning the balance sheet of the monetary financial institutions sector (ECB/2013/33) (OJ L 297, 7.11.2013, p. 1).

- (b) Its total assets may be determined by aggregating the total assets disclosed in the statutory financial statements of all the supervised entities established in participating Member States within the supervised group if available, or otherwise by aggregating the total assets stated in the relevant reporting package(s) used by the supervised entities or group of fee-paying credit institutions for preparing consolidated accounts at group level. To avoid double counting, the fee debtor has the option of eliminating intragroup positions among all supervised entities that are established in participating Member States of the supervised group in the consolidation process. Any goodwill included in the consolidated financial statements of the parent undertaking of a supervised group should be included in the aggregation; the exclusion of goodwill allocated to subsidiaries established in non-participating Member States or third countries is optional. Where a fee debtor uses statutory financial statements, an auditor shall certify that the total assets correspond to the total assets disclosed in the audited statutory financial statements of the single supervised entities. Where a fee debtor uses reporting packages, an auditor shall certify the total assets used for the calculation of the annual supervisory fees by carrying out appropriate verification of the reporting packages used. In all cases, the auditor shall confirm that the aggregation process does not deviate from the procedure laid down in this Decision and that the calculation performed by the fee debtor is coherent with the accounting method used to consolidate the accounts of the group of fee-paying entities.

Article 8

Determination of fee factors by the ECB in the event of non-provision or non-submission of required corrections or modifications

In the event that a fee factor is not reported or required corrections or modifications are not submitted by a fee debtor, the ECB will use information available to it to determine the missing fee factor.

Article 9

Simplified amendment procedure

Taking the views of the STC into account, the ECB's Executive Board shall be entitled to make any technical amendments to the Annexes to this Decision, provided that such amendments neither change the underlying conceptual framework nor affect the reporting burden on the fee debtors. The Executive Board shall inform the Governing Council of any such amendment without undue delay.

Article 10

Entry into force

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

Done at Frankfurt am Main, 11 February 2015.

The President of the ECB
Mario DRAGHI

CALCULATION OF FEES

TOTAL RISK EXPOSURE

Reference period		NAME	
Date		MFI Code	
		LEI code	

Item		Type of institution 010	Source for risk exposure amount 020	Risk exposure amount 030	Comments 040
010	TOTAL RISK EXPOSURE	(1), (2), (3) or (4)	COREP C 02.00, row 010		
020	CONTRIBUTION OF SUBSIDIARIES in non-participating Member States or third countries	(4)	COREP C 06.02, col 250 (SUM)		
021	Entity 1	(4)			
.	Entity 2	(4)			
.	Entity 3	(4)			
N	Entity N	(4)			
030	TOTAL RISK EXPOSURE AMOUNT of the supervised group deducting the CONTRIBUTION OF SUBSIDIARIES in non-participating Member States or third countries: Item 030 is equal to 010 minus 020	(4)			

Please ensure that this template is completed in accordance with the instructions provided separately.

CALCULATION OF FEES

TOTAL ASSETS

Reference period		NAME	
Date		MFI Code	
		LEI code	

Item		Type of institution 010	Confirmation of auditor's verification (Yes/No) 020	Total assets 030	Comments 040
010	TOTAL ASSETS in accordance with Article 51 of Regulation (EU) No 468/2014 (ECB/2014/17)	(1), (2), (3), (4), (5)			
020	TOTAL ASSETS in accordance with Article 7(2)(a) or (b) of this Decision	(6) or (7)			
030	TOTAL ASSETS in accordance with Article 7(3)(b) of this Decision: Item 030 is equal to 031 minus 032 plus 033 minus 034	(8)			
031	Total assets of all group entities established in participating Member States				
032	Intragroup positions among supervised entities established in participating Member States (from reporting packages used for the elimination of balances for group reporting purposes) — optional				
033	Goodwill included in the consolidated financial statements of the parent undertaking of a supervised group — obligatory				
034	Goodwill allocated to subsidiaries established in non-participating Member states or third countries — optional				
040	Total assets for a supervised entity or supervised group classified as less significant on the basis of an ECB decision made in accordance with Article 6(4) of Regulation (EU) No 1024/2013 in conjunction with Article 70(1) and Article 71 of Regulation (EU) No 468/2014 (ECB/2014/17) and Article 10(3)(d) of Regulation (EU) No 1163/2014 (ECB/2014/41).	(9)			

Please ensure that this template is completed in accordance with the instructions provided separately.

CORRIGENDA**Corrigendum to Council Decision 2013/462/EU of 22 July 2013 on the signature, on behalf of the European Union, and on the provisional application of the Protocol setting out fishing opportunities and the financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Gabonese Republic**

(Official Journal of the European Union L 250 of 20 September 2013)

On page 1, in the signature:

for: 'For the Council
The President
C. ASHTON',
read: 'For the Council
The President
V. JUKNA'.

Corrigendum to Council Regulation (EU) No 897/2013 of 22 July 2013 on the allocation of the fishing opportunities under the Protocol setting out the fishing opportunities and financial contribution provided for in the Fisheries Partnership Agreement between the European Union and the Gabonese Republic

(Official Journal of the European Union L 250 of 20 September 2013)

On page 25, in the signature:

for: 'For the Council
The President
C. ASHTON',
read: 'For the Council
The President
V. JUKNA'.

