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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2019/835

of 8 April 2019

on the conclusion, on behalf of the European Union and its Member States, of a Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, to take account of the accession of the Republic of Croatia to the European Union

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217, in conjunction with Article 218(6)(a) thereof,

Having regard to the Act of Accession of the Republic of Croatia, and in particular Article 6(2) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) The Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part ⁽²⁾ ('the Agreement'), was signed in Luxembourg on 25 June 2001. The Agreement entered into force on 1 June 2004.
- (2) The Republic of Croatia became a Member State of the European Union on 1 July 2013.
- (3) In accordance with Article 6(2) of the Act of Accession of the Republic of Croatia, the accession of the Republic of Croatia to the Agreement is to be agreed by means of a protocol to the Agreement concluded between the Council, acting unanimously on behalf of the Member States, and the Arab Republic of Egypt.
- (4) On 14 September 2012, the Council authorised the Commission to open negotiations with the Arab Republic of Egypt. The negotiations were successfully concluded.
- (5) In accordance with Council Decision (EU) 2017/768 ⁽³⁾, the Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, to take account of the accession of the Republic of Croatia to the European Union has been signed on behalf of the Union and its Member States in Brussels on 10 April 2017.
- (6) The Protocol should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Protocol to the Euro-Mediterranean Agreement establishing an Association between the European Communities and their Member States, of the one part, and the Arab Republic of Egypt, of the other part, to take account of the accession of the Republic of Croatia to the European Union, is hereby approved on behalf of the Union and its Member States ⁽⁴⁾.

⁽¹⁾ Consent of 12 March 2019 (not yet published in the Official Journal).

⁽²⁾ OJ L 304, 30.9.2004, p. 39.

⁽³⁾ OJ L 115, 4.5.2017, p. 1.

⁽⁴⁾ The text of the Protocol has been published in OJ L 115 of 4.5.2017 together with the decision on its signature.

Article 2

The President of the Council shall, on behalf of the Union and its Member States, give the notification provided for in Article 8(1) of the Protocol, in order to express the consent of the Union and its Member States to be bound by the Protocol ⁽⁵⁾.

Article 3

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

Done at Luxembourg, 8 April 2019.

For the Council
The President
F. MOGHERINI

⁽⁵⁾ The date of entry into force of the Protocol will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

COUNCIL DECISION (EU) 2019/836**of 13 May 2019**

on the conclusion of the Protocol to the Agreement between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention regarding access to Eurodac for law enforcement purposes

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular point (a) of Article 87(2) and point (a) of the first subparagraph of Article 88(2), in conjunction with point (a) of the second subparagraph of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) In accordance with Council Decision (EU) 2019/395 ⁽²⁾, the Protocol to the Agreement between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention regarding access to Eurodac for law enforcement purposes ('the Protocol') was signed on 27 March 2019, subject to its conclusion at a later date.
- (2) In order to support and strengthen police cooperation between the competent authorities of the Member States and those of Denmark for the purpose of prevention, detection and investigation of terrorist offences and other serious criminal offences, the involvement of the Union is required to enable Denmark to participate in the law-enforcement-related aspects of Eurodac.
- (3) The Protocol should be approved.
- (4) The United Kingdom and Ireland are bound by Regulation (EU) No 603/2013 of the European Parliament and of the Council ⁽³⁾ and are therefore taking part in the adoption of this Decision.
- (5) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application,

HAS ADOPTED THIS DECISION:

Article 1

The Protocol to the Agreement between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention regarding access to Eurodac for law enforcement purposes is hereby approved on behalf of the Union.

The text of the Protocol is attached to this Decision.

⁽¹⁾ Consent of 17 April 2019 (not yet published in the Official Journal).

⁽²⁾ Council Decision (EU) 2019/395 of 7 March 2019 on the signing, on behalf of the European Union, of the Protocol to the Agreement between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention regarding access to Eurodac for law enforcement purposes (OJ L 71, 13.3.2019, p. 9).

⁽³⁾ Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p. 1).

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 4(2) of the Protocol.

Article 3

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

Done at Brussels, 13 May 2019.

For the Council

The President

F. MOGHERINI

PROTOCOL TO THE AGREEMENT

between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention regarding access to Eurodac for law enforcement purposes

THE EUROPEAN UNION, hereinafter referred to as 'the Union',

and

THE KINGDOM OF DENMARK, hereinafter referred to as 'Denmark',

hereinafter jointly referred to as 'the Parties',

CONSIDERING that on 10 March 2005 the Agreement between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention ⁽¹⁾ (hereinafter referred to as 'the Agreement of 10 March 2005') was signed;

RECALLING that on 26 June 2013 the Union adopted Regulation (EU) No 603/2013 of the European Parliament and of the Council ⁽²⁾;

REFERRING to Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union (TFEU), pursuant to which Denmark did not take part in the adoption of Regulation (EU) No 603/2013 and is not bound by it or subject to its application;

RECALLING that the procedures for comparison and data transmission for law enforcement purposes as laid down in Regulation (EU) No 603/2013 do not constitute an amendment to the Eurodac *acquis* within the meaning of the Agreement of 10 March 2005 and therefore fall outside the scope of the Agreement of 10 March 2005;

CONSIDERING that a protocol should be concluded between the Union and Denmark to enable Denmark to participate in the law-enforcement-related aspects of Eurodac and therefore enable designated law enforcement authorities of Denmark to request the comparison of fingerprint data transmitted to the Central System of Eurodac by the other participating States;

CONSIDERING that the application of Regulation (EU) No 603/2013 for law enforcement purposes to Denmark should also enable designated law enforcement authorities of the other participating States and Europol to request the comparison of fingerprint data transmitted to the Central System of Eurodac by Denmark;

CONSIDERING that the processing of personal data by the designated law enforcement authorities of the participating States for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences pursuant to this Protocol should be subject to a standard of protection of personal data under their national law which complies with Directive (EU) 2016/680 of the European Parliament and of the Council ⁽³⁾;

CONSIDERING that Directive (EU) 2016/680 constitutes a development of the provisions of the Schengen *acquis* under Title V of Part Three of the TFEU, and that on 26 October 2016 Denmark, in accordance with Article 4 of Protocol No 22 on the position of Denmark, notified the Commission that it will implement that Directive in its national law. Denmark should therefore apply that Directive and the further conditions set out in Regulation (EU) No 603/2013 as regards the processing of personal data by the designated authorities of Denmark for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences;

⁽¹⁾ OJ L 66, 8.3.2006, p. 38.

⁽²⁾ Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p. 1).

⁽³⁾ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

CONSIDERING that the further conditions set out in Regulation (EU) No 603/2013 as regards the processing of personal data by the designated authorities of the participating States, as well as by Europol, for the purposes of the prevention, detection or investigation of terrorist offences or of other serious criminal offences should also apply;

CONSIDERING that access for the designated authorities of Denmark should be allowed only on condition that comparisons with the national fingerprint databases of the requesting State and with the automated fingerprinting identification systems of all other participating States under Council Decision 2008/615/JHA ⁽⁴⁾ did not lead to the establishment of the identity of the data subject. That condition requires the requesting State to conduct comparisons with the automated fingerprinting identification systems of all other participating States under that Decision which are technically available, unless that requesting State can demonstrate that there are reasonable grounds to believe that it would not lead to the establishment of the identity of the data subject. Such reasonable grounds exist in particular where the specific case does not present any operational or investigative link to a given participating State. That condition requires prior legal and technical implementation of that Decision by the requesting State with regard to dactyloscopic data, as it should not be permitted to conduct a Eurodac check for law enforcement purposes where those above steps have not first been taken;

CONSIDERING that prior to searching Eurodac, designated authorities of Denmark should also, provided that the conditions for a comparison are met, consult the Visa Information System under Council Decision 2008/633/JHA ⁽⁵⁾;

CONSIDERING that the mechanisms regarding amendments provided for in the Agreement of 10 March 2005 should apply to all amendments regarding access to Eurodac for law enforcement purposes;

CONSIDERING that this Protocol is part of the Agreement of 10 March 2005,

HAVE AGREED AS FOLLOWS:

Article 1

1. Regulation (EU) No 603/2013 shall be implemented by Denmark as regards the comparison of fingerprint data with those stored in the Central System of Eurodac for law enforcement purposes as defined in point (i) of Article 2(1) of that Regulation, and shall apply under international law in Denmark's relations with the other participating States.
2. The Member States of the Union except Denmark shall be considered as participating States within the meaning of paragraph 1 of this Article. They shall apply the provisions of Regulation (EU) No 603/2013 which relate to law enforcement access to Denmark.
3. Iceland, Liechtenstein, Norway and Switzerland shall be considered to be participating States within the meaning of paragraph 1 to the extent that an agreement similar to this Protocol is in force between them and the Union which recognises Denmark as a participating State.

Article 2

1. Directive (EU) 2016/680 shall apply as regards the processing of personal data by Denmark arising from the application of this Protocol.
2. In addition to paragraph 1, the conditions set out in Regulation (EU) No 603/2013 as regards the processing of personal data shall apply to Denmark in relation to the processing of personal data by its designated authorities for the purposes laid down in Article 1(2) of that Regulation.

Article 3

The provisions of the Agreement of 10 March 2005 regarding amendments shall apply to all amendments related to access to Eurodac for law enforcement purposes.

⁽⁴⁾ Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 1).

⁽⁵⁾ Council Decision 2008/633/JHA of 23 June 2008 concerning access for consultation of the Visa Information System (VIS) by designated authorities of Member States and by Europol for the purposes of the prevention, detection and investigation of terrorist offences and of other serious criminal offences (OJ L 218, 13.8.2008, p. 129).

Article 4

1. This Protocol shall be ratified or approved by the Parties in accordance with their respective procedures.
2. This Protocol shall enter into force on the first day of the month following the notification by the Parties of the completion of their respective procedures required for this purpose.
3. This Protocol shall not apply before Chapter 6 of Decision 2008/615/JHA has been implemented by Denmark and the evaluation procedures under Chapter 4 of the Annex to Council Decision 2008/616/JHA ⁽⁶⁾ have been completed with regard to dactyloscopic data with regard to Denmark.

Article 5

1. Each Party may withdraw from this Protocol by giving notice to the other Party. That notice shall take effect six months after the date of such notice.
2. This Protocol shall cease to be effective if either the Union or Denmark withdraws from it.
3. This Protocol shall cease to be effective if the Agreement of 10 March 2005 ceases to be effective.
4. A withdrawal from or a termination of this Protocol shall not affect the continued application of the Agreement of 10 March 2005.

Article 6

This Protocol shall be drawn up in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish and Swedish languages, each of these texts being equally authentic.

Съставено в Брюксел на двадесет и седми март две хиляди и деветнадесета година.

Hecho en Bruselas, el veintisiete de marzo de dos mil diecinueve.

V Bruselu dne dvacátého sedmého března dva tisíce devatenáct.

Udfærdiget i Bruxelles den syvogtyvende marts to tusind og nitten.

Geschehen zu Brüssel am siebenundzwanzigsten März zweitausendneunzehn.

Kahe tuhande üheksateistkümnenda aasta märtsikuu kahekümne seitsmendal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις είκοσι επτά Μαρτίου δύο χιλιάδες δεκαεννέα.

Done at Brussels on the twenty-seventh day of March in the year two thousand and nineteen.

Fait à Bruxelles, le vingt-sept mars deux mille dix-neuf.

Sastavljeno u Bruxellesu dvadeset sedmog ožujka godine dvije tisuće devetnaeste.

Fatto a Bruxelles, addì ventisette marzo duemiladiciannove.

Briselē, divi tūkstoši deviņpadsmitā gada divdesmit septītajā martā.

Priimta du tūkstančiai devynioliktų metų kovo dvidešimt septintą dieną Briuselyje.

Kelt Brüsszelben, a kétezertizenkilencedik év március havának huszonhatedik napján.

Magħmul fi Brussell, fis-sebgha u għoxrin jum ta' Marzu fis-sena elfejn u dsatax.

Gedaan te Brussel, zevenentwintig maart tweeduizend negentien.

Sporządzono w Brukseli dnia dwudziestego siódmego marca roku dwa tysiące dziewiętnastego.

Feito em Bruxelas, em vinte e sete de março de dois mil e dezanove.

Întocmit la Bruxelles la douăzeci și șapte martie două mii nouăsprezece.

V Bruseli dvadsiateho siedmeho marca dvetisícdevätnásť.

V Bruslju, dne sedemindvajsetega marca leta dva tisoč devetnajst.

Tehty Brysselissä kahdentenäkymmenentenäseitsemäntenä päivänä maaliskuuta vuonna kaksituhattayhdeksäntoista.

Som skedde i Bryssel den tjugosjunde mars år tjugohundranitton.

⁽⁶⁾ Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).

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

ЗаКралство Дания
Por el Reino de Dinamarca
Za Dánské království
For Kongeriget Danmark
Für das Königreich Dänemark
Taani Kuningriigi nimel
Για το Βασίλειο της Δανίας
For the Kingdom of Denmark
Pour le Royaume de Danemark
Za Kraljevinu Dansku
Per il Regno di Danimarca
Dānijas Karalistes vārdā –
Danijos Karalystės vardu
A Dán Királyság részéről
Għar-Renju tad-Danimarka
Voor het Koninkrijk Denemarken
W imieniu Królestwa Danii
Pelo Reino da Dinamarca
Pentru Regatul Danemarcei
Za Dánske kráľovstvo
Za Kraljevino Dansko
Tanskan kuningaskunnan puolesta
På Konungariket Danmark

COUNCIL DECISION (EU) 2019/837**of 14 May 2019**

on the conclusion, on behalf of the Union, of the Arrangement between the European Union, of the one part, and the Kingdom of Norway, the Republic of Iceland, the Swiss Confederation and the Principality of Liechtenstein, of the other part, on the participation by those States in the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 74, points (a) and (b) of Article 77(2), point (e) of Article 78(2), point (c) of Article 79(2), point (d) of Article 82(1), Article 85(1), point (a) of Article 87(2) and Article 88(2), in conjunction with point (a)(v) of Article 218(6) thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) Regulation (EU) No 1077/2011 of the European Parliament and of the Council ⁽²⁾ established the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (the 'Agency').
- (2) Regulation (EU) No 1077/2011 provided that, under the relevant provisions of their association agreements, arrangements are to be made in order to specify, inter alia, the nature and extent of, and the detailed rules for, the participation of countries associated with the implementation, application and development of the Schengen *acquis* and Eurodac-related measures in the work of the Agency, including provisions on financial contributions, staff and voting rights.
- (3) The Commission negotiated, on behalf of the Union, an Arrangement between the European Union, of the one part, and the Kingdom of Norway, the Republic of Iceland, the Swiss Confederation and the Principality of Liechtenstein, of the other part, on the participation by those States in the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (the 'Arrangement'). In accordance with Council Decision (EU) 2018/1549 ⁽³⁾, the Arrangement was signed on 8 November 2018 subject to its conclusion.
- (4) On 14 November 2018 Regulation (EU) 2018/1726 of the European Parliament and of the Council ⁽⁴⁾ was adopted. Regulation (EU) 2018/1726 repealed Regulation (EU) No 1077/2011. As specified in Regulation (EU) 2018/1726, the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice, as established by that Regulation, replaces and succeeds the Agency, as established by Regulation (EU) No 1077/2011. In accordance with Regulation (EU) 2018/1726, references to the repealed Regulation (EU) No 1077/2011 are to be construed as references to Regulation (EU) 2018/1726 and are to be read in accordance with the correlation table in the Annex to that Regulation.
- (5) As specified in recital 52 of Regulation (EU) 2018/1726, the United Kingdom is taking part in and is bound by that Regulation. Ireland requested to take part in Regulation (EU) 2018/1726 in accordance with Protocol No 19 on the Schengen *acquis* integrated into the framework of the European Union, annexed to the Treaty on European Union (TEU) and to the Treaty on the Functioning of the European Union (TFEU), and notified its wish to accept Regulation (EU) 2018/1726 in accordance with Article 4 of Protocol No 21 on the position of the

⁽¹⁾ Consent of 13 March 2019 (not yet published in the Official Journal).

⁽²⁾ Regulation (EU) No 1077/2011 of the European Parliament and of the Council of 25 October 2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 286, 1.11.2011, p. 1).

⁽³⁾ Council Decision (EU) 2018/1549 of 11 October 2018 on the signing, on behalf of the Union, of the Arrangement between the European Union, of the one part, and the Kingdom of Norway, the Republic of Iceland, the Swiss Confederation and the Principality of Liechtenstein, of the other part, on the participation by those States in the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 260, 17.10.2018, p. 1).

⁽⁴⁾ Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), and amending Regulation (EC) No 1987/2006 and Council Decision 2007/533/JHA and repealing Regulation (EU) No 1077/2011 (OJ L 295, 21.11.2018, p. 99).

United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the TEU and to the TFEU. The United Kingdom and Ireland should therefore give effect to Article 42 of Regulation (EU) 2018/1726 by taking part in this Decision. The United Kingdom and Ireland are therefore taking part in this Decision.

- (6) As specified in recital 51 of Regulation (EU) 2018/1726, Denmark is not taking part in and is not bound by that Regulation. Denmark is therefore not taking part in this Decision. Given that this Decision, insofar as it relates to the Schengen Information System (SIS II) established by Regulation (EC) No 1987/2006 of the European Parliament and of the Council ⁽⁵⁾ and by Council Decision 2007/533/JHA ⁽⁶⁾, to the Visa Information System (VIS) established by Council Decision 2004/512/EC, ⁽⁷⁾ to the Entry/Exit System (EES) established by Regulation (EU) 2017/2226 of the European Parliament and of the Council ⁽⁸⁾ and to the European Travel Information and Authorisation System (ETIAS) established by Regulation (EU) 2018/1240 of the European Parliament and of the Council ⁽⁹⁾, builds upon the Schengen *acquis*, Denmark shall in accordance with Article 4 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, decide within a period of six months after the Council has decided on this Decision whether it will implement it in its national law.

In accordance with Article 3 of the Agreement between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention ⁽¹⁰⁾, Denmark is to notify the Commission whether it will implement the content of this Decision, insofar as it relates to Eurodac and DublinNet.

- (7) The Arrangement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Arrangement between the European Union, of the one part, and the Kingdom of Norway, the Republic of Iceland, the Swiss Confederation and the Principality of Liechtenstein, of the other part, on the participation by those States in the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice is hereby approved on behalf of the Union ⁽¹¹⁾.

The text of the Arrangement is attached to this Decision.

Article 2

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

Done at Brussels, 14 May 2019.

For the Council

The President

P. DAEA

⁽⁵⁾ Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381, 28.12.2006, p. 4).

⁽⁶⁾ Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 205, 7.8.2007, p. 63).

⁽⁷⁾ Council Decision 2004/512/EC of 8 June 2004 establishing the Visa Information System (VIS) (OJ L 213, 15.6.2004, p. 5).

⁽⁸⁾ Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20).

⁽⁹⁾ Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1).

⁽¹⁰⁾ OJ L 66, 8.3.2006, p. 38.

⁽¹¹⁾ The date of entry into force of the Arrangement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

ARRANGEMENT

between the European Union, of the one part, and the Kingdom of Norway, the Republic of Iceland, the Swiss Confederation and the Principality of Liechtenstein, of the other part, on the participation by those states in the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice

THE EUROPEAN UNION,

of the one part, and

THE KINGDOM OF NORWAY, hereinafter referred to as 'Norway',

THE REPUBLIC OF ICELAND, hereinafter referred to as 'Iceland',

THE SWISS CONFEDERATION, hereinafter referred to as 'Switzerland', and

THE PRINCIPALITY OF LIECHTENSTEIN, hereinafter referred to as 'Liechtenstein',

of the other part,

Having regard to the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* ⁽¹⁾, hereinafter referred to as 'the Iceland and Norway Schengen Association Agreement';

Having regard to the Agreement between the European Community and the Republic of Iceland and the Kingdom of Norway concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Iceland or Norway ⁽²⁾, hereinafter referred to as 'the Iceland and Norway Dublin/Eurodac Association Agreement';

Having regard to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽³⁾, hereinafter referred to as 'the Switzerland Schengen Association Agreement';

Having regard to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland ⁽⁴⁾, hereinafter referred to as 'the Switzerland Dublin/Eurodac Association Agreement';

Having regard to the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* ⁽⁵⁾, hereinafter referred to as 'the Liechtenstein Schengen Association Protocol';

Having regard to the Protocol between the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Community and the Swiss Confederation concerning the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in a Member State or in Switzerland ⁽⁶⁾, hereinafter referred to as 'the Liechtenstein Dublin/Eurodac Association Protocol',

⁽¹⁾ OJ L 176, 10.7.1999, p. 36.

⁽²⁾ OJ L 93, 3.4.2001, p. 40.

⁽³⁾ OJ L 53, 27.2.2008, p. 52.

⁽⁴⁾ OJ L 53, 27.2.2008, p. 5.

⁽⁵⁾ OJ L 160, 18.6.2011, p. 21.

⁽⁶⁾ OJ L 160, 18.6.2011, p. 39.

Whereas:

- (1) By means of Regulation (EU) No 1077/2011 of the European Parliament and of the Council ⁽⁷⁾, the European Union established the European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice, hereinafter referred to as 'the Agency'.
- (2) As regards Iceland and Norway, Regulation (EU) No 1077/2011 constitutes, insofar as it relates to the Schengen Information System (SIS II), the Visa Information System (VIS) and the Entry/Exit System (EES), a development of the provisions of the Schengen *acquis* within the meaning of the Iceland and Norway Schengen Association Agreement. Insofar as it relates to Eurodac and DubliNet, Regulation (EU) No 1077/2011 constitutes a new measure within the meaning of the Iceland and Norway Dublin/Eurodac Association Agreement.
- (3) As regards Switzerland, Regulation (EU) No 1077/2011 constitutes, insofar as it relates to SIS II, VIS and the EES a development of the provisions of the Schengen *acquis* within the meaning of the Switzerland Schengen Association Agreement. Insofar as it relates to Eurodac and DubliNet, Regulation (EU) No 1077/2011 constitutes a new measure within the meaning of the Switzerland Dublin/Eurodac Association Agreement.
- (4) As regards Liechtenstein, Regulation (EU) No 1077/2011 constitutes, insofar as it relates to SIS II, VIS and the EES, a development of the provisions of the Schengen *acquis* within the meaning of the Liechtenstein Schengen Association Protocol. Insofar as it relates to Eurodac and DubliNet, Regulation (EU) No 1077/2011 constitutes a new measure within the meaning of the Liechtenstein Dublin/Eurodac Association Protocol.
- (5) Regulation (EU) No 1077/2011 provides that under the relevant provisions of their association agreements, arrangements are to be made in order to specify, inter alia, the nature and extent of, and the detailed rules for, the participation of countries associated with the implementation, application and development of the Schengen *acquis* and Dublin- and Eurodac-related measures in the work of the Agency, including provisions on financial contributions, staff and voting rights.
- (6) The Association Agreements do not address the modalities of the association of Norway, Iceland, Switzerland and Liechtenstein with the activities of new bodies set up by the European Union in the framework of further development of the Schengen *acquis* and Eurodac-related measures, and certain aspects of the association with the Agency should be settled in an additional arrangement between the Contracting Parties to the Association Agreements.
- (7) Gross national product (GNP) figures are no longer collected by the Commission (Eurostat) and therefore the financial contributions of Norway and Iceland should be calculated on the basis of gross domestic product (GDP) figures, as is the case for the contributions of Switzerland and Liechtenstein, despite the references to GNP in the Iceland and Norway Schengen Association Agreement and the Iceland and Norway Dublin/Eurodac Association Agreement,

HAVE AGREED AS FOLLOWS:

Article 1

Extent of participation

Norway, Iceland, Switzerland and Liechtenstein shall participate fully in the activities of the Agency as described in Regulation (EU) No 1077/2011 and in accordance with the terms set out in this Arrangement.

Article 2

Management Board

1. Norway, Iceland, Switzerland and Liechtenstein shall be represented in the Management Board of the Agency as laid down in Article 13(5) of Regulation (EU) No 1077/2011.

⁽⁷⁾ Regulation (EU) No 1077/2011 of the European Parliament and of the Council of 25 October 2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 286, 1.11.2011, p. 1), as last amended by Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20).

2. Limited to the information systems in which they participate, Norway, Iceland, Switzerland and Liechtenstein shall have voting rights as regards the following:
- (a) decisions on testing and on technical specifications concerning the development and operational management of the systems and the communication infrastructure;
 - (b) decisions on tasks relating to training on the technical use of SIS II, VIS, Eurodac and the EES under, respectively, Articles 3, 4, 5 and 5a of Regulation (EU) No 1077/2011, except on the establishment of the common core curriculum;
 - (c) decisions on tasks relating to training on the technical use of other large-scale IT systems, under Article 6 of Regulation (EU) No 1077/2011 except on the establishment of the common core curriculum;
 - (d) decisions on the adoption of the reports on the technical functioning of SIS II, VIS and the EES, under point (t) of Article 12(1) of Regulation (EU) No 1077/2011;
 - (e) decisions on the adoption of the annual report on the activities of the Central System of Eurodac, under point (u) of Article 12(1) of Regulation (EU) No 1077/2011;
 - (f) decisions on the adoption of the reports on the development of the EES, under point (sa) of Article 12(1) of Regulation (EU) No 1077/2011;
 - (g) decisions on the publication of statistics related to SIS II, under point (w) of Article 12(1) of Regulation (EU) No 1077/2011;
 - (h) decisions on the compilation of statistics on the work of the Central System of Eurodac, under point (x) of Article 12(1) of Regulation (EU) No 1077/2011;
 - (i) decisions on the publication of statistics related to the EES, under point (xa) of Article 12(1) of Regulation (EU) No 1077/2011;
 - (j) decisions on the annual publication of the list of competent authorities authorised to search directly the data contained in SIS II, under point (y) of Article 12(1) of Regulation (EU) No 1077/2011;
 - (k) decisions on the annual publication of the list of units pursuant to Article 27(2) of Regulation (EU) No 603/2013 of the European Parliament and of the Council⁽⁸⁾, under point (z) of Article 12(1) of Regulation (EU) No 1077/2011;
 - (l) decisions on the list of competent authorities pursuant to Article 65(2) of Regulation (EU) 2017/2226, under point (za) of Article 12(1) of Regulation (EU) No 1077/2011;
 - (m) decisions on reports on the technical functioning of other large-scale IT systems entrusted to the Agency by a new legislative act or measure which constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Iceland and Norway Schengen Association Agreement, the Switzerland Schengen Association Agreement and the Liechtenstein Schengen Association Protocol or by a new legislative act or measure within the meaning of the Iceland and Norway Dublin/Eurodac Association Agreement, the Switzerland Dublin/Eurodac Association Agreement and the Liechtenstein Dublin/Eurodac Association Protocol;
 - (n) decisions on the publication of statistics related to other large-scale IT systems entrusted to the Agency by a new legislative act or measure which constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Iceland and Norway Schengen Association Agreement, the Switzerland Schengen Association Agreement and the Liechtenstein Schengen Association Protocol or by a new legislative act or measure within the meaning of the Iceland and Norway Dublin/Eurodac Association Agreement, the Switzerland Dublin/Eurodac Association Agreement and the Liechtenstein Dublin/Eurodac Association Protocol;

⁽⁸⁾ Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (OJ L 180, 29.6.2013, p. 1).

- (o) decisions on the annual publication of the list of competent authorities which have access to the data recorded in other large-scale IT systems entrusted to the Agency by a new legislative act or measure which constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Iceland and Norway Schengen Association Agreement, the Switzerland Schengen Association Agreement and the Liechtenstein Schengen Association Protocol or by a new legislative act or measure within the meaning of the Iceland and Norway Dublin/Eurodac Association Agreement, the Switzerland Dublin/Eurodac Association Agreement and the Liechtenstein Dublin/Eurodac Association Protocol.

If the decisions referred to in points (a) to (o) are taken in the context of the multiannual or annual work programme, the voting procedures in the Management Board shall ensure that Norway, Iceland, Switzerland and Liechtenstein are enabled to vote.

- 3. Norway, Iceland, Switzerland and Liechtenstein shall be allowed to express opinions on all issues on which they are not entitled to vote.

Article 3

Advisory Groups

- 1. Norway, Iceland, Switzerland and Liechtenstein shall be represented in the Advisory Groups of the Agency as laid down in Article 19(2) of Regulation (EU) No 1077/2011.
- 2. They shall have voting rights as regards the opinions of the Advisory Groups on the decisions referred to in Article 2(2).
- 3. They shall be allowed to express opinions on all issues on which they are not entitled to vote.

Article 4

Financial contributions

- 1. The individual contributions of Norway, Iceland, Switzerland and Liechtenstein to the revenue of the Agency shall be limited to the information systems in which the respective State participates.
- 2. Norway, Iceland, Switzerland and Liechtenstein shall contribute to the revenue of the Agency, as regards SIS II and VIS, an annual sum calculated in accordance with the percentage of the GDP of their countries in relation with the GDP of all participating States in accordance with the formula laid down in Annex I, pursuant to Article 11(3) of the Switzerland Schengen Association Agreement and Article 3 of the Liechtenstein Schengen Association Protocol, which refers to the contribution method referred to in Article 11(3) of the Switzerland Schengen Association Agreement, and by way of derogation from Article 12(1) of the Iceland and Norway Schengen Association Agreement, which refers to GNP.
- 3. Norway, Iceland, Switzerland and Liechtenstein shall contribute to the revenue of the Agency, as regards the EES, an annual sum calculated in accordance with the percentage of the GDP of their countries in relation with the GDP of all participating States in accordance with the formula laid down in Annex I, pursuant to Article 11(3) of the Switzerland Schengen Association Agreement and Article 3 of the Liechtenstein Schengen Association Protocol, which refers to the contribution method referred to in Article 11(3) of the Switzerland Schengen Association Agreement, and by way of derogation from Article 12(1) of the Iceland and Norway Schengen Association Agreement, which refers to GNP.
- 4. Norway, Iceland, Switzerland and Liechtenstein shall contribute to the revenue of the Agency, as regards Eurodac, an annual sum, calculated in accordance with the formula laid down in Annex I in accordance with the first subparagraph of Article 9(1) of the Iceland and Norway Dublin/Eurodac Association Agreement, the first subparagraph of Article 8(1) of the Switzerland Dublin/Eurodac Association Agreement and Article 6 of the Liechtenstein Dublin/Eurodac Association Protocol.
- 5. Norway, Iceland, Switzerland and Liechtenstein shall contribute to the revenue of the Agency, as regards DubliNet, an annual sum calculated in accordance with the percentage of the GDP of their countries in relation with the GDP of all participating States in accordance with the formula laid down in Annex I, pursuant to the second subparagraph of Article 8(1) of the Switzerland Dublin/Eurodac Association Agreement, to Article 3 of the Liechtenstein Dublin/Eurodac Association Protocol, which refers to the contribution method referred to in the second subparagraph of Article 8(1) of the Switzerland Dublin/Eurodac Association Agreement, and by way of derogation from the second subparagraph of Article 9(1) of the Iceland and Norway Dublin/Eurodac Association Agreement, which refers to GNP.

6. As far as titles 1 and 2 of the Agency budget are concerned, the financial contribution referred to in paragraphs 2 and 4 is due as of 1 December 2012, the date on which the Agency took up its responsibilities. The financial contribution referred to in paragraph 5 is due as of 31 July 2014, the date on which the technical support for the operational management of DubliNet was transferred to the Agency. The financial contribution referred to in paragraph 3 is due as of 29 December 2017, the date on which the Agency became responsible for the development and operational management of the EES. The financial contributions shall be payable as from the day following the entry into force of this Arrangement, including the amounts due for the period between 1 December 2012 and the date of its entry into force.

As far as title 3 of the Agency budget is concerned, the financial contribution referred to in paragraphs 2 and 4 is due and payable as of 1 December 2012, the financial contribution referred to in paragraph 5 as of 31 July 2014 and the financial contribution referred to in paragraph 3 as of 29 December 2017 on the basis of the respective Association Agreements and the Association Protocol.

7. Where a new legislative act or measure which constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Iceland and Norway Schengen Association Agreement, the Switzerland Schengen Association Agreement and the Liechtenstein Schengen Association Protocol extends the mandate of the Agency by entrusting it with the development and/or operational management of other large-scale information systems, Norway, Iceland, Switzerland and Liechtenstein shall contribute to the revenue of the Agency an annual sum calculated in accordance with the percentage of the GDP of their countries in relation with the GDP of all participating States in accordance with the formula laid down in Annex I, pursuant to Article 11(3) of the Switzerland Schengen Association Agreement and Article 3 of the Liechtenstein Schengen Association Protocol, which refers to the contribution method referred to in Article 11(3) of the Switzerland Schengen Association Agreement, and by way of derogation from Article 12(1) of the Iceland and Norway Schengen Association Agreement, which refers to GNP.

8. Where a new legislative act or measure within the meaning of the Iceland and Norway Dublin/Eurodac Association Agreement, the Switzerland Dublin/Eurodac Association Agreement and the Liechtenstein Dublin/Eurodac Association Protocol extends the mandate of the Agency by entrusting it with the development and/or operational management of other large-scale information systems, Norway, Iceland, Switzerland and Liechtenstein shall contribute to the revenue of the Agency an annual sum calculated in accordance with the percentage of the GDP of their countries in relation with the GDP of all participating States in accordance with the formula laid down in Annex I, pursuant to the second subparagraph of Article 8(1) of the Switzerland Dublin/Eurodac Association Agreement, to Article 3 of the Liechtenstein Dublin/Eurodac Association Protocol, which refers to the contribution method referred to in the second subparagraph of Article 8(1) of the Switzerland Dublin/Eurodac Association Agreement, and by way of derogation from the second subparagraph of Article 9(1) of the Iceland and Norway Dublin/Eurodac Association Agreement, which refers to GNP.

9. If Norway, Iceland, Switzerland and Liechtenstein have already contributed to the development or operational management of a large-scale IT system through other Union funding instruments, or if the development and/or operational management of a large-scale IT system is financed by fees or other assigned revenues, the relevant contributions of Norway, Iceland, Switzerland and Liechtenstein to the Agency shall be adjusted accordingly.

Article 5

Legal status

The Agency shall have legal personality under the law of Norway, Iceland, Switzerland and Liechtenstein and shall enjoy in those States the most extensive legal capacity accorded to legal persons under the law of those States. It may, in particular, acquire or dispose of movable and immovable property and may be party to legal proceedings.

Article 6

Liability

The liability of the Agency shall be governed by Article 24(1), (3) and (5) of Regulation (EU) No 1077/2011.

Article 7

Court of Justice of the European Union

Norway, Iceland, Switzerland and Liechtenstein shall recognise the jurisdiction of the Court of Justice of the European Union over the Agency, as provided for in Article 24(2) and (4) of Regulation (EU) No 1077/2011.

Article 8

Privileges and immunities

Norway, Iceland, Switzerland and Liechtenstein shall apply to the Agency and to its staff the rules governing privileges and immunities laid down in Annex II, which are derived from the Protocol on Privileges and Immunities of the European Union, as well as any rules adopted pursuant to that Protocol relating to staff matters of the Agency.

Article 9

Staff of the Agency

1. In accordance with Article 20(1) and Article 37 of Regulation (EU) No 1077/2011, the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union, the rules adopted jointly by the European Union institutions for the purposes of applying those Staff Regulations and the implementing rules adopted by the Agency in accordance with Article 20(8) of Regulation (EU) No 1077/2011 shall apply to nationals of Norway, Iceland, Switzerland and Liechtenstein recruited as staff of the Agency.
2. By way of derogation from point (a) of Article 12(2) and point (a) of Article 82(3) of the Conditions of Employment of Other Servants of the European Union, nationals of Norway, Iceland, Switzerland and Liechtenstein enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency in accordance with the existing rules for selection and engagement of staff adopted by the Agency.
3. Article 20(6) of Regulation (EU) No 1077/2011 shall apply *mutatis mutandis* to the nationals of Norway, Iceland, Switzerland and Liechtenstein.
4. Nationals of Norway, Iceland, Switzerland and Liechtenstein may not, however, be appointed to the post of the Executive Director of the Agency.

Article 10

Seconded officials and experts

As regards seconded officials and experts, the following provisions apply:

- (a) any emoluments, allowances and other payments paid by the Agency shall be exempt from national taxes;
- (b) for as long as they remain covered by the social security system in the country from which they are seconded to the Agency, they shall be exempt from all compulsory contributions to the social security organisations of the host countries of the Agency. Consequently, during that time they shall not be covered by the social security regulations of the host country of the Agency in which they work, unless they voluntarily join the social security system of that country.

The provisions of this point shall apply, *mutatis mutandis*, to the members of the family forming part of the household of the seconded experts, unless they are employed by an employer other than the Agency or receive social security benefits from a host country of the Agency.

Article 11

Combating fraud

1. As far as Norway is concerned, the provisions set out in Article 35 of Regulation (EU) No 1077/2011 shall be applied and the European Anti-Fraud Office (OLAF) and the Court of Auditors may exercise the powers conferred on them.

OLAF and the Court of Auditors shall inform *Riksrevisjonen* in good time of any intention to carry out on-the-spot checks or audits, which, if the Norwegian authorities so wish, may be carried out jointly with *Riksrevisjonen*.

2. As far as Iceland is concerned, the provisions set out in Article 35 of Regulation (EU) No 1077/2011 shall be applied and OLAF and the Court of Auditors may exercise the powers conferred on them.

OLAF and the Court of Auditors shall inform *Ríkisendurskoðun* in good time of any intention to carry out on-the-spot checks or audits, which, if the Icelandic authorities so wish, may be carried out jointly with *Ríkisendurskoðun*.

3. As far as Switzerland is concerned, the provisions with regard to Article 35 of Regulation (EU) No 1077/2011 relating to financial control by the European Union in Switzerland concerning the Swiss participants in the activities of the Agency are set out in Annex III.

4. As far as Liechtenstein is concerned, the provisions with regard to Article 35 of Regulation (EU) No 1077/2011 relating to financial control by the European Union in Liechtenstein concerning the participants from Liechtenstein in the activities of the Agency are set out in Annex IV.

Article 12

Dispute settlement

1. In the case of a dispute concerning the application of this Arrangement, the matter shall be officially entered as a matter of dispute on the agenda of the Mixed Committee at ministerial level.

2. The Mixed Committee shall have 90 days from the date of adoption of the agenda on which the dispute has been entered within which to settle the dispute.

3. In cases where a dispute concerning Schengen related matters cannot be settled by the Mixed Committee within the period of 90 days referred to in paragraph 2, a further period of 30 days shall be observed for reaching a final settlement. If no final settlement is reached, this Arrangement shall be terminated with respect to the State the dispute concerns six months after the expiry of the 30-day period.

4. In cases where a dispute concerning Eurodac-related matters cannot be settled by the Joint/Mixed Committee within the period of 90 days referred to in paragraph 2, a further period of 90 days shall be observed for reaching a final settlement. If the Joint/Mixed Committee has not taken a decision at the end of that period, this Arrangement shall be considered terminated with respect to the State the dispute concerns at the end of the last day of that period.

Article 13

Annexes

The Annexes to this Arrangement shall constitute an integral part of this Arrangement.

Article 14

Entry into force

1. The Secretary-General of the Council of the European Union shall act as the depositary for this Arrangement.

2. The European Union, Norway, Iceland, Switzerland and Liechtenstein shall approve this Arrangement in accordance with their own procedures.

3. The entry into force of this Arrangement shall require approval by the European Union and at least one other Party to this Arrangement.

4. This Arrangement shall enter into force in relation to any Party to this Arrangement on the first day of the first month following the deposit of its instrument of approval with the depositary.

Article 15

Validity and termination

1. This Arrangement shall be concluded for an unlimited period.

2. As regards Iceland and Norway, this Arrangement shall cease to be in force six months after the Iceland and Norway Schengen Association Agreement is denounced by Iceland or by Norway or by decision of the Council of the European Union, or is otherwise terminated in accordance with the procedures laid down in Article 8(4) or 11(3) or Article 16 of that Agreement. This Arrangement shall also cease to be in force six months after the Iceland and Norway Dublin/Eurodac Association Agreement is terminated or denounced in accordance with the procedures laid down in Article 4(7) or 8(3) or Article 15 of that Agreement.

The agreement referred to in Article 17 of the Iceland and Norway Schengen Association Agreement shall also cover the consequences of termination of this Arrangement.

3. As regards Switzerland, this Arrangement shall cease to be in force six months after the Switzerland Schengen Association Agreement is denounced by Switzerland or by decision of the Council of the European Union, or is otherwise terminated in accordance with the procedures laid down in Article 7(4) or 10(3) or Article 17 of that Agreement. It shall also cease to be in force six months after the Switzerland Dublin/Eurodac Association Agreement is terminated or denounced in accordance with the procedures laid down in Article 4(7) or 7(3) or Article 16 of that Agreement.

4. As regards Liechtenstein, this Arrangement shall cease to be in force six months after the Liechtenstein Schengen Association Protocol is denounced by Liechtenstein or by decision of the Council of the European Union, or is otherwise terminated in accordance with the procedures laid down in Article 3 or Article 5(4), 11(1) or 11(3) of that Protocol. It shall also cease to be in force six months after the Liechtenstein Dublin/Eurodac Association Protocol is terminated or denounced in accordance with the procedures laid down in Article 3 or Article 5(7), 11(1) or 11(3) of that Protocol.

5. This Arrangement shall be drawn up in a single original in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish, Icelandic and Norwegian languages, each of those texts being equally authentic.

Съставено в Брюксел на осми ноември две хиляди и осемнадесета година.

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

V Bruselu dne osmého listopadu dva tisíce osmnáct.

Udfærdiget i Bruxelles den ottende november to tusind og atten.

Geschehen zu Brüssel am achten November zweitausendachtzehn.

Kahe tuhande kaheksateistkümnenda aasta novembrikuu kaheksandal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις οκτώ Νοεμβρίου δύο χιλιάδες δεκαοκτώ.

Done at Brussels on the eighth day of November in the year two thousand and eighteen.

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

Sastavljeno u Bruxellesu osmog studenoga godine dvije tisuće osamnaeste.

Fatto a Bruxelles, addì otto novembre duemiladiciotto.

Briselē, divi tūkstoši astoņpadsmitā gada astotajā novembrī.

Priimta du tūkstančiai aštuonioliktų metų lapkričio aštuntą dieną Briuselyje.

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

Magħmul fi Brussell, fit-tmien jum ta' Novembru fis-sena elfejn u tmintax.

Gedaan te Brussel, acht november tweeduizend achttien.

Sporządzono w Brukseli dnia ósmego listopada roku dwa tysiące osiemnastego.

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

Întocmit la Bruxelles la opt noiembrie două mii optsprezece.

V Bruseli ôsmeho novembra dvetisícosemnást.

V Bruslju, dne osmega novembra leta dva tisoč osemnajst.

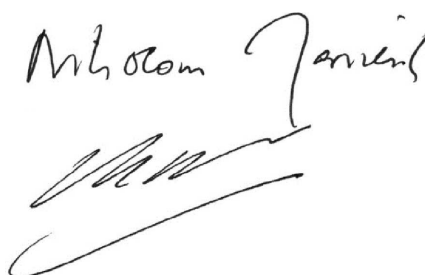
Tehty Brysselissä kahdeksantena päivänä marraskuuta vuonna kaksituhattakahdeksantoista.

Som skedde i Bryssel den åttonde november år tjugohundraarton.

Utferdiget i Brussel, den åttende november totusenogatten.

Gjört í Brussel hinn áttunda dag nóvembermánaðar árið tvö þúsund og átján.

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



For Kongeriket Norge



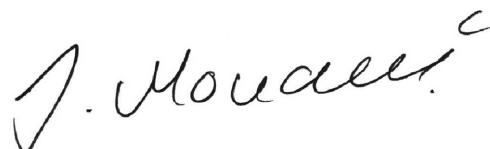
Fyrir Ísland



Für die Schweizerische Eidgenossenschaft
Pour la Confédération suisse
Per la Confederazione Svizzera



Für das Fürstentum Liechtenstein



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ANNEX I

FORMULA TO CALCULATE THE CONTRIBUTION

1. The financial contribution of Norway, Iceland, Switzerland and Liechtenstein to the revenue of the Agency referred to in point (b) of Article 32(1) of Regulation (EU) No 1077/2011 is calculated as follows:

Title 3

- 1.1. As regards SIS II, VIS and the EES and any other large-scale information systems which are entrusted to the Agency by a legislative act or measure which constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Iceland and Norway Schengen Association Agreement, the Switzerland Schengen Association Agreement and the Liechtenstein Schengen Association Protocol, the most updated final figures for the GDP of each associated country available when the invoicing is done in year $n + 1$ for year n shall be divided by the sum of the GDP figures of all the States participating in the Agency available for year n . The obtained percentage will be multiplied by the total payments for title 3 of the Agency budget for the abovementioned systems executed in year n in order to obtain the contribution for each associated country.
- 1.2. As regards Eurodac, the contribution of each associated country shall consist of an annual sum of a fixed percentage (for Liechtenstein it is 0,071 %, for Norway it is 4,995 %, for Iceland it is 0,1 % and for Switzerland it is 7,286 %) of the relevant budget appropriations for the budgetary year. The contribution of each associated country is calculated in year $n + 1$ and is obtained by multiplying the fixed percentage by the total payments for title 3 of the Agency budget for Eurodac executed in the year n .
- 1.3. As regards DubliNet and any other large-scale information systems which are entrusted to the Agency by a legislative act or measure within the meaning of the Iceland and Norway Dublin/Eurodac Association Agreement, the Switzerland Dublin/Eurodac Association Agreement and the Liechtenstein Dublin/Eurodac Association Protocol, the most updated final figures for the GDP of each associated country available when the invoicing is done in year $n + 1$ for year n shall be divided by the sum of the GDP figures of all the States participating in the Agency available for year n . The obtained percentage will be multiplied by the total payments for title 3 of the Agency budget for the abovementioned systems executed in year n in order to obtain the contribution for each associated country.

Titles 1 and 2

- 1.4. The contribution of each associated country to titles 1 and 2 of the Agency budget for the systems referred to in paragraphs 1.1, 1.2 and 1.3 shall be obtained by dividing the most updated final figures for the GDP of each associated country available when the invoicing is done in year $n + 1$ for year n by the sum of the GDP figures of all the States participating in the Agency available for year n . The obtained percentage will be multiplied by the total payments for titles 1 and 2 of the Agency budget for the systems referred to in paragraphs 1.1, 1.2 and 1.3 executed in year n .
 - 1.5. Should there be any additional large-scale IT systems entrusted to the Agency in which the associated countries would not participate, the calculation regarding the contribution of the associated countries to titles 1 and 2 shall be revised accordingly.
2. The financial contribution shall be paid in euros.
 3. Each associated country shall pay its financial contribution no later than 45 days after receiving of the debit note. Any delay in the payment of the contribution shall give rise to the payment of default interest on the outstanding amount from the due date. The interest rate shall be the rate applied by the European Central Bank to its main refinancing operations, as published in the C series of the *Official Journal of the European Union*, in force on the first day of the month in which the deadline falls, increased by 3,5 percentage points.

4. Each associated country's financial contribution shall be adapted in accordance with this Annex in the event of an amendment to the financial contribution from the European Union entered in the general budget of the European Union in accordance with Article 44 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council ⁽¹⁾.
-

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

ANNEX II

PRIVILEGES AND IMMUNITIES

1. The premises and buildings of the Agency shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Agency shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.
2. The archives of the Agency shall be inviolable.
3. The Agency, its assets, revenues and other property shall be exempt from all direct taxes.

Goods and services exported to the Agency for its official use from Norway, Iceland, Switzerland and Liechtenstein shall not be subject to any indirect duties or taxes.

In the case of goods and services provided to the Agency in Norway, Iceland, Switzerland and Liechtenstein for its official use, exemption from VAT shall be granted by way of refund or remit.

In the case of goods provided to the Agency in Norway, Iceland, Switzerland and Liechtenstein for its official use, exemption from excise duty shall be granted by way of refund or remit.

Any other indirect taxes payable by the Agency in Norway, Iceland, Switzerland and Liechtenstein shall be refunded or remitted.

As a rule, refund applications shall be processed within three months.

No exemption shall be granted in respect of taxes and dues, which amount merely to charges for public utility services.

The modalities of exemption from VAT, excise duty and other indirect taxes in Norway, Iceland, Switzerland and Liechtenstein are laid down in the Appendices to this Annex. Norway, Iceland, Switzerland and Liechtenstein shall notify the European Commission and the Agency of any modification to their respective Appendix. Such notification shall, if possible, be given two months before the modifications enter into force. The European Commission shall inform the Member States of the Union of the modifications.

4. The Agency shall be exempt from all customs duties, prohibitions and restrictions on imports and exports in respect of articles intended for its official use: articles so imported shall not be disposed of, whether or not in return for payment, in the territory of the country into which they have been imported, except under conditions approved by the government of that country.

The Agency shall also be exempt from any customs duties and any prohibitions and restrictions on import and exports in respect of its publications.

5. For its official communications and the transmission of all its documents, the Agency shall enjoy in the territory of each associated country the treatment accorded by that State to diplomatic missions.

Official correspondence and other official communications of the Agency shall not be subject to censorship.

6. Representatives of Member States of the Union, as well as those of Norway, Iceland, Switzerland and Liechtenstein taking part in the work of the Agency, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.
7. In the territory of Norway, Iceland, Switzerland and Liechtenstein and whatever their nationality, staff members of the Agency within the meaning of Article 1 of Regulation (Euratom, ECSC, EEC) No 549/69 of the Council ⁽¹⁾ shall:
 - (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of officials and other servants towards the Union and, on the other hand, to the jurisdiction of the Court of Justice of the European Union in disputes between the Agency and its staff members, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office;

⁽¹⁾ Regulation (Euratom, ECSC, EEC) No 549/69 of the Council of 25 March 1969 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Article 13 and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply (OJ L 74, 27.3.1969, p. 1), as last amended by Council Regulation (EC) No 371/2009 of 27 November 2008 (OJ L 121, 15.5.2009, p. 1).

(b) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations.

8. Staff members of the Agency shall be liable to a tax for the benefit of the Union on salaries, wages and emoluments paid to them by the Agency, in accordance with the conditions and procedure laid down by the European Parliament and the Council.

Staff members of the Agency within the meaning of Article 2 of Regulation (Euratom, ECSC, EEC) No 549/69 shall be exempt from national, federal, cantonal, regional, municipal and communal taxes on salaries, wages and emoluments paid by the Agency. As regards Switzerland, this exemption shall be granted in accordance with the principles of its national law.

Staff members of the Agency shall not be obliged to be members of the Norwegian, Icelandic, Swiss or Liechtenstein social security system provided they are already covered by the scheme of social security benefits for officials and other servants of the Union. Members of the family of staff members of the Agency forming part of their household shall be covered by the Joint Sickness Insurance Scheme of the European Union provided that they are not employed by another employer than the Agency and provided that they do not receive social security benefits from a Member State of the Union or from Norway, Iceland, Switzerland or Liechtenstein.

9. In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Norway, Iceland, Switzerland or Liechtenstein and Member States of the Union, staff members of the Agency within the meaning of Article 3 of Regulation (Euratom, ECSC, EEC) No 549/69 who, solely by reason of the performance of their duties in the service of the Agency, establish their residence in the territory of a Member State of the Union which was not their country of domicile for tax purposes at the time of entering the service of the Agency, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a Member State of the Union, or that it is Norway, Iceland, Switzerland or Liechtenstein. This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this provision.

Movable property belonging to persons referred to in the preceding paragraph and situated in the territory of a Member State of the Union where they are staying shall be exempt from death duties in that country; such property shall, for the assessment of such duty, be considered as being in the country of domicile for tax purposes, subject to the rights of third countries and to the possible application of provisions of international conventions on double taxation.

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the two preceding paragraphs.

10. Privileges, immunities and facilities shall be accorded to staff members of the Agency solely in the interests of the Agency.

The Executive Director of the Agency shall be required to waive the immunity accorded to one of its staff members in all cases where such immunity would impede the course of justice and wherever he considers that the waiver of such immunity is not contrary to the interests of the Agency or the Union.

11. The Agency shall, for the purpose of applying this Annex, cooperate with the responsible authorities of the associated countries or Member States of the Union concerned.

Appendix 1 to Annex II

Norway:

Exemption from VAT shall be granted by way of refund.

The VAT refund shall be granted on presentation to the Norwegian Tax Administration's Tax Office (Skatt Øst) Main Division of the Norwegian forms provided for the purpose. As a rule, refund applications shall be processed within the three months following the date on which they were lodged together with the necessary supporting documents.

Exemption from excise duties and any other indirect taxes shall be granted by way of refund. The same procedure shall apply as for VAT refunds.

Appendix 2 to Annex II

Iceland:

Exemption from VAT shall be granted by way of refund.

Exemption from VAT shall be granted if the actual purchase price of the goods and services mentioned in the invoice or equivalent document totals at least 36 400 Icelandic króna (inclusive of tax).

The VAT refund shall be granted on presentation to the Icelandic Directorate of Internal Revenue (Ríkisskattstjóri) of the Icelandic forms provided for the purpose. As a rule, refund applications shall be processed within the three months following the date on which they were lodged together with the necessary supporting documents.

Exemption from excise duties and any other indirect taxes shall be granted by way of refund. The same procedure shall apply as for VAT refunds.

Appendix 3 to Annex II

Switzerland:

Exemption from VAT, excise duty and any other indirect taxes shall be granted by way of remit on presentation to the goods or services supplier of the Swiss forms provided for the purpose.

Exemption from VAT shall be granted if the actual purchase price of the goods and services mentioned in the invoice or equivalent document totals at least 100 Swiss francs (inclusive of tax).

Appendix 4 to Annex II

Liechtenstein:

Exemption from VAT, excise duty and any other indirect taxes shall be granted by way of remit on presentation to the goods or services supplier of the Liechtenstein forms provided for the purpose.

Exemption from VAT shall be granted if the actual purchase price of the goods and services mentioned in the invoice or equivalent document totals at least 100 Swiss francs (inclusive of tax).

ANNEX III

FINANCIAL CONTROL AS REGARDS SWISS PARTICIPANTS IN ACTIVITIES OF THE AGENCY*Article 1***Direct communication**

The Agency and the European Commission shall communicate directly with all persons or entities established in Switzerland and participating in activities of the Agency, as contractors, participants in Agency programmes, recipients of payments from the Agency or the Union budget, or subcontractors. Such persons may send directly to the European Commission and to the Agency all relevant information and documentation which they are required to submit on the basis of the instruments referred to in this Arrangement and of contracts or agreements concluded and any decisions taken pursuant to them.

*Article 2***Audits**

1. In accordance with Regulation (EU, Euratom) 2018/1046, Commission Delegated Regulation (EU) No 1271/2013 ⁽¹⁾ and the other instruments referred to in this Arrangement, contracts or agreements concluded and decisions taken with beneficiaries established in Switzerland may provide for scientific, financial, technological or other audits to be conducted at any time on the premises of the beneficiaries and of their subcontractors by Agency and European Commission officials or by other persons mandated by the Agency and the European Commission.
2. Agency and European Commission officials and other persons mandated by the Agency and the European Commission shall have appropriate access to sites, works and documents and to all the information required in order to carry out such audits, including in electronic form. This right of access shall be stated explicitly in the contracts or agreements concluded to implement the instruments referred to in this Arrangement.
3. The European Court of Auditors shall have the same rights as the European Commission.
4. The audits may take place until five years after the expiry of this Arrangement or under the terms of the contracts or agreements concluded and the decisions taken.
5. The Swiss Federal Audit Office shall be informed in advance of audits conducted on Swiss territory. This information shall not be a legal condition for carrying out such audits.

*Article 3***On-the-spot checks**

1. Within the framework of this Arrangement, the European Commission (OLAF) may carry out investigations, including on-the-spot checks and inspections on Swiss territory, in accordance with the terms and conditions laid down in Council Regulation (Euratom, EC) No 2185/96 ⁽²⁾ and Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ⁽³⁾ with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the European Union.
2. On-the-spot checks and inspections shall be prepared and conducted by OLAF in close cooperation with the Swiss Federal Audit Office or with other competent Swiss authorities designated by the Swiss Federal Audit Office, which shall be notified in good time of the object, purpose and legal basis of the checks and inspections, so that they can provide all the requisite help. To that end, the officials of the competent Swiss authorities may participate in the on-the-spot checks and inspections.
3. If the Swiss authorities concerned so wish, the on-the-spot checks and inspections may be carried out jointly by OLAF and them.

⁽¹⁾ Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council (OJ L 328, 7.12.2013, p. 42).

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

⁽³⁾ Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

4. Where the participants in the programme resist an on-the-spot check or inspection, the Swiss authorities, acting in accordance with national rules, shall give OLAF investigators such assistance as they need to allow them to discharge their duty in carrying out an on-the-spot check or inspection.

5. OLAF shall report as soon as possible to the Swiss Federal Audit Office or other competent Swiss authorities designated by the Swiss Federal Audit Office any fact or suspicion relating to an irregularity which has come to its notice in the course of the on-the-spot check or inspection. In any event OLAF shall inform the aforementioned authorities of the result of such checks and inspections.

Article 4

Information and consultation

1. For the purposes of proper implementation of this Annex, the competent Swiss and Union authorities shall exchange information regularly and, at the request of one of the Contracting Parties, shall conduct consultations.

2. The competent Swiss authorities shall inform the Agency and the Commission without delay of any fact or suspicion which has come to their notice relating to an irregularity in connection with the conclusion and implementation of the contracts or agreements concluded in application of the instruments referred to in this Arrangement.

Article 5

Confidentiality

Information communicated or acquired in any form whatever pursuant to this Annex shall be covered by professional secrecy and protected in the same way as similar information is protected by Swiss law and by the corresponding provisions applicable to the Union institutions.

Such information shall not be communicated to persons other than those within the Union institutions, in the Member States, or in Switzerland whose functions require them to know it, nor may it be used for purposes other than to ensure effective protection of the financial interests of the Contracting Parties.

Article 6

Administrative measures and penalties

Without prejudice to application of Swiss criminal law, administrative measures and penalties may be imposed by the Agency or the European Commission in accordance with Regulation (EU, Euratom) 2018/1046, Delegated Regulation (EU) No 1271/2013 and Council Regulation (EC, Euratom) No 2988/95 ⁽⁴⁾.

Article 7

Recovery and enforcement

Decisions taken by the Agency or the European Commission within the scope of this Arrangement which impose a pecuniary obligation on persons other than States shall be enforceable in Switzerland. The enforcement order shall be issued, without any further control than verification of the authenticity of the act, by the authority designated by the Swiss government, which shall inform the Agency or the European Commission thereof. Enforcement shall take place in accordance with the Swiss rules of procedure. The legality of the enforcement decision shall be subject to control by the Court of Justice of the European Union.

Judgments given by the Court of Justice of the European Union pursuant to an arbitration clause shall be enforceable on the same terms.

⁽⁴⁾ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, 23.12.1995, p. 1).

ANNEX IV

FINANCIAL CONTROL AS REGARDS PARTICIPANTS FROM LIECHTENSTEIN IN ACTIVITIES OF THE AGENCY*Article 1***Direct communication**

The Agency and the European Commission shall communicate directly with all persons or entities established in Liechtenstein and participating in activities of the Agency, as contractors, participants in Agency programmes, recipients of payments from the Agency or the Union budget, or subcontractors. Such persons may send directly to the European Commission and to the Agency all relevant information and documentation which they are required to submit on the basis of the instruments referred to in this Arrangement and of contracts or agreements concluded and any decisions taken pursuant to them.

*Article 2***Audits**

1. In accordance with Regulation (EU, Euratom) 2018/1046, Delegated Regulation (EU) No 1271/2013 and the other instruments referred to in this Arrangement, contracts or agreements concluded and decisions taken with beneficiaries established in Liechtenstein may provide for scientific, financial, technological or other audits to be conducted at any time on the premises of the beneficiaries and of their subcontractors by Agency and European Commission officials or by other persons mandated by the Agency and the European Commission.
2. Agency and European Commission officials and other persons mandated by the Agency and the European Commission shall have appropriate access to sites, works and documents and to all the information required in order to carry out such audits, including in electronic form. This right of access shall be stated explicitly in the contracts or agreements concluded to implement the instruments referred to in this Arrangement.
3. The European Court of Auditors shall have the same rights as the European Commission.
4. The audits may take place until five years after the expiry of this Arrangement or under the terms of the contracts or agreements concluded and the decisions taken.
5. The National Audit Office of Liechtenstein shall be informed in advance of audits conducted on the territory of Liechtenstein. This information shall not be a legal condition for carrying out such audits.

*Article 3***On-the-spot checks**

1. Within the framework of this Arrangement, the European Commission (OLAF) may carry out investigations, including on-the-spot checks and inspections on the territory of Liechtenstein, in accordance with the terms and conditions laid down in Regulations (Euratom, EC) No 2185/96 and (EU, Euratom) No 883/2013 with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the European Union.
2. On-the-spot checks and inspections shall be prepared and conducted by OLAF in close cooperation with the National Audit Office of Liechtenstein or with other competent authorities in Liechtenstein designated by National Audit Office, which shall be notified in good time of the object, purpose and legal basis of the checks and inspections, so that they can provide all the requisite help. To that end, the officials of the competent authorities in Liechtenstein may participate in the on-the-spot checks and inspections.
3. If the authorities of Liechtenstein concerned so wish, the on-the-spot checks and inspections may be carried out jointly by OLAF and them.
4. Where the participants in the programme resist an on-the-spot check or inspection, the authorities of Liechtenstein, acting in accordance with national rules, shall give OLAF investigators such assistance as they need to allow them to discharge their duty in carrying out an on-the-spot check or inspection.

5. OLAF shall report as soon as possible to the National Audit Office of Liechtenstein or other competent Liechtenstein authorities designated by the National Audit Office of Liechtenstein any fact or suspicion relating to an irregularity which has come to its notice in the course of the on-the-spot check or inspection. In any event OLAF shall inform the aforementioned authorities of the result of such checks and inspections.

Article 4

Information and consultation

1. For the purposes of proper implementation of this Annex, the competent authorities of Liechtenstein and the Union shall exchange information regularly and, at the request of one of the Contracting Parties, shall conduct consultations.
2. The competent authorities of Liechtenstein shall inform the Agency and the European Commission without delay of any fact or suspicion which has come to their notice relating to an irregularity in connection with the conclusion and implementation of the contracts or agreements concluded in application of the instruments referred to in this Arrangement.

Article 5

Confidentiality

Information communicated or acquired in any form whatever pursuant to this Annex shall be covered by professional secrecy and protected in the same way as similar information is protected by Liechtenstein law and by the corresponding provisions applicable to the Union institutions. Such information shall not be communicated to persons other than those within the Union institutions, in the Member States, or in Liechtenstein whose functions require them to know it, nor may it be used for purposes other than to ensure effective protection of the financial interests of the Contracting Parties.

Article 6

Administrative measures and penalties

Without prejudice to application of Liechtenstein criminal law, administrative measures and penalties may be imposed by the Agency or the European Commission in accordance with Regulation (EU, Euratom) 2018/1046, Delegated Regulation (EU) No 1271/2013 and Regulation (EC, Euratom) No 2988/95.

Article 7

Recovery and enforcement

Decisions taken by the Agency or the European Commission within the scope of this Arrangement which impose a pecuniary obligation on persons other than States shall be enforceable in Liechtenstein. The enforcement order shall be issued, without any further control than verification of the authenticity of the act, by the authority designated by the government of Liechtenstein, which shall inform the Agency or the European Commission thereof. Enforcement shall take place in accordance with the rules of procedure of Liechtenstein. The legality of the enforcement decision shall be subject to control by the Court of Justice of the European Union.

Judgments given by the Court of Justice of the European Union pursuant to an arbitration clause shall be enforceable on the same terms.

Information relating to the entry into force of the Protocol to the Agreement between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention regarding access to Eurodac for law enforcement purposes

As the procedures necessary for the entry into force of the abovementioned Protocol ⁽¹⁾ have been completed on 13 May 2019, this Protocol enters into force on 1 June 2019, in accordance with its Article 4(2).

⁽¹⁾ Protocol to the Agreement between the European Community and the Kingdom of Denmark on the criteria and mechanisms for establishing the State responsible for examining a request for asylum lodged in Denmark or any other Member State of the European Union and 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention regarding access to Eurodac for law enforcement purposes (see page 5 of this Official Journal).

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2019/838

of 20 February 2019

on technical specifications for vessel tracking and tracing systems and repealing Regulation (EC) No 415/2007

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2005/44/EC of the European Parliament and of the Council of 7 September 2005 on harmonised river information services (RIS) on inland waterways in the Community ⁽¹⁾, and in particular Article 5(1)(d), thereof,

Whereas:

- (1) Technical specifications for vessel tracking and tracing systems, provided for by Commission Regulation (EC) No 415/2007 ⁽²⁾, should be updated and clarified, taking into account experience gained from their application, as well as the technological progress and the updates of underlying international standards.
- (2) The technical specifications for vessel tracking and tracing systems should be based on the technical principles set out in Annex II to Directive 2005/44/EC.
- (3) In accordance with Article 1(2) of Directive 2005/44/EC, the technical specifications are to take due account of the work carried out by international organisations. Continuity is to be ensured with other modal traffic management services, in particular maritime vessel traffic management and information services.
- (4) In order to improve efficiency of transport by inland waterways, the technical specifications should be extended to include provisions related to Application Specific Messages for vessel tracking and tracing systems.
- (5) In order to improve safety of navigation, the technical specifications for vessel tracking and tracing systems should be extended to include provisions related to Aids to Navigation in inland navigation.
- (6) This Regulation should be without prejudice to the provisions of Directive (EU) 2016/1148 of the European Parliament and of the Council ⁽³⁾ concerning the measures for a high common level of security of network and information systems across the Union.
- (7) Pursuant to Article 12(2) of Directive 2005/44/EC technical specifications should enter into force immediately after their publication and Member States should be required to apply those specifications not later than 12 months after their entry into force.
- (8) Regulation (EC) No 415/2007 should therefore be repealed.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 11 of Directive 2005/44/EC,

⁽¹⁾ OJ L 255, 30.9.2005, p. 152.

⁽²⁾ Commission Regulation (EC) No 415/2007 of 13 March 2007 concerning the technical specifications for vessel tracking and tracing systems referred to in Article 5 of Directive 2005/44/EC of the European Parliament and of the Council on harmonised river information services (RIS) on inland waterways in the Community (OJ L 105, 23.4.2007, p. 35).

⁽³⁾ Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

The technical specifications for vessel tracking and tracing systems in inland waterway transport shall be as set out in the Annex to this Regulation.

Article 2

Regulation (EC) No 415/2007 is repealed. References to the repealed Regulation shall be construed as references to this Regulation.

Article 3

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

It shall apply from 13 June 2020.

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

Done at Brussels, 20 February 2019.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Standard Vessel Tracking and Tracing for Inland Navigation**TABLE OF CONTENTS**

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1. GENERAL PROVISIONS

1.1. Introduction

The technical specifications for Vessel Tracking and Tracing (VTT) systems is based on the work carried out in this field by relevant international organizations, namely already existing standards and technical specifications in inland navigation, maritime or other relevant areas.

Due to the application of VTT systems in mixed traffic areas including both inland and maritime navigation environments, like sea ports and coastal areas VTT systems shall be compatible with the AIS Class A mobile stations as referred to in Chapter V of the SOLAS convention.

When VTT systems provide essential services as defined in Directive (EU) 2016/1148 ⁽¹⁾ concerning measures for a high common level of security of network and information systems across the Union, the provisions of that Directive apply.

1.2. References

The following international agreements, recommendations, standards and guidelines are referred to in this Annex:

Document title	Organisation	Publication date
The World Association for Waterborne Transport Infrastructure (PIANC) Guidelines and Recommendations for River Information Services	PIANC	2011
International Convention of Safety Of Life At Sea (SOLAS) by the International Maritime Organisation (IMO), Chapter V — Safety of navigation, 1974, as amended	IMO	1974
International Maritime Organisation (IMO) MSC.74(69) Annex 3, 'Recommendation on Performance Standards for a Ship-borne Automatic Identification System (AIS)', 1998	IMO	1998
IMO Resolution A.915(22), 'Revised Maritime Policy and Requirements for a future Global Navigation Satellite System (GNSS)', 2002	IMO	2002
IMO Resolution A.1106(29) Revised Guidelines for the Onboard Operational Use of Shipborne Automatic Identification System (AIS), 2015	IMO	2015
Recommendation by the International Telecommunication Union ITU-R M.585 'Assignment and use of identities in the maritime mobile service', 2015	ITU	2015
Recommendation by the International Telecommunication Union ITU-R M.1371 'Technical characteristics for a universal shipborne automatic identification system using time division multiple access in the VHF maritime mobile band'	ITU	2014
International Standard by International Electrotechnical Commission (IEC) 61993-2, 'Maritime navigation and radio communication equipment and systems — Automatic Identification system, Part 2: Class A shipborne equipment of the universal automatic identification system (AIS)'	IEC	2018

⁽¹⁾ Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).

Document title	Organisation	Publication date
International Standard IEC 61162-Serie, 'Maritime navigation and radio communication equipment and systems — Digital interfaces': Part 1: Single talker and multiple listeners; Part 2: Single talker and multiple listeners, high speed transmission	IEC	Part 1: 2016 Part 2: 1998
International Standard by International Electrotechnical Commission (IEC): 62287-Series, Maritime navigation and radio communication equipment and systems — Class B shipborne equipment of the automatic identification system (AIS) Part 1: Carrier-sense time division multiple access (CSTDMA) techniques; Part 2: Self-organising time division multiple access (SOTDMA) techniques	IEC	2017
Radio Technical Commission's for Maritime Services (RTCM) Recommended Standards for Differential GNSS (Global Navigation Satellite Systems) Service	RTCM	2010
UNECE recommendation No 28 'Codes for Types of Means of Transport'	UNECE	2010

1.3. Definitions

The following definitions are used in this Annex:

(a) Automatic Identification System

Automatic Identification System (AIS)

'Automatic Identification System (AIS)' means an automatic communication and identification system intended to improve the safety of navigation by assisting in the efficient operation of vessel traffic services (VTS), ship reporting, ship-to-ship and ship-to-shore operations.

Inland AIS

'Inland AIS' means AIS for the use in inland navigation and interoperable with (maritime) AIS-technically enabled by amendments and extensions to the (maritime) AIS.

Track and Trace

'Track and Trace' means the process of monitoring and recording the past and present whereabouts of a ship shipment, as it passes through different handlers on its way to its destination, through a network. Tracing refers to where the product has been, while tracking refers to where it is going next.

Track

'Track' means the path followed or to be followed between one position and another.

(b) Services

River Information Services (RIS)

'River Information Services (RIS)' means services provided in accordance with Article 3(a) of Directive 2005/44/EC of the European Parliament and of the Council ⁽²⁾.

⁽²⁾ Directive 2005/44/EC of the European Parliament and of the Council of 7 September 2005 on harmonised river information services (RIS) on inland waterways in the Community (OJ L 255, 30.9.2005, p. 152).

Vessel Traffic Management (VTM)

'Vessel Traffic Management (VTM)' means the functional framework of harmonised measures and services to enhance the safety, security, efficiency of shipping and the protection of the marine environment in all navigable waters.

Inland Vessel Traffic Services (VTS)

'Inland Vessel Traffic Services (VTS)' means services within the meaning of point 2.5 of the Annex to Commission Regulation (EC) No 414/2007 ⁽³⁾.

Navigational information

'Navigational information' means information provided to the skipper on board to support in on-board decision-making.

Tactical Traffic Information (TTI)

'Tactical Traffic Information' means the information affecting immediate navigation decisions in the actual traffic situation and the close geographic surroundings. Tactical Traffic Information is used to generate a Tactical Traffic Image.

Strategic Traffic Information (STI)

'Strategic Traffic Information' means the information affecting the medium and long-term decisions of RIS users. Strategic Traffic Information is used to generate a Strategic Traffic Image.

Vessel Tracking and Tracing (VTT)

'Vessel Tracking and Tracing' means a function within the meaning of point 2.12 of the Annex to Regulation (EC) No 414/2007.

Maritime Mobile Service Identity (MMSI)

'Maritime Mobile Service Identity (MMSI)' means series of nine digits which are transmitted over the radio path in order to uniquely identify ship, stations, coast stations and group calls.

Electronic Reporting International (ERI)

'Electronic Reporting International (ERI)' means the Technical guidelines and specifications established in accordance with Article 5(1)(b) of Directive 2005/44/EC.

Inland Electronic Chart Display and Information System (Inland ECDIS)

'Inland Electronic Chart Display and Information System (Inland ECDIS)' means the Technical guidelines and specifications established in accordance with Article 5(1)(a) of Directive 2005/44/EC.

*Players**Shipmaster*

'Shipmaster' means the person on board of the ship being in command and having the authority to take all decisions pertaining to navigation and ship management. The terms 'shipmaster', 'boatmaster' and 'skipper' shall be deemed to be equivalent.

Conning skipper

'Conning skipper (Navigating skipper)' means the person who navigates the vessel, according to the voyage plan instructions of the shipmaster.

⁽³⁾ Commission Regulation (EC) No 414/2007 of 13 March 2007 concerning the technical guidelines for the planning, implementation and operational use of river information services (RIS) referred to in Article 5 of Directive 2005/44/EC of the European Parliament and of the Council on harmonised river information services (RIS) on inland waterways in the Community (OJ L 105, 23.4.2007, p. 1).

Competent Authority for RIS

The Competent Authority for RIS means the authority designated by the Member State in accordance with Article 8 of Directive 2005/44/EC.

RIS operator

'RIS operator' means a person performing one or more tasks related to the provision of RIS services.

RIS users

'RIS users' means all different user groups as defined in Article 3(g) of Directive 2005/44/EC.

1.4. Vessel Tracking and Tracing services and minimum requirements of Vessel Tracking and Tracing systems

VTT systems shall be able to support the following services:

- Navigation,
- Traffic Information,
- Traffic Management,
- Calamity Abatement,
- Transport Management,
- Enforcement,
- Waterway dues and port infrastructure charges,
- Fairway Information Services,
- Statistics.

This is without prejudice to the provisions of Regulation (EC) No 414/2007 applicable to those services.

The most important information of VTT relates to vessel identity and its position. VTT shall be capable of providing — at minimum — the following information on an automatic and periodical basis to other vessels and shore stations, provided these vessels or shore stations are appropriately equipped:

- Unique vessel ID: unique European vessel identification number (ENI)/International Maritime Organisation number (IMO number),
- Vessel name,
- Vessel call sign,
- Navigational status,
- Type of vessel or convoy,
- Dimensions of vessel or convoy,
- Draught,
- Dangerous cargo indication (number of blue cones in compliance with ADN),
- Loading status (loaded/unloaded),
- Destination,
- Estimated Time of Arrival (ETA) at destination,
- Number of persons on board,

- Position (+ quality indication),
- Speed (+ quality indication),
- Course Over Ground (COG) (+ quality indication),
- Heading (HDG) (+ quality indication),
- Rate Of Turn (ROT),
- Blue sign information,
- Timestamp of position fix.

These minimum requirements indicate the user needs and the necessary data for VTT systems in inland navigation.

A VTT system is designed to offer sufficient flexibility to accommodate future additional requirements.

2. INLAND VESSEL TRACKING AND TRACING FUNCTIONS

2.1. **Introduction**

This section sets out the requirements relating to VTT information for different RIS service categories. Requirements for each service category are listed describing the user groups and usage of the VTT information.

The overview of VTT information needs is provided in *Table 2.1* at the end of this section.

2.2. **Navigation**

Vessel tracking and tracing can be used to support the active navigation on board. Main user group are the conning skippers.

The process navigation can be divided in three phases:

- (a) navigation, medium-term ahead,
- (b) navigation, short-term ahead,
- (c) navigation, very short-term ahead.

The user requirements are different for each phase.

2.2.1. *Navigation, medium-term ahead*

Navigation, medium-term ahead, is the navigation phase in which the skipper observes and analyses the traffic situation looking some minutes up to an hour ahead and considers the possibilities of where to meet, pass or overtake other vessels.

The traffic image needed is the typical 'looking around the corner' feature and is mainly outside the scope of the on-board radar range.

The update rate is depending on the task and differs from the situation in which the vessel is involved.

2.2.2. *Navigation, short-term ahead*

Navigation, short-term ahead, is the decision phase in the navigation process. In this phase traffic information has relevance for the process of navigation, including collision avoidance measures if necessary. This function deals with the observation of other vessels in the close surroundings of the own vessel.

The actual traffic information shall be exchanged continuously at least every 10 seconds. For some routes the authorities may set a predefined update rate (maximum two seconds).

2.2.3. *Navigation, very short-term ahead*

Navigation, very short-term ahead, is the operational navigation process. It consists of execution of the decisions that were made beforehand, on the spot and monitoring their effects. The traffic information needed from other vessels especially in this situation is related to its own vessel conditions, such as relative position, relative speed. It is necessary to follow highly accurate information in this phase.

Therefore, Tracking and Tracing information cannot be used for very short-term navigation.

2.3. **Vessel traffic management**

Vessel traffic management (VTM) comprises at least of the following elements:

- (a) vessel traffic services,
- (b) lock planning and operation,
- (c) bridge planning and operation.

2.3.1. *Vessel traffic services*

Vessel traffic services consist of the following services:

- (a) an information service,
- (b) a navigational assistance service,
- (c) a traffic organisation service.

The user groups of Vessel Traffic Services (VTS) are VTS operators and conning skippers.

The user needs related to traffic information are indicated in points 2.3.1.1 to 2.3.1.3.

2.3.1.1. Information service

An information service is provided by broadcasting information at fixed times and intervals or when deemed necessary by the VTS or at the request of a vessel, and may include reports on the position, identity and intentions of other vessels, waterway conditions, weather conditions, hazardous situations or any other factors that may influence the vessel's transit.

For the information services an overview of traffic in a network or on fairway stretch is required.

The competent authority may set a predefined update rate if needed for safe and reliable passage through the area.

2.3.1.2. Navigational assistance service

A navigational assistance service informs the conning skipper on difficult navigational or meteorological circumstances or assists the conning skipper in case of defects or deficiencies. This service is normally rendered at the request of a vessel or by the VTS when deemed necessary.

To provide individual information to a conning skipper, the VTS operator needs an actual detailed traffic image.

The actual traffic information has to be exchanged continuously (every three seconds, almost real time or another predefined update rate set by the competent authority).

All other information has to be made available on request of the VTS operator or in special occasions.

2.3.1.3. Traffic organisation service

A traffic organisation service concerns the operational management of traffic and the planning of vessel movements to prevent congestion and dangerous situations, and is particularly relevant in times of high traffic

density or when the movement of special transports may affect the flow of other traffic. The service may also include establishing and operating a system of traffic clearances or VTS sailing plans or both in relation to priority of movements, allocation of space (such as berthing places, lock space, sailing routes), mandatory reporting of movements in the VTS area, routes to be followed, speed limits to be observed or other appropriate measures which are considered necessary by the VTS Authority.

2.3.2. *Lock planning and operation*

The lock planning processes — long- and medium-term — and lock operation process are described in points 2.3.2.1 to 2.3.2.3. Main user groups are lock operators, conning skippers, shipmasters and fleet managers.

2.3.2.1. Lock planning, long-term

Long-term lock planning is dealing with the planning of a lock some hours up to a day ahead.

In this case the traffic information is used to improve the information on waiting and passing times at locks, which are originally based on statistical information.

Estimated Time of Arrival (ETA) shall be available on demand or shall be exchanged if the deviation from the original ETA exceeds the deviation allowed by the competent authority. Requested time of arrival (RTA) is the response to an ETA report or may be sent from a lock to propose a locking time.

2.3.2.2. Lock planning, medium-term

Medium-term lock planning is dealing with the planning of a lock up to two or four lock cycles ahead.

In this case the traffic information is used to map the arriving vessels to the available lock cycles and based on the planning to inform the conning skippers about the RTA.

ETA shall be available on request or shall be exchanged if the deviation from the original ETA exceeds the deviation allowed by the competent authority. All other information shall be available once at the first contact or on request. RTA is the response to an ETA report or may be sent from a lock to propose a locking time.

2.3.2.3. Lock operation

In lock operation phase the actual locking process take place.

The actual traffic information has to be exchanged continuously or another predefined update rate set by the competent authority.

The accuracy of VTT information does not allow for high-precision applications like closing of lock gates.

2.3.3. *Bridge planning and operation*

The bridge planning processes — medium- and short-term — and bridge operation process are described in points 2.3.3.1 to 2.3.3.3. Main user groups are bridge operators, conning skippers, shipmasters and fleet managers.

2.3.3.1. Bridge planning, medium-term

The bridge planning process on medium term is dealing with the optimisation of the traffic flow in such a way that the bridges are opened in time for passing of vessels (green wave). The planning horizon varies between 15 minutes to two hours. The timeframe depends on the local situation.

ETA and position information shall be available on request, or such information shall be exchanged as soon as the deviation between the updated ETA and the original ETA exceeds a pre-defined value set by the competent authority. All other information shall be available once at the first contact or on request. RTA is the response on an ETA report or may be sent from a bridge to propose a passage time.

2.3.3.2. Bridge planning, short-term

In case of bridge planning on a short term, decisions are made on the basis of the strategy for opening of the bridge.

Actual traffic information on the position, speed and direction, shall be available on request or exchanged in accordance with predefined update rate, for example, every five minutes, set by the competent authority. ETA and position information shall be available on request, or such information shall be exchanged as soon as the deviation between the updated ETA and the original ETA exceeds a pre-defined value set by the competent authority. All other information shall be available once at the first contact or on request. RTA is the response on an ETA report or may be sent from a bridge to propose a passage time.

2.3.3.3. Bridge operation

In bridge operation phase the actual opening and passing of the vessel through the bridge take place.

The actual traffic information shall be exchanged continuously or at another update rate set by the competent authority.

The accuracy of VTT information does not allow for high-precision applications like opening or closing of the bridge.

2.4. Calamity abatement

Calamity abatement in this context focuses on repressive measures: dealing with real accidents and providing assistance during emergencies. Main user groups are operators in calamity centre, VTS operators, conning skippers, shipmasters and the competent authorities.

In the case of an accident the traffic information can be provided automatically or the responsible organisation shall ask for the respective information.

2.5. Transport management

Transport management (TS) is divided into the following four activities:

- (a) voyage planning,
- (b) transport logistics,
- (c) port and terminal management,
- (d) cargo and fleet management.

Main user groups are shipmasters, freight brokers, fleet managers, consignors, consignees, supply forwarders, port authorities, terminal operators, lock operators and bridge operators.

2.5.1. Voyage planning

Voyage planning in this context focuses on the planning on-trip. During the voyage the shipmaster shall check his original planned voyage.

2.5.2. Transport logistics

Transport logistics consist of the organisation, planning, execution and control of the transport.

All traffic information is needed on request by the ship-owner or logistic stakeholders.

2.5.3. Intermodal port and terminal management

Intermodal port and terminal management considers the planning of resources in ports and at terminals.

The terminal and port manager shall request for traffic information or shall agree that in predefined situations the traffic information will be sent automatically.

2.5.4. Cargo and fleet management

Cargo and fleet management considers the planning and optimising the use of vessels, arranging cargo and transportation.

The shipper or ship-owner shall request the traffic information or traffic information shall be sent in predefined situations.

2.6. Enforcement

The scope of the enforcement task is limited to the services on dangerous goods, immigration control and customs. Main user groups are customs, competent authorities and shipmasters.

The traffic information shall be exchanged with appropriate authorities. The traffic information exchange shall take place on request or at fixed predefined points or in special circumstances defined by the responsible authority.

2.7. Waterway dues and port infrastructure charges

In various locations in the Union, usage of the waterway and ports is subject to the payment of fees. Main user groups are competent authorities, shipmasters, fleet managers, waterway authorities and port authorities.

The traffic information shall be exchanged on request or at fixed points, defined by the competent waterway or port authority.

2.8. Information needs

Table 2.1 provides an overview of the information needs of the different services.

Table 2.1

Overview of information needs

	Identification	Name	Call sign	Navigational status	Type	Dimensions	Draught	Dangerous cargo	Loading status	Destination	ETA at destination	Number of persons	Position and time	Speed	Course/direction	Heading	Rate of turn	Blue sign	Other information
Navigation — medium-term	X	X		X	X	X		X	X	X			X	X	X			X	
Navigation — short-term	X	X		X	X	X		X	X	X			X	X	X	X		X	
Navigation — very short-term	Requirements are currently not met by VTT																		
VTM — VTS services	X	X		X	X	X	X	X	X	X		X	X	X	X			X	
VTM — lock operation	X	X		X	X		X	X					X		X				Air draught
VTM — lock planning	X	X		X	X	X	X	X					X	X	X				number of assisting tugboats, air draught, ETA/RTA
VTM — bridge operation	X	X			X	X							X	X	X				Air draught

	Identification	Name	Call sign	Navigational status	Type	Dimensions	Draught	Dangerous cargo	Loading status	Destination	ETA at destination	Number of persons	Position and time	Speed	Course/direction	Heading	Rate of turn	Blue sign	Other information
VTM — bridge planning	X	X		X	X	X							X	X	X				Air draught, ETA/RTA
Calamity abatement	X	X			X			X	X	X		X	X		X				
TM — voyage planning	X	X				X	X		X	X			X	X					Air draught, ETA/RTA
TM — transport logistics	X	X									X		X		X				
TM — port and terminal management	X	X		X	X	X		X	X				X		X				ETA/RTA
TM — cargo and fleet management	X	X		X			X		X	X			X		X				ETA/RTA
Enforcement	X	X		X	X			X		X	X	X	X		X				
Waterway and port infrastructure charges	X	X			X	X	X			X			X						

3. INLAND AIS TECHNICAL SPECIFICATION

3.1. Introduction

In maritime navigation, the IMO has introduced the carriage of automatic identification system (AIS): all seagoing vessels on international voyage falling under Chapter V of the SOLAS convention have to be equipped with AIS Class A mobile stations since the end of 2004.

Directive 2002/59/EC of the European Parliament and of the Council (*) establishes a Community vessel traffic monitoring and information system for seagoing vessels carrying dangerous or polluting goods using AIS for Ship Reporting and Monitoring.

AIS is considered as a suitable solution for automatic identification and Vessel Tracking and Tracing in inland navigation. Especially the real time performance of AIS and the availability of worldwide standards and guidelines are beneficial for safety related applications.

To serve the specific requirements of inland navigation, AIS has to be further developed to the so-called Inland AIS technical specification while preserving full compatibility with maritime AIS and already existing standards and technical specifications in inland navigation.

Because Inland AIS is compatible with the maritime AIS it enables a direct data exchange between seagoing and inland vessels navigating in mixed traffic areas.

AIS is:

- a system introduced by the IMO to support maritime safety of navigation; mandatory carriage requirement for all vessels in accordance with Chapter V of SOLAS convention,
- operating in direct ship-to-ship mode as well as in a ship-to-shore, shore-to-ship mode,

(*) Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. 10).

- a safety system with high requirements regarding availability, continuity and reliability,
- a real time system thanks to the direct ship-to-ship data exchange,
- an autonomously operating system in a self-organised manner without master station. There is no need for a central controlling intelligence,
- based on international standards and procedures in accordance with Chapter V of SOLAS convention,
- a type approved system to enhance safety of navigation following a certification procedure,
- globally interoperable.

The purpose of this section is to define all necessary technical requirements, amendments and extensions to the existing AIS Class A mobile stations in order to create an Inland AIS mobile station for use in inland navigation.

3.2. Scope

The AIS is a ship-borne radio data system, exchanging static, dynamic and voyage related vessel data between equipped vessels and between equipped vessels and shore stations. Ship-borne AIS stations broadcast the vessel's identity, position and other data in regular intervals. By receiving these transmissions, ship-borne or shore-based AIS stations within the radio range can automatically locate, identify and track AIS equipped vessels on an appropriate display like radar or electronic chart display systems such as the Inland Electronic Chart Display and Information System (Inland ECDIS) as defined in Commission Implementing Regulation (EU) No 909/2013 ⁽³⁾. AIS is intended to enhance safety of navigation in ship-to-ship use, surveillance (VTS), Vessel Tracking and Tracing, and calamity abatement support.

AIS mobile stations are divided into following types:

- a) Class A mobile stations to be used by all sea going vessels falling under carriage requirements of Chapter V of SOLAS convention;
- b) Inland AIS mobile station, having full Class A functionality on VHF Data Link level, deviating in supplementary functions designed for the use by inland vessels;
- c) Class B SO/CS mobile stations with limited functionality which may be used by vessels not falling under carriage requirements for Class A or Inland AIS mobile stations;
- d) AIS shore stations, including AIS base stations and AIS repeater stations.

The following modes of operation can be distinguished:

- a) ship-to-ship operation: all AIS equipped vessels are able to receive static and dynamic information from all other AIS equipped vessels within the radio range;
- b) ship-to-shore operation: data from AIS equipped vessels can also be received by AIS shore stations connected to the RIS centre where a traffic image (Tactical Traffic Image and/or Strategic Traffic Image) can be generated;
- c) shore-to-ship operation: voyage and safety related data from shore to vessel can be transmitted.

A characteristic of AIS is the autonomous mode, using self-organised time division multiple access (SOTDMA), without any need for an organising master station. The radio protocol is designed in a way that vessel stations operate autonomously in a self-organised manner by exchanging link access parameters. Time is divided into one minute frames with 2 250 time slots per radio channel which are synchronised by GNSS UTC time. Each participant organises its access to the radio channel by choosing free time slots considering the future use of time slots by other stations. There is no need for a central intelligence controlling the slot assignment.

An Inland AIS mobile station consists in general of the following components:

- a) VHF transceiver (one transmitter, two receivers);

⁽³⁾ Commission Implementing Regulation (EU) No 909/2013 of 10 September 2013 on the technical specifications for the electronic chart display and information system for inland navigation (Inland ECDIS) referred to in Directive 2005/44/EC of the European Parliament and of the Council (OJ L 258, 28.9.2013, p. 1).

- b) GNSS receiver;
- c) data processor.

Universal ship-borne AIS, as defined by IMO, ITU and IEC, and recommended for the use in inland navigation uses SOTDMA in the VHF maritime mobile band. AIS operates on the internationally designated VHF frequencies AIS 1 (161,975 MHz) and AIS 2 (162,025 MHz) and can be switched to other frequencies in the VHF maritime mobile band.

To serve the specific requirements of inland navigation, AIS has to be further developed to the so called Inland AIS while preserving compatibility with the maritime AIS.

Vessel Tracking and Tracing systems in inland navigation shall be compatible with AIS Class A mobile stations, as defined by IMO. Therefore, Inland AIS messages shall be able to provide the following types of information:

- a) static information, such as official vessel number, call sign of vessel, name of vessel, type of vessel;
- b) dynamic information, such as vessels position with accuracy indication and integrity status;
- c) voyage related information, such as length and beam of convoy, dangerous cargo on board;
- d) inland navigation specific information, such as number of blue cones/lights according to ADN or ETA at lock/bridge/terminal/border.

For moving vessels the update rate for dynamic information on tactical level shall be between 2 and 10 seconds. For vessels at anchor it is recommended to have an update rate of several minutes, or an update triggered when information is amended.

Inland AIS mobile station does not replace, but supports navigational services such as radar target tracking and VTS. Inland AIS mobile station provides an additional input for navigational information: its value added is to provide means of surveillance and tracking of vessels equipped with Inland AIS. The position accuracy derived from Inland AIS mobile station using the internal (uncorrected) GNSS is typically above 10 metres. When the position is corrected using DGNSS from either maritime beacon differential correction service, AIS Message 17 or EGNOS (SBAS) the accuracy is typically below 5 metres. Due to their different characteristics, Inland AIS mobile station and radar complement each other.

3.3. Requirements

3.3.1. General requirements

Inland AIS mobile station is based on the AIS Class A mobile station in accordance with SOLAS convention.

Inland AIS mobile station shall cover the main functionality of AIS Class A mobile stations while considering the specific requirements for inland navigation.

Inland AIS shall be compatible to the maritime AIS and shall enable a direct data exchange between seagoing and inland vessels navigating in a mixed traffic area.

The requirements set out in points 3.3 to 3.5 are complementary or additional requirements for Inland AIS, which differs from the AIS Class A mobile stations.

The Inland AIS mobile station design shall take into account the 'Technical clarifications on the Vessel Tracking and Tracing standard'.

The default setting of the transmission power shall be high power and shall only be set to low power if directed so by the competent authority.

3.3.2. Information content

Only Tracking and Tracing and safety related information shall be transmitted via Inland AIS mobile station.

The information content set out in points 3.3.2.1 to 3.3.2.5 shall be implemented in a way that it can be sent from an Inland AIS mobile station without the need for an external application.

The Inland AIS messages shall contain following information (items marked with ‘*’ have to be handled differently as for seagoing vessels):

3.3.2.1. Static vessel information

The static vessel information for inland vessels shall have the same parameters and the same structure as in the AIS Class A mobile stations as far as it is applicable. Any conversions from inland to maritime parameters shall be done automatically where feasible. Unused parameter fields shall be set to ‘not available’.

Inland specific static vessel information shall be added.

Static vessel information is broadcast autonomously from vessel or on request.

User identifier (MMSI)	in all messages
Name of vessel	AIS Message 5
Call sign of the vessel	AIS Message 5
IMO number	AIS Message 5 (not available for Inland vessels)
Type of vessel/convoy and cargo *	AIS Message 5 + Inland FI 10
Overall length (decimetre accuracy) *	AIS Message 5 + Inland FI 10
Overall beam (decimetre accuracy) *	AIS Message 5 + Inland FI 10
Unique European vessel identification number (ENI)	Inland FI 10
Reference point of reported position on the vessel (location of antenna) *	AIS Message 5

3.3.2.2. Dynamic vessel information

The dynamic vessel information for inland vessels shall have the same parameters and the same structure as in AIS Class A mobile stations as far as it is applicable. Not used parameter fields shall be set to ‘not available’.

Inland specific dynamic vessel information shall be added.

Dynamic vessel information is broadcasted autonomously from vessel or on request.

Position according to World Geodetic System from 1984 (WGS 84)	AIS Message 1, 2 and 3
Speed Over Ground (SOG)	AIS Message 1, 2 and 3
Course COG	AIS Message 1, 2 and 3
Heading HDG	AIS Message 1, 2 and 3
Rate of turn ROT	AIS Message 1, 2 and 3
Position accuracy (GNSS/DGNSS)	AIS Message 1, 2 and 3
Time of electronic position fixing device	AIS Message 1, 2 and 3

Navigational status	AIS Message 1, 2 and 3
Status of Blue sign *	AIS Message 1, 2 and 3
Quality of speed information	Inland FI 10
Quality of course information	Inland FI 10
Quality of heading information	Inland FI 10

3.3.2.3. Voyage related vessel information

The voyage related vessel information for inland vessels shall have the same parameters and the same structure than in AIS Class A mobile stations as far as it is applicable. Unused parameter fields shall be set to 'not available'.

Inland specific voyage related vessel information shall be added.

Voyage related vessel information is broadcasted autonomously from vessel or on request.

Destination (ISRS location code)	AIS Message 5
Category of dangerous cargo	AIS Message 5
ETA	AIS Message 5
Maximum present static draught *	AIS Message 5 + Inland FI 10
Dangerous cargo indication	Inland FI 10
Loaded/unloaded vessel	Inland FI 10

3.3.2.4. Number of persons on board

The number of persons on board is transmitted either as a broadcast message or as an addressed message from vessel to shore on request or on event.

Number of crew members on board	Inland FI 55
Number of passengers on board	Inland FI 55
Number of shipboard personnel on board	Inland FI 55

3.3.2.5. Safety related messages

Safety related messages (i.e. text messages) are transmitted when required as broadcast or as addressed messages.

Addressed Safety related message	AIS Message 12
Broadcasted Safety related message	AIS Message 14

3.3.3. Reporting interval of information transmission

The different information types of Inland AIS messages shall be transmitted with different reporting rates.

The reporting rate for dynamic information can be switched between autonomous mode and assigned mode for moving vessels in inland waterway areas. The reporting rate can be increased up to 2 seconds in assigned mode. The reporting behaviour shall be switchable from an AIS base station (via AIS Message 23 for group assignment or Message 16 for individual assignment) and by commands from external ship-borne systems, via IEC 61162 interface as defined in Appendix B.

For static and voyage related the reporting rate shall be 6 minutes, on request, or if information is amended.

Following reporting rates shall be applicable:

Static vessel information:	Every 6 minutes, on request or when data has been changed
Dynamic vessel information:	Depends on navigational status and vessel operating mode, either autonomous (default) or assigned mode, see Table 3.1
Voyage related vessel information:	Every 6 minutes, on request or when data has been changed
Number of persons on board:	As required or on request
Safety related messages:	As required
Application Specific Messages:	As required (to be defined by competent authority)

Table 3.1

Update rate of dynamic vessel information

Vessel dynamic conditions	Nominal reporting interval
Vessel status 'at anchor' and not moving faster than 3 knots	3 minutes ⁽¹⁾
Vessel status 'at anchor' and moving faster than 3 knots	10 seconds ⁽¹⁾
Vessel operating in autonomous mode, moving 0 to 14 knots	10 seconds ⁽¹⁾
Vessel operating in autonomous mode, moving 0 to 14 knots and changing course	3 1/3 seconds ⁽¹⁾
Vessel operating in autonomous mode, moving 14 to 23 knots	6 seconds ⁽¹⁾
Vessel operating in autonomous mode, moving 14 to 23 knots and changing course	2 seconds
Vessel operating in autonomous mode, moving faster than 23 knots	2 seconds
Vessel operating in autonomous mode, moving faster than 23 knots and changing course	2 seconds
Vessel operating in assigned mode ⁽²⁾	assigned between 2 seconds and 10 seconds

⁽¹⁾ When a mobile station determines that it is the semaphore (refer to Recommendation ITU-R M.1371, Annex 2, § 3.1.1.4), the reporting rate shall increase to once per two seconds (refer to Recommendation ITU-R M.1371, Annex 2, § 3.1.3.3.2).

⁽²⁾ Shall be switched by competent authority, when necessary.

3.3.4. *Technology platform*

The platform for Inland AIS mobile station is the AIS Class A mobile station.

The technical solution of Inland AIS mobile station is based on the same technical standards as AIS Class A mobile stations (Recommendation ITU-R M.1371 and international standard IEC 61993-2).

3.3.5. *Compatibility to AIS Class A mobile stations*

Inland AIS mobile stations shall be compliant to AIS Class A mobile stations and shall be capable of receiving and processing all AIS messages (according to Recommendation ITU-R M.1371 and technical clarifications on Recommendation ITU-R M.1371 by International Association of aids to navigation and Lighthouse Authorities (IALA)) and in addition the messages defined in point 3.4.

3.3.6. *Unique identifier*

In order to guarantee the compatibility with maritime vessels, the Maritime Mobile Service Identifier (MMSI) number shall be used as a unique station identifier (radio equipment identifier) for the Inland AIS mobile stations.

3.3.7. *Application requirements*

Information referred to point 3.3.2 shall be input, stored and displayed directly within the Inland AIS mobile station.

The Inland AIS mobile station shall be capable of storing also the inland specific static data in the internal memory, in order to keep the information when the unit is without power supply.

Necessary data conversions for the Minimum Keyboard Display (MKD) of the Inland AIS information content (e.g. knots into km/h) or MKD input and display of information concerning inland vessel types shall be handled within the Inland AIS mobile station.

Application Specific Messages (ASM) should be entered/displayed by an external application with the exemption of Inland AIS ASM DAC = 200 FI = 10 (Inland Ship static and voyage related data) and DAC = 200 FI = 55 (inland number of persons on board) which are implemented directly in the Inland AIS mobile station.

In order to program the inland specific data into the AIS transponder the digital interface sentences are defined in Appendix B.

The Inland AIS mobile station shall provide — as a minimum — an external interface for the input of DGNSS correction and integrity information according to the provisions of the Radio Technical Commission for Maritime Services Special Committee 104 on DGNSS.

3.3.8. *Type-approval*

Inland AIS mobile station shall be type-approved for compliance with these technical specifications.

3.4. **Protocol amendments for Inland AIS mobile station**

Due to evolution of the Recommendation ITU-R M.1371, several parameters allow for the use of new status codes. This does not harm the functioning of the AIS but may result in display of unrecognized status codes in equipment based on previous revisions of the standard.

3.4.1. *Table 3.2 Position report*

Table 3.2

Position report

Parameter	Number of bits	Description
Message ID	6	Identifier for this message 1, 2 or 3
Repeat indicator	2	Used by the repeater to indicate how many times a message has been repeated 0-3; Default = 0; 3 = do not repeat any more

Parameter	Number of bits	Description
User ID (MMSI)	30	MMSI number
Navigational Status	4	<p>0 = under way using engine; 1 = at anchor; 2 = not under command; 3 = restricted manoeuvrability; 4 = constrained by her draught; 5 = moored; 6 = aground;</p> <p>7 = engaged in fishing; 8 = under way sailing;</p> <p>9 = reserved for future amendment of Navigational Status for a high-speed craft;</p> <p>10 = reserved for future amendment of Navigational Status for Wing In Ground (WIG);</p> <p>11 = power-driven vessel towing astern (regional use) ⁽¹⁾</p> <p>12 = power-driven vessel pushing ahead or towing alongside (regional use) ⁽¹⁾;</p> <p>13 = reserved for future use; 14 = AIS-SART (active);</p> <p>15 = not defined = default (also used by AIS)</p>
Rate of turn ROT AIS	8	<p>0 to + 126 = turning right at up to 708° per min or higher</p> <p>0 to – 126 = turning left at up to 708° per min or higher</p> <p>Values between 0 and 708° per min coded by ROT AIS = 4.733 SQRT (ROTsensor) degrees per min where ROTsensor is the Rate of Turn as input by an external Rate of Turn Indicator. ROT AIS is rounded to the nearest integer value</p> <p>+ 127 = turning right at more than 5° per 30 s (No Turn Indicator available)</p> <p>– 127 = turning left at more than 5° per 30 s (No Turn Indicator available)</p> <p>– 128 (80 hexadecimal) indicates no turn information available (default).</p> <p>ROT data should not be derived from COG information</p>
Speed over ground	10	<p>Speed over ground in 1/10 knot steps (0-102,2 knots)</p> <p>1 023 = not available; 1 022 = 102,2 knots or higher ⁽²⁾</p>
Position accuracy	1	<p>The position accuracy (PA) flag should be determined in accordance with ITU-R M. 1371</p> <p>1 = high (≤ 10 m)</p> <p>0 = low (> 10 m)</p> <p>0 = default</p>
Longitude	28	<p>Longitude in 1/10 000 min ($\pm 180^\circ$, East = positive (as per 2's complement), West = negative (as per 2's complement),</p> <p>181 = (6791AC0 hexadecimal) = not available = default)</p>
Latitude	27	<p>Latitude in 1/10 000 min ($\pm 90^\circ$, North = positive (as per 2's complement), South = negative (as per 2's complement), 91 = (3412140 hexadecimal) = not available = default)</p>
Course over ground	12	<p>Course over ground in 1/10° (0-3599). 3 600 (E10 hexadecimal) = not available = default;</p> <p>3 601 — 4 095 shall not be used</p>

Parameter	Number of bits	Description
True heading	9	Degrees (0-359) (511 indicates not available = default).
Time stamp	6	UTC second when the report was generated by the electronic positioning fixing system (EPFS) (0-59, or 60 if time stamp is not available, which shall also be the default value, or 61 if positioning system is in manual input mode, or 62 if Electronic Position Fixing System operates in estimated (dead reckoning) mode, or 63 if the positioning system is inoperative)
Special manoeuvre indicator: blue sign	2	Indication if blue sign is set ⁽³⁾ 0 = not available = default, 1 = not engaged in special manoeuvre = blue sign not set 2 = engaged in special manoeuvre = blue sign is set yes, 3 is not used
Spare	3	Not used. Should be set to zero. Reserved for future use.
RAIM-flag	1	Receiver autonomous integrity monitoring (RAIM) flag of electronic position fixing device; 0 = RAIM not in use = default; 1 = RAIM in use. RAIM-flag should be determined in accordance with ITU-R M. 1371
Communication state	19	Communication state should be determined in accordance with ITU-R M. 1371
Total	168	Occupies one slot

⁽¹⁾ Not applicable within the Union for the purpose of this Regulation

⁽²⁾ Knots shall be calculated in km/h by external on-board equipment.

⁽³⁾ Shall only be evaluated if the report is coming from an Inland AIS mobile station and if the information is derived by automatic means (direct connection to switch).

3.4.2. Ship static and voyage related data (Message 5)

Table 3.3

Ship static and dynamic data report

Parameter	Number of bits	Description
Message ID	6	Identifier for this message 5
Repeat indicator	2	Sent by the repeater to indicate how many times a message has been repeated 0-3; Default = 0; 3 = do not repeat any more
User ID (MMSI)	30	MMSI number
AIS version indicator	2	0 = Station compliant with Recommendation ITU-R M. 1371-1; 1 = Station compliant with Recommendation ITU-R M. 1371-3 (or later), 2 = Station compliant with Recommendation ITU-R M. 1371-5 (or later), 3 = Station compliant with future editions

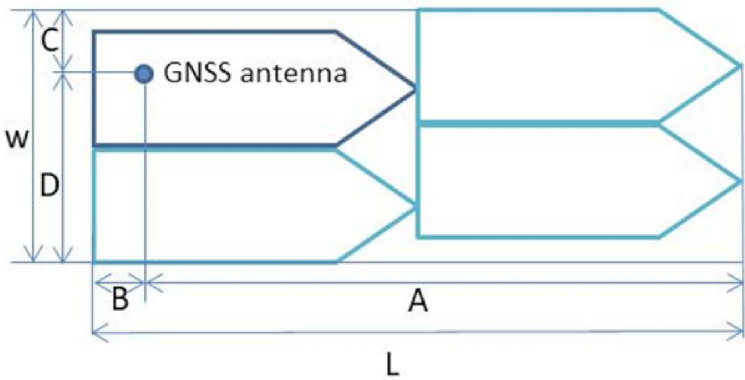
Parameter	Number of bits	Description
IMO number	30	0 = not available = default — not applicable to Search And Rescue aircraft 0000000001-0000999999 not used 0001000000-0009999999 = valid IMO number; 0010000000-1073741823 = official flag state number. ⁽¹⁾
Call sign	42	7 × 6 bit ASCII characters, '@@@@@@' = not available = default Craft associated with a parent vessel, should use 'A' followed by the last 6 digits of the MMSI of the parent vessel. Examples of these craft include towed vessels, rescue boats, tenders, lifeboats and liferafts
Name	120	Maximum 20 characters 6 bit ASCII, see ITU-R M. 1371; @@@@@@@@@@@@@@@@@@@@ = not available = default. For Search And Rescue (SAR) aircraft, it should be set to 'SAR AIRCRAFT NNNNNNN' where NNNNNNN equals the aircraft registration number
Type of vessel and cargo	8	0 = not available or no vessel = default; 1 — 99 = as defined in ITU-R M. 1371; ⁽²⁾ 100 — 199 = preserved, for regional use; 200 — 255 = preserved, for future use Not applicable to SAR aircraft
Overall dimensions of vessel/convoy and reference for position	30	Reference point for reported position; Also indicates the dimension of vessel in metres (see ITU-R M. 1371). For SAR aircraft, the use of this field may be decided by the responsible administration. If used it should indicate the maximum dimensions of the craft. As default should A = B = C = D be set to '0' ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾
Type of electronic position fixing device	4	0 = Undefined (default), 1 = GPS, 2 = GLONASS, 3 = Combined GPS/GLONASS, 4 = Loran-C, 5 = Chayka, 6 = Integrated Navigation System, 7 = surveyed, 8 = Galileo 9 — 14 = not used 15 = internal GNSS
ETA	20	ETA; MMDDHHMM UTC Bits 19 — 16: month; 1 — 12; 0 = not available = default; Bits 15 — 11: day; 1 — 31; 0 = not available = default; Bits 10 — 6: hour; 0 — 23; 24 = not available = default; Bits 5 — 0: minute; 0 — 59; 60 = not available = Default For SAR aircraft, the use of this field may be decided by the responsible administration

Parameter	Number of bits	Description
Maximum present static draught	8	in 1/10 m, 255 = draught 25,5 m or greater, 0 = not available = default ⁽⁶⁾
Destination	120	Maximum 20 characters using 6-bit ASCII; @@@@@@@@@@@@@@@@@@@@@@@@@ = not available. ⁽⁷⁾
Data Terminal Equipment (DTE)	1	Data terminal ready (0 = available, 1 = not available = default)
Spare	1	Spare. Not used. Shall be set to zero. Reserved for future use
Total	424	Occupies two slots

⁽¹⁾ Shall be set to 0 for inland vessels.
⁽²⁾ Best applicable vessel type shall be used for inland navigation (see APPENDIX C).
⁽³⁾ The dimensions shall be set to the maximum rectangle size of the convoy.
⁽⁴⁾ The decimetre accuracy of the inland information shall be rounded upwards.
⁽⁵⁾ The reference point information has to be taken out of the SSD interface sentence by distinguishing the field 'source identifier'. Position reference point information with source identifier AI, has to be stored as internal one. Other source identifiers shall lead to reference point information for the external reference point.
⁽⁶⁾ The centimetre accuracy on the inland information shall be rounded upwards.
⁽⁷⁾ The ISRS Location Codes as part of the RIS Index shall be used derived from the European Reference Data Management System (ERDMS) kept by the European Commission.

Figure 3.1

Reference point for reported position and overall dimension of vessel/convoy



	Number of bits	Bit fields	Distance (m)	
A	9	Bit 21 — Bit 29	0 — 511 511 = 511 m or greater	Reference Point for reported position
B	9	Bit 12 — Bit 20	0 — 511 511 = 511 m or greater	
C	6	Bit 6 — Bit 11	0 — 63 63 = 63 m or greater	
D	6	Bit 0 — Bit 5	0 — 63 63 = 63 m or greater	

	Number of bits	Bit fields	Distance (m)	
L = A + B	Defined in Inland FI 10			Overall dimension used in Inland AIS mobile station
W = C + D				

The dimension should be in the direction of the transmitted heading information (bow).

Reference point of reported position not available, but dimensions of vessel/convoy are available: A = C = 0 and B ≠ 0 and D ≠ 0.

Neither reference point of reported position nor dimensions of vessel/convoy are available: A = B = C = D = 0 (= default).

For use of the message table, A = most significant field. D = least significant field

3.4.3. Group assignment command (Message 23)

Inland AIS mobile stations shall be addressed for group assignment by Message 23 using station type '6 = inland waterways'.

3.5. Inland AIS Messages

3.5.1. Additional Inland AIS messages

To comply with the information needs, specific Inland AIS messages are defined. In addition to the information content which shall be implemented directly in the Inland AIS station, the Inland AIS mobile station may transmit additional information through Application Specific Messages (ASM). This information content is normally handled by an external application, such as Inland ECDIS.

The use of Inland AIS ASM is in the responsibility of the river commission or the competent authorities.

3.5.2. Application identifier for Inland AIS Application Specific Messages

The application specific messages consist of the AIS Class A mobile stations framework according Recommendation ITU-R M.1371 (message ID, repeat indicator, source ID, destination ID), the Application Identifier (AI = DAC + FI) and the data content (variable length up to a given maximum).

The 16-bit application identifier (AI = DAC + FI) consists of the following elements:

- (a) 10-bit designated area code (DAC): international (DAC = 1) or regional (DAC > 1);
- (b) 6-bit function identifier (FI) — allows for 64 unique application specific messages.

For the European harmonized Inland AIS Application Specific Messages the DAC '200' is used.

In addition national (regional) DAC may be used in local ASM e.g. test pilots. Nevertheless it is strongly recommended to avoid the usage of regional ASM.

3.5.3. Information content through Application Specific Messages

Inland AIS ASM DAC = 200 FI = 10 (Inland Ship static and voyage related data) and DAC = 200 FI = 55 (inland number of persons on board) are implemented directly in the Inland AIS mobile station (see points 3.5.3.1 and 3.5.3.2).

3.5.3.1. Inland ship static and voyage related data (Inland specific Message FI 10)

This message shall be used by inland vessels only, to broadcast vessel static and voyage related data in addition to message 5. The message shall be sent with binary message 8 as soon as possible (from the AIS point of view) after message 5.

Table 3.4

Inland vessel data report

Parameter		Number of bits	Description
Message ID		6	Identifier for message 8; always 8
Repeat indicator		2	Used by the repeater to indicate how many times a message has been repeated. 0-3; Default = 0; 3 = do not repeat any more
Source ID		30	MMSI number
Spare		2	Not used, shall be set to zero. Reserved for future use
Binary data	Application identifier	16	DAC = 200, FI = 10
	Unique European vessel identification number (ENI)	48	8*6 Bit ASCII characters 00000000 = ENI not assigned = default
	Length of vessel/convoy	13	1 — 8 000 (rest not to be used) length of vessel/convoy in 1/10 m 0 = default
	Beam of vessel/convoy	10	1 — 1 000 (rest not to be used) beam of vessel/convoy in 1/10 m; 0 = default
	Vessel and convoy type	14	Numeric vessel and convoy type as described in <i>Appendix C</i> 0 = not available = default
	Dangerous cargo indication	3	Number of blue cones/lights 0 — 3; 4 = B-Flag, 5 = default = unknown
	Maximum present static draught	11	1 — 2 000 (rest not used) draught in 1/100 m, 0 = default = unknown
	Loaded/unloaded	2	1 = loaded, 2 = unloaded, 0 = not available/default, 3 shall not be used
	Quality of speed information	1	1 = high, 0 = low/GNSS = default (*)
	Quality of course information	1	1 = high, 0 = low/GNSS = default (*)
	Quality of heading information	1	1 = high, 0 = low = default (*)
Spare		8	Not used, shall be set to zero. Reserved for future use
Total		168	Occupies one slot

(*) Shall be set to 0 if no type approved sensor (e.g. gyro) is connected to the transponder.

3.5.3.2. Number of persons on board (Inland specific message FI 55)

This message shall be sent by inland vessels only, to inform about the number of persons (passengers, crew, shipboard personnel) on board. The message shall be sent with binary message 6 preferably on event or on request using International Application Identifier binary functional message 2.

Table 3.5

Number of Persons on board report

Parameter		Bit	Description
Message ID		6	Identifier for message 6; always 6
Repeat indicator		2	Used by the repeater to indicate how many times a message has been repeated. 0-3; Default = 0; 3 = do not repeat any more
Source ID		30	MMSI number of source station
Sequence number		2	0 — 3
Destination ID		30	MMSI number of destination station
Retransmit flag		1	Retransmit flag shall be set upon retransmission: 0 = no retransmission = default; 1 = retransmitted.
Spare		1	Not used, shall be set to zero. Reserved for future use
Binary data	Application identifier	16	DAC = 200, FI = 55
	Number of crew members on board	8	0 — 254 crew members, 255 = unknown = default
	Number of passengers on board	13	0 — 8 190 passengers, 8 191 = unknown = default
	Number of shipboard personnel on board	8	0 — 254 shipboard personnel, 255 = unknown = default
	Spare	51	Not used, shall be set to zero. Reserved for future use.
Total		168	Occupies one slot

4. OTHER AIS MOBILE STATIONS ON INLAND WATERWAYS

4.1. Introduction

Vessels not obliged to operate Inland AIS mobile stations may use other AIS mobile stations. The following mobile stations can be used:

- (a) AIS Class A mobile station in accordance with Articles 35(2) and 35(3) of Commission Directive 2014/90/EU ⁽⁶⁾;
- (b) AIS Class B mobile station in accordance with point 4.2.

The use of such stations in inland waterways is up to the decision of the Competent Authority responsible for the navigation in that area.

If such stations are used on a voluntary basis, the shipmaster shall keep the manually entered AIS data constantly up to date. No incorrect data shall be transmitted over AIS.

⁽⁶⁾ Commission Directive 2014/90/EU of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146).

4.2. General requirements for AIS Class B mobile stations on inland waterways

AIS Class B has restricted functionalities compared to Inland AIS mobile stations. The messages sent out by an AIS Class B mobile station are transmitted with a lower priority in comparison to Inland AIS mobile stations.'

In addition to the requirements resulting from other Union legal acts, in particular, Directive 1999/5/EC of the European Parliament and of the Council ⁽⁷⁾ and Commission Decision 2005/53/EC ⁽⁸⁾, AIS Class B mobile stations installed on vessels navigating on Union inland waterways shall meet the requirements set out in:

- (a) Recommendation ITU-R M. 1371;
- (b) IEC International Standard 62287 (including DSC channel management).

Note: It is the responsibility of the Competent Authority responsible for the navigation in that area to ascertain the conformity of AIS Class B mobile stations to the standards and requirements listed in the second subparagraph prior to issuing a ship station license, assigning a Maritime Mobile Service Identifier (MMSI) number, for example by type approval of the relevant AIS Class B mobile stations.

5. AIS AIDS TO NAVIGATION IN INLAND NAVIGATION

5.1. Introduction

A navigational aid (also known as Aids to Navigation, or AtoN) is a marker which provides support during navigation. Such aids include markings for lighthouses, buoys, fog signals, and day beacons. A list of types of AtoNs is included in Table 5.2.

The AIS technology provides the possibility to dynamically transfer information about AtoNs.

For the use in inland navigation the maritime AIS AtoN report (Message 21) needs to be extended to reflect the specifics of the inland buoyage system.

The maritime AIS AtoN report is based on the IALA buoyage system. For inland navigation the AIS AtoN report needs to reflect the European Inland AtoN system described in Section 5.

The AIS AtoN report transfers the position and the meaning of the AtoN as well as information if a buoy is on the required position (on position) or not (off position).

5.2. Use of Message 21: Aids to Navigation report

For the use on inland waterways the AIS AtoN report (Message 21) as defined in Recommendation ITU-R M.1371 is being used. The additional European Inland types of AtoN are coded using the 'AtoN status' bits.

Table 5.1

AIS AtoN Report

Parameter	Number of bits	Description
Message ID	6	Identifier for this message 21
Repeat indicator	2	Used by the repeater to indicate how many times a message has been repeated 0-3; Default = 0; 3 = do not repeat any more

⁽⁷⁾ Directive 1999/5/EC of the European Parliament and of the Council of 9 March 1999 on radio equipment and telecommunications terminal equipment and the mutual recognition of their conformity (OJ L 91, 7.4.1999, p. 10).

⁽⁸⁾ Commission Decision 2005/53/EC of 25 January 2005 on the application of Article 3(3)(e) of Directive 1999/5/EC of the European Parliament and of the Council to radio equipment intended to participate in the Automatic Identification System (AIS) (OJ L 22, 26.1.2005, p. 14).

Parameter	Number of bits	Description
ID	30	MMSI number, (see Article 19 of the RR and Recommendation ITU-R M.585)
Type of Aids-to-Navigation	5	0 = not available = default; refer to appropriate definition set up by IALA; see Figure 5-1 ⁽¹⁾
Name of Aids-to-Navigation	120	Maximum 20 characters 6-bit ASCII, as defined in Table 47 '@@@@@@@@@@@@@@@@@@' = not available = default. The name of the AtoN may be extended by the parameter 'Name of Aids-to-Navigation Extension' below
Position accuracy (PA)	1	1 = high (≤ 10 m) 0 = low (> 10 m) 0 = default The PA flag should be determined in accordance with Recommendation ITU-R M.1371 table 'Determination of position accuracy information'
Longitude	28	Longitude in 1/10 000 min of position of an AtoN ($\pm 180^\circ$, East = positive, West = negative 181 = (6791AC0h) = not available = default)
Latitude	27	Latitude in 1/10 000 min of an AtoN ($\pm 90^\circ$, North = positive, South = negative 91 = (3412140h) = not available = default)
Dimension/reference for position	30	Reference point for reported position; also indicates the dimension of an AtoN (m) (see Figure 5-1), if relevant ⁽²⁾
Type of electronic position fixing device	4	0 = Undefined (default) 1 = GPS 2 = GLONASS 3 = Combined GPS/GLONASS 4 = Loran-C 5 = Chayka 6 = Integrated Navigation System 7 = surveyed. For fixed AtoN and virtual AtoN, the charted position should be used. The accurate position enhances its function as a radar reference target 8 = Galileo 9-14 = not used 15 = internal GNSS
Time stamp	6	UTC second when the report was generated by the EPFS (0-59 or 60) if time stamp is not available, which should also be the default value or 61 if positioning system is in manual input mode or 62 if electronic position fixing system operates in estimated (dead reckoning) mode or 63 if the positioning system is inoperative)

Parameter	Number of bits	Description
Off-position indicator	1	For floating AtoN, only: 0 = on position; 1 = off position. NOTE 1 — This flag should only be considered valid by receiving station, if the AtoN is a floating aid, and if time stamp is equal to or below 59. For floating AtoN the guard zone parameters should be set on installation
AtoN status	8	Reserved for the indication of the AtoN status 00000000 = default ⁽³⁾
RAIM-flag	1	RAIM (Receiver autonomous integrity monitoring) flag of electronic position fixing device; 0 = RAIM not in use = default; 1 = RAIM in use; see Recommendation ITU-R M.1371 table 'Determination of position accuracy information'
Virtual AtoN flag	1	0 = default = real AtoN at indicated position; 1 = virtual AtoN, does not physically exist ⁽⁴⁾
Assigned mode flag	1	0 = Station operating in autonomous and continuous mode = default 1 = Station operating in assigned mode
Spare	1	Spare. Not used. Should be set to zero. Reserved for future use
Name of Aids-to- Navigation Extension	0, 6, 12, 18, 24, 30, 36, ... 84	This parameter of up to 14 additional 6-bit-ASCII characters for a 2-slot message may be combined with the parameter 'Name of Aids-to-Navigation' at the end of that parameter, when more than 20 characters are needed for the name of the AtoN. This parameter should be omitted when no more than 20 characters for the name of the AtoN are needed in total. Only the required number of characters should be transmitted, i.e. no @-character should be used
Spare	0, 2, 4, or 6	Spare. Used only when parameter 'Name of Aids-to-Navigation Extension' is used. Should be set to zero. The number of spare bits should be adjusted in order to observe byte boundaries
Total	272-360	Occupies two slots

⁽¹⁾ In case an inland AtoN type code is being transmitted, this field (type of AtoN) shall be set to 0 = undefined

⁽²⁾ When using Figure 5-1 for AtoN the following shall be observed:

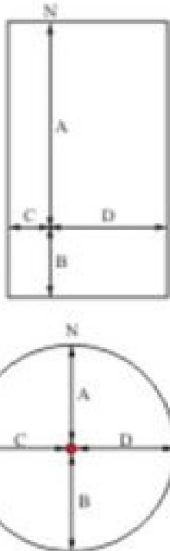
- For fixed AtoN, virtual AtoN, and for offshore structures, the orientation established by the dimension A shall point to true north.
- For floating aids larger than 2 m * 2 m the dimensions of the AtoN shall always be given approximated to a circle, i.e. the dimensions shall always be as follows A = B = C = D ≠ 0. (This is due to the fact that the orientation of the floating AtoN is not transmitted. The reference point for reported position is in the centre of the circle.)
- A = B = C = D = 1 shall indicate objects (fixed or floating) smaller than or equal to 2 m * 2 m. (The reference point for reported position is in the centre of the circle.)
- Floating offshore structures that are not fixed, such as rigs, shall be considered as Code 31 type from Table 5.2. These structures shall have their 'Dimension/reference for position' parameter as determined above in Note (1). For fixed offshore structures, Code 3 type from Table 5.2, shall have their 'Dimension/reference for position' parameter as determined above in Note (1). Hence, all offshore AtoN and structures have the dimension determined in the same manner and the actual dimensions are contained in Message 21.

⁽³⁾ For Inland AIS AtoN report this field shall be used to indicate the Inland AtoN type using page 001

⁽⁴⁾ When transmitting virtual AtoN information, i.e. the virtual/pseudo AtoN Target Flag is set to one (1), the dimensions shall be set to A = B = C = D = 0 (default). This shall also be the case, when transmitting 'reference point' information

Figure 5-1

Reference point for reported position of a maritime AtoN, or the dimension of an AtoN

	Number of bits	Bit Fields	Distance (m)
	A	Bit 21 — Bit 29	0-511 511 — 511 m or greater
	B	Bit 12 — Bit 20	0-511 511 — 511 m or greater
	C	Bit 6 — Bit 11	0-63 63 — 63 m or greater
	D	Bit 0 — Bit 5	0-63 63 — 63 m or greater

If the type of AtoN to be transmitted is covered within the existing IALA types of AtoN (according to Table 5.2) no changes need to be applied.

Table 5.2

Types of Aids to Navigation

Code		Definition Maritime
	0	Default, Type of AtoN not specified
	1	Reference point
	2	RACON
	3	Fixed structures offshore, such as oil platforms, wind farms. (NOTE 1 — This code should identify an obstruction that is fitted with an AtoN AIS station)
	4	Emergency Wreck Marking Buoy
Fixed AtoN	5	Light, without sectors
	6	Light, with sectors
	7	Leading Light Front
	8	Leading Light Rear
	9	Beacon, Cardinal N
	10	Beacon, Cardinal E
	11	Beacon, Cardinal S

Code		Definition Maritime
	12	Beacon, Cardinal W
	13	Beacon, Port hand
	14	Beacon, Starboard hand
	15	Beacon, Preferred Channel port hand
	16	Beacon, Preferred Channel starboard hand
	17	Beacon, Isolated danger
	18	Beacon, Safe water
	19	Beacon, Special mark
Floating AtoN	20	Cardinal Mark N
	21	Cardinal Mark E
	22	Cardinal Mark S
	23	Cardinal Mark W
	24	Port hand Mark
	25	Starboard hand Mark
	26	Preferred Channel Port hand
	27	Preferred Channel Starboard hand
	28	Isolated danger
	29	Safe Water
	30	Special Mark
	31	Light Vessel/LANBY/Rigs

NOTE 1 — The types of AtoN listed above are based on the IALA Maritime Buoyage System, where applicable.

NOTE 2 — There is potential for confusion when deciding whether an aid is lighted or unlighted. Competent authorities may wish to use the regional/local section of the message to indicate this.

5.3. Extension of Message 21 with inland-specific type of AtoN

The parameter field 'AtoN status' is used for the extension of Message 21 with inland-specific type of AtoN.

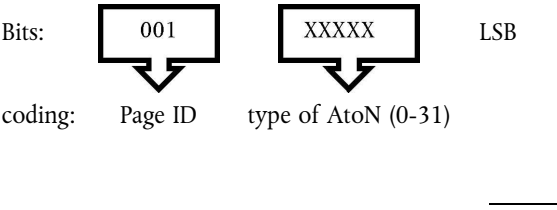
The parameter field 'AtoN status' is organised in eight pages, of which page ID 0 is 0 = default, page ID 1 to 3 is for regional use and page ID 4 to 7 is for international use. The first three bits of the AtoN status field defines the page ID, the remaining 5 bits contains the information of the page.

The region, in which page ID 1 to 3 is applicable is defined by the Maritime Identification Digits within the MMSI of the transmitting AIS AtoN station. Thus the bit coding of the 5 information bits in the AtoN status field is only applicable in this specific region.

As regards Union inland waterways page ID 1 of the AtoN status field contains the list of inland-specific type of AtoN used.

To set an inland-specific type of AtoN in Message 21 two steps have to be made. First the parameter ‘Type of aids-to-navigation’ in Message 21 needs to be set to ‘0 = Default, type of AtoN not specified’. Second, the parameter ‘AIS status’ needs to be set to page ID 1 and the appropriate code of the Inland-specific type of AtoN, as follows:

Msg 21 — AtoN status:



Appendix A

ABBREVIATIONS

AI	Application Identifier
AIS	Automatic Identification System
ADN	European Agreement concerning the International Carriage of Dangerous Goods by Inland Waterways
ASCII	American Standard Code for Information Interchange
ASM	Application Specific Message
AtoN	Aids to Navigation
DAC	Designated Area Code
DGNSS	Differential GNSS
FI	Functional Identifier
GLONASS	(Russian) GLObal NAVigation Satellite System
GNSS	Global Navigation Satellite System
GPS	Global Positioning System
HDG	Heading
IAI	International Application Identifier
ID	Identifier
ITU	International Telecommunication Union
MMSI	Maritime Mobile Service Identifier as referred to in ITU Recommendation ITU-R M585
ROT	Rate Of Turn
Class B SO/CS	Class B mobile stations using either carrier-sense time division multiple access (CSTDMA) technique ('CO'), or Self-organising time division multiple access (SOTDMA) technique ('SO')
SOLAS	Safety Of Life At Sea
SQRT	Square root
UTC	Universal Time Coordinated
VHF	Very High Frequency
VTS	Vessel Traffic Services

Appendix B

DIGITAL INTERFACE SENTENCES FOR INLAND AIS

B.1 Input sentences

The serial digital interface of the AIS is supported by existing IEC 61162 sentences. The detailed descriptions for the digital interface sentences are found in IEC 61162.

In addition the following digital interface sentences are defined for Inland AIS mobile station.

B.2 Inland waterway static ship data

This sentence is used to change settings, which are not covered by SSD and VSD.

\$PIWWSSD,cccccccc,xxxx,x.x,x.x,x.x,x.x,x.x,x.x,x.x*hh<CR><LF>

field 1 2 3 4 5 6 7 8 9 10 11

Field	Format	Description
1	cccccccc	ENI number
2	xxxx	inland vessel type according to APPENDIX C
3	x.x	length of vessel 0 to 800,0 metre
4	x.x	beam of vessel 0 to 100,0 metre
5	x	quality of speed information 1 = high or 0 = low
6	x	quality of course information 1 = high or 0 = low
7	x	quality of heading information 1 = high or 0 = low
8	x.x	B value for internal reference position (distance reference point to stern)
9	x.x	C value for internal reference position (distance reference point to port side)
10	x.x	B value for external reference position (distance reference point to stern)
11	x.x	C value for external reference position (distance reference point to port side)

B.3 Inland waterway voyage data

This sentence is used to enter inland navigation voyage vessel data into an Inland AIS mobile station. For setting the inland voyage related data the sentence \$PIWWIVD with the following content is used

\$PIWWIVD,x,x,x,x,x,x,x,xxx,xxxx,xxx,x.x,x.x,x.x,x.x*hh<CR><LF>

field 1 2 3 4 5 6 7 8 9 10 11 12 13

Field	Format	Description
1	x	See Recommendation ITU-R M.1371 Msg 23 reporting interval settings, default setting: 0
2	x	number of blue cones: 0-3, 4 = B-Flag, 5 = default = unknown
3	x	0 = not available = default, 1 = loaded, 2 = unloaded, rest not used

Field	Format	Description
4	x.x	static draught of vessel 0 to 20,00 metres, 0 = unknown = default, rest not used
5	x.x	air draught of vessel 0 to 40,00 metres, 0 = unknown = default, rest not used
6	x	number of assisting tugboats 0-6, 7 = default = unknown, rest not used
7	xxx	number of crew members on board 0 to 254, 255 = unknown = default, rest not used
8	xxxx	number of passengers on board 0 to 8 190, 8 191 = unknown = default, rest not used
9	xxx	number of shipboard personnel on board 0 to 254, 255 = unknown = default, rest not used
10	x.x	Convoy extension to bow in (metre.decimetre = resolution in dm)
11	x.x	Convoy extension to stern in (metre.decimetre = resolution in dm)
12	x.x	Convoy extension to port side in (metre.decimetre = resolution in dm)
13	x.x	Convoy extension to starboard side in (metre.decimetre = resolution in dm)

In case of null fields the corresponding configuration setting shall not be changed.

Appendix C

INLAND VESSEL AND CONVOY TYPES

This correspondence table is based on an excerpt of the 'Codes for Types of Means of Transport' according to UNECE Recommendation 28 and the maritime ship types as defined in Recommendation ITU-R M.1371 'Technical characteristics for a universal shipborne automatic identification system using time division multiple access in the VHF maritime mobile band'.

Vessel and convoy type		maritime ship type	
code	vessel name	1st digit	2nd digit
8000	Vessel, type unknown	9	9
8010	Motor freighter	7	9
8020	Motor tanker	8	9
8021	Motor tanker, liquid cargo, type N	8	0
8022	Motor tanker, liquid cargo, type C	8	0
8023	Motor tanker, dry cargo as if liquid (e.g. cement)	8	9
8030	Container vessel	7	9
8040	Gas tanker	8	0
8050	Motor freighter, tug	7	9
8060	Motor tanker, tug	8	9
8070	Motor freighter with one or more ships alongside	7	9
8080	Motor freighter with tanker	8	9
8090	Motor freighter pushing one or more freighters	7	9
8100	Motor freighter pushing at least one tank-ship	8	9
8110	Tug, freighter	7	9
8120	Tug, tanker	8	9
8130	Tug, freighter, coupled	3	1
8140	Tug, freighter/tanker, coupled	3	1
8150	Freightbarge	9	9
8160	Tankbarge	9	9
8161	Tankbarge, liquid cargo, type N	9	0
8162	Tankbarge, liquid cargo, type C	9	0
8163	Tankbarge, dry cargo as if liquid (e.g. cement)	9	9
8170	Freightbarge with containers	8	9
8180	Tankbarge, gas	9	0
8210	Pushtow, one cargo barge	7	9

Vessel and convoy type		maritime ship type	
code	vessel name	1st digit	2nd digit
8220	Pushtow, two cargo barges	7	9
8230	Pushtow, three cargo barges	7	9
8240	Pushtow, four cargo barges	7	9
8250	Pushtow, five cargo barges	7	9
8260	Pushtow, six cargo barges	7	9
8270	Pushtow, seven cargo barges	7	9
8280	Pushtow, eighth cargo barges	7	9
8290	Pushtow, nine or more barges	7	9
8310	Pushtow, one tank/gas barge	8	0
8320	Pushtow, two barges at least one tanker or gas barge	8	0
8330	Pushtow, three barges at least one tanker or gas barge	8	0
8340	Pushtow, four barges at least one tanker or gas barge	8	0
8350	Pushtow, five barges at least one tanker or gas barge	8	0
8360	Pushtow, six barges at least one tanker or gas barge	8	0
8370	Pushtow, seven barges at least one tanker or gas barge	8	0
8380	Pushtow, eight barges at least one tanker or gas barge	8	0
8390	Pushtow, nine or more barges at least one tanker or gas barge	8	0
8400	Tug, single	5	2
8410	Tug, one or more tows	3	1
8420	Tug, assisting a vessel or linked combination	3	1
8430	Pushboat, single	9	9
8440	Passenger ship, ferry, red cross ship, cruise ship	6	9
8441	Ferry	6	9
8442	Red cross ship	5	8
8443	Cruise ship	6	9
8444	Passenger ship without accommodation	6	9
8445	Day-trip high speed vessel	6	9
8446	Day-trip hydrofoil vessel	6	9
8447	Sailing cruise ship	6	9

Vessel and convoy type		maritime ship type	
code	vessel name	1st digit	2nd digit
8448	Sailing passenger ship without accommodation	6	9
8450	Service vessel, police patrol, port service	9	9
8451	Service vessel	9	9
8452	Police patrol vessel	5	5
8453	Port service vessel	9	9
8454	Navigation surveillance vessel	9	9
8460	Vessel, work maintenance craft, floating derrick, cable-ship, buoy-ship, dredge	3	3
8470	Object, towed, not otherwise specified	9	9
8480	Fishing boat	3	0
8490	Bunkership	9	9
8500	Barge, tanker, chemical	8	0
8510	Object, not otherwise specified	9	9
1500	General cargo Vessel maritime	7	9
1510	Unit carrier maritime	7	9
1520	Bulk carrier maritime	7	9
1530	Tanker	8	0
1540	Liquefied gas tanker	8	0
1850	Pleasure craft, longer than 20 metres	3	7
1900	Fast ship	4	9
1910	Hydrofoil	4	9
1920	Catamaran fast	4	9

COMMISSION DELEGATED REGULATION (EU) 2019/839**of 7 March 2019****amending Regulation (EU) No 540/2014 of the European Parliament and of the Council on the sound level of motor vehicles and of replacement silencing systems****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 540/2014 of the European Parliament and of the Council of 16 April 2014 on the sound level of motor vehicles and of replacement silencing systems, and amending Directive 2007/46/EC and repealing Directive 70/157/EEC ⁽¹⁾, and in particular the second paragraph of Article 8 and Article 9 thereof,

Whereas:

- (1) Regulation (EU) No 540/2014 lays down requirements for the EU type-approval of all new vehicles of categories M (vehicles used for the carriage of passengers) and N (vehicles used for the carriage of goods) with regard to their sound level. That Regulation also lays down measures concerning the Acoustic Vehicle Alerting System (AVAS) for hybrid electric and pure electric vehicles, aiming at the warning of vulnerable road users.
- (2) The information document pursuant to Annex I to Directive 2007/46/EC of the European Parliament and of the Council ⁽²⁾ relating to EU type-approval of a vehicle with respect to the permissible sound level should be reviewed to reflect the detailed requirements on AVAS.
- (3) Following the adoption, at the 171st session of the World Forum for Harmonization of Vehicle Regulations of the United Nations Economic Commission for Europe (UNECE), of the 01 series of amendments to UN Regulation 138 on the approval of quiet road transport vehicles, Annex VIII to Regulation (EU) No 540/2014 should be reviewed in order to introduce the AVAS pause function prohibition.
- (4) Regulation (EU) No 540/2014 should therefore be amended accordingly.
- (5) Considering that this Regulation contains an adaptation to reflect requirements pertaining to the AVAS pause function already applicable under the UNECE 1958 Agreement, and introduces the necessary transitional provisions for application in 2019, it should enter into force as a matter of urgency,

HAS ADOPTED THIS REGULATION:

Article 1

Annexes I and VIII to Regulation (EU) No 540/2014 are amended in accordance with the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 158, 27.5.2014, p. 131.

⁽²⁾ Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p. 1).

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

Done at Brussels, 7 March 2019.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

Regulation (EU) No 540/2014 is amended as follows:

(1) in Annex I, Appendix 1 is amended as follows:

- (a) point 12.8 is deleted;
- (b) the following point 12.9 is added:

‘12.9. AVAS

12.9.1. Approval number of a type of vehicle with regard to its sound emission pursuant to UNECE Regulation No 138 ⁽¹⁾

or

12.9.2. Complete reference to the test results of AVAS sound emission levels, measured in accordance with Regulation (EU) No 540/2014 ⁽¹⁾’.

(2) Annex VIII is amended as follows:

- (a) section I is replaced by the following:

‘Section I

This Annex sets out measures concerning the AVAS for hybrid electric and pure electric vehicles.

I.1. Notwithstanding points I.2(a), I.2(b), I.3(a) and I.3(b), the provisions of section II shall apply to an AVAS installed:

- (a) in any vehicle type-approved before 1 July 2019;
- (b) in any new vehicle based on the type referred to in point (a) registered before 1 July 2021.

I.2. Notwithstanding points I.3(a) and (b), the provisions of section III shall apply to an AVAS installed:

- (a) in any vehicle type-approved before 1 July 2019, where the manufacturer so chooses;
- (b) in any new vehicle based on the type referred to in point (a);
- (c) in any vehicle type-approved as from 1 July 2019 and before 1 September 2021;
- (d) in any new vehicle based on the type referred to in point (c) registered before 1 September 2023.

I.3. The provisions of section IV shall apply to an AVAS installed:

- (a) in any vehicle type-approved before 1 September 2021, where the manufacturer so chooses;
- (b) in any new vehicle based on the type referred to in point (a);
- (c) in any vehicle type-approved on or after 1 September 2021;
- (d) in any new vehicle based on the type referred to in point (c);
- (e) in all new vehicles registered on or after 1 September 2023.;

(b) the following section IV is added:

‘Section IV

The provisions of section III shall apply, with the exception of point III.2.(b). In addition, the following shall apply:

Switch

Any mechanism to enable the driver to halt the operation of an AVAS (“pause function”) shall comply with the requirements of paragraph 6.2.6 of UNECE Regulation No 138, Supplement 1 to the original version of the Regulation, 01 series of amendments (OJ L 204, 5.8.2017, p.112).’

COMMISSION DELEGATED REGULATION (EU) 2019/840**of 12 March 2019****amending Delegated Regulation (EU) 2018/273 as regards the importation of wine originating in Canada and exempting retailers from holding an inward and outward register**

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⁾, and in particular Article 89(a) and Article 147(3)(d) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) 2018/273 ⁽²⁾ establishes rules for the application of Regulation (EU) No 1308/2013 with regard to the accompanying documents for release of imported wine products into free circulation in the Union.
- (2) Article 23 of the Agreement concluded between the European Union and Canada concerning trade in wines and spirits ⁽³⁾ ('the Agreement') provides that wine originating in Canada, which is produced under the supervision and control of one of the competent bodies listed in Annex VI to the Agreement, may be imported in accordance with the simplified certification provisions provided for under Union rules. According to Article 26 of Delegated Regulation (EU) 2018/273, wine producers in third countries may draw up and sign the certification document where they are individually authorised to do so by one of the competent bodies of those third countries and are subject to inspection by the latter. In order to implement Article 23 of the Agreement, Delegated Regulation (EU) 2018/273 should be amended to include a provision allowing the use of the simplified procedure laid down in Article 26 of that Regulation for the import of wines originating in Canada into the Union.
- (3) Pursuant to Article 147(2) of Regulation (EU) No 1308/2013, natural or legal persons holding wine products in the exercise of their trade are to keep an inward and outward register in respect of those products. Delegated Regulation (EU) 2018/273 lays down exemptions from this obligation with regard to certain categories of operators. The purpose of those exemptions is to free the operators selling or holding stocks of small quantities of wine products from a disproportionate administrative burden. However, retailers, whose business activity by definition includes the sale of wine and must in small quantities, are not covered by the exemptions.
- (4) Commission Regulation (EC) No 436/2009 ⁽⁴⁾, which was repealed by Delegated Regulation (EU) 2018/273, exempted retailers from the obligation of keeping an inward and outward register. The obligation to keep an inward and outward register constitutes a significant administrative burden for retailers, while restoring the exemption for retailers does not prevent a satisfactory level of traceability of wine products. It is therefore appropriate to amend Delegated Regulation (EU) 2018/273 to exempt retailers from the obligation of keeping an inward and outward register.

⁽¹⁾ 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 agriculture products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

⁽²⁾ Commission Delegated Regulation (EU) 2018/273 of 11 December 2017 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council as regards the scheme of authorisations for vine plantings, the vineyard register, accompanying documents and certification, the inward and outward register, compulsory declarations, notifications and publication of notified information, and supplementing Regulation (EU) No 1306/2013 of the European Parliament and of the Council as regards the relevant checks and penalties, amending Commission Regulations (EC) No 555/2008, (EC) No 606/2009 and (EC) No 607/2009 and repealing Commission Regulation (EC) No 436/2009 and Commission Delegated Regulation (EU) 2015/560 (OJ L 58, 28.2.2018, p. 1).

⁽³⁾ Agreement between the European Community and Canada on Trade in Wines and Spirit Drinks of 16 September 2003 (the '2003 Wines and Spirit Drinks Agreement') as amended and incorporated into the Comprehensive Economic and Trade Agreement (CETA) between Canada, of the one part, and the European Union and its Member States, of the other part (OJ L 11, 14.1.2017, p. 23).

⁽⁴⁾ Commission Regulation (EC) No 436/2009 of 26 May 2009 laying down detailed rules for the application of Council Regulation (EC) No 479/2008 as regards the vineyard register, compulsory declarations and the gathering of information to monitor the wine market, the documents accompanying consignments of wine products and the wine sector registers to be kept (OJ L 128, 27.5.2009, p. 15).

- (5) Given that this Regulation restores the exemption previously granted under Regulation (EC) No 436/2009, it should be avoided that retailers are subject to the obligation of keeping an inward and outward register for the period between the entry into force of Delegated Regulation (EU) 2018/273 and the entry into force of this Regulation. Therefore and in the interest of legal certainty, the exemption should apply retroactively, as from the entry into force of Delegated Regulation (EU) 2018/273,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2018/273 is amended as follows:

- (1) in Article 28(1), the following point (c) is added:

‘(c) retailers.’;

- (2) Section B of Part IV of Annex VII is replaced by the following:

‘B. List of third countries referred to in Article 26:

- Australia
- Canada
- Chile
- United States of America.’

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*.

Article 1(1) shall apply from 3 March 2018.

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

Done at Brussels, 12 March 2019.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION DELEGATED REGULATION (EU) 2019/841**of 14 March 2019****correcting certain language versions of Delegated Regulation (EU) 2015/2446 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Articles 7, 62, 156, 160, 212 and 253 thereof,

Whereas:

- (1) The German language version of Commission Delegated Regulation (EU) 2015/2446 ⁽²⁾ contains an error in the definition set out in Article 1(21) as regards the goods for personal use thus changing the scope of the definition.
- (2) The Slovak language version of Delegated Regulation (EU) 2015/2446 contains an error in Article 128(2) which was introduced by Commission Delegated Regulation (EU) 2016/341 ⁽³⁾ as regards the value of goods having the customs status of Union goods, thus rendering the meaning of the provision opposite to the one intended.
- (3) The Italian language version of Delegated Regulation (EU) 2015/2446 contains an error in point (b) of Article 226(1) as regards the employee mentioned therein.
- (4) The Estonian language version of Delegated Regulation (EU) 2015/2446 contains an error in the introductory sentence of Article 226(3) that renders the meaning of the provision opposite to the one intended.
- (5) The Danish, Dutch, Finnish, French, German, Greek and Spanish language versions of Delegated Regulation (EU) 2015/2446 contain an error in Annex 22-01 with regard to the goods listed in that Annex.
- (6) The Danish, Dutch, Estonian, Finnish, French, German, Greek, Italian, Slovak and Spanish language versions of Delegated Regulation (EU) 2015/2446 should therefore be corrected accordingly. The other language versions are not affected,

HAS ADOPTED THIS REGULATION:

*Article 1**(does not concern the English language)**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 269, 10.10.2013, p. 1.⁽²⁾ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).⁽³⁾ Commission Delegated Regulation (EU) 2016/341 of 17 December 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards transitional rules for certain provisions of the Union Customs Code where the relevant electronic systems are not yet operational and amending Delegated Regulation (EU) 2015/2446 (OJ L 69, 15.3.2016, p. 1).

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

Done at Brussels, 14 March 2019.

For the Commission

The President

Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2019/842**of 22 May 2019****amending Regulation (EC) No 1484/95 as regards fixing representative prices in the poultrymeat and egg sectors and for egg albumin**

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⁾, and in particular Article 183(b) thereof,Having regard to Regulation (EU) No 510/2014 of the European Parliament and of the Council of 16 April 2014 laying down the trade arrangements applicable to certain goods resulting from the processing of agricultural products and repealing Council Regulations (EC) No 1216/2009 and (EC) No 614/2009 ⁽²⁾, and in particular Article 5(6)(a) thereof,

Whereas:

- (1) Commission Regulation (EC) No 1484/95 ⁽³⁾ lays down detailed rules for implementing the system of additional import duties and fixes representative prices in the poultrymeat and egg sectors and for egg albumin.
- (2) Regular monitoring of the data used to determine representative prices for poultrymeat and egg products and for egg albumin shows that the representative import prices for certain products should be amended to take account of variations in price according to origin.
- (3) Regulation (EC) No 1484/95 should therefore be amended accordingly.
- (4) Given the need to ensure that this measure applies as soon as possible after the updated data have been made available, this Regulation should enter into force on the day of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1484/95 is replaced by the text set out 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, 22 May 2019.

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 150, 20.5.2014, p. 1.

⁽³⁾ Commission Regulation (EC) No 1484/95 of 28 June 1995 laying down detailed rules for implementing the system of additional import duties and fixing representative prices in the poultrymeat and egg sectors and for egg albumin, and repealing Regulation No 163/67/EEC (OJ L 145, 29.6.1995, p. 47).

ANNEX

'ANNEX I

CN code	Description	Representative price (EUR/100 kg)	Security under Article 3 (EUR/100 kg)	Origin ⁽¹⁾
0207 12 90	Fowls of the species <i>Gallus domesticus</i> , not cut in pieces, presented as "65 % chickens", frozen	120,2	0	AR
0207 14 10	Fowls of the species <i>Gallus domesticus</i> , boneless cuts, frozen	255,6 207,8 219,7	13 28 24	AR BR TH
1602 32 11	Preparations of fowls of the species <i>Gallus domesticus</i> , uncooked	276,2	3	BR

(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).'

COMMISSION IMPLEMENTING REGULATION (EU) 2019/843**of 23 May 2019****on the minimum selling price for skimmed milk powder for the 36th partial invitation to tender within the tendering procedure opened by Implementing Regulation (EU) 2016/2080**

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) 2016/1240 of 18 May 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage ⁽²⁾, and in particular Article 32 thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2016/2080 ⁽³⁾ has opened the sale of skimmed milk powder by a tendering procedure.
- (2) In the light of the tenders received for the 36th partial invitation to tender, a minimum selling price should be fixed.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

For the 36th partial invitation to tender for the selling of skimmed milk powder within the tendering procedure opened by Implementing Regulation (EU) 2016/2080, in respect of which the period during which tenders were to be submitted ended on 21 May 2019, the minimum selling price shall be 167,50 EUR/100 kg.

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, 23 May 2019.

*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 206, 30.7.2016, p. 71.

⁽³⁾ Commission Implementing Regulation (EU) 2016/2080 of 25 November 2016 opening the sale of skimmed milk powder by a tendering procedure (OJ L 321, 29.11.2016, p. 45).

DECISIONS

COUNCIL DECISION (EU) 2019/844

of 14 May 2019

on the exercise of powers by the Secretary-General of the Council as regards complaints submitted to the Council by candidates for the position of European Chief Prosecutor

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Implementing Decision (EU) 2018/1696 of 13 July 2018 on the operating rules of the selection panel provided for in Article 14(3) of Regulation (EU) 2017/1939 implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ('the EPPO') ⁽¹⁾, and in particular Rules VI.1 and VII.1 of the Annex thereto,

Having regard to the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union, laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 ⁽²⁾ ('the Staff Regulations'), and in particular Article 2 and Article 90(2) thereof,

Whereas:

- (1) Pursuant to Rule VI.1 of the Annex to Implementing Decision (EU) 2018/1696 ('the operating rules of the selection panel'), candidates who are excluded from the selection procedure for the appointment of the European Chief Prosecutor may submit a complaint within the meaning of Article 90(2) of the Staff Regulations to the Council.
- (2) Pursuant to Rule VII.1 of the operating rules of the selection panel, candidates who are not included in the shortlist of qualified candidates drawn up by the selection panel for the appointment of the European Chief Prosecutor may submit a complaint within the meaning of Article 90(2) of the Staff Regulations to the Council.
- (3) Article 2 of the Staff Regulations requires each institution to determine who within it is to exercise the powers conferred by the Staff Regulations, which include the powers of the appointing authority provided for in Article 90(2) thereof.
- (4) In accordance with the first subparagraph of Article 240(2) of the Treaty on the Functioning of the European Union, the Council is assisted by a General Secretariat, under the responsibility of a Secretary-General.
- (5) The powers of the appointing authority, as regards complaints within the meaning of Article 90(2) of the Staff Regulations submitted to the Council by candidates in the selection procedure for the appointment of the European Chief Prosecutor pursuant to Rules VI.1 and VII.1 of the operating rules of the selection panel, should be exercised by the Secretary-General of the Council,

HAS ADOPTED THIS DECISION:

Article 1

The powers conferred by Article 90(2) of the Staff Regulations on the appointing authority, as regards complaints submitted to the Council pursuant to Rules VI.1 or VII.1 of the operating rules of the selection panel by candidates who are excluded from the selection procedure or are not included in the shortlist of qualified candidates drawn up by the selection panel for the appointment of the European Chief Prosecutor, shall be exercised by the Secretary-General of the Council on behalf and under the responsibility of the Council.

⁽¹⁾ OJ L 282, 12.11.2018, p. 8.

⁽²⁾ OJ L 56, 4.3.1968, p. 1.

Article 2

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

Done at Brussels, 14 May 2019.

For the Council
The President
P. DAEA

COUNCIL DECISION (EU) 2019/845**of 17 May 2019**

on the position to be taken on behalf of the European Union, within the Working Group on Geographical Indications established by the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part, as regards the adoption of its rules of procedure

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first paragraph of Article 207(4) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part ⁽¹⁾ ('the Agreement') was concluded by the Union by Council Decision (EU) 2015/2169 ⁽²⁾. The Agreement entered into force on 13 December 2015.
- (2) Article 15.3(1) of the Agreement establishes the Working Group on Geographical Indications, under the auspices of the Trade Committee established by Article 15.1(1) of the Agreement.
- (3) Pursuant to Article 15(4) of the rules of procedure of the Trade Committee, adopted by Decision No 1 of the EU-Korea Trade Committee ⁽³⁾, each Working Group may establish its own rules of procedure which shall be reported to the Trade Committee.
- (4) Rules of procedure of the Working Group on Geographical Indications should be established.
- (5) It is appropriate to establish the position to be taken on the Union's behalf in the Working Group on Geographical Indications with regard to its rules of procedure, as these rules will be binding on the Union,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Working Group on Geographical Indications as regards the adoption of its rules of procedure shall be based on the draft Decision of that Working Group attached to this Decision.

Article 2

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

Done at Brussels, 17 May 2019.

For the Council
The President
E.O. TEODOROVICI

⁽¹⁾ OJ L 127, 14.5.2011, p. 6.

⁽²⁾ Council Decision (EU) 2015/2169 of 1 October 2015 on the conclusion of the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part (OJ L 307, 25.11.2015, p. 2).

⁽³⁾ Decision No 1 of the EU-Korea Trade Committee of 23 December 2011 on the adoption of the rules of procedure of the Trade Committee [2013/110/EU] (OJ L 58, 1.3.2013, p. 9).

DECISION No 1/2019 OF THE EU-KOREA WORKING GROUP ON GEOGRAPHICAL INDICATIONS**of ...****concerning the adoption of its rules of procedure**

THE EU-KOREA WORKING GROUP ON GEOGRAPHICAL INDICATIONS,

Having regard to the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part ⁽¹⁾ ('the Agreement'),

Having regard to Decision No 1 of the EU-Korea Trade Committee of 23 December 2011 on the adoption of the rules of procedure of the Trade Committee [2013/110/EU] ⁽²⁾, and in particular Article 15.4 of the Annex thereto,

Whereas:

- (1) Pursuant to Article 15.4 of the rules of procedure of the Trade Committee, adopted by Decision No 1 of the EU-Korea Trade Committee, each Specialised Committee and Working Group may establish its own rules of procedure which shall be reported to the Trade Committee.
- (2) Rules of procedure of the Working Group on Geographical Indications should be established,

HAS ADOPTED THIS DECISION:

Article 1

The rules of procedure of the Working Group on Geographical Indications, as set out in the Annex, are hereby adopted.

Article 2

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

Done at ...,

For the Working Group on Geographical Indications

Team Leader

*Ministry of Trade, Industry and Energy of the Republic
of Korea*

*Co-chair of the Working Group on Geographical
Indications*

Head of Unit

*Directorate-General for Agriculture and Rural
Development of the European Commission*

*Co-chair of the Working Group on Geographical
Indications*

⁽¹⁾ OJ L 127, 14.5.2011, p. 6.

⁽²⁾ OJ L 58, 1.3.2013, p. 9.

ANNEX

RULES OF PROCEDURE OF THE WORKING GROUP ON GEOGRAPHICAL INDICATIONS*Article 1***Composition and Chair**

1. The Working Group on Geographical Indications ('the GI Working Group') established pursuant to Article 15.3.1(g) of the Free Trade Agreement between the European Union and its Member States, of the one part, and the Republic of Korea, of the other part ('the Agreement') shall perform its duties as provided for in Article 10.25 of the Agreement.
2. The GI Working Group shall be composed of representatives of the Republic of Korea ('Korea') on the one hand, and representatives of the European Union, on the other hand.
3. Pursuant to Article 15.3.3 of the Agreement, the GI Working Group shall be co-chaired by representatives of Korea and the European Union.
4. Each co-chair may delegate all or any of the functions of co-chair to a nominated deputy, in which case all references hereafter to the co-chair shall apply equally to the nominated deputy.
5. Each co-chair shall designate a contact point for all matters relating to the GI Working Group. Those contact points shall be jointly responsible for the secretarial duties of the GI Working Group.

*Article 2***Meetings**

Pursuant to Article 10.25.2 of the Agreement, the location of the meeting shall alternate between the Parties. The GI Working Group shall meet at a time and a place and in a manner which may include by videoconference, mutually agreed by the Parties, but not later than 90 days after the request by either Party.

*Article 3***Correspondence**

1. Correspondence to the Chairpersons of the GI Working Group shall be forwarded to the contact points for circulation to the members of the GI Working Group.
2. Correspondence may be by any written means, including electronic mail.
3. Pursuant to Article 15 of the Rules of Procedure of the Trade Committee, the Trade Committee shall be informed of the contact points designated by the GI Working Group. All correspondence, documents and communications including the exchange of e-mails between the contact points of the GI Working Group regarding the implementation of the Agreement shall be forwarded simultaneously to the Secretariat of the Trade Committee, the Delegation of the European Union to the Republic of Korea and the Mission of the Republic of Korea to the European Union.

*Article 4***Agendas for the meetings**

1. A provisional agenda shall be drawn up by the contact points prior to each meeting. It shall be forwarded, together with the relevant documents, to the members of the GI Working Group including the co-chairs of the GI Working Group no later than 15 days before the meeting. The provisional agenda may include any item covered by Article 10.25 of the Agreement.

2. Either Party may request items covered by Article 10.25 of the Agreement to be included in the provisional agenda at least 21 days before the meeting. Those items shall be included in the provisional agenda.
3. A last version of the provisional agenda shall be circulated to the co-chairs at least five days before the meeting.
4. The agenda shall be adopted by the co-chairs unanimously at the beginning of each meeting. Any item other than those appearing on the provisional agenda may be placed on the agenda if both co-chairs so agree.

Article 5

Requests for modifications of Annexes 10-A or 10-B to the Agreement

1. Either Party may request to add or remove individual geographical indications from Annexes 10-A or 10-B to the Agreement with a letter signed by the co-chair of the concerned Party.
2. Pursuant to Articles 10.25.1 and 10.25.3 of the Agreement, the GI Working Group may decide by consensus to modify Annexes 10-A and 10-B to add individual geographical indications of the European Union or Korea after having completed the relevant procedure referred to in the Agreement. The GI Working Group may also decide by consensus to recommend the addition or removal of geographical indications for final decision in the Trade Committee in accordance with Article 10.21.4, Article 10.24 and Article 10.25.
3. Pursuant to Article 15.3.5 the Trade Committee may undertake the task assigned to the GI Working Group and decide to modify Annexes 10-A and 10-B. Further, pursuant to Article 15.5.2, the Trade Committee may decide to amend Annexes 10-A and 10-B and the Parties may adopt the decision subject to their respective applicable legal requirements and procedures.
4. The Parties, by deciding to modify Annexes 10-A and 10-B, shall endeavour to take due account of the respective interests of both Parties in respect of Geographical Indications.

Article 6

Decisions and recommendations

1. The GI Working Group shall adopt recommendations and decisions by consensus as provided for in Article 10.25 of the Agreement.
2. The recommendations of the GI Working Group within the meaning of Article 10.25 of the Agreement shall be addressed to the Parties and shall bear the signatures of the co-chairs.
3. The decisions of the GI Working Group within the meaning of Article 10.25 of the Agreement shall bear the signatures of the co-chairs. Each decision shall provide for the date of its entry into force.
4. Decisions and recommendations adopted by the GI Working Group shall bear a serial number, the date of adoption and a description of their subject matter.

Article 7

Written procedure

1. A recommendation or a decision of the GI Working Group may be adopted by written procedure where both Parties agree. The written procedure shall consist of an exchange of notes between the co-chairs of the GI Working Group.
2. The co-chair of the Party proposing the use of the written procedure shall submit the draft recommendation or decision to the co-chair of the other Party, who shall reply, indicating whether he or she accepts or does not accept the draft recommendation or decision. The co-chair of the other Party may also propose amendments or request further time for reflection. If the draft is agreed, it shall be adopted in accordance with Article 6.

*Article 8***Minutes**

1. The draft minutes of each meeting shall be drawn up by the contact points within 21 days from the meeting. The draft minutes shall state the recommendations and decisions adopted and note any other conclusions reached.
2. The minutes shall be approved in writing by both Parties within 28 days from the meeting or by any other date agreed by the Parties. Once approved, two original copies shall be signed by the co-chairs. An original copy of the minutes shall be kept by each co-chair.

*Article 9***Reports**

The GI Working Group shall report to the Trade Committee on its activities at each regular meeting of the Trade Committee as provided for in Article 15.3.4 of the Agreement.

*Article 10***Expenses**

1. Each Party shall bear the expenses it incurs in taking part in the meetings of the GI Working Group.
2. Expenditure in connection with the organisation of meetings and reproduction of documents shall be borne by the Party hosting the meeting.

*Article 11***Publicity and confidentiality**

1. Unless otherwise decided by the co-chairs, the meetings of the GI Working Group shall not be public.
 2. When a Party submits information considered as confidential under its laws and regulations to the GI Working Group, the other Party shall treat that information as confidential as provided for in Article 15.1.7 of the Agreement.
 3. Each Party may decide on the publication of the decisions and recommendations of the GI Working Group in its respective official publication.
-

COUNCIL DECISION (EU, Euratom) 2019/846
of 21 May 2019
appointing two members of the Court of Auditors

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 286(2) thereof,

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

Having regard to the proposals by Romania and the Republic of Croatia,

Having regard to the opinions of the European Parliament ⁽¹⁾,

Whereas:

- (1) The term of office of Mr George PUFAN is due to expire on 30 June 2019.
- (2) The term of office of Mr Neven MATES is due to expire on 14 July 2019.
- (3) Two new members should therefore be appointed to the Court of Auditors,

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed members of the Court of Auditors:

- (a) Mr Viorel ȘTEFAN for the period from 1 July 2019 to 30 June 2025;
- (b) Ms Ivana MALETIĆ for the period from 15 July 2019 to 14 July 2025.

Article 2

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

Done at Brussels, 21 May 2019.

For the Council
The President
G. CIAMBA

⁽¹⁾ Opinions of 16 April 2019 (not yet published in the Official Journal).

COMMISSION DECISION (EU) 2019/847**of 15 May 2019****on the proposed citizens' initiative entitled 'Save the bees! Protection of biodiversity and improvement of habitats for insects in Europe'***(notified under document C(2019) 3800)***(Only the German text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 211/2011 of the European Parliament and of the Council of 16 February 2011 on the citizens' initiative ⁽¹⁾, and in particular Article 4 thereof,

Whereas:

- (1) The subject matter of the proposed citizens' initiative entitled 'Save the bees! Protection of biodiversity and improvement of habitats for insects in Europe' refers to the following: 'We need insects for our ecosystems and to ensure food security. The Commission must adopt legislation to maintain and improve habitats for insects as indicators of an undamaged environment'.
- (2) The objectives of the proposed citizens' initiative refer to the following: 'To demonstrably improve the natural basis for life we call for mandatory targets: to make the promotion of biodiversity an overall objective of the CAP; to dramatically cut the use of pesticides, ban harmful pesticides without exception and reform eligibility criteria; to promote structural diversity in agricultural landscapes; to effectively reduce nutrients (e.g. Natura 2000); to effectively establish conservation areas (e.g. WFD); to intensify research and monitoring and improve education.'
- (3) The Treaty on European Union (TEU) reinforces citizenship of the Union and enhances further the democratic functioning of the Union by providing, inter alia, that every citizen is to have the right to participate in the democratic life of the Union by way of a European citizens' initiative.
- (4) To this end, the procedures and conditions required for the citizens' initiative should be clear, simple, user-friendly and proportionate to the nature of the citizens' initiative so as to encourage participation by citizens and to make the Union more accessible.
- (5) Legal acts of the Union for the purpose of implementing the Treaties can be adopted:
 - for the establishment of the common organisation of agricultural markets and the other provisions necessary for the pursuit of the objectives of the common agricultural policy, on the basis of Article 43(2) of the Treaty on the Functioning of the European Union (TFEU);
 - for approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market, on the basis of Article 114 TFEU;
 - for measures in the veterinary and phytosanitary fields which have as their direct objective the protection of public health, on the basis of Article 168(4)(b) TFEU;
 - for the adoption of a multiannual framework programme setting out all the activities of the Union in the field of research and technological development, on the basis of Article 182(1) TFEU;
 - for action to be taken to achieve the objectives of preserving, protecting and improving the quality of the environment and of a prudent and rational utilisation of natural resources, on the basis of Article 192(1) TFEU, read in conjunction with Article 191(1), first and third indents TFEU.
- (6) For these reasons, the proposed citizens' initiative does not manifestly fall outside the framework of the Commission's powers to submit a proposal for a legal act of the Union for the purpose of implementing the Treaties in accordance with Article 4(2)(b) of the Regulation.

⁽¹⁾ OJ L 65, 11.3.2011, p. 1.

- (7) Furthermore, the citizens' committee has been formed and the contact persons have been designated in accordance with Article 3(2) of the Regulation and the proposed citizens' initiative is neither manifestly abusive, frivolous or vexatious nor manifestly contrary to the values of the Union as set out in Article 2 TEU.
- (8) The proposed citizens' initiative entitled 'Save the bees! Protection of biodiversity and improvement of habitats for insects in Europe' should therefore be registered,

HAS ADOPTED THIS DECISION:

Article 1

The proposed citizens' initiative entitled 'Save the bees! Protection of biodiversity and improvement of habitats for insects in Europe' is hereby registered.

Article 2

This Decision shall enter into force on 27 May 2019.

Article 3

This Decision is addressed to the organisers (members of the citizens' committee) of the proposed citizens' initiative entitled 'Save the bees! Protection of biodiversity and improvement of habitats for insects in Europe', represented by Ms Manuela RIPA and Ms Clara BORASIO acting as contact persons.

Done at Brussels, 15 May 2019.

For the Commission
Frans TIMMERMANS
First Vice-President

