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I

(Legislative acts)

DIRECTIVES

DIRECTIVE (EU) 2016/2102 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 26 October 2016
on the accessibility of the websites and mobile applications of public sector bodies
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:

- (1) The trend towards a digital society provides users with new ways of accessing information and services. The providers of information and services, such as public sector bodies, rely increasingly on the internet in order to produce, collect and provide a wide range of information and services online which are essential to the public.
- (2) In the context of this Directive, accessibility should be understood as principles and techniques to be observed when designing, constructing, maintaining, and updating websites and mobile applications in order to make them more accessible to users, in particular persons with disabilities.
- (3) The fast-growing market for making digital products and services more accessible comprises a range of economic operators, such as those developing websites or software tools to create, manage and test web pages or mobile applications, those developing user agents such as web browsers and related assistive technologies, those implementing certification services and those providing training.
- (4) As underlined in the Commission communication of 19 May 2010 entitled 'A Digital Agenda for Europe', public authorities should play their part in promoting markets for online content. Governments can stimulate content markets by making public sector information available under transparent, effective and non-discriminatory terms. This is an important source of potential growth of innovative online services.

⁽¹⁾ OJ C 271, 19.9.2013, p. 116.

⁽²⁾ Position of the European Parliament of 26 February 2014 (not yet published in the Official Journal) and position of the Council at first reading of 18 July 2016 (not yet published in the Official Journal). Position of the European Parliament of 25 October 2016 (not yet published in the Official Journal).

- (5) Several Member States have adopted measures based on internationally used guidelines for the design of accessible websites, but those measures often relate to different versions or compliance levels of those guidelines, or have introduced technical differences in respect of accessible websites at national level.
- (6) Suppliers of accessible websites, mobile applications and related software and technologies include a large number of small and medium-sized enterprises (SMEs). Such suppliers, and SMEs in particular, are discouraged from entering into business ventures outside their national markets. Due to the differences between Member States in accessibility specifications and regulations, suppliers' competitiveness and growth are hampered by the additional costs they would incur in the development and marketing of cross-border web accessibility-related products and services.
- (7) Due to limited competition, buyers of websites, mobile applications and related products and services are faced with high prices in respect of the provision of services or dependence on a single supplier. Suppliers often favour variations of proprietary 'standards', hindering subsequent scope for interoperability of user agents and Union-wide ubiquitous access to the content of websites and mobile applications. Fragmentation among national regulations reduces the benefits that could result from sharing experiences with national and international peers in responding to societal and technological developments.
- (8) In a harmonised framework, the design and development industry for websites and mobile applications should face fewer barriers to operating in the internal market, while costs for public sector bodies and others procuring products and services relating to the accessibility of websites and mobile applications should be reduced.
- (9) This Directive aims to ensure that the websites and mobile applications of public sector bodies are made more accessible on the basis of common accessibility requirements. The approximation of national measures at Union level, based on the agreed accessibility requirements for the websites and mobile applications of public sector bodies, is necessary in order to put an end to fragmentation of the internal market. It would reduce uncertainty for developers and would foster interoperability. The use of accessibility requirements which are technology-neutral will not hamper innovation, and may even stimulate it.
- (10) Approximation of national measures should also allow Union public sector bodies and enterprises to obtain economic and social benefits from extending the provision of online or mobile services to include more citizens and customers. This should increase the potential of the internal market for products and services relating to the accessibility of websites and mobile applications. The resulting market growth should allow undertakings to contribute to economic growth and job creation within the Union. Strengthening the internal market should make investment in the Union more attractive. Public sector bodies would benefit from cheaper provision of web accessibility-related products and services.
- (11) Citizens would benefit from wider access to public sector services through websites and mobile applications and would receive services and information facilitating their daily lives and the enjoyment of their rights across the Union, in particular their right to move and reside freely within the territory of the Union, their freedom of establishment and their freedom to provide services.
- (12) By respectively ratifying and concluding the United Nations Convention on the Rights of Persons with Disabilities, adopted on 13 December 2006 ('the UN Convention'), the majority of Member States and the Union have committed themselves to taking appropriate measures to ensure access for persons with disabilities, on an equal basis with others, to, inter alia, information and communication technologies and systems, to develop, promulgate and monitor the implementation of minimum standards and guidelines for the accessibility of facilities and services open or provided to the public, and to promote access for persons with disabilities to new information and communications technologies and systems, including the internet, and have undertaken to refrain from engaging in any act or practice that is inconsistent with that Convention and to ensure that public authorities and institutions act in conformity with it. The UN Convention also stipulates that the design of products, environments, programmes and services should enable their use by all people, to the greatest extent possible, without the need for adaptation or specialised design. Such 'universal design' should not exclude assistive devices for particular groups of persons with disabilities, where this is needed. According to the UN Convention, persons with disabilities include those having long-term physical, mental, intellectual or sensory impairments which may, in conjunction with other barriers, hinder their full and effective participation in society on an equal basis with others.

- (13) The Commission communication of 15 November 2010 entitled 'European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe' builds on the UN Convention and aims to eliminate barriers that prevent persons with disabilities from participating in society on an equal basis. It sets out actions to be taken in several priority areas, including accessibility of information and communications technologies and systems, and its objective is to ensure accessibility to goods, services (including public services) and assistive devices for people with disabilities.
- (14) Regulations (EU) No 1303/2013 ⁽¹⁾ and (EU) No 1304/2013 ⁽²⁾ of the European Parliament and of the Council contain provisions on the accessibility of information and communication technology (ICT). They do not, however, address the specificities of the accessibility of websites or of mobile applications.
- (15) Horizon 2020 — The Framework Programme for Research and Innovation, established by Regulation (EU) No 1291/2013 of the European Parliament and of the Council ⁽³⁾, supports research on, and the development of, technological solutions to accessibility problems.
- (16) In its communication of 15 December 2010 entitled 'The European eGovernment Action Plan 2011-2015 — Harnessing ICT to promote smart, sustainable & innovative Government', the Commission called for action to develop eGovernment services that ensure inclusiveness and accessibility. This includes measures to reduce the gap in ICT usage and to promote the use of ICT to overcome exclusion, thus ensuring that all users are able to make the most of the opportunities presented. In its communication of 19 April 2016 entitled 'EU eGovernment Action Plan 2016-2020 — Accelerating the digital transformation of government', the Commission reiterates the importance of inclusiveness and accessibility.
- (17) In the Digital Agenda for Europe, the Commission announced that public sector websites should be fully accessible by 2015, thereby reflecting the Riga Ministerial Declaration of 11 June 2006.
- (18) In the Digital Agenda for Europe, the Commission stressed that concerted actions were needed to ensure that new electronic content was fully available to persons with disabilities, in order to provide Europeans with a better quality of life through, for instance, easier access to public services and cultural content. It also encouraged the facilitation of the Memorandum of Understanding on digital access for persons with disabilities.
- (19) Content of websites and mobile applications includes textual as well as non-textual information, downloadable documents and forms, and two-way interaction such as the processing of digital forms and the completion of authentication, identification and payment processes.
- (20) The accessibility requirements set out in this Directive should not apply to content which is to be found exclusively on mobile devices, or to user agents for mobile devices, which are developed for closed groups of users or for specific use within certain environments and which are not available to and used by large parts of the public.
- (21) This Directive is without prejudice to Directive 2014/24/EU of the European Parliament and of the Council ⁽⁴⁾ and in particular Article 42 thereof, and Directive 2014/25/EU of the European Parliament and of the Council ⁽⁵⁾ and in particular Article 60 thereof, which require that the technical specifications for all procurements which are intended for use by natural persons, whether the general public or staff of the contracting authority, shall, except in duly justified cases, be drawn up so as to take into account accessibility criteria for persons with disabilities or design for all users.

⁽¹⁾ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

⁽²⁾ Regulation (EU) No 1304/2013 of the European Parliament and of the Council of 17 December 2013 on the European Social Fund and repealing Council Regulation (EC) No 1081/2006 (OJ L 347, 20.12.2013, p. 470).

⁽³⁾ Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 — the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC (OJ L 347, 20.12.2013, p. 104).

⁽⁴⁾ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

⁽⁵⁾ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

- (22) Given the lack of automated or efficient and easy-to-implement means to make some types of published content accessible, and in order to limit the scope of this Directive to content of websites and mobile applications effectively under the control of public sector bodies, this Directive provides for the temporary or permanent exclusion from its scope of some types of content of websites or mobile applications. Those exclusions should be reconsidered in the context of the review of this Directive, in the light of future technological advances.
- (23) The right of persons with disabilities and of the elderly to participate and be integrated in the social and cultural life of the Union is inextricably linked to the provision of accessible audiovisual media services. However, that right may be better developed in the context of Union sector-specific legislation or legislation focusing on accessibility that also applies to private broadcasters in order to guarantee conditions of fair competition without prejudice to the public interest role performed by the audiovisual media services. This Directive should consequently not apply to the websites and mobile applications of public service broadcasters.
- (24) Nothing in this Directive is intended to restrict the freedom of expression and the freedom and pluralism of the media as they are guaranteed in the Union and in the Member States, in particular under Article 11 of the Charter of Fundamental Rights of the European Union ('the Charter').
- (25) Some non-governmental organisations (NGOs), which are voluntary self-governing bodies established to pursue essentially non-profit making objectives, provide services that are not essential to the public, such as services that are not directly mandated by State, regional or local authorities, or services that do not specifically address the needs of persons with disabilities in particular, and could fall within the scope of this Directive. In order to avoid imposing a disproportionate burden on such NGOs, this Directive should not apply to them.
- (26) Office file formats should be understood as documents that are not intended primarily for use on the web and that are included in web pages, such as Adobe Portable Document Format (PDF), Microsoft Office documents or their (open source) equivalents.
- (27) Live time-based media that are kept online or republished after the live broadcast should be considered as pre-recorded time-based media without undue delay from the date of the initial broadcast or republishing of the time-based media, not exceeding the time strictly necessary to make time-based media accessible with priority being given to essential information relating to the health, welfare and safety of the public. That necessary period of time should in principle be no longer than 14 days. In justified cases, such as when it is impossible to procure the relevant services in due time, that period might exceptionally be extended to the shortest time necessary to make the content accessible.
- (28) This Directive, while encouraging public sector bodies to make all content accessible, is not intended to limit the content which public sector bodies place on their websites or in their mobile applications to accessible content alone. Whenever non-accessible content is added, public sector bodies should, to the extent reasonably possible, add accessible alternatives on their websites or in their mobile applications.
- (29) When maps are intended for navigational use, as distinct from geographical description, accessible information may be needed in order to help persons who cannot use visual information or complex navigation functionalities properly, for instance to locate premises or areas where services are provided. An accessible alternative should therefore be provided, such as postal addresses and nearby public transport stops, or the names of places or regions which are often already available for the public sector body in a form that is simple and readable for most users.
- (30) Embedded content, such as embedded images or videos, should be covered by this Directive. However, websites and mobile applications are sometimes created into which additional content may be subsequently incorporated, for example an email program, a blog, an article that allows users to add comments, or applications supporting user-contributed content. Another example would be a page, such as a portal or news site, composed of content aggregated from multiple contributors, or sites that automatically insert content from other sources over time, such as when advertisements are inserted dynamically. Such third-party content, provided that it is neither funded nor developed by the public sector body concerned nor under its control, should be excluded from the scope of this Directive. Such content should, in principle, not be used if it hinders or decreases the functionality of the

public service offered on the website or mobile application concerned. Where the purpose of content of websites or mobile applications of public sector bodies is to hold consultations or to organise forum discussions, that content cannot be considered as third-party content and should therefore be accessible, except in the case of user-contributed content which is not under the control of the public sector body concerned.

- (31) Some accessibility requirements for websites or mobile applications should still be complied with as regards the metadata linked to the reproduction of items in heritage collections.
- (32) This Directive should not require Member States to make the content of archived websites or mobile applications accessible if it is no longer updated or edited and if it is not needed in order to carry out administrative processes. For the purposes of this Directive, purely technical maintenance should not be considered to constitute updating or editing of a website or mobile application.
- (33) Essential online administrative functions of schools, kindergartens or nurseries should be made accessible. When that essential content is provided in an accessible manner via another website, it should not need to be made accessible again on the website of the establishment concerned.
- (34) Member States should be able to extend the application of this Directive to other types of websites and mobile applications, in particular intranet or extranet websites and mobile applications not covered by this Directive which are designed for and used by a limited number of persons in the workplace or in education, and to maintain or introduce measures in conformity with Union law which go beyond the minimum requirements for accessibility of websites and mobile applications. Member States should also be encouraged to extend the application of this Directive to private entities that offer facilities and services which are open or provided to the public, including in the healthcare, childcare, social inclusion and social security areas, as well as in the transport sector and the electricity, gas, heat, water, electronic communication and postal services, with particular attention being paid to those services referred to in Articles 8 to 13 of Directive 2014/25/EU.
- (35) Although this Directive does not apply to the websites and mobile applications of Union institutions, those institutions are encouraged to comply with the accessibility requirements set out in this Directive.
- (36) The accessibility requirements set out in this Directive are intended to be technology-neutral. They describe what must be achieved in order for the user to be able to perceive, operate, interpret and understand a website, a mobile application and related content. They do not specify what technology should be selected for a particular website, online information or mobile application. As such, they do not hamper innovation.
- (37) The four principles of accessibility are: perceivability, meaning that information and user interface components must be presentable to users in ways they can perceive; operability, meaning that user interface components and navigation must be operable; understandability, meaning that information and the operation of the user interface must be understandable; and robustness, meaning that content must be robust enough to be interpreted reliably by a wide variety of user agents, including assistive technologies. Those principles of accessibility are translated into testable success criteria, such as those forming the basis of the European standard EN 301 549 V1.1.2 'Accessibility requirements suitable for public procurement of ICT products and services in Europe' (2015-04) (European standard EN 301 549 V1.1.2 (2015-04)), via harmonised standards and a common methodology to test the conformity of content on websites and mobile applications with those principles. That European standard was adopted on the basis of mandate M/376 issued by the Commission to the European standardisation organisations. Pending publication of the references to harmonised standards, or of parts thereof, in the *Official Journal of the European Union*, the relevant clauses of European standard EN 301 549 V1.1.2 (2015-04) should be considered as the minimum means of putting those principles into practice.
- (38) If the accessibility requirements set out in this Directive are not applicable, then in accordance with Council Directive 2000/78/EC⁽¹⁾, the UN Convention and other relevant legislation, the requirements of 'reasonable accommodation' will still apply and should be provided for where needed, in particular in the workplace and in education.

⁽¹⁾ Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16).

- (39) Public sector bodies should apply the accessibility requirements set out in this Directive to the extent that they do not impose a disproportionate burden on them. This means that, in justified cases, it might not be reasonably possible for a public sector body to make specific content fully accessible. However, that public sector body should still make that content as accessible as possible and make other content fully accessible. Exceptions to compliance with the accessibility requirements due to the disproportionate burden that they impose should not go beyond what is strictly necessary in order to limit that burden with respect to the particular content concerned in each individual case. Measures that would impose a disproportionate burden should be understood as measures that would impose an excessive organisational or financial burden on a public sector body, or would jeopardise the body's capacity to either fulfil its purpose or to publish information needed for or relevant to its tasks and services, while taking into account the likely resulting benefit or detriment for citizens, in particular persons with disabilities. Only legitimate reasons should be taken into account in any assessment of the extent to which the accessibility requirements cannot be met because they would impose a disproportionate burden. Lack of priority, time or knowledge should not be considered as legitimate reasons. Likewise, there should not be any legitimate reasons for not procuring or developing software systems to manage content on websites and mobile applications in an accessible manner, since sufficient and advisory techniques are available to make those systems meet the accessibility requirements set out in this Directive.
- (40) Interoperability relating to accessibility should maximise the compatibility of content with current and future user agents and assistive technologies. More specifically, the content of websites and mobile applications should provide user agents with a common internal coding of natural language, structures, relations, and sequences, as well as data of any embedded user-interface components. Interoperability thus benefits the users, allowing them to employ their user agents ubiquitously to access websites and mobile applications; they might also benefit from greater choice and reduced prices across the Union. Interoperability would also benefit the suppliers and buyers of products and services relating to accessibility of websites and mobile applications.
- (41) This Directive lays down accessibility requirements for the websites and mobile applications of public sector bodies. In order to facilitate the conformity of such websites and mobile applications with those requirements, it is necessary to provide for a presumption of conformity for the websites and mobile applications concerned that meet harmonised standards or parts thereof drawn up and published in the *Official Journal of the European Union* in accordance with Regulation (EU) No 1025/2012 of the European Parliament and of the Council⁽¹⁾, for the purpose of expressing detailed specifications in relation to those requirements. Pursuant to that Regulation, Member States and the European Parliament should be able to object to any harmonised standard which, in their view, does not entirely satisfy the accessibility requirements laid down in this Directive.
- (42) The European standardisation organisations have adopted European standard EN 301 549 V1.1.2 (2015-04), specifying the functional accessibility requirements for ICT products and services, including web content, which could be used in public procurement or to support other policies and legislation. The presumption of conformity with the accessibility requirements laid down in this Directive should be based on clauses 9, 10 and 11 of European standard EN 301 549 V1.1.2 (2015-04). Technical specifications adopted on the basis of this Directive should further detail European standard EN 301 549 V1.1.2 (2015-04) in relation to mobile applications.
- (43) The technical specifications and standards developed in relation to the accessibility requirements set out in this Directive should, moreover, take into account the conceptual and technical specificities of mobile devices.
- (44) An accessibility statement should be provided by public sector bodies on the compliance of their websites and mobile applications with the accessibility requirements laid down by this Directive. That accessibility statement should include, where appropriate, the accessible alternatives provided for.
- (45) Mobile applications are available from a variety of sources, including private application stores. Information regarding the accessibility of the mobile applications of public sector bodies downloaded from third-party sources should be provided alongside the description of the mobile application which is presented to users before they

⁽¹⁾ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European Standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12).

download the mobile application. This does not require major platform providers to change their application distribution mechanisms, but instead imposes on the public sector body the requirement to make the accessibility statement available using existing or future technologies.

- (46) A feedback mechanism should be set up to enable any person to notify the public sector body concerned of any failures of the website or mobile applications to comply with the accessibility requirements set out in this Directive and to request information excluded. Such requests for information could concern content that is excluded from the scope of this Directive or otherwise exempted from compliance with the accessibility requirements set out in this Directive, such as office file formats, pre-recorded time-based media or the content of archived websites. By using the feedback mechanism linked to an enforcement procedure, it should be possible for users of websites or mobile applications of public sector bodies to ask for the requisite information, including services and documents. In response to a legitimate and reasonable request, the public sector body concerned should provide information in an adequate and appropriate manner within a reasonable period of time.
- (47) Member States should take the necessary measures to raise awareness of, and promote web training programmes relating to, the accessibility of websites and mobile applications, for relevant stakeholders and in particular staff responsible for the accessibility of websites or mobile applications. Relevant stakeholders should be consulted or involved in preparing the content of the accessibility-related training and awareness-raising schemes.
- (48) It is important that Member States, in close cooperation with the Commission, should promote the use of authoring tools that allow better implementation of the accessibility requirements set out in this Directive. Such promotion could take passive forms, such as publishing a list of compatible authoring tools without a requirement to use those tools, or active forms, such as the requirement to use compatible authoring tools or to fund their development.
- (49) In order to ensure the proper implementation of this Directive, and in particular the implementation of the rules on conformity with accessibility requirements, it is of the utmost importance for the Commission and the Member States to consult with relevant stakeholders on a regular basis. Relevant stakeholders within the meaning of this Directive should be understood as including organisations representing the interests of persons with disabilities and of the elderly, social partners, industry involved in the creation of accessibility software relating to websites and mobile applications, and civil society.
- (50) Conformity with the accessibility requirements set out in this Directive should be periodically monitored. A harmonised monitoring methodology would provide for a description of the way of verifying, on a uniform basis in all Member States, the degree of compliance with the accessibility requirements, the collection of representative samples and the periodicity of the monitoring. Member States should report periodically on the outcome of the monitoring and at least once on the list of measures taken in application of this Directive.
- (51) The monitoring methodology to be established by the Commission should be transparent, transferable, comparable and reproducible. The reproducibility of the monitoring methodology should be maximised while taking into account the fact that human factors, such as testing by users, might have an influence on that reproducibility. To improve comparability of data between Member States, the monitoring methodology should describe the way in which the outcomes of different tests need to be or can be presented. In order not to divert resources from the task of making content more accessible, the monitoring methodology should be easy to use.
- (52) In order not to hinder innovation as regards ways of measuring the accessibility of websites and mobile applications, and as long as it does not hinder the comparability of data across the Union, Member States should be able to use more advanced monitoring technologies based on the monitoring methodology to be established by the Commission.
- (53) In order to avoid systematic recourse to court proceedings, provision should be made for the right to have recourse to an adequate and effective procedure to ensure compliance with this Directive. This is without prejudice to the right to an effective remedy as set out in Article 47 of the Charter. That procedure should be understood to include the right to submit complaints to any existing national authority competent to adjudicate upon those complaints.
- (54) In order to ensure the proper application of the presumption of conformity with the accessibility requirements laid down by this Directive, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending this Directive

by updating the references to European standard EN 301 549 V1.1.2 (2015-04). It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ⁽¹⁾. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

- (55) In order to ensure uniform conditions for the implementation of the relevant provisions of this Directive, implementing powers should be conferred on the Commission. The examination procedure should be used in order to establish: technical specifications for the accessibility requirements; the methodology that Member States should use for monitoring the conformity of the websites and mobile applications concerned with those requirements; and the arrangements for reporting by Member States to the Commission on the outcome of the monitoring. The advisory procedure should be used for the adoption of the implementing acts establishing a model accessibility statement, which does not have any impact on the nature and scope of the obligations stemming from this Directive but serves to facilitate the application of the rules which it lays down. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and the Council ⁽²⁾.
- (56) Since the objective of this Directive, namely the establishment of a harmonised market for the accessibility of the websites and mobile applications of public sector bodies, cannot be sufficiently achieved by the Member States, because it requires the harmonisation of different rules currently existing in their respective legal systems, but can rather be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Subject matter and scope

1. In order to improve the functioning of the internal market, this Directive aims to approximate the laws, regulations and administrative provisions of the Member States relating to the accessibility requirements of the websites and mobile applications of public sector bodies, thereby enabling those websites and mobile applications to be more accessible to users, in particular to persons with disabilities.
2. This Directive lays down the rules requiring Member States to ensure that websites, independently of the device used for access thereto, and mobile applications of public sector bodies meet the accessibility requirements set out in Article 4.
3. This Directive does not apply to the following websites and mobile applications:
 - (a) websites and mobile applications of public service broadcasters and their subsidiaries, and of other bodies or their subsidiaries fulfilling a public service broadcasting remit;
 - (b) websites and mobile applications of NGOs that do not provide services that are essential to the public, or services that specifically address the needs of, or are meant for, persons with disabilities.
4. This Directive does not apply to the following content of websites and mobile applications:
 - (a) office file formats published before 23 September 2018, unless such content is needed for active administrative processes relating to the tasks performed by the public sector body concerned;
 - (b) pre-recorded time-based media published before 23 September 2020;

⁽¹⁾ OJ L 123, 12.5.2016, p. 1.

⁽²⁾ Regulation (EU) No 182/2011 of the European Parliament and the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (c) live time-based media;
 - (d) online maps and mapping services, as long as essential information is provided in an accessible digital manner for maps intended for navigational use;
 - (e) third-party content that is neither funded nor developed by, nor under the control of, the public sector body concerned;
 - (f) reproductions of items in heritage collections that cannot be made fully accessible because of either:
 - (i) the incompatibility of accessibility requirements with either the preservation of the item concerned or the authenticity of the reproduction (e.g. contrast); or
 - (ii) the unavailability of automated and cost-efficient solutions that would easily extract the text of manuscripts or other items in heritage collections and transform it into content compatible with the accessibility requirements;
 - (g) content of extranets and intranets, that is to say, websites that are only available for a closed group of people and not to the general public as such, published before 23 September 2019, until such websites undergo a substantial revision;
 - (h) content of websites and mobile applications qualifying as archives, meaning that they only contain content that is neither needed for active administrative processes nor updated or edited after 23 September 2019.
5. Member States may exclude from the application of this Directive websites and mobile applications of schools, kindergartens or nurseries, except for the content thereof relating to essential online administrative functions.

Article 2

Minimum harmonisation

Member States may maintain or introduce measures in conformity with Union law which go beyond the minimum requirements for accessibility of websites and mobile applications established by this Directive.

Article 3

Definitions

For the purposes of this Directive, the following definitions apply:

- (1) 'public sector body' means the State, regional or local authorities, bodies governed by public law, as defined in point (4) of Article 2(1) of Directive 2014/24/EU, or associations formed by one or more such authorities or one or more such bodies governed by public law, if those associations are established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;
- (2) 'mobile application' means application software designed and developed, by or on behalf of public sector bodies, for use by the general public on mobile devices such as smartphones and tablets. It does not include the software that controls those devices (mobile operating systems) or hardware;
- (3) 'standard' means a standard as defined in point (1) of Article 2 of Regulation (EU) No 1025/2012;
- (4) 'European standard' means a European standard as defined in point (1)(b) of Article 2 of Regulation (EU) No 1025/2012;
- (5) 'harmonised standard' means a harmonised standard as defined in point (1)(c) of Article 2 of Regulation (EU) No 1025/2012;
- (6) 'time-based media' means media of the following types: audio-only, video-only, audio-video, audio and/or video combined with interaction;

- (7) 'items in heritage collections' means privately or publicly owned goods presenting an historical, artistic, archaeological, aesthetic, scientific or technical interest and that are part of collections preserved by cultural institutions such as libraries, archives and museums;
- (8) 'measurement data' means the quantified results of the monitoring activity carried out in order to verify the compliance of the websites and mobile applications of public sector bodies with the accessibility requirements set out in Article 4. It covers both quantitative information about the sample of websites and mobile applications tested (number of websites and applications with, potentially, the number of visitors or users, etc.) and quantitative information about the level of accessibility.

Article 4

Requirements for the accessibility of websites and mobile applications

Member States shall ensure that public sector bodies take the necessary measures to make their websites and mobile applications more accessible by making them perceivable, operable, understandable and robust.

Article 5

Disproportionate burden

1. Member States shall ensure that public sector bodies apply the accessibility requirements set out in Article 4 to the extent that those requirements do not impose a disproportionate burden on the public sector bodies for the purposes of that Article.
2. In order to assess the extent to which compliance with the accessibility requirements set out in Article 4 imposes a disproportionate burden, Member States shall ensure that the public sector body concerned takes account of relevant circumstances, including the following:
 - (a) the size, resources and nature of the public sector body concerned; and
 - (b) the estimated costs and benefits for the public sector body concerned in relation to the estimated benefits for persons with disabilities, taking into account the frequency and duration of use of the specific website or mobile application.
3. Without prejudice to paragraph 1 of this Article, the public sector body concerned shall perform the initial assessment of the extent to which compliance with the accessibility requirements set out in Article 4 imposes a disproportionate burden.
4. Where a public sector body avails itself of the derogation provided for in paragraph 1 of this Article for a specific website or mobile application after conducting an assessment as referred to in paragraph 2 of this Article, it shall explain, in the accessibility statement referred to in Article 7, the parts of the accessibility requirements that could not be complied with and shall, where appropriate, provide accessible alternatives.

Article 6

Presumption of conformity with the accessibility requirements

1. Content of websites and mobile applications that meets harmonised standards or parts thereof the references to which have been published by the Commission in the *Official Journal of the European Union* in accordance with Regulation (EU) No 1025/2012 shall be presumed to be in conformity with the accessibility requirements set out in Article 4 that are covered by those standards or by parts thereof.
2. Where no references to the harmonised standards referred to in paragraph 1 of this Article have been published, content of mobile applications that meets the technical specifications or parts thereof shall be presumed to be in conformity with the accessibility requirements set out in Article 4 that are covered by those technical specifications or by parts thereof.

The Commission shall adopt implementing acts establishing the technical specifications referred to in the first subparagraph of this paragraph. Those technical specifications shall meet the accessibility requirements set out in Article 4 and shall ensure at least a level of accessibility equivalent to that ensured by European standard EN 301 549 V1.1.2 (2015-04).

The implementing acts referred to in the second subparagraph of this paragraph shall be adopted in accordance with the examination procedure referred to in Article 11(3). The first such implementing act shall be adopted, where no references to the harmonised standards referred to in paragraph 1 of this Article have been published, by 23 December 2018.

3. Where no references to the harmonised standards referred to in paragraph 1 of this Article have been published, content of websites that fulfils the relevant requirements of European standard EN 301 549 V1.1.2 (2015-04) or parts thereof shall be presumed to be in conformity with the accessibility requirements set out in Article 4 that are covered by those relevant requirements or by parts thereof.

Where no references to the harmonised standards referred to in paragraph 1 of this Article have been published, and in the absence of the technical specifications referred to in paragraph 2 of this Article, content of mobile applications that fulfils the relevant requirements of European standard EN 301 549 V1.1.2 (2015-04) or parts thereof shall be presumed to be in conformity with the accessibility requirements set out in Article 4 that are covered by those relevant requirements or by parts thereof.

4. The Commission is empowered to adopt delegated acts in accordance with Article 10 in order to amend paragraph 3 of this Article by updating the reference to European standard EN 301 549 V1.1.2 (2015-04) so as to make reference to a more recent version of that standard, or to a European standard replacing it, where that version or standard meets the accessibility requirements set out in Article 4 and ensures at least a level of accessibility equivalent to that ensured by European standard EN 301 549 V1.1.2 (2015-04).

Article 7

Additional measures

1. Member States shall ensure that public sector bodies provide and regularly update a detailed, comprehensive and clear accessibility statement on the compliance of their websites and mobile applications with this Directive.

For websites, the accessibility statement shall be provided in an accessible format, using the model accessibility statement referred to in paragraph 2, and shall be published on the relevant website.

For mobile applications, the accessibility statement shall be provided in an accessible format, using the model accessibility statement referred to in paragraph 2, and shall be available on the website of the public sector body that developed the mobile application concerned, or alongside other information available when downloading the application.

The statement shall include the following:

- (a) an explanation concerning those parts of the content that are not accessible, and the reasons for that inaccessibility and, where appropriate, the accessible alternatives provided for;
- (b) a description of, and a link to, a feedback mechanism enabling any person to notify the public sector body concerned of any failure of its website or mobile application to comply with the accessibility requirements set out in Article 4 and to request the information excluded pursuant to Article 1(4) and Article 5; and
- (c) a link to the enforcement procedure set out in Article 9 to which recourse may be had in the event of an unsatisfactory response to the notification or the request.

Member States shall ensure that public sector bodies give an adequate response to the notification or request within a reasonable period of time.

2. The Commission shall adopt implementing acts establishing a model accessibility statement. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 11(2). By 23 December 2018, the Commission shall adopt the first such implementing act.

3. Member States shall take measures to facilitate the application of the accessibility requirements set out in Article 4 to other types of websites or mobile applications apart from those referred to in Article 1(2) and, in particular, to websites or mobile applications covered by existing national laws on accessibility.
4. Member States shall promote and facilitate training programmes, relating to the accessibility of websites and mobile applications for relevant stakeholders and staff of public sector bodies, designed to train them how to create, manage and update the accessible content of websites and mobile applications.
5. Member States shall take the necessary measures to raise awareness of the accessibility requirements set out in Article 4, of their benefits to users and to owners of websites and mobile applications, and of the possibility of giving feedback in the case of any failure to comply with the requirements of this Directive, as set out in this Article.
6. For the purposes of the monitoring and reporting referred to in Article 8, the Commission shall facilitate cooperation at Union level between Member States, and between Member States and relevant stakeholders, with a view to the exchange of best practices between them and to reviewing the monitoring methodology referred to in Article 8(2), market and technological developments and progress in accessibility for websites and mobile applications.

Article 8

Monitoring and reporting

1. Member States shall periodically monitor the compliance of websites and mobile applications of public sector bodies with the accessibility requirements set out in Article 4 on the basis of the monitoring methodology provided for in paragraph 2 of this Article.
2. The Commission shall adopt implementing acts establishing a methodology for monitoring the conformity of websites and mobile applications with the accessibility requirements set out in Article 4. That methodology shall be transparent, transferable, comparable, reproducible and easy to use. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(3). By 23 December 2018, the Commission shall adopt the first such implementing act.
3. The monitoring methodology referred to in paragraph 2 may take into account expert analysis and shall include:
 - (a) the periodicity of the monitoring, as well as the sampling of the websites and mobile applications that are to be subject to monitoring;
 - (b) at website level, the sampling of web pages and of the content on those pages;
 - (c) at mobile application level, the content to be tested, taking into account the moment of the initial release of the application and of subsequent functionality updates;
 - (d) a description of the way in which compliance or non-compliance with the accessibility requirements set out in Article 4 is to be sufficiently demonstrated, directly referencing, when appropriate, the relevant descriptions in the harmonised standard or, in the absence thereof, in the technical specifications referred to in Article 6(2), or in the European standard referred to in Article 6(3);
 - (e) in the event of deficiencies being identified, a mechanism to provide data and information on compliance with the accessibility requirements set out in Article 4 in a format which can be used by public sector bodies to correct those deficiencies; and
 - (f) appropriate arrangements, including where necessary examples and guidance, for automatic, manual and usability tests, in combination with the sampling settings, in a way which is compatible with the periodicity of the monitoring and reporting.
4. By 23 December 2021, and every three years thereafter, Member States shall submit to the Commission a report on the outcome of the monitoring including the measurement data. That report shall be drawn up on the basis of the arrangements for reporting referred to in paragraph 6 of this Article. The report shall also cover information on the use of the enforcement procedure set out in Article 9.

5. In relation to the measures adopted pursuant to Article 7, the first report shall also cover the following:
- (a) a description of the mechanisms set up by Member States for consulting with relevant stakeholders on the accessibility of websites and mobile applications;
 - (b) procedures to make public any developments in accessibility policy relating to websites and mobile applications;
 - (c) experiences and findings from the implementation of the rules on conformity with the accessibility requirements set out in Article 4; and
 - (d) information on training and awareness-raising activities.

Where significant changes have been made in relation to the elements referred to in the first subparagraph, Member States shall include in their subsequent reports information concerning those changes.

6. The content of all the reports, which need not list the websites, mobile applications or public sector bodies examined, shall be made public in an accessible format. The Commission shall adopt implementing acts establishing the arrangements for reporting by Member States to the Commission. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(3). By 23 December 2018, the Commission shall adopt the first such implementing act.

7. By 23 September 2018, Member States shall inform the Commission of the body designated to perform the monitoring and reporting functions.

Article 9

Enforcement procedure

1. Member States shall ensure the availability of an adequate and effective enforcement procedure to guarantee compliance with this Directive, in relation to the requirements set out in Articles 4 and 5 and Article 7(1). In particular, Member States shall ensure that an enforcement procedure, such as the possibility of contacting an ombudsman, is in place to guarantee an effective handling of notifications or requests received as provided for in point (b) of Article 7(1) and to review the assessment referred to in Article 5.

2. By 23 September 2018, Member States shall inform the Commission of the body responsible for the enforcement of this Directive.

Article 10

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Article 6(4) shall be conferred on the Commission for an indeterminate period of time from 23 June 2017.

3. The delegation of power referred to in Article 6(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 6(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 11

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.
3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 12

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 23 September 2018. They shall immediately inform the Commission thereof.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

2. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.
3. Member States shall apply those measures as follows:
 - (a) to websites of public sector bodies not published before 23 September 2018: from 23 September 2019;
 - (b) to websites of public sector bodies not covered by point (a): from 23 September 2020;
 - (c) to mobile applications of public sector bodies: from 23 June 2021.

Article 13

Review

The Commission shall carry out a review of the application of this Directive by 23 June 2022. That review shall take into account the Member States' reports on the outcome of the monitoring provided for in Article 8 and the use of the enforcement procedure provided for in Article 9. It shall also include a review of technological advances that could make accessibility easier for some types of content excluded from the scope of this Directive. The findings of that review shall be made public in an accessible format.

Article 14

Entry into force

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

*Article 15***Addressees**

This Directive is addressed to the Member States.

Done at Strasbourg, 26 October 2016.

For the European Parliament
The President
M. SCHULZ

For the Council
The President
I. LESAY

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2103

of 21 November 2016

entering a name in the register of protected designations of origin and protected geographical indications (Burrata di Andria (PGI))

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Italy's application to register the name 'Burrata di Andria' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of objection under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Burrata di Andria' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Burrata di Andria' (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.3. Cheeses, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.

Article 2

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

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 263, 20.7.2016, p. 7.

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

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

Done at Brussels, 21 November 2016.

*For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission*

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2104**of 21 November 2016****entering a name in the register of protected designations of origin and protected geographical indications (Vale of Evesham Asparagus (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, the United Kingdom's application to register the name 'Vale of Evesham Asparagus' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Vale of Evesham Asparagus' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Vale of Evesham Asparagus' (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.6. Fruit, vegetables and cereals fresh or processed, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.*Article 2*This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 21 November 2016.

For the Commission,
On behalf of the President,
Phil HOGAN
Member of the Commission

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 257, 15.7.2016, p. 16.

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

COMMISSION REGULATION (EU) 2016/2105**of 1 December 2016****amending Annex I to Regulation (EC) No 794/2004 as regards the form to be used for the notification of State aid to the fishery and aquaculture sector**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EU) 2015/1589 of 13 July 2015 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union ⁽¹⁾, and in particular Article 33 thereof,

After consulting the Advisory Committee on State aid,

Whereas:

- (1) Commission Regulation (EC) No 794/2004 ⁽²⁾ sets out detailed provisions concerning the form, content and other details for the notification of State aid. It provides that the supplementary information needed for the assessment of aid measures in accordance with regulations, guidelines, frameworks and other texts applicable to State aid is to be provided in the supplementary information sheets set out in Part III of Annex I to that Regulation.
- (2) Regulation (EC) No 794/2004 also provides that whenever the relevant guidelines or frameworks are modified or replaced, the Commission is to adapt the corresponding forms and information sheets.
- (3) Following the adoption by the Commission of the Guidelines for the examination of State aid to the fishery and aquaculture sector ⁽³⁾, the rules applied by the Commission in assessing the compatibility of State aid measures with the internal market have changed. Accordingly, it is necessary to replace the supplementary information sheet for the notification of State aid to the fishery and aquaculture sector set out in Part III of Annex I to Regulation (EC) No 794/2004.
- (4) Regulation (EC) No 794/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 794/2004 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 1 December 2016.

For the Commission

The President

Jean-Claude JUNCKER

⁽¹⁾ OJ L 248, 24.9.2015, p. 9.

⁽²⁾ Commission Regulation (EC) No 794/2004 of 21 April 2004 implementing Council Regulation (EU) 2015/1589 laying down detailed rules for the application of Article 108 of the Treaty on the Functioning of the European Union (OJ L 140, 30.4.2004, p. 1).

⁽³⁾ Communication from the Commission — Guidelines for the examination of State aid to the fishery and aquaculture sector (OJ C 217, 2.7.2015, p. 1).

ANNEX

In Annex I to Regulation (EC) No 794/2004, Part III.14 is replaced by the following:

PART III.14

SUPPLEMENTARY INFORMATION SHEET FOR STATE AID TO THE FISHERY AND AQUACULTURE SECTOR

This supplementary information sheet must be used in the case of the notification of an aid measure which is covered by the Guidelines for the Examination of State Aid to the Fishery and Aquaculture Sector ⁽¹⁾ ("the Guidelines").*

1. Common assessment principles

- 1.1. Does the aid measure satisfy the following common assessment principles? If yes, or if the aid measure is not required to satisfy the principle of incentive effect set out in Section 3.6 of the Guidelines, please tick the appropriate box:

- ☐ the aid measure contributes to a well-defined objective of common interest;
- ☐ need for State intervention: the State aid measure is targeted towards a situation where aid can bring about a material improvement that the market cannot deliver itself, for example, by remedying a market failure;
- ☐ appropriateness of the aid measure: the aid measure is an appropriate policy instrument to address the objective of common interest;
- ☐ incentive effect: the aid changes the behaviour of the undertaking(s) concerned in such a way that it engages in additional activity which it would not carry out without the aid or it would carry out in a restricted or different manner or location; or the aid is not required to have an incentive effect under point (52) of the Guidelines;
- ☐ proportionality of the aid (aid limited to the minimum necessary): the aid amount is limited to the minimum needed to induce the additional investment or activity in the area concerned;
- ☐ avoidance of undue negative effects on competition and trade between Member States: the negative effects of the aid are sufficiently limited, so that the overall balance of the measure is positive;
- ☐ transparency of the aid: Member States, the Commission, economic operators, and the public have easy access to all relevant acts and to pertinent information about the aid awarded thereunder.

- 1.2. Does the aid measure or any condition attached to it, including its financing method when that method constitutes a non-severable part of the measure, entail a violation of Union law?

☐ Yes ☐ No

- 1.3. Is the aid for export-related activities towards third countries or Member States, namely aid directly linked to the quantities exported, to the establishment and operation of a distribution network, or to other costs linked to the export activity or is the aid contingent upon the use of domestic over imported goods?

☐ Yes ☐ No

Please note that, if the answer to the questions set out in points 1.2 and 1.3 is yes, the aid is incompatible with the internal market, as set out in points (26) and (27) of the Guidelines.

- 1.4. Is the aid granted to an undertaking which is subject to an outstanding recovery order following a previous Commission decision declaring an aid illegal and incompatible with the internal market?

Please note that this does not apply to aid to make good the damage caused by natural disasters under Article 107(2)(b) of the Treaty.

☐ Yes ☐ No

If the answer is yes, please indicate the relevant Commission decision:

2. Specific principles for the fishery and aquaculture sector

- 2.1. In the case of an aid scheme, are the applications inadmissible if they are from operators that have committed one or more of the infringements or offences set out in Article 10(1) of Regulation (EU) No 508/2014 of the European Parliament and the Council ⁽²⁾* or a fraud as set out in Article 10(3) of that Regulation during the period set out in the delegated acts adopted on the basis of Article 10(4) of that Regulation?

Please note that this principle does not apply in the case of aid that meets the specific conditions set out in Sections 4, 5.3, and 5.4 of the Guidelines.

☐ Yes

☐ No

If the answer is yes, please indicate the specific provisions on inadmissibility:

- 2.2. In the case of individual aid, please confirm that the operator concerned has not committed one or more of the infringements or offences set out in Article 10(1) of Regulation (EU) No 508/2014 or a fraud as set out in Article 10(3) of that Regulation during the period set out in the delegated acts adopted on the basis of Article 10(4) of that Regulation?

Please note that this principle does not apply in the case of aid that meets the specific conditions set out in Sections 4, 5.3, and 5.4 of the Guidelines.

☐ Yes

☐ No

- 2.3. Does the aid measure explicitly provide that each undertaking must comply with the rules of the common fisheries policy (CFP) throughout the period of implementation of the project and for a period of five years after the final payment to the beneficiary?

☐ Yes

☐ No

- 2.4. Please confirm that a beneficiary that has committed one or more of the infringements set out in Article 10(1) of Regulation (EU) No 508/2014 throughout the period of implementation of the project and for a period of five years after the final payment to the beneficiary must reimburse the aid.

☐ Yes

☐ No

- 2.5. Please confirm that no aid is granted for activities that correspond to ineligible operations under Article 11 of Regulation (EU) No 508/2014.

☐ Yes

☐ No

- 2.6. If the answer to the questions set out in Sections 2.3, 2.4 and 2.5 of this Supplementary Information Sheet is yes, please indicate the specific provisions of the relevant national legal act or acts that set out the conditions referred to in those questions:
-
-
-

- 2.7. If the aid measure is of the same kind as an operation that is eligible for funding under Regulation (EU) No 508/2014, does it comply with the relevant provisions in that Regulation for that kind of operation, in particular, with the provisions on the intensity of public aid?

☐ Yes

☐ No

If no, please demonstrate the justification for and the indispensability of the aid:

3. **Contribution to a common objective**

- 3.1. Does the aid measure fall under Sections 4, 5.1, 5.3 or 5.4 of the Guidelines and fulfil the specific conditions set out in the relevant Section?

☐ Yes

☐ No

If the answer is yes, please note that the Commission considers that the aid measure contributes to achieving an objective of common interest and disregard Sections 3.2 and 3.3.

- 3.2. Please identify the objective or objectives of common interest set out in Article 107(3) of the Treaty which the aid measure contributes towards achieving:

- 3.3. Please identify the objective or objectives of the CFP which the aid measure contributes towards achieving and clearly demonstrate how the aid measure contributes to achieving this objective or these objectives without negatively affecting other CFP objectives ⁽³⁾*:

4. Need for state intervention

- 4.1. Does the aid measure fall under Sections 4, 5.1, 5.3 or 5.4 of the Guidelines and fulfil the specific conditions set out in the relevant Section?

☐ Yes

☐ No

If the answer is yes, please note that the Commission considers that there is a need for State intervention and disregard Sections 4.2, 4.3 and 4.4.

- 4.2. Please describe the problem to be addressed with the aid measure and explain how the aid is targeted towards situations where it can bring about a material improvement that the market cannot deliver on its own:

- 4.3. Please explain whether and how the aid measure corrects market failures and thereby contributes to the efficient functioning of markets and to enhancing competitiveness or whether and how, in the case of market outcomes which are unsatisfactory from an equity or cohesion point of view, the aid is used to obtain a more desirable, equitable market outcome:

- 4.4. Please explain whether and how the aid promotes the rationalisation and efficiency of the fishery and aquaculture sector and aims at permanent improvements in order for the sector to function on the basis of market factors:

5. **Appropriateness of aid**

5.1. Does the aid fall under Sections 4, 5.1, 5.3 or 5.4 of the Guidelines and fulfil the specific conditions set out in the relevant Section?

☐ Yes ☐ No

If the answer is yes, please note that the Commission considers that the aid measure is an appropriate policy instrument and disregard Sections 5.2 to 5.5.

5.2. Please demonstrate why no other less distortive policy instruments exist that would make the same positive contribution to achieving the objectives of the CFP and why other policy options have been discarded:

5.3. Has an impact assessment of the notified aid measure been made?

☐ Yes ☐ No

If the answer is yes, please summarise its main conclusions:

5.4. Please indicate the form of aid and explain why that form is likely to generate the least distortion of competition and trade?

5.5. Where the aid is granted in forms that provide a direct pecuniary advantage (for example, direct grants, exemptions or reductions in taxes, social security or other compulsory charges), please demonstrate why other potentially less distortive forms of aid such as repayable advances or forms of aid that are based on debt or equity instruments (for example, low-interest loans or interest rebates, state guarantees, or an alternative provision of capital on favourable terms) are less appropriate:

6. Incentive effect

- 6.1. Is the aid compensatory in nature, such as aid that falls under Section 4, 5.3 or 5.4, and does it fulfil the specific conditions set out in the relevant Section, or does the aid fall under Section 5.6 of the Guidelines and meet the conditions set out in that Section?

☐ Yes☐ No

If the answer is yes, please note that the aid is not required to have an incentive effect and disregard Sections 6.2 to 6.6.

- 6.2. Please demonstrate how the aid changes the behaviour of an undertaking in such a way that it engages in additional activity which it would not have carried out without the aid or would have carried out in a restrictive or different manner:

- 6.3. Does the aid subsidise the costs of an activity that the beneficiary would have incurred in any event or does it compensate for the normal business risk of an economic activity?

☐ Yes☐ No

If the answer is yes, please note that the aid cannot be considered to have an incentive effect (point (49) of the Guidelines).

- 6.4. Is the aid granted in respect of an operation that the beneficiary has already begun to implement before the aid application was submitted by the beneficiary to the national authorities?

☐ Yes☐ No

If the answer is yes, please note that under point (51) of the Guidelines the aid cannot be considered to have an incentive effect.

- 6.5. Is the aid operating aid ⁽⁴⁾* or aid intended to facilitate the achievement of obligatory standards?

☐ Yes☐ No

If the answer is yes, please note that under point (50) of the Guidelines such aid is in principle incompatible with the internal market, unless exceptions are expressly provided for in Union legislation or in the Guidelines or in duly justified other cases.

If the answer is yes, please mention the provisions which expressly authorise such aid or provide detailed justification for such aid:

- 6.6. If the aid is in the form of tax advantages, does the aid measure establish a right to the aid in accordance with objective criteria and without further exercise of discretion by the Member State?

Please note that the latter requirement does not apply in the case of fiscal successor schemes, if the measure was already covered by the previous schemes in the form of tax advantages.

☐ Yes ☐ No

7. **Proportionality of aid**

- 7.1. Is the aid compensatory in nature, such as aid that falls under Section 4, 5.3 or 5.4, and does it fulfil the specific conditions set out in the relevant Section, or does the aid fall under Section 5.6 of the Guidelines and meet the conditions set out in that Section?

☐ Yes ☐ No

If the answer is yes, please note that the aid is deemed to be proportionate and disregard points 7.2 to 7.4.

- 7.2. Please demonstrate whether and how the aid amount corresponds to the net extra costs of implementing the investment in the area concerned, compared to the counterfactual in the absence of aid:

- 7.3. If the aid measure is of the same kind as an operation that is eligible for funding under Regulation (EU) No 508/2014, does the amount of aid exceed the applicable maximum intensity of public aid set out in Article 95 of and Annex I to that Regulation?

☐ Yes ☐ No

If the answer is yes, please demonstrate the justification for and the indispensability of the aid:

- 7.4. Will the aid be granted concurrently under several schemes or cumulated with ad hoc aid?

☐ Yes☐ No

If the answer is yes, does the total amount of public funding for an activity exceed the relevant maximum aid intensities referred to in the Guidelines?

☐ Yes☐ No

8. Effects on competition and trade

- 8.1. Does the aid fall under Section 4, 5.1, 5.3 or 5.4 of the Guidelines and fulfil the conditions set out in the relevant Section?

☐ Yes☐ No

If the answer is yes, please note that the Commission considers that the negative effects on competition and trade are limited to the minimum and disregard Sections 8.2 and 8.3.

- 8.2. Please demonstrate how the negative effects of the aid measure in terms of distortions of competition and impact on trade between Member States are limited to the minimum and outweighed by the positive effects in terms of its contribution to achieving the objective of common interest. In the case of an aid scheme, please take into account the levels of distortions on a cumulative basis rather than on an individual level only as well as the size of the projects concerned, the individual and cumulative aid amounts, the expected beneficiaries, as well as the characteristics of the targeted sector. In the case of individual aid, please address the negative effects linked to the prevention of exit from the market and substantial market power and provide evidence permitting the identification of the relevant product market, the geographical market, the competitors, as well as the customers and consumers concerned:

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- 8.3. Has an impact assessment of the notified aid measure been made?

☐ Yes☐ No

If the answer is yes, please summarise its main conclusions:

9. **Transparency**

9.1. Will the Member State publish at least the following information on a comprehensive State aid website at national or regional level?

- (a) the full text of the aid scheme and its implementing provisions or the legal basis for individual aid, or a link to it;
- (b) the granting authority or authorities;
- (c) the identity of the individual beneficiaries, the form and amount of aid granted to each beneficiary, the date of granting the aid, the type of undertaking (SME/large enterprise), the region in which the beneficiary is located (at NUTS level II), and the principal economic sector in which the beneficiary has its activities (at NACE group level). (Such publication requirement can be waived with respect to individual aid awards not exceeding EUR 30 000. In the case of aid schemes in the form of tax advantages the information can be provided in the following ranges (in EUR million): 0,03 to 0,5; above 0,5 to 1; above 1 to 2; above 2.)

☐ Yes

☐ No

9.2. Please confirm that such information will be:

- (a) published after the decision to grant the aid has been taken;
- (b) kept for at least 10 years;
- (c) available for the general public without restrictions ^{(3)*}.

☐ Yes

☐ No

Please note that Member States are not required to publish the information before 1 July 2017 ^{(6)}.*

10. **Categories of aid**

10.1. Please choose the Section of the Guidelines under which the aid should be assessed and provide detailed information for the chosen option in Sections 11 to 18 of this Supplementary Information Sheet:

- ☐ Section 4.1 of the Guidelines: Aid to make good the damage caused by natural disasters and exceptional occurrences
- ☐ Section 5.1 of the Guidelines: Aid for categories of measures covered by a block exemption Regulation
- ☐ Section 5.2 of the Guidelines: Aid falling within the scope of certain horizontal guidelines
- ☐ Section 5.3 of the Guidelines: Aid to make good the damage caused by adverse climatic events
- ☐ Section 5.4 of the Guidelines: Aid for the costs of prevention, control and eradication of animal diseases in aquaculture
- ☐ Section 5.5 of the Guidelines: Aid financed through parafiscal charges
- ☐ Section 5.6 of the Guidelines: Operating aid in outermost regions
- ☐ Section 5.7 of the Guidelines: Aid for other measures

11. Aid to make good the damage caused by natural disasters and exceptional occurrences

This Section must be filled out in the case of the notification of an aid measure which is designed to make good the damage caused by natural disasters or exceptional occurrences, as set out in Section 4.1 of the Guidelines.

- 11.1. Is the aid measure an *ex ante* framework scheme to compensate for the damage caused by earthquakes, avalanches, landslides, floods, tornadoes, hurricanes, volcanic eruptions and wild fires of natural origin?

☐ Yes

☐ No

(If the answer is yes, please disregard Sections 11.3., 11.4, 11.5, 11.7 and 11.8.)

- 11.2. Which type of natural disaster or exceptional occurrence caused (or, in the case of an *ex ante* framework aid scheme, could cause) the damage for which compensation is provided for?

- 11.3. When did the event referred to in Section 11.1 occur?

- 11.4. Please indicate the last date on which aid may be paid out.

- 11.5. Has the competent authority of the Member State formally recognised the character of the event as a natural disaster or as an exceptional occurrence?

☐ Yes

☐ No

- 11.6. Is the aid paid directly to the undertaking concerned?

☐ Yes

☐ No

- 11.7. Please demonstrate the direct causal link between the natural disaster or the exceptional occurrence and the damage suffered by the undertaking:

- 11.8. Please submit an assessment as precise as possible of the damage incurred by the undertaking:

11.9. Please specify which type of damage is compensated (for example, material damage to assets, loss of income):

11.10. Are only the costs of the damage incurred as a direct consequence of the natural disaster or exceptional occurrence eligible for aid?

☐ Yes☐ No

11.11. Are the costs of the damage assessed by a public authority, by an independent expert recognised by the granting authority, or by an insurance undertaking?

☐ Yes☐ No

If the answer is yes, please specify which body assesses the costs.

11.12. Please describe how the damage is calculated:

[illegible]

11.13. In the case of material damage to assets, is it calculated on the basis of the repair costs or the economic value of the affected asset before the natural disaster or exceptional occurrence?

☐ Yes☐ No

11.14. In the case of material damage to assets, does it exceed the repair cost or the decrease in fair market value caused by the natural disaster or the exceptional occurrence?

☐ Yes☐ No

11.15. In the case of a loss of income, is it calculated by subtracting:

- (a) the result of multiplying the quantity of the fishery and aquaculture products produced in the year of the natural disaster or exceptional occurrence, or in each following year affected by the full or partial destruction of the means of production, by the average selling price obtained during that year, from
- (b) the result of multiplying the average annual quantity of fishery and aquaculture products produced in the three-year period preceding the natural disaster or exceptional occurrence or a three-year average based on the five-year period preceding the natural disaster or exceptional occurrence, excluding the highest and lowest entry, by the average selling price obtained?

☐ Yes

☐ No

11.16. Is the damage calculated at the level of the individual beneficiary?

☐ Yes

☐ No

11.17. Is the aid, taken together with any other payments received to compensate the damage, including payments under insurance policies, limited to 100 % of the eligible costs?

☐ Yes

☐ No

11.18. In the case of *ex ante* framework schemes, please confirm that the Member State will comply with the reporting obligation set out in point (130) of the Guidelines.

☐ Yes

☐ No

11.19. Please provide other information considered relevant for assessing the aid measure under this Section:

12. Aid for categories of measures covered by a block exemption Regulation

This Section must be filled out in the case of the notification of an aid measure which is of the same kind as aid falling within a category of aid that can be considered compatible with the internal market under one of the Regulations on group exemptions referred to in point (19)(a) of the Guidelines, as set out in Section 5.1 of the Guidelines. In the case of an aid measure which is of the same kind as aid falling within the category of aid to make good the damage caused by natural disasters referred to in Article 44 of Commission Regulation (EU) No 1388/2014 ()⁷, please fill out Section 11.*

12.1. Is the aid of the same kind as aid falling within a category of aid that can be considered compatible with the internal market under one of the Regulations on group exemptions referred to in point 19(a) of the Guidelines?

☐ Yes

☐ No

Please indicate the applicable Regulation and the relevant Articles of that Regulation:

12.2. Does the aid fulfil all the criteria set out in the relevant Articles of the applicable Regulation?

☐ Yes

☐ No

If the answer is no, please demonstrate the justification for and the indispensability of the aid:

12.3. Please provide other information considered relevant for assessing the aid measure under this Section:

13. Aid falling within the scope of certain horizontal guidelines

This Section must be filled out in the case of the notification of an aid measure which falls within the scope of certain horizontal guidelines or other instruments adopted by the Commission, as set out in Section 5.2 of the Guidelines.

13.1. Does the aid fall within the scope of certain horizontal guidelines or other instruments adopted by the Commission ⁽⁸⁾?

☐ Yes

☐ No

If the answer is yes, please indicate the relevant horizontal guidelines or instruments and the relevant provisions of those acts and demonstrate that the aid fulfils all the criteria set out in the relevant provisions of those acts.

- 13.2. Please provide other information considered relevant for assessing the aid measure under this Section:

14. Aid to make good the damage caused by adverse climatic events

This Section must be filled out in the case of the notification of an aid measure which is designed to make good the damage caused by adverse climatic events, as set out in Section 5.3 of the Guidelines. In the case of aid of the same kind as aid falling within the category of aid to mutual funds for adverse climatic events referred to in Article 20 of Regulation (EU) No 1388/2014, please fill out Section 12.

- 14.1. Is the aid measure an *ex ante* framework scheme to compensate for the damage caused by adverse climatic events?

☐ Yes

☐ No

(If the answer is yes, please disregard Sections 14.3 to 14.6 and 14.9.)

- 14.2. Which type of adverse climatic event caused (or, in the case of an *ex ante* framework aid scheme, could cause) the damage for which compensation is provided for?

- 14.3. When did the event referred to in Section 14.1 occur?

- 14.4. Please indicate the last date on which aid may be paid out.

- 14.5. Does the damage caused by the adverse climatic event amount to more than 30 % of the average annual turnover, calculated on the basis of the preceding three calendar years or a three-year average based on the five-year period preceding the adverse climatic event, excluding the highest and the lowest entry?

☐ Yes

☐ No

If the answer is yes, please provide detailed information showing that the condition set out in Section 14.5 is met:

- 14.6. Please demonstrate the direct causal link between the adverse climatic event and the damage suffered by the undertaking:

- 14.7. In the case of losses caused by adverse climatic events referred to in Article 35(1) of Regulation (EU) No 508/2014, please justify why the Member State intends to grant aid rather than financial compensation being paid through mutual funds for adverse climatic events under Article 35 of that Regulation:

- 14.8. Is the aid paid directly to the undertaking concerned?

☐ Yes

☐ No

- 14.9. Please submit an assessment as precise as possible of the damage incurred by the potential beneficiaries:

- 14.10. Please specify which type of damage is compensated (for example, material damage to assets, loss of income):

14.11. Are only the costs of the damage incurred as a direct consequence of the adverse climatic event eligible for aid?

☐ Yes

☐ No

14.12. Is the damage assessed by a public authority, by an independent expert recognised by the granting authority, or by an insurance undertaking?

☐ Yes

☐ No

If the answer is yes, please specify which body assesses the costs:

14.13. Please describe how the damage is calculated:

14.14. In the case of material damage to assets, is it calculated on the basis of the repair costs or economic value of the affected asset before the adverse climatic event?

☐ Yes

☐ No

14.15. In the case of material damage to assets, does it exceed the repair cost or the decrease in fair market value caused by adverse climatic event?

☐ Yes

☐ No

14.16. In the case of material damage to assets, has the damage resulted in a loss of production that amounts to more than 30 % of the average turnover, calculated on the basis of the preceding three calendar years or a three-year average based on the five-year period preceding the adverse climatic event, excluding the highest and lowest entry?

☐ Yes

☐ No

If the answer is yes, please provide detailed information showing that the condition set out in point 14.15 is met:

- 14.17. In the case of a loss of income, is it calculated by subtracting:
- (a) the result of multiplying the quantity of the fishery and aquaculture products produced in the year of the adverse climatic event, or in each following year affected by the full or partial destruction of the means of production, by the average selling price obtained during that year, from
 - (b) the result of multiplying the average annual quantity of fishery and aquaculture products produced in the three-year period preceding the adverse climatic event or a three year average based on the five-year period preceding the adverse climatic event, excluding the highest and lowest entry, by the average selling price obtained?
- ☐ Yes ☐ No
- 14.18. Is the damage calculated at the level of the individual beneficiary?
- ☐ Yes ☐ No
- 14.19. Is the aid, taken together with any other payments received to compensate the damage, including payments under insurance policies, limited to 100 % of the eligible costs?
- ☐ Yes ☐ No
- 14.20. In the case of *ex ante* framework schemes, please confirm that the Member State will comply with the reporting obligation set out in point (130) of the Guidelines.
- ☐ Yes ☐ No
- 14.21. Please provide other information considered relevant for assessing the aid measure under this Section:

15. Aid for the costs of prevention, control and eradication of animal diseases in aquaculture

This Section must be filled out in the case of the notification of an aid measure which aims to support costs relating to the prevention, control and eradication of animal diseases in aquaculture, as set out in Section 5.4 of the Guidelines. In the case of aid of the same kind as aid falling within the category of aid for animal health and welfare measures referred to in Article 39 of Regulation (EU) No 1388/2014, please fill out Section 12.

- 15.1. Is the aid measure an *ex ante* framework scheme to support costs relating to the prevention, control and eradication of animal diseases in aquaculture?
- ☐ Yes ☐ No

(If the answer is yes, please disregard Sections 15.5, 15.6 and 15.9.)

- 15.2. Please indicate in respect of which disease(s) included in the list of animal diseases of the World Organization for Animal Health, Annex II to Regulation (EU) No 652/2014 of the European Parliament and of the Council ⁽⁹⁾* or Part II of Annex IV to Council Directive 2006/88/EC ⁽¹⁰⁾*, the aid is granted:

Please note that in the case of a disease or diseases included in the list of animal diseases of the World Organization for Animal Health, the version of the list in force at the time of the notification of the aid measure applies. If the aid has already been granted or paid, in the case of individual aid, the version of the list published at the time of granting or payment of the aid applies and, in the case of an aid scheme, the list published at the time of the commencement of the scheme applies.

- 15.3. Is the aid granted as a part of a programme at Union, national, or regional level for the prevention, control, or eradication of animal diseases?

☐ Yes

☐ No

If the answer is yes, please indicate the relevant programme and specific provisions:

- 15.4. Is the aid granted as a part of emergency measures imposed by the competent national authority?

☐ Yes

☐ No

If the answer is yes, please indicate the relevant measure and specific provisions:

- 15.5. When did the costs relating to the prevention, control and eradication of animal diseases in aquaculture occur?

- 15.6. Please indicate the last date on which aid may be paid out.

- 15.7. Is the aid paid directly to the undertaking concerned?

☐ Yes

☐ No

- 15.8. Please confirm that no aid is granted if it is established that the beneficiary caused the disease deliberately or by negligence:

☐ Yes

☐ No

If the answer is yes, please indicate the provisions that set out the condition referred to in Section 15.8:

- 15.9. Please submit an assessment as precise as possible of the damage incurred by the potential beneficiaries:

15.10. Please indicate which of the following costs are eligible for compensation. Costs related to:

- ☐ (a) health checks, analyses, tests, and other screening measures;
- ☐ (b) the purchase, storage, administration or distribution of vaccines, medicines, and substances for the treatment of animals;
- ☐ (c) the slaughtering, culling, and destruction of animals;
- ☐ (d) the destruction of animal products and of products linked to them;
- ☐ (e) the cleaning and disinfection of the holding and equipment;
- ☐ (f) the damage incurred due to the slaughtering, culling, or destruction of animals, animal products, and products linked to them, limited to the market value of such animals and products if they had not been affected by the disease;
- ☐ (g) loss of income due to difficulties in restocking;
- ☐ (h) other costs incurred due to animal diseases in aquaculture.

In the case of (h), please specify the costs and justify why such costs should be eligible.

Please note that under point (110)(h) of the Guidelines, costs other than those referred to in (a) to (g), are only eligible in exceptional and duly justified cases.

15.11. Is the aid, taken together with any other payments received to compensate the damage, including payments under insurance policies, limited to 100 % of the eligible costs?

- ☐ Yes ☐ No

15.12. In the case of *ex ante* framework schemes, please confirm that the Member State will comply with the reporting obligation set out in point (130) of the Guidelines.

- ☐ Yes ☐ No

15.13. Please provide other information considered relevant for assessing the aid measure under this Section:

16. Aid financed through parafiscal charges

This Section must be filled out in the case of the notification of an aid measure which is financed by special charges imposed on certain fishery or aquaculture products irrespective of their origin, in particular, parafiscal charges, as set out in Section 5.5 of the Guidelines.

- 16.1. Is the aid scheme financed by special charges imposed on certain fishery or aquaculture products irrespective of their origin, in particular parafiscal charges?

☐ Yes

☐ No

If the answer is yes, please provide details on how the aid scheme is financed:

- 16.2. Does the aid equally benefit domestic and imported products?

☐ Yes

☐ No

If the answer is yes, please show how the scheme benefits both domestic and imported products:

- 16.3. Please indicate how the funds acquired through parafiscal charges are used:

- 16.4. Please provide other information considered relevant for assessing the aid measure under this Section:

17. Operating aid in outermost regions

This Section must be filled out in the case of the notification of an aid measure which constitutes operating aid granted in outermost regions with a view to alleviating the specific constraints in those regions as a result of their isolation, insularity, and extreme remoteness, as set out in Section 5.6 of the Guidelines.

- 17.1. Does the aid constitute operating aid granted in outermost regions with a view to alleviate the specific constraints in those regions as a result of their isolation, insularity, and extreme remoteness?

☐ Yes

☐ No

If the answer is yes, please describe the kind of operating aid that is granted and indicate the target region or regions:

- 17.2. Please indicate the specific constraints in the region or regions which the aid aims to alleviate and describe how the aid intends to achieve this goal.

Please note that under point (113) of the Guidelines only constraints resulting from the isolation, insularity, and extreme remoteness of outermost regions, may be taken into account.

- 17.3. Please determine the additional costs that result from the specific constraints and the method of their calculation and show that the aid does not go beyond what is necessary to alleviate the specific constraints in the outermost regions.

- 17.4. In order to avoid overcompensation, does the Member State take into account other types of public intervention, including, if applicable, the compensation of additional costs in outermost regions for fishery and aquaculture products under Articles 70, 71 and 72 of Regulation (EU) No 508/2014 and aid for implementing compensation plans under Article 73 of that Regulation?

☐ Yes

☐ No

If the answer is yes, please specify how overcompensation is avoided:

17.5. Please provide other information considered relevant for assessing the aid measure under this Section:

18. Aid for other measures

This Section must be filled out in the case of the notification of an aid measure which does not correspond to one of the types of aid referred to in Sections 4 or 5.1 to 5.6 of the Guidelines, but which the Member State nevertheless intends to provide or provides, as set out in Section 5.7 of the Guidelines.

18.1. Does the Member State intend to provide or does it provide an aid which does not correspond to one of the types of aid referred to in Sections 4 or 5.1 to 5.6 of the Guidelines?

☐ Yes

☐ No

18.2. Please describe the aid measure and its objectives in detail:

(7)* Commission Regulation (EU) No 1388/2014 of 16 December 2014 declaring certain categories of aid to undertakings in the production, processing and marketing of fishery and aquaculture products compatible with the internal market in application of Articles 107 and 108 of the Treaty on the Functioning of the European Union (OJ L 369 24.12.2014, p. 37).

- (⁸)* Horizontal guidelines and other instruments include, amongst others, Communication from the Commission — Criteria for the analysis of the compatibility of State aid for training subject to individual notification (OJ C 188, 11.8.2009, p. 1); Communication from the Commission — Guidelines on State aid to promote risk finance investments (OJ C 19, 22.1.2014, p. 4); the Communication from the Commission — Framework for State aid for research and development and innovation (OJ C 198, 27.6.2014, p. 1); Communication from the Commission — Guidelines on State aid for environmental protection and energy 2014-2020 (OJ C 200, 28.6.2014, p. 1); the Communication from the Commission — Guidelines on State aid for rescuing and restructuring non-financial undertakings in difficulty (OJ C 249, 31.7.2014, p. 1).
- (⁹)* Regulation (EU) No 652/2014 of the European Parliament and of the Council of 15 May 2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005 of the European Parliament and of the Council, Directive 2009/128/EC of the European Parliament and of the Council and Regulation (EC) No 1107/2009 of the European Parliament and of the Council and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC (OJ L 189, 27.6.2014, p. 1).
- (¹⁰)* Council Directive 2006/88/EC of 24 October 2006 on animal health requirements for aquaculture animals and products thereof, and on the prevention and control of certain diseases in aquatic animals (OJ L 328, 24.11.2006, p. 14).'
-

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2106**of 1 December 2016****amending Implementing Regulation (EU) No 884/2014 imposing special conditions governing the import of spices from Ethiopia, groundnuts from Argentina and hazelnuts from Azerbaijan and amending the special conditions governing the import of dried figs and hazelnuts from Turkey and groundnuts from India****(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 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽¹⁾, and in particular Article 53(1)(b)(ii) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 884/2014 ⁽²⁾ imposes special conditions on the import of certain feed and food from certain third countries due to contamination risk by aflatoxins.
- (2) Since 2015, there have been several notifications in the Rapid Alert System for Food and Feed (RASFF) reporting high levels of aflatoxins and ochratoxin A in (mixtures of) spices from Ethiopia. In order to protect human and animal health in the Union, it is necessary to provide for additional guarantees in relation to spices from Ethiopia.
- (3) An increase of findings of non-compliance with Union legislation on aflatoxins has been reported by the RASFF recently for groundnuts (peanuts) from Argentina and hazelnuts from Azerbaijan. Both commodities have been listed in the past for an increased level of official controls on imports within the framework of Commission Regulation (EC) No 669/2009 ⁽³⁾ and were delisted following favourable results of the official control checks. Given the recent increase of findings of non-compliance, it is necessary to provide for additional guarantees and to ensure that the competent authority of the country of origin carries out the necessary controls before export to the Union. Therefore the requirement that a health certificate accompany each consignment of groundnuts (peanuts) from Argentina and hazelnuts from Azerbaijan for import into the Union is necessary in order to protect human and animal health in the Union.
- (4) It should be noted that compound feed and food, containing any feed or food covered by the special conditions provided for in this Regulation in a quantity above 20 %, is also covered by the special conditions provided for in this Regulation. It should also be noted that the 20 % refers to the sum of the products covered by the special conditions provided for in this Regulation.
- (5) Given that in certain situations, consignments have arrived at the designated point of import (DPI) without the relevant entries in the Common Entry Document (CED) completed for documentary control, it is appropriate to explicitly provide that the transfer of the consignment to the DPI may only be authorised after the presentation of a completed CED for documentary control.
- (6) Based on the results of the official control tests, the following changes to products subject to specific conditions and/or control frequencies are appropriate: reduction of sampling frequency on dried figs from Turkey given the favourable results of the tests, reduction of sampling frequency on groundnuts (peanuts) from India given the favourable results of the tests, increase of the sampling frequency on hazelnuts from Turkey given the increase of findings of non-compliance through the RASFF.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) No 884/2014 of 13 August 2014 imposing special conditions governing the import of certain feed and food from certain third countries due to contamination risk by aflatoxins and repealing Regulation (EC) No 1152/2009 (OJ L 242, 14.8.2014, p. 4).

⁽³⁾ 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).

- (7) Furthermore, the CN code of dried fruit of the genus *Capsicum*, whole, other than sweet peppers (*Capsicum annuum*) has to be updated to align the scope with the entry *Capsicum annuum*, crushed or ground, i.e. not including the genus *Pimenta*.
- (8) Implementing Regulation (EU) No 884/2014 should therefore be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 884/2014 is amended as follows:

(1) Article 1 is amended as follows:

(a) in paragraph 1, the following points (l), (m) and (n) are added:

- ‘(l) spices originating in or consigned from Ethiopia;
- (m) groundnuts (peanuts) in shell and shelled, peanut butter, groundnuts (peanuts) otherwise prepared or preserved (feed and food) originating in or consigned from Argentina;
- (n) hazelnuts in shell and shelled, mixtures of nuts or dried fruits containing hazelnuts, hazelnut paste, hazelnuts prepared or preserved including mixtures, flour, meal and powder of hazelnuts, cut sliced and broken hazelnuts, and hazelnut oil originating in or consigned from Azerbaijan;’

(b) paragraph 2 is replaced by the following:

‘2. This Regulation shall also apply to feed and food processed from the feed and food referred to in paragraph 1 and to compound feed and food, containing any of the feed or food referred to in paragraph 1 in a quantity above 20 % of either a single product or as the sum of products referred to in paragraph 1.’;

(2) in Article 5(2), the following points (j), (k) and (l) are added:

- ‘(j) the Ministry of Agriculture and Rural Development for food from Ethiopia;
- (k) National Agri-Food Health and Quality Service (SENASA) for feed and food from Argentina;
- (l) Consumer Commodity Expertise Centre (CCEC) of the State Service for Antimonopoly Policy and Protection of Consumer Rights (SSAPPCR) which is under the Ministry of Economic Development (MED) for food from Azerbaijan.’;

(3) in Article 9(4), the first sentence is replaced by the following:

‘The customs authorities shall authorise the transfer of the consignment to a DPI after favourable completion of the checks referred to in paragraph 2 and the relevant entries of part II of the CED (II.3, II.5, II.8 and II.9) are completed and subject to the physical or electronic presentation of a completed CED by the feed and food business operator or their representative to the customs authorities.’;

(4) Annex I is amended in accordance with the Annex to this Regulation.

Article 2

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

Consignments of feed and food referred to in points (l), (m) and (n) of Article 1(1) which left the country of origin prior to the entry into force of this Regulation may be imported into the Union without being accompanied by a health certificate and the results of sampling and analysis.

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

Done at Brussels, 1 December 2016.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

Annex I to Implementing Regulation (EU) No 884/2014 is amended as follows:

(1) The following entries are added:

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub- division	Country of origin or country of consignment	Frequency of physical and identity checks (%) at import
— Pepper of the genus <i>Piper</i> ; dried or crushed or ground fruit of the genus <i>Capsicum</i> or of the genus <i>Pimenta</i>	— 0904		Ethiopia (ET)	50
— Ginger, saffron, turmeric (curcuma), thyme, bay leaves, curry and other spices	— 0910			
(Food — dried spices)				
— Groundnuts (peanuts), in shell	— 1202 41 00		Argentina (AR)	5
— 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)				
— Hazelnuts (<i>Corylus</i> sp.) in shell	— 0802 21 00		Azerbaijan (AZ)	20'
— Hazelnuts (<i>Corylus</i> sp.) shelled	— 0802 22 00			
— Mixtures of nuts or dried fruits containing hazelnuts	— ex 0813 50			
— Hazelnut paste	— ex 2007 10 or ex 2007 99			
— Hazelnuts, otherwise prepared or preserved, including mixtures	— ex 2008 19			
— Flour, meal and powder of hazelnuts	— ex 1106 30 90			
— Cut, sliced or broken hazelnuts	— ex 0802 22 00			
— Cut, sliced or broken hazelnuts, otherwise prepared or preserved	— ex 2008 19			
— Hazelnut oil	— ex 1515 90 99			
(Food)				

- (2) The fifth entry as regards dried figs, mixtures of nuts or dried fruits containing figs, fig paste and figs, prepared or preserved, including mixtures from Turkey is replaced by the following:

— Dried figs	— 0804 20 90		Turkey (TR)	10'
— Mixtures of nuts or dried fruits containing figs	— ex 0813 50			
— Fig paste	— ex 2007 10 or ex 2007 99			
— Figs, prepared or preserved, including mixtures	— ex 2008 99 or ex 2008 97			
(Food)				

- (3) The sixth entry as regards hazelnuts, mixtures of nuts or dried fruits containing hazelnuts, hazelnuts, prepared or preserved, including mixtures, flour, meal and powder of hazelnuts, cut, sliced and broken hazelnuts and hazelnut oil from Turkey is replaced by the following:

— Hazelnuts (<i>Corylus</i> sp.) in shell	— 0802 21 00		Turkey (TR)	5'
— Hazelnuts(<i>Corylus</i> sp.) shelled	— 0802 22 00			
— Mixtures of nuts or dried fruits containing hazelnuts	— ex 0813 50			
— Hazelnut paste	— ex 2007 10 or ex 2007 99			
— Hazelnuts, otherwise prepared or preserved, including mixtures	— ex 2008 19			
— Flour, meal and powder of hazelnuts	— ex 1106 30 90			
— Cut, sliced or broken hazelnuts	— ex 0802 22 00			
— Cut, sliced or broken hazelnuts, otherwise prepared or preserved	— ex 2008 19			
— Hazelnut oil	— ex 1515 90 99			
(Food)				

- (4) The ninth entry as regards groundnuts (peanuts) in shell and shelled, peanut butter, groundnuts (peanuts) otherwise prepared or preserved from India is replaced by the following:

— Groundnuts (peanuts), in shell	— 1202 41 00		India (IN)	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)				

- (5) The twelfth entry as regards *Capsicum annuum*, whole, crushed or ground, dried fruit of the genus *Capsicum*, whole, other than sweet peppers (*Capsicum annuum*) and nutmeg (*Myristica fragrans*) from India is replaced by the following:

— <i>Capsicum annuum</i> , whole	— 0904 21 10		India (IN)	20'
— <i>Capsicum annuum</i> , crushed or ground	— ex 0904 22 00	10		
— Dried fruit of the genus <i>Capsicum</i> , whole, other than sweet peppers (<i>Capsicum annuum</i>)	— ex 0904 21 90			
— Nutmeg (<i>Myristica fragrans</i>)	— 0908 11 00; 0908 12 00			
(Food — dried spices)				

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2107**of 1 December 2016****amending Annex I to Regulation (EC) No 669/2009 as regards the list of feed and food of non-animal origin subject to an increased level of official controls on imports****(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 biannually, 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 Directorate for Health and Food Audits and Analysis of the Commission Directorate-General for Health and Food Safety, as well as the 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 groundnuts and derived products originating from Bolivia, sesamum seeds and aubergines from Uganda, pineapples from Benin, table grapes from Egypt and pomegranates from Turkey 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) The list should also be amended by increasing the frequency of official controls for the commodities for which the available information shows a higher degree of non-compliance with the relevant Union legislation, thereby warranting an increased level of official controls. The entry in the list concerning lemons from Turkey should therefore be amended accordingly.
- (6) In addition, the list should be amended by decreasing the frequency of official controls of the commodities for which the information sources indicate an overall improvement of compliance with the relevant requirements provided for in Union legislation and for which the current level of official control is therefore no longer justified. The entries in the list concerning pistachios from the United States and pitahaya (dragon fruit) from Vietnam should therefore be amended accordingly.
- (7) 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.
- (8) Regulation (EC) No 669/2009 should therefore be amended accordingly.

⁽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).

- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

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 1 January 2017.

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

Done at Brussels, 1 December 2016.

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 (%)
Pineapples (Food — fresh or chilled)	0804 30 00		Benin (BJ)	Pesticide residues ⁽²⁾ ⁽³⁾	20
— Groundnuts (peanuts), in shell	— 1202 41 00		Bolivia (BO)	Aflatoxins	50
— 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⁾ ⁽⁴⁾	50
— Aubergines (<i>Solanum melongena</i>)	— 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⁾ ⁽⁵⁾	50
Brassica oleracea (other edible Brassica, “Chinese Broccoli”) ⁽⁶⁾ (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⁾ ⁽⁷⁾	10
— Yardlong beans (<i>Vigna unguiculata</i> spp. <i>sesquipedalis</i>)	— ex 0708 20 00; ex 0710 22 00	10 10	Dominican Republic (DO)	Pesticide residues ⁽²⁾ ⁽⁸⁾	20
— Sweet peppers (<i>Capsicum annum</i>)	— 0709 60 10; 0710 80 51				

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Peppers (other than sweet) (<i>Capsicum</i> spp.) (Food — fresh, chilled or frozen)	— ex 0709 60 99; ex 0710 80 59	20 20			
Strawberries (Food — fresh or chilled)	0810 10 00		Egypt (EG)	Pesticide residues ⁽²⁾ ⁽⁹⁾	10
— Sweet peppers (<i>Capsicum an- num</i>) — Peppers (other than sweet) (<i>Capsicum</i> spp.) (Food — fresh, chilled or frozen)	— 0709 60 10; 0710 80 51 — ex 0709 60 99; ex 0710 80 59	 20 20	Egypt (EG)	Pesticide residues ⁽²⁾ ⁽¹⁰⁾	10
Table grapes (Food — fresh or chilled)	0806 10 10		Egypt (EG)	Pesticide residues ⁽²⁾ ⁽³⁾	20
— Groundnuts (peanuts), in shell — Groundnuts (peanuts), shelled — Peanut butter — Groundnuts (peanuts), other- wise prepared or preserved (Feed and food)	— 1202 41 00 — 1202 42 00 — 2008 11 10 — 2008 11 91; 2008 11 96; 2008 11 98		Gambia (GM)	Aflatoxins	50
— Hazelnuts, in shell — Hazelnuts, shelled (Food)	— 0802 21 00 — 0802 22 00		Georgia (GE)	Aflatoxins	20
Palm oil (Food)	1511 10 90; 1511 90 11; ex 1511 90 19; 1511 90 99	90	Ghana (GH)	Sudan dyes ⁽¹¹⁾	50
Sesamum seeds (Food — fresh or chilled)	1207 40 90		India (IN)	Salmonella ⁽¹²⁾	20
Enzymes; prepared enzymes (Feed and food)	3507		India (IN)	Chloramphenicol	50

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Peas with pods (unshelled) (Food — fresh or chilled)	ex 0708 10 00	40	Kenya (KE)	Pesticide residues ⁽²⁾ ⁽¹³⁾	10
— Groundnuts (peanuts), in shell	— 1202 41 00		Madagascar (MG)	Aflatoxins	50
— Groundnuts (peanuts), shelled	— 1202 42 00				
— Peanut butter	— 2008 11 10				
— Groundnuts (peanuts), other- wise prepared or preserved	— 2008 11 91; 2008 11 96; 2008 11 98				
(Feed and food)					
Raspberries (Food — frozen)	0811 20 31; ex 0811 20 11; ex 0811 20 19	10 10	Serbia (RS)	Norovirus	10
Watermelon (<i>Egusi</i> , <i>Citrullus</i> spp.) 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	— 1202 41 00		Sudan (SD)	Aflatoxins	50
— Groundnuts (peanuts), shelled	— 1202 42 00				
— Peanut butter	— 2008 11 10				
— Groundnuts (peanuts), other- wise prepared or preserved	— 2008 11 91; 2008 11 96; 2008 11 98				
(Feed and food)					
Peppers (other than sweet) (<i>Capsi- cum</i> spp.) (Food — fresh or chilled)	ex 0709 60 99	20	Thailand (TH)	Pesticide residues ⁽²⁾ ⁽¹⁴⁾	10
— Yardlong beans (<i>Vigna unguiculata</i> spp. <i>sesqui- pedalis</i>)	— ex 0708 20 00; ex 0710 22 00	10 10	Thailand (TH)	Pesticide residues ⁽²⁾ ⁽¹⁵⁾	20
— Aubergines (<i>Solanum melon- gena</i>)	— 0709 30 00; ex 0710 80 95	72			
(Food — fresh, chilled or frozen veg- etables)					

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Dried apricots	— 0813 10 00		Turkey (TR)	Sulphites ⁽¹⁶⁾	10
— Apricots, otherwise prepared or preserved	— 2008 50 61				
(Food)					
Lemons (<i>Citrus limon</i> , <i>Citrus limo-</i> <i>num</i>)	0805 50 10		Turkey (TR)	Pesticide residues ⁽²⁾	20
(Food — fresh, chilled or dried)					
Sweet Peppers (<i>Capsicum annuum</i>)	0709 60 10;		Turkey (TR)	Pesticide residues ⁽²⁾ ⁽¹⁷⁾	10
(Food — fresh, chilled or frozen)	0710 80 51				
Vine leaves	ex 2008 99 99	11; 19	Turkey (TR)	Pesticide residues ⁽²⁾ ⁽¹⁸⁾	50
(Food)					
Pomegranates	ex 0810 90 75	30	Turkey (TR)	Pesticide residues ⁽²⁾ ⁽¹⁹⁾	20
(Food — fresh or chilled)					
— Aubergines (<i>Solanum melon-</i> <i>gena</i>)	— 0709 30 00; ex 0710 80 95	72	Uganda (UG)	Pesticide residues ⁽²⁾	20
— Ethiopian eggplant (<i>Solanum</i> <i>aethiopicum</i>)	— ex 0709 99 90; ex 0710 80 95	80 72			
(Food — fresh, chilled or frozen veg- etables)					
Sesamum seeds	1207 40 90		Uganda (UG)	Salmonella ⁽¹²⁾	50
(Food — fresh or chilled)					
— Pistachios, in shell	— 0802 51 00		United States (US)	Aflatoxins	10
— Pistachios, shelled	— 0802 52 00				
(Food)					
— Dried apricots	— 0813 10 00		Uzbekistan (UZ)	Sulphites ⁽¹⁶⁾	50
— Apricots, otherwise prepared or preserved	— 2008 50 61				
(Food)					
— Coriander leaves	— ex 0709 99 90	72	Vietnam (VN)	Pesticide residues ⁽²⁾ ⁽²⁰⁾	50
— Basil (holy, sweet)	— ex 1211 90 86	20			

Feed and food (intended use)	CN code ⁽¹⁾	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
— Mint	— ex 1211 90 86	30			
— Parsley	— ex 0709 99 90	40			
(Food — fresh or chilled herbs)					
— Okra	— ex 0709 99 90	20	Vietnam (VN)	Pesticide residues ⁽²⁾ ⁽²⁰⁾	50
— Peppers (other than sweet) (<i>Capsicum</i> spp.)	— ex 0709 60 99	20			
(Food — fresh or chilled)					
— Pitahaya (dragon fruit) (Food — fresh or chilled)	— ex 0810 90 20	10	Vietnam (VN)	Pesticide residues ⁽²⁾ ⁽²⁰⁾	10

⁽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 Ethephon.

⁽⁴⁾ Residues of Chlorbufam.

⁽⁵⁾ Residues of Phenthoate.

⁽⁶⁾ Species of *Brassica oleracea* L. convar. *Botrytis* (L.) Alef var. *Italica* Plenck, cultivar *alboglobra*. Also known as “Kai Lan”, “Gai Lan”, “Gailan”, “Kailan”, “Chinese kale”, “Jie Lan”.

⁽⁷⁾ Residues of Trifluralin.

⁽⁸⁾ 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).

⁽⁹⁾ Residues of Hexaflumuron, Methiocarb (sum of methiocarb and methiocarb sulfoxide and sulfone, expressed as methiocarb), Phenthoate and Thiophanate-methyl.

⁽¹⁰⁾ 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.

⁽¹¹⁾ For the purposes of this Annex, “Sudan dyes” refers to the following chemical substances: (i) Sudan I (CAS Number 842-07-9); (ii) Sudan II (CAS Number 3118-97-6); (iii) Sudan III (CAS Number 85-86-9); (iv) Scarlet Red; or Sudan IV (CAS Number 85-83-6).

⁽¹²⁾ Reference method EN/ISO 6579 (the latest updated version of the detection method) or a method validated against it in accordance with the most recent version of EN/ISO 16140 or other internationally accepted similar protocols.

⁽¹³⁾ Residues of Acephate and Diafenthiuron.

⁽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 Prochloraz.

⁽²⁰⁾ Residues of Dithiocarbamates (dithiocarbamates expressed as CS₂, including maneb, mancozeb, metiram, propineb, thiram and ziram), Phenthoate and Quinalphos.

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2108**of 1 December 2016****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, 1 December 2016.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General
Directorate-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	CL	115,2
	MA	90,5
	TR	95,4
	ZZ	100,4
0707 00 05	MA	68,5
	TR	144,7
	ZZ	106,6
0709 93 10	MA	95,3
	TR	147,3
	ZZ	121,3
0805 20 10	MA	70,1
	TR	71,7
	ZA	138,5
	ZZ	93,4
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	JM	114,6
	MA	63,3
	PE	95,4
	TR	79,2
	ZZ	88,1
	CL	90,0
0805 50 10	TR	90,5
	ZZ	90,3
0808 10 80	US	100,7
	ZA	155,4
	ZZ	128,1
0808 30 90	CN	87,5
	TR	126,8
	ZZ	107,2

⁽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'.

DIRECTIVES

COMMISSION IMPLEMENTING DIRECTIVE (EU) 2016/2109

of 1 December 2016

amending Council Directive 66/401/EEC as regards the inclusion of new species and the botanical name of the species *Lolium x boucheanum* Kunth

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 66/401/EEC of 14 June 1966 on the marketing of fodder plant seed ⁽¹⁾, and in particular Article 2(1)(A) thereof,

Whereas:

- (1) Article 2(1)(A)(a) of Directive 66/401/EEC lists *Lolium x boucheanum* Kunth. The International Seed Testing Association has recently changed the botanical name of *Lolium x boucheanum* Kunth to *Lolium x hybridum* Hausskn. Consequently it is appropriate to change the name of that species in Directive 66/401/EEC.
- (2) Commission Decision 2009/109/EC ⁽²⁾ provides for the organisation of a temporary experiment to assess whether certain species not covered by Directive 66/401/EEC may be marketed as or in seed mixtures. Experience gained during that temporary experiment has shown that the species *Biserrula pelecinus*, *Lathyrus cicera*, *Medicago doliata*, *Medicago italica*, *Medicago littoralis*, *Medicago murex*, *Medicago polymorpha*, *Medicago rugosa*, *Medicago scutellata*, *Medicago truncatula*, *Ornithopus compressus*, *Ornithopus sativus*, *Plantago lanceolata*, *Trifolium fragiferum*, *Trifolium glanduliferum*, *Trifolium hirtum*, *Trifolium isthmocarpum*, *Trifolium michelianum*, *Trifolium squarrosum*, *Trifolium subterraneum*, *Trifolium vesiculosum* and *Vicia benghalensis* contribute to establishing new fodder plant seed mixtures that offer solutions for persistent, productive and biodiverse pastures and forage crops. Those species should therefore be included in the list of species covered by Article 2(1)(A)(b) of Directive 66/401/EEC.
- (3) On the basis of the technical experience gained during the above temporary experiment, it is appropriate that certain requirements are set out for each of those species concerning minimum germination, minimum analytical purity, maximum content of seeds of other plant species, maximum content of seeds of other plant species in a sample of weight and marking.
- (4) Directive 66/401/EEC should therefore be amended accordingly.
- (5) The measures provided for in this Directive are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Amendments to Directive 66/401/EEC

Directive 66/401/EEC is amended as follows:

(1) Article 2(1)(A) is amended as follows:

- (a) In point (a), the words '*Lolium x boucheanum* Kunth' are replaced by the words '*Lolium x hybridum* Hausskn'.

⁽¹⁾ OJ L25, 11.7.1966, p. 2298/66.

⁽²⁾ Commission Decision 2009/109/EC of 9 February 2009 on the organisation of a temporary experiment providing for certain derogations for the marketing of seed mixtures intended for use as fodder plants pursuant to Council Directive 66/401/EEC to determine whether certain species not listed in the Council Directives 66/401/EEC, 66/402/EEC, 2002/55/EC or 2002/57/EC fulfil the requirements for being included in Article 2(1)(A) of Directive 66/401/EEC (OJ L 40, 11.2.2009, p. 26).

(b) Point (b) is replaced by the following:

(b) <i>Fabaceae</i> (Leguminosae)	Legumes
<i>Biserrula pelecinus</i> L.	Biserrula
<i>Galega orientalis</i> Lam.	Fodder galega
<i>Hedysarum coronarium</i> L.	Sulla
<i>Lathyrus cicera</i> L.	Chickling vetch/Dwarf chickling vetch
<i>Lotus corniculatus</i> L.	Birdsfoot trefoil
<i>Lupinus albus</i> L.	White lupin
<i>Lupinus angustifolius</i> L.	Narrow-leaved lupin
<i>Lupinus luteus</i> L.	Yellow lupin
<i>Medicago doliata</i> Carmign.	Straight-spined medic
<i>Medicago italica</i> (Mill.) Fiori	Disc medic
<i>Medicago littoralis</i> Rohde ex Loisel.	Shore medic/Strand medic
<i>Medicago lupulina</i> L.	Trefoil
<i>Medicago murex</i> Willd.	Sphere medic
<i>Medicago polymorpha</i> L.	Bur medic
<i>Medicago rugosa</i> Desr.	Wrinkled medic/Gama medic
<i>Medicago sativa</i> L.	Lucerne
<i>Medicago scutellata</i> (L.) Mill.	Snail medic/Shield medic
<i>Medicago truncatula</i> Gaertn.	Barrel medic
<i>Medicago</i> × <i>varia</i> T. Martyn Sand	Sand lucerne
<i>Onobrychis viciifolia</i> Scop.	Sainfoin
<i>Ornithopus compressus</i> L.	Yellow serradella
<i>Ornithopus sativus</i> Brot.	Serradella
<i>Pisum sativum</i> L. (partim)	Field pea
<i>Trifolium alexandrinum</i> L.	Berseem, Egyptian clover
<i>Trifolium fragiferum</i> L.	Strawberry clover
<i>Trifolium glanduliferum</i> Boiss.	Glandular clover
<i>Trifolium hirtum</i> All.	Rose clover
<i>Trifolium hybridum</i> L.	Alsike clover
<i>Trifolium incarnatum</i> L.	Crimson clover
<i>Trifolium isthmocarpum</i> Brot.	Moroccan clover
<i>Trifolium michelianum</i> Savi	Balansa clover
<i>Trifolium pratense</i> L.	Red clover
<i>Trifolium repens</i> L.	White clover
<i>Trifolium resupinatum</i> L.	Persian clover
<i>Trifolium squarrosum</i> L.	Squarrose clover
<i>Trifolium subterraneum</i> L.	Subterranean clover
<i>Trifolium vesiculosum</i> Savi	Arrow-leaf clover
<i>Trigonella foenum-graecum</i> L.	Fenugreek

<i>Vicia benghalensis</i> L.	Purple vetch
<i>Vicia faba</i> L.	Field bean
<i>Vicia pannonica</i> Crantz	Hungarian vetch
<i>Vicia sativa</i> L.	Common vetch
<i>Vicia villosa</i> Roth	Hairy vetch'.

(c) In point (c), the following entry is inserted after '*Phacelia tanacetifolia* Benth. California bluebell':

' <i>Plantago lanceolata</i> L.	Ribwort plantain'
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(2) In Article 3(1), the words '*Lolium x boucheanum* Kunth' are replaced by the words '*Lolium x hybridum* Hausskn'.

(3) Annexes II and III are amended as set out in the Annex to this Directive.

Article 2

Transposition

1. Member States shall adopt and publish, by 31 December 2017 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions.

They shall apply those provisions from 1 January 2018.

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

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

Article 3

Entry into force

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

Article 4

Addressees

This Directive is addressed to the Member States.

Done at Brussels, 1 December 2016.

For the Commission
The President
Jean-Claude JUNCKER

Annexes II and III to Directive 66/401/EEC are amended as follows:

(1) Annex II is amended as follows:

(a) The following paragraph is added to point I(1) after the entry concerning '*Pisum sativum*, *Vicia faba*':

‘— *Trifolium subterraneum*, *Medicago* spp., except *M. lupulina*, *M. sativa*, *M. x varia*:

— for the production of basic seed: 99,5 %,

— for the production of certified seed for further multiplication: 98 %,

— for the production of certified seed: 95 %.

(b) The table in point I(2)(A) is replaced by the following:

'Species	Germination		Analytical purity								Maximum content of seeds of other plant species in a sample of the weight specified in column 4 of Annex III (total per column)			Conditions as regards content of seeds of <i>Lupinus</i> spp. of another colour and of bitter lupin seeds
	Minimum germination (% of pure seed)	Maximum content of hard seed (% of pure seed)	Minimum analytical purity (% by weight)	Maximum content of seeds of other plant species (% by weight)							<i>Avena fatua</i> , <i>Avena sterilis</i>	<i>Cuscuta</i> spp.	<i>Rumex</i> spp. other than <i>Rumex acetosella</i> and <i>Rumex maritimus</i>	
				Total	A single species	<i>Elytrigia repens</i>	<i>Alopecurus myosuroides</i>	<i>Melilotus</i> spp.	<i>Raphanus raphanistrum</i>	<i>Sinapis arvensis</i>				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Poaceae (Gramineae)														
<i>Agrostis canina</i>	75 (a)		90	2,0	1,0	0,3	0,3				0	0 (j) (k)	2 (n)	
<i>Agrostis capillaris</i>	75 (a)		90	2,0	1,0	0,3	0,3				0	0 (j) (k)	2 (n)	
<i>Agrostis gigantea</i>	80 (a)		90	2,0	1,0	0,3	0,3				0	0 (j) (k)	2(n)	
<i>Agrostis stolonifera</i>	75 (a)		90	2,0	1,0	0,3	0,3				0	0 (j) (k)	2 (n)	
<i>Alopecurus pratensis</i>	70 (a)		75	2,5	1,0 (f)	0,3	0,3				0	0 (j) (k)	5 (n)	

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
<i>Arrhenatherum elatius</i>	75 (a)		90	3,0	1,0 (f)	0,5	0,3				0 (g)	0 (j) (k)	5 (n)	
<i>Bromus catharticus</i>	75 (a)		97	1,5	1,0	0,5	0,3				0 (g)	0 (j) (k)	10 (n)	
<i>Bromus sitchensis</i>	75 (a)		97	1,5	1,0	0,5	0,3				0 (g)	0 (j) (k)	10 (n)	
<i>Cynodon dactylon</i>	70 (a)		90	2,0	1,0	0,3	0,3				0	0 (j) (k)	2	
<i>Dactylis glomerata</i>	80 (a)		90	1,5	1,0	0,3	0,3				0	0 (j) (k)	5 (n)	
<i>Festuca arundinacea</i>	80 (a)		95	1,5	1,0	0,5	0,3				0	0 (j) (k)	5 (n)	
<i>Festuca filiformis</i>	75 (a)		85	2,0	1,0	0,5	0,3				0	0 (j) (k)	5 (n)	
<i>Festuca ovina</i>	75 (a)		85	2,0	1,0	0,5	0,3				0	0 (j) (k)	5 (n)	
<i>Festuca pratensis</i>	80 (a)		95	1,5	1,0	0,5	0,3				0	0 (j) (k)	5 (n)	
<i>Festuca rubra</i>	75 (a)		90	1,5	1,0	0,5	0,3				0	0 (j) (k)	5 (n)	
<i>Festuca trachyphylla</i>	75 (a)		85	2,0	1,0	0,5	0,3				0	0 (j) (k)	5 (n)	
× <i>Festulolium</i>	75 (a)		96	1,5	1,0	0,5	0,3				0	0 (j) (k)	5 (n)	
<i>Lolium multiflorum</i>	75 (a)		96	1,5	1,0	0,5	0,3				0	0 (j) (k)	5 (n)	
<i>Lolium perenne</i>	80 (a)		96	1,5	1,0	0,5	0,3				0	0 (j) (k)	5 (n)	
<i>Lolium</i> × <i>hybridum</i>	75 (a)		96	1,5	1,0	0,5	0,3				0	0 (j) (k)	5 (n)	
<i>Phalaris aquatica</i>	75 (a)		96	1,5	1,0	0,3	0,3				0	0 (j) (k)	5	
<i>Phleum nodosum</i>	80 (a)		96	1,5	1,0	0,3	0,3				0	0 (k)	5	
<i>Phleum pratense</i>	80 (a)		96	1,5	1,0	0,3	0,3				0	0 (k)	5	
<i>Poa annua</i>	75 (a)		85	2,0 (c)	1,0 (c)	0,3	0,3				0	0 (j) (k)	5 (n)	
<i>Poa nemoralis</i>	75 (a)		85	2,0 (c)	1,0 (c)	0,3	0,3				0	0 (j) (k)	2 (n)	

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
<i>Poa palustris</i>	75 (a)		85	2,0 (c)	1,0 (c)	0,3	0,3				0	0 (j) (k)	2 (n)	
<i>Poa pratensis</i>	75 (a)		85	2,0 (c)	1,0 (c)	0,3	0,3				0	0 (j) (k)	2 (n)	
<i>Poa trivialis</i>	75 (a)		85	2,0 (c)	1,0 (c)	0,3	0,3				0	0 (j) (k)	2 (n)	
<i>Trisetum flavescens</i>	70 (a)		75	3,0	1,0 (f)	0,3	0,3				0 (h)	0 (j) (k)	2 (n)	
Fabaceae (Leguminosae)														
<i>Biserrula pelecinus</i>	70		98	0,5							0 (i)	0 (j) (k)	10	
<i>Galega orientalis</i>	60 (a) (b)	40	97	2,0	1,5			0,3			0	0 (l) (m)	10 (n)	
<i>Hedysarum coronarium</i>	75 (a) (b)	30	95	2,5	1,0			0,3			0	0 (k)	5	
<i>Lathyrus cicera</i>	80		95	1	0,5			0,3			0 (i)	0 (j) (k)	20	
<i>Lotus corniculatus</i>	75 (a) (b)	40	95	1,8 (d)	1,0 (d)			0,3			0	0 (l) (m)	10	
<i>Lupinus albus</i>	80 (a) (b)	20	98	0,5 (e)	0,3 (e)			0,3			0 (i)	0 (j)	5 (n)	(o) (p)
<i>Lupinus angustifolius</i>	75 (a) (b)	20	98	0,5 (e)	0,3 (e)			0,3			0 (i)	0 (j)	5 (n)	(o) (p)
<i>Lupinus luteus</i>	80 (a) (b)	20	98	0,5 (e)	0,3 (e)			0,3			0 (i)	0 (j)	5 (n)	(o) (p)'
<i>Medicago doliata</i>	70		98	2							0 (i)	0 (j) (k)	10	
<i>Medicago italica</i>	70 (b)	20	98	2							0 (i)	0 (j) (k)	10	
<i>Medicago littoralis</i>	70		98	2							0 (i)	0 (j) (k)	10	
<i>Medicago lupulina</i>	80 (a) (b)	20	97	1,5	1,0			0,3			0	0 (l) (m)	10	
<i>Medicago murex</i>	70 (b)	30	98	2							0 (i)	0 (j) (k)	10	
<i>Medicago polymorpha</i>	70 (b)	30	98	2							0 (i)	0 (j) (k)	10	

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
<i>Medicago rugosa</i>	70 (b)	20	98	2							0 (i)	0 (j) (k)	10	
<i>Medicago sativa</i>	80 (a) (b)	40	97	1,5	1,0			0,3			0	0 (l) (m)	10	
<i>Medicago scutellata</i>	70		98	2							0 (i)	0 (j)(k)	10	
<i>Medicago truncatula</i>	70 (b)	20	98	2							0 (i)	0 (j) (k)	10	
<i>Medicago × varia</i>	80 (a) (b)	40	97	1,5	1,0			0,3			0	0 (l) (m)	10	
<i>Onobrychis viciifolia</i>	75 (a) (b)	20	95	2,5	1,0			0,3			0	0 (j)	5	
<i>Ornithopus compressus</i>	75		90	1							0 (i)	0 (j) (k)	10	
<i>Ornithopus sativus</i>	75		90	1							0 (i)	0 (j) (k)	10	
<i>Pisum sativum</i>	80 (a)		98	0,5	0,3			0,3			0	0 (j)	5 (n)	
<i>Trifolium alexandrinum</i>	80 (a) (b)	20	97	1,5	1,0			0,3			0	0 (l) (m)	10	
<i>Trifolium fragiferum</i>	70		98	1							0 (i)	0 (j) (k)	10	
<i>Trifolium glanduliferum</i>	70 (b)	30	98	1							0 (i)	0 (j) (k)	10	
<i>Trifolium hirtum</i>	70		98	1							0 (i)	0 (j) (k)	10	
<i>Trifolium hybridum</i>	80 (a) (b)	20	97	1,5	1,0			0,3			0	0 (l) (m)	10	
<i>Trifolium incarnatum</i>	75 (a) (b)	20	97	1,5	1,0			0,3			0	0 (l) (m)	10	
<i>Trifolium isthmocarpum</i>	70		98	1							0 (i)	0 (j) (k)	10	
<i>Trifolium michelianum</i>	75 (b)	30	98	1							0 (i)	0 (j) (k)	10	
<i>Trifolium pratense</i>	80 (a) (b)	20	97	1,5	1,0			0,3			0	0 (l) (m)	10	
<i>Trifolium repens</i>	80 (a) (b)	40	97	1,5	1,0			0,3			0	0 (l) (m)	10	

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
<i>Trifolium resupinatum</i>	80 (a) (b)	20	97	1,5	1,0			0,3			0	0 (l) (m)	10	
<i>Trifolium squarrosum</i>	75 (b)	20	97	1,5				0,3			0	0 (l) (m)	10	
<i>Trifolium subterraneum</i>	80 (b)	40	97	0,5							0 (i)	0 (j) (k)	10	
<i>Trifolium vesiculosum</i>	70		98	1							0 (i)	0 (j) (k)	10	
<i>Trigonella foenum-graecum</i>	80 (a)		95	1,0	0,5			0,3			0	0 (j)	5	
<i>Vicia benghalensis</i>	80 (b)	20	97 (e)	1							0 (i)	0 (j) (k)	10	
<i>Vicia faba</i>	80 (a) (b)	5	98	0,5	0,3			0,3			0	0 (j)	5 (n)	
<i>Vicia pannonica</i>	85 (a) (b)	20	98	1,0 (e)	0,5 (e)			0,3			0 (i)	0 (j)	5 (n)	
<i>Vicia sativa</i>	85 (a) (b)	20	98	1,0 (e)	0,5 (e)			0,3			0 (i)	0 (j)	5 (n)	
<i>Vicia villosa</i>	85 (a) (b)	20	98	1,0 (e)	0,5 (e)			0,3			0 (i)	0 (j)	5 (n)	
Other species														
<i>Brassica napus</i> var. <i>napobrassica</i>	80 (a)		98	1,0	0,5				0,3	0,3	0	0 (j) (k)	5	
<i>Brassica oleracea</i> convar. <i>acephala</i> (<i>acephala</i> var. <i>medullosa</i> + var. <i>viridis</i>)	75 (a)		98	1,0	0,5				0,3	0,3	0	0 (j) (k)	10	
<i>Phacelia tanacetifolia</i>	80 (a)		96	1,0	0,5						0	0 (j) (k)		
<i>Plantago lanceolata</i>	75		85	1,5							0 (i)	0 (j) (k)	10	
<i>Raphanus sativus</i> var. <i>oleiformis</i>	80 (a)		97	1,0	0,5				0,3	0,3	0	0 (j)	5	

(c) Point I(2)(B)(e) is replaced by the following:

‘(e) a maximum total of 0,5 % by weight of seeds of *Lupinus albus*, *Lupinus angustifolius*, *Lupinus luteus*, *Pisum sativum*, *Vicia faba*, *Vicia* spp. in another relevant species shall not be regarded as an impurity;’

(d) The table in point II(2)(A) is replaced by the following:

‘Species	Maximum content of seeds of other plant species						Other standards or conditions
	Total (% by weight)	Content by number in a sample of the weight specified in column 4 of Annex III (total per column)					
		A single species	<i>Rumex</i> spp. other than <i>Rumex acetosella</i> and <i>Rumex maritimus</i>	<i>Elytrigia repens</i>	<i>Alopecurus myosuroides</i>	<i>Melilotus</i> spp.	
1	2	3	4	5	6	7	8
Poaceae (Gramineae)							
<i>Agrostis canina</i>	0,3	20	1	1	1		(j)
<i>Agrostis capillaris</i>	0,3	20	1	1	1		(j)
<i>Agrostis gigantea</i>	0,3	20	1	1	1		(j)
<i>Agrostis stolonifera</i>	0,3	20	1	1	1		(j)
<i>Alopecurus pratensis</i>	0,3	20 (a)	2	5	5		(j)
<i>Arrhenatherum elatius</i>	0,3	20 (a)	2	5	5		(i) (j)
<i>Bromus catharticus</i>	0,4	20	5	5	5		(j)
<i>Bromus sitchensis</i>	0,4	20	5	5	5		(j)
<i>Cynodon dactylon</i>	0,3	20 (a)	1	1	1		(j)
<i>Dactylis glomerata</i>	0,3	20 (a)	2	5	5		(j)
<i>Festuca arundinacea</i>	0,3	20 (a)	2	5	5		(j)
<i>Festuca filiformis</i>	0,3	20 (a)	2	5	5		(j)

1	2	3	4	5	6	7	8
<i>Festuca ovina</i>	0,3	20 (a)	2	5	5		(j)
<i>Festuca pratensis</i>	0,3	20 (a)	2	5	5		(j)
<i>Festuca rubra</i>	0,3	20 (a)	2	5	5		(j)
<i>Festuca trachyphylla</i>	0,3	20 (a)	2	5	5		(j)
× <i>Festulolium</i>	0,3	20 (a)	2	5	5		(j)
<i>Lolium multiflorum</i>	0,3	20 (a)	2	5	5		(j)
<i>Lolium perenne</i>	0,3	20 (a)	2	5	5		(j)
<i>Lolium</i> × <i>hybridum</i>	0,3	20 (a)	2	5	5		(j)
<i>Phalaris aquatica</i>	0,3	20	2	5	5		(j)
<i>Phleum nodosum</i>	0,3	20	2	1	1		(j)
<i>Phleum pratense</i>	0,3	20	2	1	1		(j)
<i>Poa annua</i>	0,3	20 (b)	1	1	1		(f) (j)
<i>Poa nemoralis</i>	0,3	20 (b)	1	1	1		(f) (j)
<i>Poa palustris</i>	0,3	20 (b)	1	1	1		(f) (j)
<i>Poa pratensis</i>	0,3	20 (b)	1	1	1		(f) (j)
<i>Poa trivialis</i>	0,3	20 (b)	1	1	1		(f) (j)
<i>Trisetum flavescens</i>	0,3	20 (c)	1	1	1		(i) (j)
Fabaceae (Leguminosae)							
<i>Biserrula pelecinus</i>	0,3	20	5				
<i>Galega orientalis</i>	0,3	20	2			0 (e)	(j)
<i>Hedysarum coronarium</i>	0,3	20	2			0 (e)	(j)

1	2	3	4	5	6	7	8
<i>Lathyrus cicera</i>	0,3	20	5	—	—	0 (d)	
<i>Lotus corniculatus</i>	0,3	20	3			0 (e)	(g) (j)
<i>Lupinus albus</i>	0,3	20	2			0 (d)	(h) (k)
<i>Lupinus angustifolius</i>	0,3	20	2			0 (d)	(h) (k)
<i>Lupinus luteus</i>	0,3	20	2			0 (d)	(h) (k)
<i>Medicago doliaata</i>	0,3	20	5	—	—	0 (e)	
<i>Medicago italica</i>	0,3	20	5	—	—	0 (e)	
<i>Medicago littoralis</i>	0,3	20	5	—	—	0 (e)	
<i>Medicago lupulina</i>	0,3	20	5	—	—	0 (e)	(j)
<i>Medicago murex</i>	0,3	20	5	—	—	0 (e)	
<i>Medicago polymorpha</i>	0,3	20	5	—	—	—	
<i>Medicago rugosa</i>	0,3	20	5	—	—	—	
<i>Medicago sativa</i>	0,3	20	3			0 (e)	(j)
<i>Medicago scutellata</i>	0,3	20	5				
<i>Medicago truncatula</i>	0,3	20	5				
<i>Medicago × varia</i>	0,3	20	3			0 (e)	(j)
<i>Onobrychis viciifolia</i>	0,3	20	2			0 (d)	
<i>Ornithopus compressus</i>	0,3	20	5				
<i>Ornithopus sativus</i>	0,3	20	5				
<i>Pisum sativum</i>	0,3	20	2			0 (d)	
<i>Trifolium alexandrinum</i>	0,3	20	3			0 (e)	(j)

1	2	3	4	5	6	7	8
<i>Trifolium fragiferum</i>	0,3	20	5				
<i>Trifolium glanduliferum</i>	0,3	20	5				
<i>Trifolium hirtum</i>	0,3	20	5				
<i>Trifolium hybridum</i>	0,3	20	3			0 (e)	(j)
<i>Trifolium incarnatum</i>	0,3	20	3			0 (e)	(j)
<i>Trifolium isthmocarpum</i>	0,3	20	5	—	—	—	(j)
<i>Trifolium michelianum</i>	0,3	20	5	—	—	—	—
<i>Trifolium pratense</i>	0,3	20	5			0 (e)	(j)
<i>Trifolium repens</i>	0,3	20	5			0 (e)	(j)
<i>Trifolium resupinatum</i>	0,3	20	3			0 (e)	(j)
<i>Trifolium squarrosum</i>	0,3	20	5	—	—	—	—
<i>Trifolium subterraneum</i>	0,3	20	5	—	—	—	(j)
<i>Trifolium vesiculosum</i>	0,3	20	5	—	—	—	(j)
<i>Trigonella foenum-graecum</i>	0,3	20	2			0 (d)	
<i>Vicia benghalensis</i>	0,3	20	5	—	—	0 (d)	—
<i>Vicia faba</i>	0,3	20	2			0 (d)	
<i>Vicia pannonica</i>	0,3	20	2			0 (d)	(h)
<i>Vicia sativa</i>	0,3	20	2			0 (d)	(h)
<i>Vicia villosa</i>	0,3	20	2			0 (d)	(h)
Other species							
<i>Brassica napus</i> var. <i>napobrassica</i>	0,3	20	2				(j)

1	2	3	4	5	6	7	8
<i>Brassica oleracea</i> convar. <i>acephala</i> (<i>acephala</i> var. <i>medullosa</i> + var. <i>viridis</i>)	0,3	20	3				(j)'
<i>Phacelia tanacetifolia</i>	0,3	20					
<i>Plantago lanceolata</i>	0,3	20	3				
<i>Raphanus sativus</i> var. <i>oleiformis</i>	0,3	20	2				

(e) Point III(7) is replaced by the following:

'7. In *Vicia* spp. a maximum total of 6 % by weight of seeds of *Vicia pannonica*, *Vicia villosa*, *Vicia benghalensis* or related cultivated species in another relevant species shall not be regarded as an impurity.'

(f) Point III(8) is replaced by the following:

'8. In *Vicia pannonica*, *Vicia sativa*, *Vicia villosa*, *Vicia benghalensis* the minimum analytical purity shall be 97,0 % by the weight.'

(g) The following point III(9) is added:

'9. For *Lathyrus cicera* the minimum analytical purity shall be 90 % by the weight. A maximum total of 5 % by the weight of seeds of similar cultivated species shall not be regarded as an impurity.'

(2) Annex III is replaced by the following:

'ANNEX III

LOT AND SAMPLE WEIGHTS

Species	Maximum weight of a lot (tonnes)	Minimum weight of a sample to be drawn from a lot (grams)	Weight of the sample for the determination by number provided for in columns 12 to 14 of Annex II (I) (2) (A) and columns 3 to 7 of Annex II (II) (2) (A) (grams)
1	2	3	4
Poaceae (Gramineae)			
<i>Agrostis canina</i>	10	50	5
<i>Agrostis capillaris</i>	10	50	5
<i>Agrostis gigantea</i>	10	50	5
<i>Agrostis stolonifera</i>	10	50	5

1	2	3	4
<i>Alopecurus pratensis</i>	10	100	30
<i>Arrhenatherum elatius</i>	10	200	80
<i>Bromus catharticus</i>	10	200	200
<i>Bromus sitchensis</i>	10	200	200
<i>Cynodon dactylon</i>	10	50	5
<i>Dactylis glomerata</i>	10	100	30
<i>Festuca arundinacea</i>	10	100	50
<i>Festuca filiformis</i>	10	100	30
<i>Festuca ovina</i>	10	100	30
<i>Festuca pratensis</i>	10	100	50
<i>Festuca rubra</i>	10	100	30
<i>Festuca trachyphylla</i>	10	100	30
× <i>Festulolium</i>	10	200	60
<i>Lolium multiflorum</i>	10	200	60
<i>Lolium perenne</i>	10	200	60
<i>Lolium</i> × <i>hybridum</i>	10	200	60
<i>Phalaris aquatica</i>	10	100	50
<i>Phleum nodosum</i>	10	50	10
<i>Phleum pratense</i>	10	50	10
<i>Poa annua</i>	10	50	10
<i>Poa nemoralis</i>	10	50	5

1	2	3	4
<i>Poa palustris</i>	10	50	5
<i>Poa pratensis</i>	10	50	5
<i>Poa trivialis</i>	10	50	5
<i>Trisetum flavescens</i>	10	50	5
<i>Fabaceae (Leguminosae)</i>			
<i>Biserrula pelecinus</i>	10	30	3
<i>Galega orientalis</i>	10	250	200
<i>Hedysarum coronarium</i>			
— fruit	10	1 000	300
— seed	10	400	120
<i>Lathyrus cicera</i>	25	1 000	140
<i>Lotus corniculatus</i>	10	200	30
<i>Lupinus albus</i>	30	1 000	1 000
<i>Lupinus angustifolius</i>	30	1 000	1 000
<i>Lupinus luteus</i>	30	1 000	1 000
<i>Medicago doliata</i>	10	100	10
<i>Medicago italica</i>	10	100	10
<i>Medicago littoralis</i>	10	70	7
<i>Medicago lupulina</i>	10	300	50
<i>Medicago murex</i>	10	50	5
<i>Medicago polymorpha</i>	10	70	7

1	2	3	4
<i>Medicago rugosa</i>	10	180	18
<i>Medicago sativa</i>	10	300	50
<i>Medicago scutellata</i>	10	400	40
<i>Medicago truncatula</i>	10	100	10
<i>Medicago × varia</i>	10	300	50
<i>Onobrychis viciifolia</i> :			
— fruit	10	600	600
— seed	10	400	400
<i>Ornithopus compressus</i>	10	120	12
<i>Ornithopus sativus</i>	10	90	9
<i>Pisum sativum</i>	30	1 000	1 000
<i>Trifolium alexandrinum</i>	10	400	60
<i>Trifolium fragiferum</i>	10	40	4
<i>Trifolium glanduliferum</i>	10	20	2
<i>Trifolium hirtum</i>	10	70	7
<i>Trifolium hybridum</i>	10	200	20
<i>Trifolium incarnatum</i>	10	500	80
<i>Trifolium isthmocarpum</i>	10	100	3
<i>Trifolium michelianum</i>	10	25	2
<i>Trifolium pratense</i>	10	300	50
<i>Trifolium repens</i>	10	200	20

1	2	3	4
<i>Trifolium resupinatum</i>	10	200	20
<i>Trifolium squarrosum</i>	10	150	15
<i>Trifolium subterraneum</i>	10	250	25
<i>Trifolium vesiculosum</i>	10	100	3
<i>Trigonella foenum-graecum</i>	10	500	450
<i>Vicia benghalensis</i>	20	1 000	120
<i>Vicia faba</i>	30	1 000	1 000
<i>Vicia pannonica</i>	30	1 000	1 000
<i>Vicia sativa</i>	30	1 000	1 000
<i>Vicia villosa</i>	30	1 000	1 000
Other species			
<i>Brassica napus</i> var. <i>napobrassica</i>	10	200	100
<i>Brassica oleracea</i> convar. <i>acephala</i>	10	200	100
<i>Phacelia tanacetifolia</i>	10	300	40
<i>Plantago lanceolata</i>	5	20	2
<i>Raphanus sativus</i> var. <i>oleiformis</i>	10	300	300

The maximum lot weight shall not be exceeded by more than 5 %.'

DECISIONS

COUNCIL DECISION (EU, Euratom) 2016/2110

of 28 November 2016

appointing a member, proposed by the Hellenic Republic, of the European Economic and Social Committee

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 302 thereof,

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 106a thereof,

Having regard to the proposal of the Greek Government,

Having regard to the opinion of the European Commission,

Whereas:

- (1) On 18 September 2015 and 1 October 2015, the Council adopted Decisions (EU, Euratom) 2015/1600 ⁽¹⁾ and (EU, Euratom) 2015/1790 ⁽²⁾ appointing the members of the European Economic and Social Committee for the period from 21 September 2015 to 20 September 2020.
- (2) A member's seat on the European Economic and Social Committee has become vacant following the end of the term of office of Ms Aikaterini PEPPA,

HAS ADOPTED THIS DECISION:

Article 1

Mr Constantine CATSAMBIS, Ambassador ad. h., *Union of Greek Shipowners (UGS) external advisor on European Affairs*, is hereby appointed as a member of the European Economic and Social Committee for the remainder of the current term of office, which runs until 20 September 2020.

Article 2

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

Done at Brussels, 28 November 2016.

For the Council

The President

P. ŽIGA

⁽¹⁾ Council Decision (EU, Euratom) 2015/1600 of 18 September 2015 appointing the members of the European Economic and Social Committee for the period from 21 September 2015 to 20 September 2020 (OJ L 248, 24.9.2015, p. 53).

⁽²⁾ Council Decision (EU, Euratom) 2015/1790 of 1 October 2015 appointing the members of the European Economic and Social Committee for the period from 21 September 2015 to 20 September 2020 (OJ L 260, 7.10.2015, p. 23).

COUNCIL DECISION (EU) 2016/2111**of 28 November 2016****appointing a member of the Advisory Committee on Freedom of Movement for Workers for Belgium**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union ⁽¹⁾, and in particular Articles 23 and 24 thereof,

Having regard to the lists of candidates submitted to the Council by the Governments of the Member States,

Whereas:

- (1) By its Decision of 20 September 2016 ⁽²⁾, the Council appointed the members and alternate members of the Advisory Committee on Freedom of Movement for Workers for the period from 25 September 2016 to 24 September 2018.
- (2) The government of Belgium has submitted one nomination for a post to be filled,

HAS ADOPTED THIS DECISION:

Article 1

The following is hereby appointed member of the Advisory Committee on Freedom of Movement for Workers for the period from 25 September 2016 to 24 September 2018:

I. TRADE UNION REPRESENTATIVES

Country	Members	Alternates
Belgium	Mr Joeri HENS	

Article 2

The Council shall appoint members and alternate members not yet nominated at a later date.

Article 3

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

Done at Brussels, 28 November 2016.

For the Council
The President
P. ŽIGA

⁽¹⁾ OJ L 141, 27.5.2011, p. 1.

⁽²⁾ Council Decision of 20 September 2016 appointing the members and alternate members of the Advisory Committee on Freedom of Movement for Workers (OJ C 348, 23.9.2016, p. 3.)

COUNCIL DECISION (CFSP) 2016/2112
of 1 December 2016
amending Decision 2014/401/CFSP on the European Union Satellite Centre

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 28 and Article 31(1) thereof,

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

Whereas:

- (1) On 26 June 2014, the Council adopted Decision 2014/401/CFSP ⁽¹⁾ on the European Union Satellite Centre and repealing Joint Action 2001/555/CFSP on the establishment of a European Union Satellite Centre.
- (2) The Board of the European Union Satellite Centre ('SATCEN') should have the possibility to invite experts from relevant States, international organisations, bodies and entities to some of its meetings to provide information on particular subjects.
- (3) SATCEN should be responsible for implementing international agreements concluded by the Union in the field of Common Foreign and Security Policy in relation to SATCEN's activities.
- (4) Decision 2014/401/CFSP should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2014/401/CFSP is amended as follows:

- (1) Article 6(4) is replaced by the following:

'4. The Director of SATCEN or the Director's representative shall, as a rule, attend Board meetings. The Chairman of the European Union Military Committee, the Director-General of the European Union Military staff and the European Union Civilian Operations Commander may also attend Board meetings. Representatives of relevant Union institutions, agencies, bodies and entities as well as representatives of third States, international organisations and entities may also attend Board meetings to provide information in relation to specific agenda items, upon invitation by the Board.'

- (2) In Article 20, the following paragraph is inserted after paragraph 2:

'2a. SATCEN shall be responsible, upon approval by the Board, for implementing international agreements concluded by the Union in the field of Common Foreign and Security Policy as far as they concern SATCEN's activities'.

Article 2

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

Done at Brussels, 1 December 2016.

For the Council
The President
A. ÉRSEK

⁽¹⁾ Council Decision 2014/401/CFSP of 26 June 2014 on the European Union Satellite Centre and repealing Joint Action 2001/555/CFSP on the establishment of a European Union Satellite Centre (OJ L 188, 27.6.2014, p. 73).

COMMISSION IMPLEMENTING DECISION (EU) 2016/2113**of 30 November 2016****on the clearance of accounts of the paying agencies of Member States concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) in the last execution year of EAFRD 2007-2013 programming period (16 October 2014-31 December 2015)***(notified under document C(2016) 7690)*

THE EUROPEAN COMMISSION,

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

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

After consulting the Committee on the Agricultural Funds,

Whereas:

- (1) Pursuant to Article 51 of Regulation (EU) No 1306/2013, the Commission, on the basis of the annual accounts submitted by the Member States, accompanied by the information required for the clearance of accounts and an audit opinion regarding the completeness, accuracy and veracity of the accounts and the reports established by the certification bodies, should clear the accounts of the paying agencies referred to in Article 7 of that Regulation.
- (2) In accordance with Article 37(1) of Regulation (EU) No 1306/2013 and Article 41(4)(c) of Commission Delegated Regulation (EU) No 907/2014 ⁽²⁾, for the last execution year, the annual accounts should be presented to the Commission not later than 6 months after the final eligibility date and shall cover the expenditure effected by the paying agency up to the last eligibility date of expenditure, which was 31 December 2015.
- (3) In accordance with Article 37(1) and (2) of Regulation (EU) No 1306/2013, after receiving the last annual progress report on the implementation of a rural development programme, the Commission should pay the balance, subject to the availability of resources, on the basis of the financial plan in force, the annual accounts for the last execution year for the relevant rural development programme and of the corresponding clearance decision.
- (4) In accordance with Article 37(1) of Regulation (EU) No 1306/2013 the Member States submitted to the Commission a complete set of accounts by 30 June 2016.
- (5) The Commission has checked the information submitted by the Member States and has communicated the results of its checks to the Member States by 30 September 2016, along with the necessary amendments.
- (6) For certain paying agencies, the annual accounts and the accompanying documents permit the Commission to take a decision on the completeness, accuracy and veracity of the annual accounts submitted.
- (7) The information submitted by other paying agencies requires additional enquiries and their accounts may therefore not be cleared by this Implementing Decision.
- (8) In accordance with Article 36(3)(b) of Regulation (EU) No 1306/2013, an amount of EUR 9 934 738,68 was excluded from the annual clearance Decision for the financial year 2014. This consists of EUR 1 122 778,99 declared for the rural development programme 2007EE06RPO001, EUR 18 560,56 declared for the rural

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ Commission Delegated Regulation (EU) No 907/2014 of 11 March 2014 supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, securities and use of euro (OJ L 255, 28.8.2014, p. 18).

development programme 2007ES06RPO009, EUR 5 599 314,30 declared for the rural development programme 2007FI06RPO001, EUR 169 459,49 declared for the rural development programme 2007LU06RPO001 and EUR 3 024 625,34 declared for the rural development programme 2007UK06RPO002. Following the adoption of the amended financial plans, these amounts were reimbursed by the Commission in 2015 and they are therefore included in the present clearance decision.

- (9) In accordance with Article 51 of Regulation (EU) No 1306/2013, this Decision is without prejudice to the decisions the Commission may take subsequently pursuant to Article 52 of the same Regulation to exclude from Union financing expenditure not effected in accordance with Union rules.
- (10) In adopting this Decision, the Commission should take into account the amounts reduced or suspended on the basis of Article 41 of Regulation (EU) No 1306/2013, in order to avoid making any undue or untimely payments, or reimbursing amounts that could later be subject to financial correction. By Implementing Decision C(2015)6810, the Commission reduced interim payments linked to the rural development programme of Lithuania for the 2007-2013 programming period. Since the procedure provided for in Article 34 of Commission Implementing Regulation (EU) No 908/2014 ⁽¹⁾ is still ongoing, this reduction should be maintained,

HAS ADOPTED THIS DECISION:

Article 1

With the exception of the paying agencies referred to in Article 2, the accounts of the Member States' paying agencies concerning expenditure financed by the European Agricultural Fund for Rural Development (EAFRD) in the last execution year of EAFRD 2007-2013 programming period (16 October 2014-31 December 2015) are hereby cleared.

The list of the Member States' paying agencies for which the accounts for the last execution year of EAFRD 2007-2013 programming period are cleared, is set out in Annex I.

Article 2

For the last execution year of EAFRD 2007-2013 programming period referred to in Article 1, the accounts of the Member States' paying agencies in respect of expenditure for each corresponding rural development programme financed by the EAFRD as set out in Annex II, are not covered by this Decision and shall be subject of a future clearance of accounts decision.

Article 3

The final balances for the 2007-2013 rural development programmes for which all relevant annual accounts of the corresponding paying agencies have been cleared are set out in Annex III.

Article 4

The rural development programmes for which the annual accounts of the corresponding paying agencies have not been cleared for one or more financial years, are set out in Annex IV.

Article 5

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

⁽¹⁾ Commission Implementing Regulation (EU) No 908/2014 of 6 August 2014 laying down rules for the application of Regulation (EU) No 1306/2013 of the European Parliament and of the Council with regard to paying agencies and other bodies, financial management, clearance of accounts, rules on checks, securities and transparency (OJ L 255, 28.8.2014, p. 59).

Article 6

This Decision is addressed to the Member States.

Done at Brussels, 30 November 2016.

For the Commission
Phil HOGAN
Member of the Commission

The list of the Member States' paying agencies for which the accounts for the last execution year (16 October 2014-31 December 2015) of EAFRD 2007-2013 programming period are cleared

Approved programmes with declared expenditure for EAFRD

(in Euro)

MS	CCI	Expenditure in the last execution year of the 2007-2013 RDP	Corrections	Total	Non-reusable amounts (*)	Accepted amount cleared for the last execution year of the 2007-2013 RDP	Interim payments reimbursed to the Member State including clearing of pre-financing for the last execution year of the 2007-2013 RDP	Difference for the last execution year (**)
		i	ii	iii = i + ii	iv	v = iii – iv	vi	vii = v – vi
AT	2007AT06RPO001	180 414 767,03	0,00	180 414 767,03	5 022 381,85	175 392 385,18	0,00	175 392 385,18
BE	2007BE06RPO001	8 140 257,07	0,00	8 140 257,07	0,00	8 140 257,07	0,00	8 140 257,07
CY	2007CY06RPO001	38 140 069,90	0,00	38 140 069,90	13 390,11	38 126 679,79	29 657 079,24	8 469 600,55
CZ	2007CZ06RPO001	292 718 350,03	0,00	292 718 350,03	35 461,62	292 682 888,41	154 265 497,75	138 417 390,66
DE	2007DE06RAT001	351 752,56	0,00	351 752,56	0,00	351 752,56	344 787,29	6 965,27
DE	2007DE06RPO003	36 256 830,11	0,00	36 256 830,11	540 187,61	35 716 642,50	3 080 151,79	32 636 490,71
DE	2007DE06RPO004	53 962 511,16	0,00	53 962 511,16	2 618,70	53 959 892,46	0,00	53 959 892,46
DE	2007DE06RPO007	146 014 201,06	0,00	146 014 201,06	5 200,60	146 009 000,46	97 972 211,99	48 036 788,47
DE	2007DE06RPO010	11 444 115,23	0,00	11 444 115,23	279 017,62	11 165 097,61	0,00	11 165 097,61
DE	2007DE06RPO011	190 954 194,64	0,00	190 954 194,64	0,00	190 954 194,64	159 624 523,46	31 329 671,18
DE	2007DE06RPO012	103 450 659,94	0,00	103 450 659,94	0,00	103 450 659,94	67 725 526,51	35 725 133,43
DE	2007DE06RPO015	41 184 956,92	0,00	41 184 956,92	0,00	41 184 956,92	23 950 996,56	17 233 960,36
DE	2007DE06RPO017	51 607 606,40	0,00	51 607 606,40	158 733,56	51 448 872,84	38 721 362,68	12 727 510,16

(in Euro)

MS	CCI	Expenditure in the last execution year of the 2007-2013 RDP	Corrections	Total	Non-reusable amounts (*)	Accepted amount cleared for the last execution year of the 2007-2013 RDP	Interim payments reimbursed to the Member State including clearing of pre-financing for the last execution year of the 2007-2013 RDP	Difference for the last execution year (**)
		i	ii	iii = i + ii	iv	v = iii – iv	vi	vii = v – vi
DE	2007DE06RPO018	3 819 565,33	0,00	3 819 565,33	22 759,59	3 796 805,74	2 719 891,12	1 076 914,62
DE	2007DE06RPO019	149 119 636,31	0,00	149 119 636,31	42 685 587,47	106 434 048,84	56 992 558,25	49 441 490,59
DE	2007DE06RPO020	196 010 469,43	0,00	196 010 469,43	0,00	196 010 469,43	165 016 404,40	30 994 065,03
DE	2007DE06RPO021	40 029 762,54	0,00	40 029 762,54	0,00	40 029 762,54	26 675 650,42	13 354 112,12
DE	2007DE06RPO023	102 771 123,22	0,00	102 771 123,22	0,00	102 771 123,22	69 757 904,44	33 013 218,78
DK	2007DK06RPO001	120 409 422,17	0,00	120 409 422,17	0,00	120 409 422,17	99 405 869,99	21 003 552,18
EE	2007EE06RPO001	40 202 306,30	1 122 778,99	41 325 085,29	0,00	41 325 085,29	5 843 533,28	35 481 552,01
ES	2007ES06RAT001	3 070 358,98	0,00	3 070 358,98	0,00	3 070 358,98	685 438,83	2 384 920,15
ES	2007ES06RPO001	604 799 852,21	0,00	604 799 852,21	N/A	604 799 852,21	635 451 116,97	– 30 651 264,76
ES	2007ES06RPO002	86 189 041,88	0,00	86 189 041,88	0,00	86 189 041,88	67 083 574,51	19 105 467,37
ES	2007ES06RPO004	10 819 548,97	0,00	10 819 548,97	0,00	10 819 548,97	10 819 546,34	2,63
ES	2007ES06RPO005	39 127 499,30	0,00	39 127 499,30	0,45	39 127 498,85	37 752 050,93	1 375 447,92
ES	2007ES06RPO006	9 283 884,42	0,00	9 283 884,42	0,00	9 283 884,42	5 302 016,45	3 981 867,97
ES	2007ES06RPO007	282 215 353,74	0,00	282 215 353,74	0,00	282 215 353,74	272 487 142,31	9 728 211,43
ES	2007ES06RPO008	173 940 717,32	0,00	173 940 717,32	17 641,40	173 923 075,92	131 759 986,54	42 163 089,38
ES	2007ES06RPO009	56 121 244,85	18 560,56	56 139 805,41	18 765,23	56 121 040,18	40 471 926,89	15 649 113,29
ES	2007ES06RPO010	233 713 300,99	0,00	233 713 300,99	5 364 682,52	228 348 618,47	201 182 038,91	27 166 579,56

(in Euro)

MS	CCI	Expenditure in the last execution year of the 2007-2013 RDP	Corrections	Total	Non-reusable amounts (*)	Accepted amount cleared for the last execution year of the 2007-2013 RDP	Interim payments reimbursed to the Member State including clearing of pre-financing for the last execution year of the 2007-2013 RDP	Difference for the last execution year (**)
		i	ii	iii = i + ii	iv	v = iii – iv	vi	vii = v – vi
ES	2007ES06RPO011	215 435 433,06	0,00	215 435 433,06	0,00	215 435 433,06	215 493 246,25	– 57 813,19
ES	2007ES06RPO012	15 716 123,24	0,00	15 716 123,24	737 535,58	14 978 587,66	14 978 587,05	0,61
ES	2007ES06RPO013	57 532 665,17	0,00	57 532 665,17	4 127,40	57 528 537,77	51 816 039,06	5 712 498,71
ES	2007ES06RPO014	12 538 312,15	0,00	12 538 312,15	0,00	12 538 312,15	7 639 461,50	4 898 850,65
ES	2007ES06RPO015	16 674 763,93	0,00	16 674 763,93	0,00	16 674 763,93	12 971 705,42	3 703 058,51
ES	2007ES06RPO016	7 352 887,18	0,00	7 352 887,18	0,00	7 352 887,18	4 464 520,56	2 888 366,62
ES	2007ES06RPO017	26 800 845,33	0,00	26 800 845,33	0,00	26 800 845,33	26 916 117,17	– 115 271,84
FI	2007FI06RPO001	91 530 348,92	5 599 314,30	97 129 663,22	0,00	97 129 663,22	24 423 059,42	72 706 603,80
FI	2007FI06RPO002	527 945,41	0,00	527 945,41	0,00	527 945,41	40 268,10	487 677,31
GR	2007GR06RPO001	888 314 517,06	0,00	888 314 517,06	N/A	888 314 517,06	922 581 212,89	– 34 266 695,83
HU	2007HU06RPO001	748 754 592,05	0,00	748 754 592,05	149 117,72	748 605 474,33	648 459 437,19	100 146 037,14
IE	2007IE06RPO001	44 978 622,14	0,00	44 978 622,14	1 900 408,70	43 078 213,44	0,00	43 078 213,44
IT	2007IT06RPO002	8 149 462,51	0,00	8 149 462,51	0,00	8 149 462,51	1 747 073,50	6 402 389,01
IT	2007IT06RPO003	127 616 735,00	0,00	127 616 735,00	62 261,60	127 554 473,40	101 200 113,66	26 354 359,74
IT	2007IT06RPO007	59 805 780,74	0,00	59 805 780,74	1 329 918,62	58 475 862,12	35 949 179,67	22 526 682,45
IT	2007IT06RPO009	95 037 114,69	0,00	95 037 114,69	0,00	95 037 114,69	80 989 496,92	14 047 617,77
IT	2007IT06RPO010	99 037 273,94	0,00	99 037 273,94	14,42	99 037 259,52	79 600 169,71	19 437 089,81

(in Euro)

MS	CCI	Expenditure in the last execution year of the 2007-2013 RDP	Corrections	Total	Non-reusable amounts (*)	Accepted amount cleared for the last execution year of the 2007-2013 RDP	Interim payments reimbursed to the Member State including clearing of pre-financing for the last execution year of the 2007-2013 RDP	Difference for the last execution year (**)
		i	ii	iii = i + ii	iv	v = iii – iv	vi	vii = v – vi
IT	2007IT06RPO011	14 862 287,40	0,00	14 862 287,40	0,00	14 862 287,40	10 068 172,35	4 794 115,05
IT	2007IT06RPO014	82 990 789,77	0,00	82 990 789,77	275,94	82 990 513,83	59 135 824,91	23 854 688,92
LT	2007LT06RPO001	244 973 915,09	0,00	244 973 915,09	0,00	244 973 915,09	158 247 238,33	86 726 676,76
LU	2007LU06RPO001	4 936 636,74	169 459,49	5 106 096,23	0,00	5 106 096,23	945 791,68	4 160 304,55
LV	2007LV06RPO001	56 888 733,59	0,00	56 888 733,59	0,00	56 888 733,59	4 375 802,65	52 512 930,94
MT	2007MT06RPO001	18 525 508,20	0,00	18 525 508,20	43 435,58	18 482 072,62	15 825 626,82	2 656 445,80
NL	2007NL06RPO001	73 109 827,75	0,00	73 109 827,75	450 010,86	72 659 816,89	44 639 544,30	28 020 272,59
PL	2007PL06RPO001	2 751 343 627,94	0,00	2 751 343 627,94	0,00	2 751 343 627,94	2 096 701 691,24	654 641 936,70
PT	2007PT06RAT001	866 848,88	0,00	866 848,88	92 093,13	774 755,75	307 978,67	466 777,08
PT	2007PT06RPO001	33 268 022,24	0,00	33 268 022,24	181 340,87	33 086 681,37	26 663 056,94	6 423 624,43
PT	2007PT06RPO002	404 097 172,73	0,00	404 097 172,73	2 652 078,48	401 445 094,25	241 466 481,61	159 978 612,64
PT	2007PT06RPO003	39 566 393,71	0,00	39 566 393,71	0,00	39 566 393,71	39 580 602,94	– 14 209,23
SE	2007SE06RPO001	123 975 874,31	0,00	123 975 874,31	0,00	123 975 874,31	81 220 293,81	42 755 580,50
SI	2007SI06RPO001	94 548 141,11	0,00	94 548 141,11	0,31	94 548 140,80	51 850 486,84	42 697 653,96
SK	2007SK06RPO001	254 161 344,40	0,00	254 161 344,40	322,61	254 161 021,79	167 819 763,78	86 341 258,01
UK	2007UK06RPO001	144 515 333,22	0,00	144 515 333,22	1 487 992,45	143 027 340,77	50 672 584,29	92 354 756,48
UK	2007UK06RPO002	18 203 293,99	3 024 625,34	21 227 919,33	1 731 156,70	19 496 762,63	3 507 181,78	15 989 580,85

MS	CCI	Expenditure in the last execution year of the 2007-2013 RDP	Corrections	Total	Non-reusable amounts (*)	Accepted amount cleared for the last execution year of the 2007-2013 RDP	Interim payments reimbursed to the Member State including clearing of pre-financing for the last execution year of the 2007-2013 RDP	Difference for the last execution year (**)
		i	ii	iii = i + ii	iv	v = iii – iv	vi	vii = v – vi
UK	2007UK06RPO0013	– 987 841,37	0,00	– 987 841,37	455 326,60	– 1 443 167,97	0,00	– 1 443 167,97
UK	2007UK06RPO004	59 384 266,74	0,00	59 384 266,74	315 791,70	59 068 475,04	59 319 912,22	– 251 437,18

(*) Capping and deductions under Article 69(5b) of Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 277, 21.10.2005, p. 1). These amounts are provided only for programmes listed in Annex III. For the programmes which are listed under Annex IV, this amount will be communicated when the annual accounts for the EAFRD were cleared for all relevant financial years.

(**) This is not the amount that will be paid. For the final balances to be paid reference is made to Annex III.

ANNEX II

CLEARANCE OF THE PAYING AGENCIES' ACCOUNTS

LAST EXECUTION YEAR OF THE 2007-2013 RURAL DEVELOPMENT PROGRAMME

List of the Paying Agencies and programmes for which the accounts for the last execution year (16 October 2014-31 December 2015) are disjoined and are the subject of a later clearance decision

Member State	Paying Agency	Programme
Belgium	Région Wallonne	2007BE06RPO002
Bulgaria	State Fund Agriculture	2007BG06RPO001
Germany	EU-Zahlstelle der Freien und Hansestadt Hamburg	2007DE06RPO009
Spain	Organismo Pagador de la Comunidad Autónoma del Principado de Asturias	2007ES06RPO003
France	Office du Développement Agricole et Rural de Corse	2007FR06RPO002
		2007FR06RPO001
		2007FR06RPO003
		2007FR06RPO004
		2007FR06RPO005
		2007FR06RPO006
		2007IT06RAT001
		2007IT06RPO001
		2007IT06RPO004
		2007IT06RPO005
		2007IT06RPO006
Italy	Agenzia per le Erogazioni in Agricoltura	2007IT06RPO008
		2007IT06RPO012
		2007IT06RPO013
		2007IT06RPO015
		2007IT06RPO016
		2007IT06RPO017
		2007IT06RPO019
		2007IT06RPO020
		2007IT06RPO021
		2007IT06RPO018
		2007IT06RPO018
Romania	Paying Agency for Rural Development and Fishery (PARDF)	2007RO06RPO001

ANNEX III

The final balances for the 2007-2013 rural development programmes for which all relevant annual accounts have been cleared

Member State	Paying Agency	Programme	Final balance in EUR
AT	AT01	2007AT06RPO001	201 048 842,91
BE	BE02	2007BE06RPO001	11 915 307,11
CY	CY01	2007CY06RPO001	8 138 264,88
CZ	CZ01	2007CZ06RPO001	138 417 269,54
DE	DE01	2007DE06RAT001	6 965,28
	DE03	2007DE06RPO003	33 079 775,42
	DE04	2007DE06RPO004	70 357 109,98
	DE07	2007DE06RPO007	48 036 735,72
	DE11	2007DE06RPO011	31 329 671,19
	DE12	2007DE06RPO012	35 725 132,72
	DE15	2007DE06RPO015	17 233 960,44
	DE17	2007DE06RPO017	12 727 510,16
	DE18	2007DE06RPO018	1 076 914,65
	DE19	2007DE06RPO019	49 441 490,19
	DE20	2007DE06RPO020	30 994 065,04
	DE21	2007DE06RPO021	13 350 534,31
	DE23	2007DE06RPO023	33 053 719,77
	DE26	2007DE06RPO010	12 195 402,12
DK	DK02	2007DK06RPO001	20 963 291,37
EE	EE01	2007EE06RPO001	35 481 509,90
ES	ES02	2007ES06RPO002	19 105 467,57
	ES04	2007ES06RPO004	- 1 570 468,31
	ES05	2007ES06RPO005	1 375 447,92
	ES06	2007ES06RPO006	3 982 139,88
	ES07	2007ES06RPO007	9 728 211,49
	ES08	2007ES06RPO008	42 163 089,49
	ES09	2007ES06RPO009	15 649 113,35

Member State	Paying Agency	Programme	Final balance in EUR
	ES10	2007ES06RPO010	27 166 579,64
	ES11	2007ES06RPO011	– 6 930 052,58
	ES12	2007ES06RPO012	– 2 529 813,38
	ES13	2007ES06RPO013	5 712 498,75
	ES14	2007ES06RPO014	4 898 850,90
	ES15	2007ES06RPO015	3 703 058,56
	ES16	2007ES06RPO016	2 888 363,59
	ES17	2007ES06RPO017	– 3 251 561,99
	ES18	2007ES06RAT001	2 384 920,15
FI	FI01	2007FI06RPO001	72 701 842,49
		2007FI06RPO002	487 677,39
HU	HU01	2007HU06RPO001	100 146 037,10
IE	IE01	2007IE06RPO001	123 238 683,26
IT	IT05	2007IT06RPO014	23 854 688,90
	IT07	2007IT06RPO010	19 437 089,80
	IT08	2007IT06RPO003	26 354 359,60
	IT10	2007IT06RPO009	14 047 617,83
	IT23	2007IT06RPO007	22 526 681,19
	IT24	2007IT06RPO002	6 402 389,09
	IT25	2007IT06RPO011	4 794 115,04
LT	LT01 (*)	2007LT06RPO001	86 077 486,54
LU	LU01	2007LU06RPO001	4 310 827,77
LV	LV01	2007LV06RPO001	52 512 930,94
MT	MT01	2007MT06RPO001	2 656 238,28
NL	NL04	2007NL06RPO001	27 849 916,20
PL	PL01	2007PL06RPO001	654 646 405,33
PT	PT03	2007PT06RAT001	466 777,31
		2007PT06RPO001	6 423 624,50
		2007PT06RPO002	159 994 438,45
		2007PT06RPO003	– 194 494,42

Member State	Paying Agency	Programme	Final balance in EUR
SE	SE01	2007SE06RPO001	39 280 927,30
SI	SI01	2007SI06RPO001	42 697 633,16
SK	SK01	2007SK06RPO001	86 339 545,97
UK	GB05	2007UK06RPO002	15 989 736,99
	GB06	2007UK06RPO003	33 256 485,91
	GB07	2007UK06RPO004	– 7 316 081,21
	GB09	2007UK06RPO001	92 304 669,80

(*) The final balance of the RDP of LT01 is reduced by 708 136,83 EUR under Article 41 of Regulation (EU) No 1306/2013 and it is subject of a conformity enquiry.

ANNEX IV

The rural development programmes for which the annual accounts have not been cleared for one or more financial years

Member State	Paying Agency	Programme (*)
Belgium	Région Wallonne	2007BE06RPO002
Bulgaria	State Fund Agriculture	2007BG06RPO001
Germany	EU-Zahlstelle der Freien und Hansestadt Hamburg	2007DE06RPO009
Spain	Dirección General de Fondos Agrarios de la Consejería de Agricultura, Pesca y Medio Ambiente de la Junta de Andalucía	2007ES06RPO001
	Organismo Pagador de la Comunidad Autónoma del Principado de Asturias	2007ES06RPO003
	Office du Développement Agricole et Rural de Corse	2007FR06RPO002
France	Agence de services et de paiement	2007FR06RPO001
		2007FR06RPO003
		2007FR06RPO004
		2007FR06RPO005
		2007FR06RPO006
Greece	Payment and Control Agency for Guidance and Guarantee Community Aids (O.P.E.K.E.P.E.)	2007GR06RPO001
Italy	Agenzia per le Erogazioni in Agricoltura	2007IT06RAT001
		2007IT06RPO001
		2007IT06RPO004
		2007IT06RPO005
		2007IT06RPO006
		2007IT06RPO008
		2007IT06RPO012
		2007IT06RPO013
		2007IT06RPO015
		2007IT06RPO016
		2007IT06RPO017
		2007IT06RPO019
		2007IT06RPO020
		2007IT06RPO021
	Agenzia della regione Calabria per le Erogazioni in Agricoltura	2007IT06RPO018
Romania	Paying Agency for Rural Development and Fishery (PARDF)	2007RO06RPO001

(*) The final balance will be calculated when the annual accounts for the EAFRD are cleared for all relevant financial years.

COMMISSION IMPLEMENTING DECISION (EU) 2016/2114**of 30 November 2016****determining quantitative limits and allocating quotas for substances controlled under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer, for the period 1 January to 31 December 2017***(notified under document C(2016) 7715)***(Only the Czech, Croatian, Dutch, English, French, German, Greek, Italian, Latvian, Maltese, Polish, Portuguese, and Spanish texts are authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1005/2009 of 16 September 2009 of the European Parliament and of the Council on substances that deplete the ozone layer ⁽¹⁾, and in particular to Articles 10(2) and 16(1) thereof,

Whereas:

- (1) The release for free circulation in the Union of imported controlled substances is subject to quantitative limits.
- (2) The Commission is required to determine those limits and allocate quotas to undertakings.
- (3) Furthermore, the Commission is required to determine the quantities of controlled substances other than hydrochlorofluorocarbons that may be used for essential laboratory and analytical uses, and the companies that may use them.
- (4) The determination of the allocated quotas for essential laboratory and analytical uses has to ensure that the quantitative limits set out in Article 10(6) of Regulation (EC) No 1005/2009 are respected, applying Commission Regulation (EU) No 537/2011 ⁽²⁾. As those quantitative limits include quantities of hydrochlorofluorocarbons licensed for laboratory and analytical uses, the production and import of hydrochlorofluorocarbons for those uses should also be covered by that allocation.
- (5) The Commission has published a notice to undertakings intending to import or export controlled substances that deplete the ozone layer to or from the European Union in 2017 and to undertakings intending to request for 2017 a quota for these substances intended for laboratory and analytical uses ⁽³⁾, and has thereby received declarations on intended imports in 2017.
- (6) The quantitative limits and quotas should be determined for the period 1 January to 31 December 2017, in line with the annual reporting cycle under the Montreal Protocol on Substances that Deplete the Ozone Layer.
- (7) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 25(1) of Regulation (EC) No 1005/2009,

⁽¹⁾ OJ L 286, 31.10.2009, p. 1.

⁽²⁾ Commission Regulation (EU) No 537/2011 of 1 June 2011 on the mechanism for the allocation of quantities of controlled substances allowed for laboratory and analytical uses in the Union under Regulation (EC) No 1005/2009 of the European Parliament and of the Council on substances that deplete the ozone layer (OJ L 147, 2.6.2011, p. 4).

⁽³⁾ OJ C 40, 3.2.2016, p. 8.

HAS ADOPTED THIS DECISION:

Article 1

Quantitative limits for release for free circulation

The quantities of controlled substances subject to Regulation (EC) No 1005/2009 which may be released for free circulation in the Union in 2017 from sources outside the Union shall be the followings:

Controlled substances	Quantity (in ozone depleting potential (ODP) kilograms)
Group I (chlorofluorocarbons 11, 12, 113, 114 and 115) and group II (other fully halogenated chlorofluorocarbons)	3 396 350,00
Group III (halons)	22 854 750,00
Group IV (carbon tetrachloride)	22 330 561,00
Group V (1,1,1-trichloroethane)	1 700 000,00
Group VI (methyl bromide)	780 720,00
Group VII (hydrobromofluorocarbons)	3 650,48
Group VIII (hydrochlorofluorocarbons)	5 947 011,50
Group IX (bromochloromethane)	324 012,00

Article 2

Allocation of quotas for release for free circulation

1. The allocation of quotas for chlorofluorocarbons 11, 12, 113, 114 and 115 and other fully halogenated chlorofluorocarbons during the period 1 January to 31 December 2017 shall be for the purposes and to the undertakings indicated in Annex I.
2. The allocation of quotas for halons during the period 1 January to 31 December 2017 shall be for the purposes and to the undertakings indicated in Annex II.
3. The allocation of quotas for carbon tetrachloride during the period 1 January to 31 December 2017 shall be for the purposes and to the undertakings indicated in Annex III.
4. The allocation of quotas for 1,1,1-trichloroethane during the period 1 January to 31 December 2017 shall be for the purposes and to the undertakings indicated in Annex IV.
5. The allocation of quotas for methyl bromide during the period 1 January to 31 December 2017 shall be for the purposes and to the undertakings indicated in Annex V.

6. The allocation of quotas for hydrobromofluorocarbons during the period 1 January to 31 December 2017 shall be for the purposes and to the undertakings indicated in Annex VI.
7. The allocation of quotas for hydrochlorofluorocarbons during the period 1 January to 31 December 2017 shall be for the purposes and to the undertakings indicated in Annex VII.
8. The allocation of quotas for bromochloromethane during the period 1 January to 31 December 2017 shall be for the purposes and to the undertakings indicated in Annex VIII.
9. The individual quotas for undertakings shall be as set out in Annex IX.

Article 3

Quotas for laboratory and analytical uses

The quotas for importing and producing controlled substances for laboratory and analytical uses in the year 2017 shall be allocated to the undertakings listed in Annex X.

The maximum quantities that may be produced or imported in 2017 for laboratory and analytical uses allocated to those undertakings are set out in Annex XI.

Article 4

Period of validity

This Decision shall apply from 1 January 2017 and shall expire on 31 December 2017.

Article 5

Addressees

This Decision is addressed to the following undertakings:

1	Abcr GmbH Im Schleht 10 76187 Karlsruhe Germany	2	AGC Chemicals Europe, Ltd York House, Hillhouse International FY5 4QD Thornton Cleveleys United Kingdom
3	Airbus Operations SAS Route de bayonne 316 31300 Toulouse France	4	Albemarle Europe SPRL Parc Scientifique Einstein, Rue du Bosquet 9 B-1348 Louvain-la-Neuve Belgium
5	Arkema France Rue Estienne-d'Orves 420 92705 Colombes Cedex France	6	ATELIERS BIGATA Rue Jean-Baptiste-Perrin 10 33320 Eysines France
7	BASF Agri-Production S.A.S. Rue de Verdun 32 76410 Saint-Aubin Les Elbeuf France	8	Bayer CropScience AG Alfred-Nobel-Str. 50 40789 Monheim Germany
9	Biovit d.o.o. Matka Laginje 13 HR-42000 Varazdin Croatia	10	Blue Cube Germany Assets GmbH & Co. KG Buetzflether Sand 2 21683 Stade Germany

11	Ceram Optec SIA Skanstes street 7 K-1 LV-1013 Riga Latvia	12	Chemours Netherlands BV Baanhoekweg 22 3313LA Dordrecht Netherlands
13	Daikin Refrigerants Europe GmbH Industriepark Höchst 65926 Frankfurt am Main Germany	14	Diverchim SA Rue du Noyer, ZAC du Moulin 6 95700 Roissy-en-France France
15	Dyneon GmbH Industrieparkstr. 1 84508 Burgkirchen Germany	16	EAF protect s.r.o. Karlovarská 131/50 35002 Cheb 2 Czech Republic
17	F-Select GmbH Grosshesseloherstr. 18 81479 Munich Germany	18	Fenix Fluor Limited Rocksavage Site WA7 JE Runcorn, Cheshire United Kingdom
19	Fire Fighting Enterprises Ltd Hunting Gate 9 SG4 0TJ Hitchin United Kingdom	20	GHC Gerling, Holz & Co. Handels GmbH Ruhrstr. 113 22761 Hamburg Germany
21	Gielle di Luigi Galantucci Via Ferri Rocco 32 70022 Altamura Italy	22	GlaxoSmithKline Cobden Street DD10 8EA Montrose United Kingdom
23	Halon & Refrigerant Services Ltd J Reid Trading Estate, Factory Road CH5 2QJ Sandycroft United Kingdom	24	Honeywell Fluorine Products Europe BV Laarderhoogtweg 18 1101 EA Amsterdam Netherlands
25	Honeywell Speciality Chemicals Seelze GmbH Wunstorfer Str. 40 30926 Seelze Germany	26	Hovione FarmaCiencia SA Quinta de S. Pedro — Sete Casas 2674-506 Loures Portugal
27	Hudson Technologies Europe Srl Via degli Olmetti 5 00060 Formello Italy	28	ICL-IP Europe BV Fosfaatweg 48 1013 BM Amsterdam Netherlands
29	Intergeo Ltd Industrial Park Of Thermi 57001 Thessaloniki Greece	30	Labmix24 GmbH Jonas-Elkan-Weg 4 46499 Hamminkeln Germany

31	Laboratorios Miret S.A. Geminis 4 08228 Terrassa Spain	32	LGC Standards GmbH Mercatorstr. 51 46485 Wesel Germany
33	Ludwig-Maximilians-University Butenadtstr. 5-13 (HAUS D) DE-81377 Munich Germany	34	Mebrom NV Antwerpsesteenweg 45 2830 Willebroek Belgium
35	Merck KGaA Frankfurter Strasse 250 64293 Darmstadt Germany	36	Meridian Technical Services Limited Hailey Road 14 DA18 4AP Erith United Kingdom
37	Mexichem UK Limited The Heath Business and Technical Park WA7 4QX Runcorn, Cheshire United Kingdom	38	P.U. Poż-Pliszka Sp. z o.o. ul. Szczecińska 45 80-392 Gdańsk Poland
39	Panreac Quimica SLU C/Garraf 2 E08210 Barcelona Spain	40	Quality Control North West Poplar Grove SK2 7JE Stockport United Kingdom
41	R.P. CHEM srl Via San Michele 47 31032 Casale sul Sile (TV) Italy	42	Safety Hi-Tech srl Via di Porta Pinciana 6 00187 Roma Italy
43	Savi Technologie sp. z o.o. Psary, ul. Wolności 20 51-180 Wrocław Poland	44	Sigma Aldrich Chimie sarl Rue de Luzais 80 38070 Saint-Quentin-Fallavier France
45	Sigma-Aldrich Chemie GmbH Riedstraße 2 89555 Steinheim Germany	46	Sigma-Aldrich Company Ltd The Old Brickyard, New Road SP8 4XT Gillingham, DORSET United Kingdom
47	Solvay Fluor GmbH Hans-Boeckler-Allee 20 30173 Hannover Germany	48	Solvay Specialty Polymers France SAS Avenue de la Republique 39501 Tavaux Cedex France
49	Solvay Specialty Polymers Italy SpA Viale Lombardia 20 20021 Bollate Italy	50	SPEX CertiPrep Ltd Dalston Gardens 2 HA7 1BQ Stanmore United Kingdom

51	Sterling Chemical Malta Limited V. Dimech Street 4 1504 Floriana Malta	52	Sterling SpA Via della Carboneria 30 06073 Solomeo — Corciano (PG) Italy
53	Syngenta Limited Priestley Road Surrey Research Park 30 GU2 7YH Guildford United Kingdom	54	Tazzetti SAU Calle Roma 2 28813 Torres de la Alameda Spain
55	Tazzetti SpA Corso Europa 600/A 10088 Volpiano Italy	56	TEGA — Technische Gase und Gasetechnik GmbH Werner-von-Siemens-Str. 18 D-97076 Würzburg Germany
57	Thomas Swan & Co. Ltd Rotary Way DH8 7ND Consett County Durham United Kingdom	58	Valliscor Europa Limited 3rd Floor Kilmore House Park Lane Spencer Dock D01 YE64 Dublin 1 Ireland
59	Valvitalia SpA — Eusebi Division Piazza Sigmund Freud 1 20154 Milano Italy		

Done at Brussels, 30 November 2016.

For the Commission
Miguel ARIAS CAÑETE
Member of the Commission

ANNEX I

Groups I and II

Import quotas for chlorofluorocarbons 11, 12, 113, 114 and 115 and other fully halogenated chlorofluorocarbons allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses and process agent uses during the period 1 January to 31 December 2017.

Company

Abcr GmbH (DE)
Honeywell Fluorine Products Europe BV (NL)
Solvay Specialty Polymers Italy SpA (IT)
Syngenta Limited (UK)
Tazzetti SAU (ES)
Tazzetti SpA (IT)
TEGA — Technische Gase und Gasetechnik GmbH (DE)

ANNEX II

Group III

Import quotas for halons allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses and critical uses during the period 1 January to 31 December 2017.

Company

Abcr GmbH (DE)
Arkema France (FR)
Ateliers Bigata (FR)
BASF Agri-Production SAS (FR)
EAF protect s.r.o. (CZ)
Fire Fighting Enterprises Ltd (UK)
Gielle di Luigi Galantucci (IT)
Halon & Refrigerant Services Ltd (UK)
Intergeo Ltd (EL)
Meridian Technical Services Limited (UK)
P.U. Poż-Pliszka Sp. z o.o. (PL)
Safety Hi-Tech srl (IT)
Savi Technologie sp. z o.o. (PL)
Valvitalia SPA — Eusebi Division (IT)

ANNEX III

Group IV

Import quotas for carbon tetrachloride allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses and process agent uses for the period 1 January to 31 December 2017.

Company

Abcr GmbH (DE)

Arkema France (FR)

Blue Cube Germany Assets GmbH & Co. KG (DE)

Ceram Optec SIA (LV)

ANNEX IV

Group V

Import quotas for 1,1,1-trichloroethane allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses for the period 1 January to 31 December 2017.

Company

Arkema France (FR)

ANNEX V

Group VI

Import quotas for methyl bromide allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses for the period 1 January to 31 December 2017.

Company

Albemarle Europe SPRL (BE)

GHC Gerling, Holz & Co. Handels GmbH (DE)

ICL-IP Europe BV (NL)

Mebrom NV (BE)

Sigma-Aldrich Chemie GmbH (DE)

ANNEX VI

Group VII

Import quotas for hydrobromofluorocarbons allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses for the period 1 January to 31 December 2017.

Company

Abcr GmbH (DE)

GlaxoSmithKline (UK)

Hovione FarmaCiencia SA (PT)

R.P. CHEM s.r.l. (IT)

Sterling Chemical Malta Limited (MT)

Sterling SpA (IT)

Valliscor Europa Limited (IE)

ANNEX VII

Group VIII

Import quotas for hydrochlorofluorocarbons allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses for the period 1 January to 31 December 2017.

Company

Abcr GmbH (DE)

AGC Chemicals Europe, Ltd (UK)

Arkema France (FR)

Bayer CropScience AG (DE)

Chemours Netherlands BV (NL)

Dyneon GmbH (DE)

Fenix Fluor Limited (UK)

Honeywell Fluorine Products Europe BV (NL)

Solvay Fluor GmbH (DE)

Solvay Specialty Polymers France SAS (FR)

Solvay Specialty Polymers Italy SpA (IT)

Tazzetti SAU (ES)

Tazzetti SpA (IT)

ANNEX VIII

Group IX

Import quotas for bromochloromethane allocated to importers in accordance with Regulation (EC) No 1005/2009 for feedstock uses for the period 1 January to 31 December 2017.

Company

Albemarle Europe SPRL (BE)

ICL-IP Europe BV (NL)

Laboratorios Miret SA (ES)

Sigma-Aldrich Chemie GmbH (DE)

Thomas Swan & Co. Ltd (UK)

ANNEX IX

(Commercially sensitive — in confidence — not to be published)

ANNEX X

Undertakings entitled to produce or import for laboratory and analytical uses in 2017

The quota of controlled substances which may be used for laboratory and analytical uses, are allocated to:

Company
Abcr GmbH (DE)
Airbus Operations SAS (FR)
Arkema France (FR)
Biovit d.o.o. (HR)
Daikin Refrigerants Europe GmbH (DE)
Diverchim SA (FR)
F-Select GmbH (DE)
Honeywell Fluorine Products Europe BV (NL)
Honeywell Speciality Chemicals Seelze GmbH (DE)
Hudson Technologies Europe SRL (IT)
Labmix24 GmbH (DE)
LGC Standards GmbH (DE)
Ludwig-Maximilians-University (DE)
Merck KGaA (DE)
Mexichem UK Limited (UK)
Panreac Quimica SLU (ES)
Quality Control North West (UK)
Safety Hi-Tech SRL (IT)
Sigma Aldrich Chimie sarl (FR)
Sigma-Aldrich Chemie GmbH (DE)
Sigma-Aldrich Company Ltd (UK)
Solvay Fluor GmbH (DE)
Solvay Specialty Polymers France SAS (FR)
SPEX CertiPrep Ltd (UK)
Sterling Chemical Malta Limited (MT)
Sterling SpA (IT)
Valliscor Europa Limited (IE)

ANNEX XI

(Commercially sensitive — in confidence — not to be published)

RECOMMENDATIONS

COMMISSION RECOMMENDATION (EU) 2016/2115

of 1 December 2016

on the monitoring of the presence of Δ^9 -tetrahydrocannabinol, its precursors and other cannabinoids in food

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) The European Food Safety Authority (EFSA) Panel on Contaminants in the Food Chain (CONTAM) adopted a scientific opinion on tetrahydrocannabinol (THC) in milk and other food of animal origin ⁽¹⁾.
- (2) Tetrahydrocannabinol, more precisely delta-9-tetrahydrocannabinol (Δ^9 -THC) is the most relevant constituent of the hemp plant *Cannabis sativa*. EFSA established an acute reference dose (ARfD) of 1 μg Δ^9 -THC/kg b.w.
- (3) Only limited data on the presence of Δ^9 -THC in food of animal origin are available and limited data are available from the transfer rate from feed to food of animal origin. Therefore there is a need to have more data on the presence in food of animal origin, of which evidence is available that the food of animal origin is produced by animals being fed with feed containing hemp or hemp derived feed materials.
- (4) Furthermore, more occurrence data are needed on the presence of Δ^9 -THC in hemp-derived foods and foods containing hemp or hemp-derived ingredients. It is also appropriate if possible to analyse the non-psychoactive precursors delta-9-tetrahydrocannabinolic acids (2-COOH- Δ^9 -THC termed Δ^9 -THCA-A and 4-COOH- Δ^9 -THC termed Δ^9 -THCA-B) and other cannabinoids (such as delta-8-tetrahydrocannabinol (Δ^8 -THC), cannabinol (CBN), cannabidiol (CBD) and delta-9-tetrahydrocannabivarin (Δ^9 -THCV).
- (5) It is therefore appropriate to recommend the monitoring of the presence of Δ^9 -THC, its precursors and other cannabinoids in food.

HAS ADOPTED THIS RECOMMENDATION:

- (1) Member States should, with the active involvement of food business operators and other interested parties, perform monitoring for the presence of Δ^9 -Tetrahydrocannabinol (Δ^9 -THC) in food of animal origin and Δ^9 -Tetrahydrocannabinol (Δ^9 -THC), its non-psychoactive precursors delta-9-tetrahydrocannabinolic acids (2-COOH- Δ^9 -THC termed Δ^9 -THCA-A and 4-COOH- Δ^9 -THC termed Δ^9 -THCA-B) and other cannabinoids (such as delta-8-tetrahydrocannabinol (Δ^8 -THC), cannabinol (CBN), cannabidiol (CBD) and delta-9-tetrahydrocannabivarin (Δ^9 -THCV) in hemp-derived foods and foods containing hemp or hemp-derived ingredients.

For the monitoring of food of animal origin, evidence should be available that the food of animal origin is produced by animals being fed with feed containing hemp or hemp derived feed materials.

- (2) In order to ensure that the samples are representative for the sampled lot, Member States should follow the sampling procedures laid down in Commission Regulation (EC) No 401/2006 ⁽²⁾.

⁽¹⁾ EFSA CONTAM Panel (EFSA Panel on Contaminants in the Food Chain), 2015. Scientific Opinion on the risks for human health related to the presence of tetrahydrocannabinol (THC) in milk and other food of animal origin. EFSA Journal 2015;13(6):4141, 125 pp. doi:10.2903/j.efsa.2015.4141

⁽²⁾ Commission Regulation (EC) No 401/2006 of 23 February 2006 laying down the methods of sampling and analysis for the official control of the levels of mycotoxins in foodstuffs (OJ L 70, 9.3.2006, p. 12).

- (3) The method of analysis to be used for monitoring is preferably chromatographic separation coupled with mass spectrometry (LC-MS or GC-MS) following an appropriate clean-up step (liquid-liquid (LLE) or solid phase extraction (SPE)). Preference should be given to chromatographic techniques that allow the determination of Δ^9 -THC separately, its precursors and other cannabinoids in hemp-containing food products.
- (4) Member States, food business operators and other interested parties should ensure that the analytical results are provided on a regular basis and by the latest by October 2018 to EFSA in the EFSA data submission format in line with the requirements of EFSA's Guidance on Standard Sample Description (SSD) for Food and Feed ⁽¹⁾ and the additional EFSA's specific reporting requirements.

Done at Brussels, 1 December 2016.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

⁽¹⁾ <http://www.efsa.europa.eu/en/data/toolbox>

