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⁽¹⁾ Text with EEA relevance

EN

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

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II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2016/458**of 30 March 2016****amending Regulation (EU) 2016/72 as regards certain fishing opportunities**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) Council Regulation (EU) 2016/72 ⁽¹⁾ fixes for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks applicable in Union waters and, for Union vessels, in certain non-Union waters.
- (2) Regulation (EU) 2016/72 fixes the total allowable catch (TAC) for sandeel at zero. Sandeel is a short-lived species and scientific advice only became available on 22 February, while the fishery starts in April. The catch limits for this species should now be amended in line with the scientific advice from the International Council for the Exploration of the Sea (ICES). According to ICES, real-time monitoring is scientifically suitable for establishing the abundance of sandeel in management area 1, and results could be used to re-evaluate that scientific advice and to set an in-year TAC. However, that requires sufficient data (catches and biological sampling). The catch limit for sandeel in management area 1 should thus be set at a level allowing the collection of sufficient data on stock abundance.
- (3) According to the scientific advice from ICES, catches of small-eyed ray within ICES divisions VIIId and VIle-k and of blonde ray within ICES subarea IV should be reduced. As a consequence, local management measures limiting catches and providing better scientific information should be developed. ICES advised that in divisions VIIIf and VIIg catches of small-eyed ray should be limited to no more than 188 tonnes. Therefore, it is appropriate to modify the corresponding fishing opportunities tables to allow for such catches and landings and to adapt the reporting provisions accordingly.
- (4) According to the scientific advice from ICES, the total catches for horse mackerel and associated by-catches in Union waters of ICES divisions IIa and IVa, subarea VI, divisions VIIa-c, VIle-k, VIIla, VIIlb, VIIId and VIIle, Union and international waters of Vb and international waters of subareas XII and XIV should be fixed at 108 868 tonnes. Therefore, it is appropriate to correct the initial TAC in the fishing opportunities table in order to allow for an increased level of catches corresponding to the scientific advice from ICES.
- (5) Annex IB to Regulation (EU) 2016/72 provides that the fishing opportunities table for by-catches in Greenland waters should be corrected to allow for proper reporting of those by-catches.

⁽¹⁾ Council Regulation (EU) 2016/72 of 22 January 2016 fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2015/104 (OJ L 22, 28.1.2016, p. 1).

- (6) In the light of consultations with Norway, it is appropriate to allocate 25 000 tonnes of blue whiting to Norway in exchange for Arctic cod and haddock, ling and some other species.
- (7) The quota allocations for cod in ICES subarea I and division IIb established in Annex IB to Regulation (EU) 2016/72 should be corrected to respect the quota distribution set out in Council Decision 87/277/EEC ⁽¹⁾.
- (8) A reporting code needs to be included in Annex IF to Regulation (EU) 2016/72 for by-catches of orange roughy in SEAFO Sub-Division B1.
- (9) At its fourth annual meeting in 2016, the South Pacific Regional Fisheries Management Organisation (SPRFMO) fixed a TAC for jack mackerel. That measure should be implemented in the Union law.
- (10) An error should be corrected in Appendix I to Annex IIa to Regulation (EU) 2016/72 regarding the maximum allowable fishing effort in kilowatt days for the Netherlands in the North Sea for the regulated gear BT1.
- (11) The number of fishing authorisations to be granted to Venezuela for vessels fishing for snappers in French Guiana waters and the maximum number of vessels that may be present at any time need to be established in Annex VIII to Regulation (EU) 2016/72.
- (12) The catch limits provided for in Regulation (EU) 2016/72 apply from 1 January 2016. The provisions of this Regulation concerning catch limits should therefore also apply from that date. Such retroactive application is without prejudice to the principles of legal certainty and protection of legitimate expectations as the fishing opportunities concerned have not yet been exhausted.
- (13) Regulation (EU) 2016/72 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

In Regulation (EU) 2016/72, the Annexes IA, IB, IF, IJ and VIII are amended in accordance with the Annex to this Regulation.

Article 2

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

It applies from 1 January 2016.

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

Done at Brussels, 30 March 2016.

For the Council

The President

A.G. KOENDERS

⁽¹⁾ Council Decision 87/277/EEC of 18 May 1987 on the allocation of the catch possibilities for cod in the Spitsbergen and Bear Island area and in Division 3M as defined in the NAFO Convention (OJ L 135, 23.5.1987, p. 29).

ANNEX

1. Annex IA to Regulation (EU) 2016/72 is amended as follows:

(a) the fishing opportunities table for sandeel in Union waters of IIa, IIIa and IV is replaced by the following table:

'Species: Sandeel <i>Ammodytes</i> spp.		Zone: Union waters of IIa, IIIa and IV ⁽¹⁾
Denmark	82 273 ⁽²⁾	<div style="border: 1px solid black; padding: 5px;"> Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply </div>
United Kingdom	1 799 ⁽²⁾	
Germany	126 ⁽²⁾	
Sweden	3 021 ⁽²⁾	
Union	87 219	
TAC	87 219	

⁽¹⁾ Excluding waters within 6 nautical miles of the UK baselines at Shetland, Fair Isle and Foula.

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

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

Zone: Union waters of sandeel management areas							
	1	2	3	4	5	6	7
	(SAN/ 234_1)	(SAN/ 234_2)	(SAN/ 234_3)	(SAN/ 234_4)	(SAN/ 234_5)	(SAN/ 234_6)	(SAN/ 234_7)
Denmark	12 263	4 717	59 428	5 659	0	206	0
United Kingdom	268	103	1 299	124	0	5	0
Germany	19	7	91	9	0	0	0
Sweden	450	173	2 182	208	0	8	0
Union	13 000	5 000	63 000	6 000	0	219	0
Total	13 000	5 000	63 000	6 000	0	219	0 [;]

- (b) the fishing opportunities table for blue whiting in Union and international waters of I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIIc, VIIIe, XII and XIV is replaced by the following table:

*Species: Blue whiting <i>Micromesistius poutassou</i>		Zone: Union and international waters of I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIIc, VIIIe, XII and XIV (WHB/1X14)
Denmark	31 704 ⁽³⁾	
Germany	12 327 ⁽³⁾	
Spain	26 878 ⁽²⁾ ⁽³⁾	
France	22 063 ⁽³⁾	
Ireland	24 550 ⁽³⁾	
Netherlands	38 659 ⁽³⁾	
Portugal	2 497 ⁽²⁾ ⁽³⁾	
Sweden	7 842 ⁽³⁾	
United Kingdom	41 137 ⁽³⁾	
Union	207 657 ⁽¹⁾ ⁽³⁾	
Norway	75 000	
Faroe Islands	9 000	
TAC	Not relevant	Analytical TAC

⁽¹⁾ Special condition: from the Union quotas in Union and international waters of I, II, III, IV, V, VI, VII, VIIIa, VIIIb, VIIIc, VIIIe, XII and XIV (WHB/*NZJM1) and in VIIIc, IX and X; Union waters of CECAF 34.1.1 (WHB/*NZJM2), the following quantity may be fished in the Norwegian Economic Zone or in the fishery zone around Jan Mayen: 149 506

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

⁽³⁾ Special condition: within a total access quantity of 21 500 tonnes for the Union, Member States may fish up to the following percentage of their quotas in Faroese waters (WHB/*05-F): 9,2 %;

- (c) the fishing opportunities table for ling in Norwegian waters of IV is replaced by the following table:

*Species: Ling <i>Molva molva</i>		Zone: Norwegian waters of IV (LIN/04-N.)
Belgium	9	
Denmark	1 164	
Germany	33	
France	13	
Netherlands	2	
United Kingdom	104	
Union	1 325	
TAC	Not relevant	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply;

(d) the fishing opportunities table for 'other species' in Norwegian waters of IV is replaced by the following table:

'Species:	Other species	Zone:	Norwegian waters of IV (OTH/04-N.)
Belgium	46		
Denmark	4 250		
Germany	479		
France	197		
Netherlands	340		
Sweden	Not relevant ⁽¹⁾		
United Kingdom	3 188		
Union	8 500 ⁽²⁾		
TAC	Not relevant		Precautionary TAC

⁽¹⁾ Quota allocated by Norway to Sweden of "other species" at a traditional level.

⁽²⁾ Including fisheries not specifically mentioned. Exceptions may be introduced after consultations, as appropriate.;

(e) the fishing opportunities table for skates and rays in Union waters of IIa and IV is replaced by the following table:

'Species:	Skates and rays <i>Rajiformes</i>	Zone:	Union waters of IIa and IV (SRX/2AC4-C)
Belgium	221 ⁽¹⁾ ⁽²⁾ ⁽³⁾		
Denmark	9 ⁽¹⁾ ⁽²⁾ ⁽³⁾		
Germany	11 ⁽¹⁾ ⁽²⁾ ⁽³⁾		
France	35 ⁽¹⁾ ⁽²⁾ ⁽³⁾		
Netherlands	188 ⁽¹⁾ ⁽²⁾ ⁽³⁾		
United Kingdom	849 ⁽¹⁾ ⁽²⁾ ⁽³⁾		
Union	1 313 ⁽¹⁾ ⁽³⁾		
TAC	1 313 ⁽³⁾		Precautionary TAC

⁽¹⁾ Catches of blonde ray (*Raja brachyura*) in Union waters of IV (RJH/04-C.), cuckoo ray (*Leucoraja naevus*) (RJN/2AC4-C), thornback ray (*Raja clavata*) (RJC/2AC4-C) and spotted ray (*Raja montagui*) (RJM/2AC4-C) shall be reported separately.

⁽²⁾ By-catch quota. These species shall not comprise more than 25 % by live weight of the catch retained on board per fishing trip. This condition applies only to vessels over 15 metres' length overall. This provision shall not apply for catches subject to the landing obligation as set out in Article 15(1) of Regulation (EU) No 1380/2013.

⁽³⁾ Shall not apply to blonde ray (*Raja brachyura*) in Union waters of IIa and small-eyed ray (*Raja microocellata*) in Union waters of IIa and IV. When accidentally caught, these species shall not be harmed. Specimens shall be promptly released. Fishermen shall be encouraged to develop and use techniques and equipment to facilitate the rapid and safe release of the species.;

- (f) the fishing opportunities table for skates and rays in Union waters of VIa, VIb, VIIa-c and VIIe-k is replaced by the following table:

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

Precautionary TAC
Article 12(1) of this Regulation applies

- ⁽¹⁾ Catches of cuckoo ray (*Leucoraja naevus*) (RJN/67AKXD), thornback ray (*Raja clavata*) (RJC/67AKXD), blonde ray (*Raja brachyura*) (RJH/67AKXD), spotted ray (*Raja montagui*) (RJM/67AKXD), sandy ray (*Raja circularis*) (RJI/67AKXD) and shagreen ray (*Raja fullonica*) (RJF/67AKXD) shall be reported separately.
- ⁽²⁾ Special condition: of which up to 5 % may be fished in Union waters of VIId (SRX/*07D.), without prejudice to the prohibitions set out in Articles 13 and 46 of this Regulation for the areas specified therein. Catches of cuckoo ray (*Leucoraja naevus*) (RJN/*07D.), thornback ray (*Raja clavata*) (RJC/*07D.), blonde ray (*Raja brachyura*) (RJH/*07D.), spotted ray (*Raja montagui*) (RJM/*07D.), sandy ray (*Raja circularis*) (RJI/*07D.) and shagreen ray (*Raja fullonica*) (RJF/*07D.) shall be reported separately. This special condition shall not apply to small-eyed ray (*Raja microocellata*) and undulate ray (*Raja undulata*).
- ⁽³⁾ Shall not apply to small-eyed ray (*Raja microocellata*), except in Union waters of VIIIf and VIIg. When accidentally caught, this species shall not be harmed. Specimens shall be promptly released. Fishermen shall be encouraged to develop and use techniques and equipment to facilitate the rapid and safe release of the species. Within the limits of the abovementioned quotas, no more than the quantities of small-eyed ray in Union waters of VIIIf and VIIg (RJE/7FG.) provided below may be taken:

Species:	Small-eyed ray <i>Raja microocellata</i>	Zone:	Union waters of VIIIf and VIIg (RJE/7FG.)
Belgium	17		
Estonia	0		
France	76		
Germany	0		
Ireland	25		
Lithuania	0		
Netherlands	0		
Portugal	0		
Spain	21		
United Kingdom	49		
Union	188		
TAC	188		

Precautionary TAC

Special condition: of which up to 5 % may be fished in Union waters of VIId and reported under the following code: (RJE/*07D.). This special condition is without prejudice to the prohibitions set out in Articles 13 and 46 of this Regulation for the areas specified therein.

- (⁴) Shall not apply to undulate ray (*Raja undulata*). This species shall not be targeted in the areas covered by this TAC. In cases where it is not subject to the landing obligation, by-catch of undulate ray in area VIIe may only be landed whole or gutted, and provided that it does not comprise more than 40 kilograms live weight per fishing trip. The catches shall remain under the quotas shown in the table below. The former provisions are without prejudice to the prohibitions set out in Articles 13 and 46 of this Regulation for the areas specified therein. By-catches of undulate ray shall be reported separately under the following code: (RJU/67AKXD). Within the limits of the abovementioned quotas, no more than the quantities of undulate ray given below may be taken:

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

Precautionary TAC

Special condition: of which up to 5 % may be fished in Union waters of VIId and reported under the following code: (RJU/*07D.). This special condition is without prejudice to the prohibitions set out in Articles 13 and 46 of this Regulation for the areas specified therein.;

(g) the fishing opportunities table for skates and rays in Union waters of VIId is replaced by the following table:

*Species: Skates and rays <i>Rajiformes</i>		Zone: Union waters of VIId (SRX/07D.)
Belgium	87 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
France	729 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
Netherlands	5 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
United Kingdom	145 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
Union	966 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
TAC	966 ⁽³⁾	Precautionary TAC

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

⁽²⁾ Special condition: of which up to 5 % may be fished in Union waters of VIa, VIb, VIIa-c and VIIe-k (SRX/*67AKD). Catches of cuckoo ray (*Leucoraja naevus*) (RJN/*67AKD), thornback ray (*Raja clavata*) (RJC/*67AKD), blonde ray (*Raja brachyura*) (RJH/*67AKD) and spotted ray (*Raja montagui*) (RJM/*67AKD) shall be reported separately. This special condition shall not apply to small-eyed ray (*Raja microocellata*) and to undulate ray (*Raja undulata*).

⁽³⁾ Shall not apply to undulate ray (*Raja undulata*). This species shall not be targeted in the areas covered by this TAC. In cases where it is not subject to the landing obligation, by-catch of undulate ray in the area covered by this TAC may only be landed whole or gutted, and provided that it does not comprise more than 40 kilograms live weight per fishing trip. The catches shall remain under the quotas shown in the table below. The former provisions are without prejudice to the prohibitions set out in Articles 13 and 46 of this Regulation for the areas specified therein. By-catches of undulate ray shall be reported separately under the following code: (RJU/07D.). Within the limits of the abovementioned quotas, no more than the quantities of undulate ray given below may be taken:

Species: Undulate ray <i>Raja undulata</i>		Zone: Union waters of VIId (RJU/07D.)
Belgium	1	
France	9	
Netherlands	0	
United Kingdom	2	
Union	12	
TAC	12	Precautionary TAC

Special condition: of which up to 5 % may be fished in Union waters of VIIe and reported under the following code: (RJU/*67AKD). This special condition is without prejudice to the prohibitions set out in Articles 13 and 46 of this Regulation for the areas specified therein.;

- (h) the fishing opportunities table for horse mackerel and associated by-catches in Union waters of IIa, IVa, VI, VIIa-c, VIIe-k, VIIIa, VIIIb, VIIIc and VIIIe; Union and international waters of Vb; international waters of XII and XIV is replaced by the following table:

*Species: Horse mackerel and associated by-catches <i>Trachurus</i> spp.		Zone: Union waters of IIa, IVa, VI, VIIa-c, VIIe-k, VIIIa, VIIIb, VIIIc and VIIIe; Union and international waters of Vb; international waters of XII and XIV (JAX/2A-14)
Denmark	10 629 ⁽¹⁾ ⁽³⁾	
Germany	8 294 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
Spain	11 312 ⁽³⁾ ⁽⁵⁾	
France	4 269 ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁵⁾	
Ireland	27 621 ⁽¹⁾ ⁽³⁾	
Netherlands	33 276 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
Portugal	1 090 ⁽³⁾ ⁽⁵⁾	
Sweden	675 ⁽¹⁾ ⁽³⁾	
United Kingdom	10 002 ⁽¹⁾ ⁽²⁾ ⁽³⁾	
Union	107 168	
Faroe Islands	1 700 ⁽⁴⁾	
TAC	108 868	Analytical TAC

⁽¹⁾ Special condition: up to 5 % of this quota fished in Union waters of IIa or IVa before 30 June 2016 may be accounted for as fished under the quota concerning the zone of Union waters of IVb, IVc and VIId (JAX/*4BC7D).

⁽²⁾ Special condition: up to 5 % of this quota may be fished in VIId (JAX/*07D.). Under this special condition, and in accordance with footnote (3), by-catches of boarfish and whiting shall be reported separately under the following code: (OTH/*07D.).

⁽³⁾ Without prejudice to the landing obligation, catches of boarfish, whiting and mackerel may be counted against up to 5 % of the quota (OTH/*2A-14), provided that not more than 9 % in total of this quota for horse mackerel is accounted for by these catches and by-catches of those species that are accounted for under Article 15(8) of Regulation (EU) No 1380/2013.

⁽⁴⁾ Limited to IVa, VIa (north of 56° 30' N only), VIIe, f, h.

⁽⁵⁾ Special condition: up to 50 % of this quota may be fished in VIId (JAX/*08C2). Under this special condition, and in accordance with footnote (3), by-catches of boarfish and whiting shall be reported separately under the following code: (OTH/*08C2).'.

2. Annex IB to Regulation (EU) 2016/72 is amended as follows:

(a) the fishing opportunities table for cod in Norwegian waters of I and II is replaced by the following table:

'Species:		Zone:
Cod <i>Gadus morhua</i>		Norwegian waters of I and II (COD/1N2AB.)
Germany	2 405	
Greece	298	
Spain	2 682	
Ireland	298	
France	2 207	
Portugal	2 682	
United Kingdom	9 328	
Union	19 900	
TAC	Not relevant	

Analytical TAC
 Article 3 of Regulation (EC) No 847/96 shall not apply
 Article 4 of Regulation (EC) No 847/96 shall not apply;

(b) the fishing opportunities table for cod in I and IIb is replaced by the following table:

'Species:		Zone:
Cod <i>Gadus morhua</i>		I and IIb (COD/1/2B.)
Germany	6 593 ⁽³⁾	
Spain	13 192 ⁽³⁾	
France	3 122 ⁽³⁾	
Poland	2 728 ⁽³⁾	
Portugal	2 643 ⁽³⁾	
United Kingdom	4 403 ⁽³⁾	
Other Member States	495 ⁽¹⁾ ⁽³⁾	
Union	33 176 ⁽²⁾	
TAC	Not relevant	

Analytical TAC
 Article 3 of Regulation (EC) No 847/96 shall not apply
 Article 4 of Regulation (EC) No 847/96 shall not apply

⁽¹⁾ Except Germany, Spain, France, Poland, Portugal and the United Kingdom.

⁽²⁾ The allocation of the share of the cod stock available to the Union in the zone Spitzbergen and Bear Island and the associated by-catches of haddock are entirely without prejudice to the rights and obligations deriving from the 1920 Treaty of Paris.

⁽³⁾ By-catches of haddock may represent up to 14 % per haul. The by-catch quantities of haddock are in addition to the quota for cod;

(c) the fishing opportunities table for haddock in Norwegian waters of I and II is replaced by the following table:

'Species:	Haddock <i>Melanogrammus aeglefinus</i>	Zone:	Norwegian waters of I and II (HAD/IN2AB.)
Germany	267		
France	160		
United Kingdom	820		
Union	1 247		
TAC	Not relevant		Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply;

(d) the fishing opportunities table for other species (by-catch) in Greenland waters is replaced by the following table:

'Species:	By-catches ⁽¹⁾	Zone:	Greenland waters (B-C/GRL)
Union	1 126		
TAC	Not relevant		Precautionary TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply

⁽¹⁾ By-catches of grenadiers (*Macrourus* spp.) shall be reported in line with the following fishing opportunities tables: grenadiers in Greenland waters of V and XIV (GRV/514GRN) and grenadiers in Greenland waters of NAFO 1 (GRV/N1GRN).²

3. In Annex IF to Regulation (EU) 2016/72, the fishing opportunities table for orange roughy in SEAFO Sub-Division B1 is replaced by the following table:

'Species:	Orange roughy <i>Hoplostethus atlanticus</i>	Zone:	SEAFO Sub-Division B1 ⁽¹⁾ (ORY/F47NAM)
TAC	0 ⁽²⁾		Precautionary TAC

⁽¹⁾ For the purpose of this Annex, the area open to the fishery is defined as having:

- its western boundary on the longitude 0° E,
- its northern boundary on the latitude 20° S,
- its southern boundary on the latitude 28° S, and
- the eastern boundary outer limits of the Namibian EEZ.

⁽²⁾ Except for a by-catch allowance of 4 tonnes (ORY/*F47NA).³

4. In Annex II to Regulation (EU) 2016/72, the fishing opportunities table for jack mackerel in the SPRFMO Convention Area is replaced by the following table:

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

5. In point (b) of Appendix 1 to Annex IIA to Regulation (EU) 2016/72, the maximum allowable fishing effort in kilowatt days for the Netherlands for regulated gear BT1 is replaced by '999 808'.
6. Annex VIII to Regulation (EU) 2016/72 is replaced by the following:

'ANNEX VIII

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

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

Flag State	Fishery	Number of fishing authorisations	Maximum number of vessels present at any time
	Blue whiting, II, IVa, V, VIa (north of 56° 30' N), VIb, VII (west of 12° 00' W)	20	20
	Blue ling	16	16
Venezuela ⁽¹⁾	Snappers (French Guiana waters)	45	45

(¹) To issue those fishing authorisations, proof must be produced that a valid contract exists between the ship owner applying for the fishing authorisation and a processing undertaking situated in the Department of French Guiana, and that it includes an obligation to land at least 75 % of all snapper catches from the vessel concerned in that department so that they may be processed in that undertaking's plant. Such a contract must be endorsed by the French authorities, which shall ensure that it is consistent both with the actual capacity of the contracting processing undertaking and with the objectives for the development of the Guianese economy. A copy of the duly endorsed contract shall be appended to the fishing authorisation application. Where such an endorsement is refused, the French authorities shall give notification of this refusal and state their reasons for it to the party concerned and to the Commission.

COMMISSION IMPLEMENTING REGULATION (EU) 2016/459**of 18 March 2016****amending Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 ⁽¹⁾, and in particular Article 33(2) and (3) and Article 38(d) thereof,

Whereas:

- (1) Annex III to Commission Regulation (EC) No 1235/2008 ⁽²⁾ sets out the list of third countries whose systems of production and control measures for organic production of agricultural products are recognised as equivalent to those laid down in Regulation (EC) No 834/2007.
- (2) The recognition of Canada pursuant to Article 33(2) of Regulation (EC) No 834/2007 currently applies to, inter alia, processed agricultural products for use as food and for use as feed with organic ingredients that have been grown in Canada. Canada has submitted a request to the Commission to expand its recognition to processed products for use as food and for use as feed with organic ingredients imported from third countries and certified in accordance with Canada's legislation on organic products. Examination of the information submitted with that request, subsequent clarifications provided by Canada and an on-the-spot examination of the production and control measures applied to processed products with imported ingredients have led to the conclusion that in that country the rules governing production and control of processed products with imported organic ingredients are equivalent to those laid down in Regulation (EC) No 834/2007 and Commission Regulation (EC) No 889/2008 ⁽³⁾. Consequently, the recognition of the equivalence of Canada's systems of production and control measures should also apply to processed products for use as food and for use as feed with imported organic ingredients certified in accordance with Canadian legislation.
- (3) Moreover, Canada's existing recognition excludes organic wine. Canada has submitted a request to the Commission to expand its recognition to organic wine certified in accordance with Canada's legislation on organic products. Examination of the information submitted with that request and subsequent clarifications provided by Canada have led to the conclusion that in that country the rules governing production and control of organic wine are equivalent to those laid down in Regulations (EC) No 834/2007 and (EC) No 889/2008. Consequently, the recognition of the equivalence of Canada's systems of production and control measures should also apply to organic wine certified in accordance with Canadian legislation.
- (4) Annex IV to Regulation (EC) No 1235/2008 contains a list of control authorities and control bodies competent to carry out controls and issue certificates in third countries for the purpose of equivalence. As a consequence of the expansion of Canada's recognition to processed products for use as food and for use as feed with imported organic ingredients and to organic wine certified in accordance with Canadian legislation and the corresponding amendments of Annex III to that Regulation, the relevant control bodies recognised until now for the import of processed products for use as food with imported organic ingredients and of organic wine (product category D) from Canada should be deleted from Annex IV to that Regulation.

⁽¹⁾ OJ L 189, 20.7.2007, p. 1.

⁽²⁾ Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries (OJ L 334, 12.12.2008, p. 25).

⁽³⁾ Commission Regulation (EC) No 889/2008 of 5 September 2008 laying down detailed rules for the implementation of Council Regulation (EC) No 834/2007 on organic production and labelling of organic products with regard to organic production, labelling and control (OJ L 250, 18.9.2008, p. 1).

- (5) Annexes III and IV to Regulation (EC) No 1235/2008 should therefore be amended accordingly.
- (6) In order to allow the control bodies listed in Annex IV to Regulation (EC) No 1235/2008 that are recognised for Canada as regards processed products for use as food with imported organic ingredients and organic wine to adapt to the amendments made by this Regulation, the amendment of Annex IV to Regulation (EC) No 1235/2008 should apply only after a reasonable time period.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Committee on organic production,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1235/2008 is amended as follows:

- (1) Annex III is amended in accordance with Annex I to this Regulation;
- (2) Annex IV is amended in accordance with Annex II to this Regulation.

Article 2

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

Point (2) of Article 1 shall apply from 7 July 2016.

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

Done at Brussels, 18 March 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

Annex III to Regulation (EC) No 1235/2008 is amended as follows:

- (1) in the entry relating to Canada, point 1 'Product categories', row 'Processed agricultural products for use as food', footnote 1 is deleted;
- (2) point 2 'Origin' is replaced by the following:

'2. **Origin:** products of category A, B and F that have been grown in Canada and products of category D and E processed in Canada with organically grown ingredients that have been grown in Canada or that have been imported into Canada in accordance with the Canadian legislation.'

ANNEX II

Annex IV to Regulation (EC) No 1235/2008 is amended as follows:

- (1) in the entry relating to '**CCOF Certification Services**', in point 3, the row concerning Canada is deleted;
- (2) in the entry relating to '**Ecocert SA**', in point 3, the row concerning Canada is deleted;
- (3) in the entry relating to '**IMOsuisse AG**', in point 3, the row concerning Canada is deleted;
- (4) in the entry relating to '**International Certification Services, Inc.**', in point 3, the row concerning Canada is deleted;
- (5) in the entry relating to '**Letis S.A.**', in point 3, the row concerning Canada is deleted;
- (6) in the entry relating to '**Oregon Tilth**', in point 3, the row concerning Canada is deleted;
- (7) in the entry relating to '**Organic crop improvement association**', in point 3, the row concerning Canada is deleted;
- (8) in the entry relating to '**Quality Assurance International**', in point 3, the row concerning Canada is deleted.

COMMISSION REGULATION (EU) 2016/460**of 30 March 2016****amending Annexes IV and V to Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 850/2004 of the European Parliament and of the Council of 29 April 2004 on persistent organic pollutants and amending Directive 79/117/EEC ⁽¹⁾, and in particular Article 7(4)(a) and (5) and Article 14(2) and (4) thereof,

Whereas:

- (1) Regulation (EC) No 850/2004 implements in the law of the Union the commitments set out in the Stockholm Convention on Persistent Organic Pollutants (hereinafter 'the Convention') approved by Council Decision 2006/507/EC ⁽²⁾ on behalf of the Community, and in the Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution on Persistent Organic Pollutants approved by Council Decision 2004/259/EC ⁽³⁾, on behalf of the Community.
- (2) At the sixth meeting of the Conference of the Parties to the Convention from 28 April to 10 May 2013, it was agreed to add hexabromocyclododecane (hereinafter 'HBCDD') to Annex A (elimination) to the Convention. The elimination of HBCDD under the Convention was, however, made subject to a specific exemption, namely the use of HBCDD in expanded polystyrene and extruded polystyrene in buildings and the production of HBCDD for that purpose.
- (3) In view of the amendment of the Convention, it is necessary to amend Annexes IV and V to Regulation (EC) No 850/2004, adding HBCDD to the annexes and indicating the corresponding concentration limits, in order to ensure that wastes containing HBCDD are managed in accordance with the provisions of the Convention. HBCDD should be listed in Annexes IV and V to Regulation (EC) No 850/2004.
- (4) The proposed concentration limits in Annexes IV and V to Regulation (EC) No 850/2004 have been set applying the same methodology that was used for establishing the limit values in previous amendments of Annexes IV and V ⁽⁴⁾. The proposed concentration limits are considered the most appropriate to ensure a high level of protection of human health and the environment in view of the destruction or irreversible transformation of HBCDD. In order to take account of technical developments, and in particular of the review of the technical guidelines ⁽⁵⁾ of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the concentration limit in Annex IV should be reviewed by the Commission within 3 years of the date of entry into force of this Regulation with a view to lowering the threshold.
- (5) In order to allow companies and competent authorities sufficient time to adapt to the new requirements, this Regulation should apply only from 6 months after the date of publication.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the committee established by Article 39 of Directive 2008/98/EC of the European Parliament and of the Council ⁽⁶⁾,

⁽¹⁾ OJ L 158, 30.4.2004, p. 7.

⁽²⁾ Council Decision 2006/507/EC of 14 October 2004 concerning the conclusion, on behalf of the European Community, of the Stockholm Convention on Persistent Organic Pollutants (OJ L 209, 31.7.2006, p. 1).

⁽³⁾ Council Decision 2004/259/EC of 19 February 2004 concerning the conclusion, on behalf of the European Community, of the Protocol to the 1979 Convention on Long Range Transboundary Air Pollution on Persistent Organic Pollutants (OJ L 81, 19.2.2004, p. 35).

⁽⁴⁾ Council Regulation (EC) No 1195/2006 of 18 July 2006 amending Annex IV to Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants (OJ L 217, 8.8.2006, p. 1), Council Regulation (EC) No 172/2007 of 16 February 2007 amending Annex V to Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants (OJ L 55, 23.2.2007, p. 1), Commission Regulation (EU) No 756/2010 of 24 August 2010 amending Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants as regards Annexes IV and V (OJ L 223, 25.8.2010, p. 20) and Commission Regulation (EU) No 1342/2014 of 17 December 2014 amending Regulation (EC) No 850/2004 of the European Parliament and of the Council on persistent organic pollutants as regards Annexes IV and V (OJ L 363, 18.12.2014, p. 67).

⁽⁵⁾ Decision BC-12/3.

⁽⁶⁾ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3).

HAS ADOPTED THIS REGULATION:

Article 1

Annexes IV and V to Regulation (EC) No 850/2004 are amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 30 September 2016.

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

Done at Brussels, 30 March 2016.

For the Commission
The President
Jean-Claude JUNKER

ANNEX

In the table of Annex IV to Regulation (EC) No 850/2004, the following row is added:

List of substances subject to waste management provisions set out in Article 7

Substance	CAS No	EC No	Concentration limit referred to in Article 7(4)(a)
Hexabromocyclododecane (*)	25637-99-4, 3194-55-6, 134237-50-6, 134237-51-7, 134237-52-8	247-148-4 221-695-9	1 000 mg/kg, subject to review by the Commission by 20.4.2019

(*) "Hexabromocyclododecane" means hexabromocyclododecane, 1,2,5,6,9,10-hexabromocyclododecane and its main diastereoisomers: alpha-hexabromocyclododecane, beta-hexabromocyclododecane and gamma-hexabromocyclododecane.'

In Annex V to Regulation (EC) No 850/2004, Part 2, the table is replaced by the following:

'Wastes as classified in Commission Decision 2000/532/EC		Maximum concentration limits of substances listed in Annex IV ⁽¹⁾	Operation
10	WASTES FROM THERMAL PROCESSES	Alkanes C ₁₀ -C ₁₃ , chloro (short-chain chlorinated paraffins) (SCCPs): 10 000 mg/kg;	Permanent storage shall be allowed only when all the following conditions are met: (1) The storage takes place in one of the following locations: — safe, deep, underground, hard rock formations, — salt mines, — a landfill site for hazardous waste, provided that the waste is solidified or partly stabilised where technically feasible as required for classification of the waste in subchapter 19 03 of Decision 2000/532/EC. (2) The provisions of Council Directive 1999/31/EC ⁽⁵⁾ and Council Decision 2003/33/EC ⁽⁶⁾ were respected. (3) It has been demonstrated that the selected operation is environmentally preferable.
10 01	Wastes from power stations and other combustion plants (except 19)	Aldrin: 5 000 mg/kg; Chlordane: 5 000 mg/kg; Chlordecone: 5 000 mg/kg;	
10 01 14 * ⁽²⁾	Bottom ash, slag and boiler dust from co-incineration containing hazardous substances	DDT (1,1,1-trichloro-2,2-bis (4-chlorophenyl) ethane): 5 000 mg/kg; Dieldrin: 5 000 mg/kg; Endosulfan: 5 000 mg/kg;	
10 01 16 *	Fly ash from co-incineration containing hazardous substances	Endrin: 5 000 mg/kg; Heptachlor: 5 000 mg/kg; Hexabromobiphenyl: 5 000 mg/kg;	
10 02	Wastes from the iron and steel industry	Hexabromocyclododecane ⁽³⁾ : 1 000 mg/kg; Hexachlorobenzene: 5 000 mg/kg;	
10 02 07 *	Solid wastes from gas treatment containing hazardous substances	Hexachlorobutadiene: 1 000 mg/kg; Hexachlorocyclohexanes, including lindane: 5 000 mg/kg; Mirex: 5 000 mg/kg;	
10 03	Wastes from aluminium thermal metallurgy	Pentachlorobenzene: 5 000 mg/kg;	
10 03 04 *	Primary production slags	Perfluorooctane sulfonic acid and its derivatives (PFOS) (C ₈ F ₁₇ SO ₂ X) (X = OH, Metal salt (O-M ⁺), halide, amide, and other derivatives including polymers): 50 mg/kg;	
10 03 08 *	Salt slags from secondary production	Polychlorinated Biphenyls (PCB) ⁽⁴⁾ : 50 mg/kg;	
10 03 09 *	Black drosses from secondary production	Polychlorinated dibenzo-p-dioxins and dibenzofurans: 5 mg/kg; Polychlorinated naphthalenes (*): 1 000 mg/kg; Sum of the concentrations of tetrabromodiphenyl ether (C ₁₂ H ₆ Br ₄ O), pentabromodiphenyl ether (C ₁₂ H ₅ Br ₅ O), hexabromodiphenyl ether (C ₁₂ H ₄ Br ₆ O) and heptabromodiphenyl ether (C ₁₂ H ₃ Br ₇ O): 10 000 mg/kg; Toxaphene: 5 000 mg/kg.	

'Wastes as classified in Commission Decision 2000/532/EC		Maximum concentration limits of substances listed in Annex IV (1)	Operation
10 03 19 *	Flue-gas dust containing hazardous substances		
10 03 21 *	Other particulates and dust (including ball-mill dust) containing hazardous substances		
10 03 29 *	Wastes from treatment of salt slags and black drosses containing hazardous substances		
10 04	Wastes from lead thermal metallurgy		
10 04 01 *	Slags from primary and secondary production		
10 04 02 *	Dross and skimmings from primary and secondary production		
10 04 04 *	Flue-gas dust		
10 04 05 *	Other particulates and dust		
10 04 06 *	Solid wastes from gas treatment		
10 05	Wastes from zinc thermal metallurgy		
10 05 03 *	Flue-gas dust		
10 05 05 *	Solid waste from gas treatment		
10 06	Wastes from copper thermal metallurgy		
10 06 03 *	Flue-gas dust		
10 06 06 *	Solid wastes from gas treatment		

'Wastes as classified in Commission Decision 2000/532/EC		Maximum concentration limits of substances listed in Annex IV (1)	Operation
10 08	Wastes from other non-ferrous thermal metallurgy		
10 08 08 *	Salt slag from primary and secondary production		
10 08 15 *	Flue-gas dust containing hazardous substances		
10 09	Wastes from casting of ferrous pieces		
10 09 09 *	Flue-gas dust containing hazardous substances		
16	WASTES NOT OTHERWISE SPECIFIED IN THE LIST		
16 11	Waste linings and refractories		
16 11 01 *	Carbon-based linings and refractories from metallurgical processes containing hazardous substances		
16 11 03 *	Other linings and refractories from metallurgical processes containing hazardous substances		
17	CONSTRUCTION AND DEMOLITION WASTES (INCLUDING EXCAVATED SOIL FROM CONTAMINATED SITES)		
17 01	Concrete, bricks, tiles and ceramics		
17 01 06 *	Mixtures of, or separate fractions of concrete, bricks, tiles and ceramics containing hazardous substances		

'Wastes as classified in Commission Decision 2000/532/EC		Maximum concentration limits of substances listed in Annex IV (1)	Operation
17 05	Soil (including excavated soil from contaminated sites), stones and dredging spoil		
17 05 03 *	Soil and stones containing hazardous substances		
17 09	Other construction and demolition wastes		
17 09 02 *	Construction and demolition wastes containing PCB, excluding PCB containing equipment		
17 09 03 *	Other construction and demolition wastes (including mixed wastes) containing hazardous substances		
19	WASTES FROM WASTE MANAGEMENT FACILITIES, OFF-SITE WASTE WATER TREATMENT PLANTS AND THE PREPARATION OF WATER INTENDED FOR HUMAN CONSUMPTION AND WATER FROM INDUSTRIAL USE		
19 01	Wastes from incineration or pyrolysis of waste		
19 01 07 *	Solid wastes from gas treatment		
19 01 11 *	Bottom ash and slag containing hazardous substances		
19 01 13 *	Fly ash containing hazardous substances		
19 01 15 *	Boiler dust containing hazardous substances		

'Wastes as classified in Commission Decision 2000/532/EC		Maximum concentration limits of substances listed in Annex IV ⁽¹⁾	Operation
19 04	Vitrified waste and waste from vitrification		
19 04 02 *	Fly ash and other flue-gas treatment wastes		
19 04 03 *	Non-vitrified solid phase		

⁽¹⁾ These limits apply exclusively to a landfill site for hazardous waste and do not apply to permanent underground storage facilities for hazardous waste, including salt mines.

⁽²⁾ Any waste marked with an asterisk "*" is considered as hazardous waste pursuant to Directive 2008/98/EC and is subject to the provisions of that Directive.

⁽³⁾ "Hexabromocyclododecane" means hexabromocyclododecane, 1,2,5,6,9,10-hexabromocyclododecane and its main diastereoisomers: alpha- hexabromocyclododecane, beta- hexabromocyclododecane and gamma- hexabromocyclododecane.

⁽⁴⁾ The calculation method laid down in European standards EN 12766-1 and EN 12766-2 shall apply.

⁽⁵⁾ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182, 16.7.1999, p. 1).

⁽⁶⁾ Council Decision 2003/33/EC of 19 December 2002 establishing criteria and procedures for the acceptance of waste at landfills pursuant to Article 16 of and Annex II to Directive 1999/31/EC (OJ L 11, 16.1.2003, p. 27).

The maximum concentration limit of polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD and PCDF) shall be calculated according to the following toxic equivalency factors (TEFs):

PCDD	TEF
2,3,7,8-TeCDD	1
1,2,3,7,8-PeCDD	1
1,2,3,4,7,8-HxCDD	0,1
1,2,3,6,7,8-HxCDD	0,1
1,2,3,7,8,9-HxCDD	0,1
1,2,3,4,6,7,8-HpCDD	0,01
OCDD	0,0003
PCDF	TEF
2,3,7,8-TeCDF	0,1
1,2,3,7,8-PeCDF	0,03
2,3,4,7,8-PeCDF	0,3
1,2,3,4,7,8-HxCDF	0,1
1,2,3,6,7,8-HxCDF	0,1

PCDD	TEF
1,2,3,7,8,9-HxCDF	0,1
2,3,4,6,7,8-HxCDF	0,1
1,2,3,4,6,7,8-HpCDF	0,01
1,2,3,4,7,8,9-HpCDF	0,01
OCDF	0,0003'

COMMISSION REGULATION (EU) 2016/461**of 30 March 2016****amending Council Regulation (EC) No 297/95 as regards the adjustment of the fees of the European Medicines Agency to the inflation rate with effect from 1 April 2016****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 297/95 of 10 February 1995 on fees payable to the European Agency for the Evaluation of Medicinal Products ⁽¹⁾, and in particular the fifth paragraph of Article 12 thereof,

Whereas:

- (1) In accordance with Article 67(3) of Regulation (EC) No 726/2004 of the European Parliament and of the Council ⁽²⁾, the revenue of the European Medicines Agency consists of a contribution from the Union and fees paid to it by undertakings. Regulation (EC) No 297/95 lays down the categories and levels of such fees.
- (2) Those fees should be updated by reference to the inflation rate of 2015. The inflation rate in the Union, as published by the Statistical Office of the European Union, was 0,2 % in 2015.
- (3) For the sake of simplicity, the adjusted levels of the fees should be rounded to the nearest EUR 100.
- (4) Regulation (EC) No 297/95 should therefore be amended accordingly.
- (5) For reasons of legal certainty, this Regulation should not apply to valid applications which are pending on 1 April 2016.
- (6) In accordance with Article 12 of Regulation (EC) No 297/95, the update is to be made with effect from 1 April 2016. It is therefore appropriate that this Regulation enters into force as a matter of urgency and applies from that date,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 297/95 is amended as follows:

(1) Article 3 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) point (a) is amended as follows:

— in the first subparagraph, 'EUR 278 200' is replaced by 'EUR 278 800',

— in the second subparagraph, 'EUR 27 900' is replaced by 'EUR 28 000';

(ii) point (b) is amended as follows:

— in the first subparagraph, 'EUR 108 000' is replaced by 'EUR 108 200',

— in the second subparagraph, 'EUR 179 800' is replaced by 'EUR 180 200';

⁽¹⁾ OJ L 35, 15.2.1995, p. 1.

⁽²⁾ Regulation (EC) No 726/2004 of the European Parliament and of the Council of 31 March 2004 laying down Community procedures for the authorisation and supervision of medicinal products for human and veterinary use and establishing a European Medicines Agency (OJ L 136, 30.4.2004, p. 1).

- (iii) point (c) is amended as follows:
 - in the first subparagraph, 'EUR 83 500' is replaced by 'EUR 83 700',
 - in the second subparagraph, 'EUR 20 900 to EUR 62 600' is replaced by 'EUR 20 900 to EUR 62 700';
- (b) in paragraph 2, point (b) is amended as follows:
 - (i) in the first subparagraph, 'EUR 83 500' is replaced by 'EUR 83 700';
 - (ii) in the second subparagraph, 'EUR 20 900 to EUR 62 600' is replaced by 'EUR 20 900 to EUR 62 700';
- (c) paragraph 6 is amended as follows:
 - (i) in the first subparagraph, 'EUR 99 800' is replaced by 'EUR 100 000';
 - (ii) in the second subparagraph, 'EUR 24 900 to EUR 74 800' is replaced by 'EUR 24 900 to EUR 74 900';
- (2) in Article 4, in the first paragraph, 'EUR 69 300' is replaced by 'EUR 69 400';
- (3) Article 5 is amended as follows:
 - (a) paragraph 1 is amended as follows:
 - (i) point (a) is amended as follows:
 - in the first subparagraph, 'EUR 139 300' is replaced by 'EUR 139 600',
 - in the fourth subparagraph 'EUR 69 300' is replaced by 'EUR 69 400';
 - (ii) point (b) is amended as follows:
 - in the first subparagraph, 'EUR 69 300' is replaced by 'EUR 69 400',
 - in the second subparagraph, 'EUR 117 600' is replaced by 'EUR 117 800',
 - in the fifth subparagraph 'EUR 34 800' is replaced by 'EUR 34 900';
 - (iii) point (c) is amended as follows:
 - in the first subparagraph, 'EUR 34 800' is replaced by 'EUR 34 900',
 - in the second subparagraph, 'EUR 8 700 to EUR 26 100' is replaced by 'EUR 8 700 to EUR 26 200';
 - (b) in paragraph 2, point (b) is amended as follows:
 - (i) in the first subparagraph, 'EUR 41 700' is replaced by 'EUR 41 800';
 - (ii) in the second subparagraph, 'EUR 10 500 to EUR 31 400' is replaced by 'EUR 10 500 to EUR 31 500';
 - (c) in the first subparagraph of paragraph 6, 'EUR 33 300' is replaced by 'EUR 33 400';
- (4) in Article 6, in the first paragraph, 'EUR 41 700' is replaced by 'EUR 41 800';
- (5) in Article 7, in the first paragraph, 'EUR 69 300' is replaced by 'EUR 69 400';
- (6) Article 8 is amended as follows:
 - (a) paragraph 1 is amended as follows:
 - (i) in the second subparagraph, 'EUR 83 500' is replaced by 'EUR 83 700';
 - (ii) in the third subparagraph, 'EUR 41 700' is replaced by 'EUR 41 800';
 - (iii) in the fourth subparagraph, 'EUR 20 900 to EUR 62 600' is replaced by 'EUR 20 900 to EUR 62 700';
 - (iv) in the fifth subparagraph, 'EUR 10 500 to EUR 31 400' is replaced by 'EUR 10 500 to EUR 31 500';

(b) paragraph 2 is amended as follows:

- (i) in the second subparagraph, 'EUR 278 200' is replaced by 'EUR 278 800';
- (ii) in the third subparagraph, 'EUR 139 300' is replaced by 'EUR 139 600';
- (iii) in the fifth subparagraph, 'EUR 3 000 to EUR 239 800' is replaced by 'EUR 3 000 to EUR 240 300';
- (iv) in the sixth subparagraph, 'EUR 3 000 to EUR 120 100' is replaced by 'EUR 3 000 to EUR 120 300'.

Article 2

This Regulation shall not apply to valid applications pending on 1 April 2016.

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 1 April 2016.

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

Done at Brussels, 30 March 2016.

For the Commission
The President
Jean-Claude JUNKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/462**of 30 March 2016****amending Regulation (EC) No 324/2008 laying down revised procedures for conducting Commission inspections in the field of maritime security****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security ⁽¹⁾, and in particular Article 9(4) thereof,

Whereas:

- (1) In order to monitor the application by Member States of Regulation (EC) No 725/2004 and Directive 2005/65/EC of the European Parliament and of the Council ⁽²⁾ the Commission should conduct inspections. The organisation of inspections under the supervision of the Commission is needed to verify the effectiveness of national quality control systems and maritime security measures, procedures and structures.
- (2) The Commission is assisted in the performance of the inspection tasks by the European Maritime Safety Agency established by Regulation (EC) No 1406/2002 of the European Parliament and of the Council ⁽³⁾. In the performance of the inspection tasks in the context of the European Economic Area (EEA) the Commission calls upon the assistance of national inspectors listed by European Free Trade Association (EFTA) States in accordance with Decision of the EEA Joint Committee No 116/2008 ⁽⁴⁾.
- (3) Commission Regulation (EC) No 324/2008 ⁽⁵⁾ establishes procedural rules for conducting Commission inspections in the field of maritime security in a transparent, effective, harmonised and consistent manner.
- (4) In the light of the experience gained since 2008, it is necessary to ensure that Commission inspections under Regulation (EC) No 324/2008 are conducted in a consistent manner in accordance with the set procedure, including a standard methodology. The measures to enhance the cooperation with the Member States and exercise of Commission powers should be efficient and transparent.
- (5) Definitions of the terms used in the context of the conduct of Commission inspections should be further developed. The revisions do not extend the scope of inspections beyond the existing remit.
- (6) The Commission and the Member States should work in cooperation together during the preparation and the conduct of the Commission inspections.
- (7) The Commission should have the possibility of including in its inspection teams qualified national inspectors made available by the Member States that meet the necessary qualification and training criteria.
- (8) To ensure a transparent and efficient conduct of Commission inspections the provisions should be clear and further developed, notably in the case of a ship inspection which concludes in a port of a Member State other than that of the port of embarkation. The issue of inspection of EU flagged ships at a location outside the European Union should be clarified to deal with the specific logistical constraints of such inspections.

⁽¹⁾ OJ L 129, 29.4.2004, p. 6.

⁽²⁾ Directive 2005/65/EC of the European Parliament and of the Council of 26 October 2005 on enhancing port security (OJ L 310, 25.11.2005, p. 28).

⁽³⁾ Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208, 5.8.2002, p. 1).

⁽⁴⁾ Decision of the EEA Joint Committee No 116/2008 of 7 November 2008 amending Annex XIII (Transport) to the EEA Agreement states (OJ L 339, 18.12.2008, p. 106).

⁽⁵⁾ Commission Regulation (EC) No 324/2008 of 9 April 2008 laying down revised procedures for conducting Commission inspections in the field of maritime security (OJ L 98, 10.4.2008, p. 5).

- (9) Sensitive but non-classified information related to an inspection should be handled under strict security measures to guarantee its confidentiality and non-disclosure.
- (10) Regulation (EC) No 324/2008 should therefore be amended accordingly.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 11(1) of Regulation (EC) No 725/2004,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Regulation (EC) No 324/2008

Regulation (EC) No 324/2008 is amended as follows:

(1) Article 2 is amended as follows:

(a) points 1 and 2 are replaced by the following:

- ‘1. “Commission inspection” means an examination by Commission inspectors of Member States’ national maritime security quality control systems, measures, procedures and structures, to determine compliance with Regulation (EC) No 725/2004 and implementation of Directive 2005/65/EC. It may include inspections of ports, port facilities, ships, competent authorities for maritime security or companies, as defined in Annex I to Regulation (EC) No 725/2004. It may also include inspections of recognised security organisations, as defined in Annex I to Regulation (EC) No 725/2004 and in Annex IV to Directive 2005/65/EC relative to recognised security organisations;
- 2. “Commission inspector” means a person fulfilling the criteria set out in Article 7 employed by the Commission, or employed by the European Maritime Safety Agency, or a national inspector, mandated by the Commission to participate in Commission inspections, listed by the Member States or by the EFTA States;’;

(b) point 11 is replaced by the following:

- ‘11. “port” means the area within the boundaries defined by Member States under Article 2(3) of Directive 2005/65/EC and notified to the Commission under Article 12 thereof;’;

(c) the following points 12, 13, 14, 15, 16 and 17 are added:

- ‘12. “provisional corrective measure” means a temporary measure or range of measures aimed at limiting to the maximum extent practicable the impact of a major non-conformity or a non-conformity identified during the conduct of an inspection before full correction can take place;
- 13. “classified information” means identified or identifiable information obtained during the conduct of inspection activities, disclosure of which may lead to a breach of security, classified in accordance with the provisions of Commission Decision (EU, Euratom) 2015/444 (*) or in accordance with relevant national legislation of the Member States;
- 14. “sensitive but non-classified information” means inspection related material or information obtained during the conduct of inspection activities, disclosure of which may lead to a breach of security and which can only be shared on a need-to-know basis;
- 15. “not confirmed” means a finding made during a Commission inspection which indicates non-fulfilment of Regulation (EC) No 725/2004 or Directive 2005/65/EC but is not substantiated by objective evidence;
- 16. “Committee” means the Committee established by Article 11(1) of Regulation (EC) No 725/2004;
- 17. “representative of a flag State” means a member of the competent authorities of the Member State whose flag the ship is flying or, if nominated by that Member State, a representative of a recognised security organisation.

(*) Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).’;

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

'Article 3

Cooperation of Member States

1. Without prejudice to Commission responsibilities, Member States shall cooperate with the Commission in the accomplishment of its inspection tasks. This cooperation shall be effective during the preparatory, monitoring and reporting phases.

2. Member States shall take all necessary steps to ensure that notification of an inspection:

- (a) is kept under strict measures of security to guarantee its non-disclosure in order not to compromise the inspection process; and
- (b) is communicated to relevant parties on a need-to-know basis.;

- (3) in Article 4, paragraph 2 is replaced by the following:

'2. Each Member State shall ensure that, upon request, Commission inspectors have timely access to relevant security documentation necessary for the performance of the inspection duties, and in particular to:

- (a) the national programme for the implementation of Regulation (EC) No 725/2004 referred to in Article 9(3) of that Regulation;*
- (b) the most recent updates of data supplied by the focal point and monitoring reports referred to in Article 9(4) of Regulation (EC) No 725/2004;*
- (c) the outcome of the Member State's monitoring of the implementation of port security plans;*
- (d) relevant ship, port and port facility security assessments, and relevant ship, port and port facility security plans, records of training drills and exercises for ship and port and port facility while Commission is conducting inspections;*
- (e) notifications by the Member States of the decisions referred to in Article 3(3) of Regulation (EC) No 725/2004 taken after the mandatory security risk assessment;*
- (f) any guideline, instruction or procedure, issued by the Member State for the implementation of Regulation (EC) No 725/2004 and Directive 2005/65/EC.;*

- (4) Article 5 is amended as follows:

- (a) paragraph 1 is replaced by the following:

'1. In agreement with the Commission, as far as practicable, Member States shall make available national inspectors able to participate in Commission inspections, including the related preparatory and reporting phases.;

- (b) paragraph 5 is replaced by the following:

'5. Requests for national inspectors to participate in Commission inspections shall be communicated in good time, normally at least 2 months before the inspection is due to take place.;

- (5) Article 6 is replaced by the following:

'Article 6

Technical assistance from the European Maritime Safety Agency in Commission inspections

In providing the Commission with technical assistance pursuant to Article 2(2)(b) of Regulation (EC) No 1406/2002, the European Maritime Safety Agency shall make technical experts available to participate in Commission inspections, including the related preparatory and reporting phases.;

(6) Article 7 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) point (b) is replaced by the following:

‘(b) a good working knowledge of security technologies and techniques;’

(ii) point (d) is replaced by the following:

‘(d) a working knowledge of the operations being examined;’

(iii) the following points (e) and (f) are added:

‘(e) an awareness of health, safety and security requirements for working in a maritime environment;

(f) a knowledge of the main legal requirements applicable in the field of maritime security.’;

(b) in paragraph 2, the first subparagraph is replaced by the following:

‘In order to qualify for Commission inspections, Commission inspectors shall have successfully completed training to carry out such inspections. Commission inspectors shall periodically undergo training at least every 5 years in order to update their knowledge.’;

(c) the following paragraph 4 is added:

‘4. If during a previous inspection, the behaviour or performance of an inspector fails to meet the requirements of this Regulation, that inspector shall not be nominated anymore for Commission inspection tasks.’;

(7) Article 8 is amended as follows:

(a) paragraph 1 is replaced by the following:

‘1. The Commission shall give at least 6 weeks’ notice of an inspection to the focal point of the Member State in whose territory it is to be conducted.

Commission may communicate to the focal point, in parallel to the notice of the inspection, a pre-inspection questionnaire for completion by the competent authority, along with a request for any relevant documentation. The completed questionnaire and any requested documentation shall be submitted to the Commission at least 2 weeks before the inspection is scheduled to begin.

The notice period provided for in the first subparagraph may be reduced to not less than 2 weeks provided that the Commission acts in response to an exceptional event which may have significant impact on the overall level of maritime security in the European Union and that the Commission consulted the focal point concerned prior to giving the notice. In that case the second subparagraph shall not apply.’;

(b) paragraph 5 is replaced by the following:

‘5. Where the flag State is a Member State, the Commission shall give notice as soon as possible to the focal point of that Member State that the ship may be inspected when at the port facility. If an inspection is to cover a ship flying the flag of a Member State other than that of the authority being inspected, the Commission shall inform the focal point of the flag State so that the necessary practical arrangements can be made for conducting the inspection on board that ship.’;

(c) paragraph 9 is replaced by the following:

‘9. When the Commission attends a national inspection or verification of a ship at a location outside the European Union, the Commission shall make the necessary arrangements with the focal point in order to follow inspections or verifications with the representative of the flag.’;

(8) Article 10 is amended as follows:

(a) paragraphs 1 and 2 are replaced by the following:

‘1. A standard methodology shall be used to monitor the application by Member States of the maritime security requirements laid down in Regulation (EC) No 725/2004 and in Directive 2005/65/EC.

2. Commission inspectors, when carrying out inspection activities, shall be accompanied at all times by a representative of the relevant competent authority. That representative shall not prejudice the efficiency or effectiveness of the inspection activities.

The inspections shall be carried out in a way which impedes as little as possible the fluidity of the commercial operations. In order to achieve this, whenever appropriate and with the prior agreement of the flag State and of the master of the ship, an inspection of a ship that has commenced in port may continue after the ship has left port.

If a ship subject to an inspection is serving international scheduled services between two or more Member States, the inspection may also relate to the operations of embarkation and disembarkation applied to passengers and vehicles at each end of the voyage. In such a case, the Commission shall notify the Member State’s focal point of the port of arrival in accordance with Article 8(1).’;

(b) paragraph 6 is replaced by the following:

‘6. Without prejudice to Article 11, the Commission inspectors shall, wherever appropriate and practicable, deliver an informal oral summary of their observations on the spot.

The relevant focal point shall be informed promptly of any major non-conformity with Regulation (EC) No 725/2004 or Directive 2005/65/EC identified by a Commission inspection, prior to completion of an inspection report in accordance with Article 11 of this Regulation.

However, in cases where a Commission inspector carrying out the inspection of a ship finds a major non-conformity requiring action under Article 16, the Team Leader shall inform immediately in writing the relevant focal points.’;

(c) the following paragraph 7 is added:

‘7. Commission inspectors shall conduct inspections in an efficient and effective manner, with due regard to safety and security.’;

(9) in Article 11, paragraphs 4 and 5 are replaced by the following:

‘4. When assessing the implementation of Regulation (EC) No 725/2004 and Directive 2005/65/EC in accordance with this Regulation, the findings shall be classified in one of the following categories:

(a) in conformity;

(b) in conformity, but improvement desirable;

(c) non-conformity;

(d) major non-conformity;

(e) not confirmed.

5. The report shall detail the findings of the inspection identified as “major non-conformity”, “non-conformity”, “in conformity, but improvement desirable” and “not confirmed” in the implementation of Regulation (EC) No 725/2004 or Directive 2005/65/EC in accordance with the present Regulation.

The report may contain recommendations for corrective action.’;

(10) in Article 12, the following paragraph 3 is added:

‘3. When a Member State proposes immediate corrective measures to address a major non-conformity found, it shall promptly notify the Commission about them before the Commission issues its inspection report. In such case, the report shall quote the corrective actions taken by the Member State. If only provisional measures are taken, the Member State shall promptly notify the Commission and shall also inform about the deadline for implementation of the complete and final corrective actions.’;

(11) Articles 14 and 15 are replaced by the following:

'Article 14

Confidentiality of information

In accordance with existing rules applicable, when conducting inspections in the field of maritime security, the Commission shall take the appropriate measures to protect classified information to which it has access or which is communicated to it by Member States. Member States shall take equivalent measures in accordance with their relevant national legislations.

Sensitive but non-classified information may be exchanged between Member States and the Commission, provided that they protect that information in accordance with the requirements applicable to guarantee its confidentiality.

Article 15

Commission inspection programme

1. The Commission shall seek advice from the Committee on the priorities for the implementation of its inspection programme.

2. The Commission shall regularly inform the Committee about the implementation of the inspection programme and the results of the inspections. The Commission shall share good practices observed during the inspections with the Member States.

Inspection reports shall normally be made available to the Committee:

- (a) as soon as the Member State's response under Article 12(1) has been received; and
- (b) when the file is closed.;

(12) in Article 16, the first paragraph is replaced by the following:

'If an inspection discloses a major non-conformity with Regulation (EC) No 725/2004 or Directive 2005/65/EC which is deemed to have a significant impact on the overall level of maritime security in the Union and that cannot be immediately addressed at least by corrective measures of a provisional nature, the Commission shall inform the other Member States after having notified that major non-conformity to the Member State concerned.'

Article 2

Entry into force

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

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

Done at Brussels, 30 March 2016.

For the Commission
The President
Jean-Claude JUNCKER

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/463
of 30 March 2016**

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

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾,

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 30 March 2016.

*For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General for Agriculture and Rural Development*

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	153,0
	MA	100,3
	TR	112,4
	ZZ	121,9
0707 00 05	MA	82,7
	TR	134,4
	ZZ	108,6
0709 93 10	EG	44,3
	MA	43,9
	TR	156,3
	ZZ	81,5
0805 10 20	EG	44,2
	IL	76,8
	MA	57,5
	TN	68,9
	TR	72,3
	ZA	47,6
	ZZ	61,2
0808 10 80	BR	90,3
	CL	97,2
	US	135,9
	ZA	99,1
	ZZ	105,6
0808 30 90	AR	134,1
	CL	119,9
	CN	88,3
	TR	159,2
	ZA	111,5
	ZZ	122,6

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

DECISIONS

COMMISSION IMPLEMENTING DECISION (EU) 2016/464

of 29 March 2016

amending the Annex to Implementing Decision 2014/709/EU concerning animal health control measures relating to African swine fever in certain Member States, as regards the entries for Estonia and Poland

(notified under document C(2016) 1701)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,

Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽³⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Commission Implementing Decision 2014/709/EU ⁽⁴⁾ lays down animal health control measures in relation to African swine fever in certain Member States. The Annex to that Implementing Decision demarcates and lists certain areas of those Member States in Parts I, II, III and IV of that Annex differentiated by the level of risk based on the epidemiological situation. That list includes certain areas of Estonia, Italy, Latvia, Lithuania and Poland.
- (2) Since February 2015, no outbreaks of African swine fever in domestic pigs have been notified in the areas of Poland that are listed in Part III of the Annex to Implementing Decision 2014/709/EU. In addition, supervision of biosecurity measures has been implemented in a satisfactory manner in holdings in those areas based on the national programme for biosecurity aimed at the prevention of the spread of African swine fever. These facts indicate an improvement in the epidemiological situation. Accordingly, those areas of that Member State should now be listed in Part II, instead of Part III, of the Annex to Implementing Decision 2014/709/EU.
- (3) In February 2016, one case of African swine fever in wild boar occurred in Estonia in the areas listed in Part II of the Annex to Implementing Decision 2014/709/EU, in close proximity to the areas listed in Part I of that Annex. Accordingly, certain areas listed in Part I should be listed in Part II of the Annex to Implementing Decision 2014/709/EU.
- (4) The evolution of the current epidemiological situation in the Union as regards African swine fever should be considered in the assessment of the risk represented by the animal health situation as regards that disease in

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ OJ L 18, 23.1.2003, p. 11.

⁽⁴⁾ Commission Implementing Decision 2014/709/EU of 9 October 2014 concerning animal health control measures relating to African swine fever in certain Member States and repealing Implementing Decision 2014/178/EU (OJ L 295, 11.10.2014, p. 63).

Estonia and Poland. In order to focus animal health control measures and to prevent the further spread of African swine fever, as well as to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade by third countries, the Union list of areas subject to the animal health control measures set out in the Annex to Implementing Decision 2014/709/EU should be amended to take into account the changes in the current epidemiological situation as regards that disease in Estonia and in Poland.

- (5) Implementing Decision 2014/709/EU should therefore be amended to modify the areas listed in Parts I and II of Estonia and in Parts II and III of Poland.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision 2014/709/EU is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 29 March 2016.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

‘ANNEX

PART I

1. Estonia

The following areas in Estonia:

- the linn of Keila,
- the linn of Kunda,
- the linn of Loksa,
- the linn of Maardu,
- the linn of Mustvee,
- the linn of Pärnu,
- the linn of Saue,
- the linn of Tallinn,
- the maakond of Läänemaa,
- the part of the vald of Jõelähtme located to the North of road 1 (E20),
- the part of the vald of Kuusalu located to the North of road 1 (E20),
- the vald of Audru,
- the vald of Haljala,
- the vald of Harku,
- the vald of Keila,
- the vald of Kernu,
- the vald of Kiili,
- the vald of Koonga,
- the vald of Lavassaare,
- the vald of Nissi,
- the vald of Padise,
- the vald of Saku,
- the vald of Saue,
- the vald of Sauga,
- the vald of Sindi,
- the vald of Tõstamaa,
- the vald of Varbla,
- the vald of Vasalemma,
- the vald of Vihula,
- the vald of Viimsi.

2. Latvia

The following areas in Latvia:

- in the novads of Ogres, the pagasti of Suntažu and Ogresgala,
- the novads of Ādažu,
- the novads of Amatas,
- the novads of Carnikavas,
- the novads of Garkalnes,
- the novads of Ikšķiles,
- the novads of Inčukalna,
- the novads of Jaunjelgavas,
- the novads of Ķeguma,
- the novads of Līgatnes,
- the novads of Mālpils,
- the novads of Neretas,
- the novads of Ropažu,
- the novads of Salas,
- the novads of Siguldas,
- the novads of Vecumnieku,
- the novads of Viesītes.

3. Lithuania

The following areas in Lithuania:

- in the rajono savivaldybė of Jurbarkas, the seniūnijos of Raudonės, Veliuonos, Seredžiaus and Juodaičių,
- in the rajono savivaldybė of Pakruojis, the seniūnijos of Klovainių, Rozalimo and Pakruojo,
- in the rajono savivaldybė of Panevėžys, the part of the Krekenavos seniūnijos located to the west of the river Nevėžis,
- in the rajono savivaldybė of Raseiniai, the seniūnijos of Ariogalos, Ariogalos miestas, Betygalos, Pajūjė and Šiluvos,
- in the rajono savivaldybė of Šakiai, the seniūnijos of Plokščių, Kriūkų, Lekėčių, Lukšių, Griškabūdžio, Barzdų, Žvirgždaičių, Sintautų, Kudirkos Naumiesčio, Slavikų, Šakių,
- the rajono savivaldybė of Pasvalys,
- the rajono savivaldybė of Vilkaviškis,
- the rajono savivaldybė of Radviliškis,
- the savivaldybė of Kalvarija,
- the savivaldybė of Kazlų Rūda,
- the savivaldybė of Marijampolė.

4. Poland

The following areas in Poland:

In the województwo podlaskie:

- the gminy of Augustów with the city of Augustów, Nowinka, Płaska, Sztabin and Bargłów Kościelny in the powiat augustowski,
- the gminy of Choroszcz, Juchnowiec Kościelny, Suraż, Turośń Kościelna, Tykocin, Łapy, Poświętne, Zawady and Dobrzyniewo Duże in the powiat białostocki,
- the gminy of Dubicze Cerkiewne, Kleszczele and Czeremcha in the powiat hajnowski,
- the gminy of Grodzisk, Dziadkowice and Milejczyce in the powiat siemiatycki,
- the gminy of Kobylin-Borzemy, Kulesze Kościelne, Sokoły, Wysokie Mazowieckie with the city of Wysokie Mazowieckie, Nowe Piekuty, Szepietowo, Klukowo and Ciechanowiec in the powiat wysokomazowiecki,
- the powiat sejneński,
- the gminy of Rutka-Tartak, Szypliszki, Suwałki, Raczki in the powiat suwalski,
- the gmina of Rutki in the powiat zambrowski,
- the gminy of Suchowola and Korycin in the powiat sokólski,
- the powiat bielski,
- the powiat M. Białystok,
- the powiat M. Suwałki,
- the powiat moniecki.

PART II

1. Estonia

The following areas in Estonia:

- the linn of Kallaste,
- the linn of Rakvere,
- the linn of Tartu,
- the linn of Vändra,
- the linn of Viljandi,
- the maakond of IDA-Virumaa,
- the maakond of Põlvamaa,
- the maakond of Raplamaa,
- the part of the vald of Jõelähtme located to the South of road 1 (E20),
- the part of the vald of Kuusalu located to the South of road 1 (E20),
- the part of the vald of Palamuse located to the East of the Tallinn-Tartu railway,
- the part of the vald of Pärsti located to the West of road 24126,
- the part of the vald of Suure-Jaani located to the West of road 49,

- the part of the vald of Tabivere located to the East of the Tallinn-Tartu railway,
- the part of the vald of Tamsalu located to the North-East of the Tallinn-Tartu railway,
- the part of the vald of Tartu located to the East of the Tallinn-Tartu railway,
- the part of the vald of Viiratsi located to the West of the line defined by the Western part of road 92 until the junction to road 155, then road 155 until the junction to road 24156, then road 24156 until it crosses Verilaske river, then the Verilaske river until it reaches the southern border of the vald,
- the vald of Abja,
- the vald of Aegviidu,
- the vald of Alatskivi,
- the vald of Anija,
- the vald of Are,
- the vald of Häädemeeste,
- the vald of Haaslava,
- the vald of Halinga,
- the vald of Halliste,
- the vald of Kadrina,
- the vald of Kambja,
- the vald of Karksi,
- the vald of Kasepää,
- the vald of Köpu,
- the vald of Kose,
- the vald of Kõue,
- the vald of Laekvere,
- the vald of Luunja,
- the vald of Mäksa,
- the vald of Meeksi,
- the vald of Paikuse,
- the vald of Pala,
- the vald of Peipsiääre,
- the vald of Piirissaare,
- the vald of Raasiku,
- the vald of Rae,
- the vald of Rägavere,
- the vald of Rakvere,

- the vald of Saarde,
- the vald of Saare,
- the vald of Sõmeru,
- the vald of Surju,
- the vald of Tahkuranna,
- the vald of Tapa,
- the vald of Tootsi,
- the vald of Tori,
- the vald of Vändra,
- the vald of Vara,
- the vald of Vinni,
- the vald of Viru-Nigula,
- the vald of Võnnu.

2. Latvia

The following areas in Latvia:

- the novads of Krimuldas,
- in the novads of Limbažu, the pagasti of Skultes, Vidrižu, Limbažu and Umurgas,
- in the novads of Ogres, the pagasti of Krapes, Ķeipenes, Lauberes, Madlienas, Mazozolu, Mengeles and Taurupes,
- the novads of Priekule,
- in the novads of Salacgrīvas, the pagasts of Liepupes,
- the novads of Aizkraukles,
- the novads of Aknīstes,
- the novads of Alūksnes,
- the novads of Apes,
- the novads of Balinavas,
- the novads of Balvi,
- the novads of Cēsu,
- the novads of Cesvaines,
- the novads of Ērgļi,
- the novads of Gulbenes,
- the novads of Ilūkstes,
- the novads of Jaunpiebalgas,
- the novads of Jēkabpils,
- the novads of Kocēnu,

- the novads of Kokneses,
- the novads of Krustpils,
- the novads of Lielvārdes,
- the novads of Līvānu,
- the novads of Lubānas,
- the novads of Madonas,
- the novads of Pārgaujas,
- the novads of Pļaviņu,
- the novads of Raunas,
- the novads of Rugāju,
- the novads of Saulkrastu,
- the novads of Sējas,
- the novads of Skrīveru,
- the novads of Smiltenes,
- the novads of Varakļānu,
- the novads of Vecpiebalgas,
- the novads of Viļakas,
- the republikas pilsēta of Jēkabpils,
- the republikas pilsēta of Valmiera.

3. Lithuania

The following areas in Lithuania:

- in the rajono savivaldybė of Anykščiai, the seniūnijos of Andrioniškis, Anykščiai, Debeikiai, Kavarskas, Kurkliai, Skiemonys, Traupis, Troškūnai, and the part of Svėdasai located south to road No 118,
- in the rajono savivaldybė of Jonava, the seniūnijos of Šilų, Bukonių and, in the Žeimių seniūnija, the kaimai of Biliušiai, Drobiškiai, Normainiai II, Normainėliai, Juškonys, Pauliukai, Mitėniškiai, Zofijauka, Naujokai,
- in the rajono savivaldybė of Kaišiadorys, the seniūnijos of Kaišiadorių apylinkės, Kruonio, Nemaitonių, Paparčių, Žaslių, Žiežmarių, Žiežmarių apylinkės and the part of the seniūnija of Rumšiškių located south to the road N. A1,
- in the rajono savivaldybė of Kaunas, the seniūnijos of Akademijos, Alšėnų, Babtų, Batniavos, Čekiškės, Domeikavos, Ežerėlio, Garliavos, Garliavos apylinkių, Kačerginės, Kulautuvos, Linksmakalnio, Raudondvario, Ringaudų, Rokų, Samylų, Taurakiemio, Užliedžių, Vilkijos, Vilkijos apylinkių and Zapyškio,
- in the rajono savivaldybė of Kėdainiai, the seniūnijos of Josvainių, Pernaravos, Krakių, Dotnuvos, Gudžiūnų, Surviliškio, Vilainių, Truskavos, Šėtos, Kėdainių miesto,
- in the rajono savivaldybė of Panevėžys the seniūnijos of Karsakiškio, Naujamiesčio, Miežiškių, Paįstrio, Panevėžio, Ramygalos, Raguvos, Smilgių, Upytės, Vadoklių, Velžio and the part of Krekenavos seniūnija located to the east of the river Nevėžis,

- in the rajono savivaldybė of Šalčininkai, the seniūnijos of Jašiūnų, Turgelių, Akmenynės, Šalčininkų, Gerviškių, Butrimonių, Eišiškių, Poškonių, Dieveniškių,
- in the rajono savivaldybė of Varėna, the seniūnijos of Kaniavos, Marcinkonių, Merkinės,
- the miesto savivaldybė of Alytus,
- the miesto savivaldybė of Kaišiadorys,
- the miesto savivaldybė of Kaunas,
- the miesto savivaldybė of Panevėžys,
- the miesto savivaldybė of Vilnius,
- the rajono savivaldybė of Alytus,
- the rajono savivaldybė of Biržai,
- the rajono savivaldybė of Druskininkai,
- the rajono savivaldybė of Ignalina,
- the rajono savivaldybė of Lazdijai,
- the rajono savivaldybė of Molėtai,
- the rajono savivaldybė of Prienai,
- the rajono savivaldybė of Rokiškis,
- the rajono savivaldybė of Širvintos,
- the rajono savivaldybė of Švenčionys,
- the rajono savivaldybė of Ukmergė,
- the rajono savivaldybė of Utena,
- the rajono savivaldybė of Vilnius,
- the rajono savivaldybė of Zarasai,
- the savivaldybė of Birštonas,
- the savivaldybė of Elektrėnai,
- the savivaldybė of Visaginas.

4. Poland

The following areas in Poland:

In podlaskie województwo:

- the gminy of Czarna Białostocka, Gródek, Michałowo, Supraśl, Wasilków and Zabłudów in the powiat białostocki,
- the gminy of Dąbrowa Białostocka, Janów, Krynki, Kuźnica, Nowy Dwór, Sidra, Sokółka and Szudziałowo in the powiat sokólski,
- the gmina of Lipsk in the powiat augustowski,
- the gminy of Czyże, Białowieża, Hajnówka with the city of Hajnówka, Narew and Narewka in the powiat hajnowski.

PART III

1. Estonia

The following areas in Estonia:

- the linn of Elva,
- the linn of Jõgeva,
- the linn of Põltsamaa,
- the linn of Võhma,
- the maakond of Järvamaa,
- the maakond of Valgamaa,
- the maakond of Võrumaa,
- the part of the vald of Palamuse located to the West of the Tallinn-Tartu railway,
- the part of the vald of Pärsti located to the East of road 24126,
- the part of the vald of Suure-Jaani located to the East of road 49,
- the part of the vald of Tabivere located to the West of the Tallinn-Tartu railway,
- the part of the vald of Tamsalu located to the South-West of the Tallinn-Tartu railway,
- the part of the vald of Tartu located to the West of the Tallinn-Tartu railway,
- the part of the vald of Viiratsi located to the East of the line defined by the Western part of road 92 until the junction to road 155, then road 155 until the junction to road 24156, then road 24156 until it crosses the Verilaske river, then the Verilaske river until it reaches the southern border of the vald,
- the vald of Jõgeva,
- the vald of Kolga-Jaani,
- the vald of Konguta,
- the vald of Kõo,
- the vald of Laeva,
- the vald of Nõo,
- the vald of Paistu,
- the vald of Pajusi,
- the vald of Põltsamaa,
- the vald of Puhja,
- the vald of Puurmani,
- the vald of Rakke,
- the vald of Rannu,
- the vald of Rõngu,

- the vald of Saarepeedi,
- the vald of Tähtvere,
- the vald of Tarvastu,
- the vald of Torma,
- the vald of Ülenurme,
- the vald of Väike-Maarja.

2. Latvia

The following areas in Latvia:

- in the novads of Limbaži, the pagasti of Viļķenes, Pāles and Katvaru,
- in the novads of Salacgrīvas, the pagasti of Ainaži and Salacgrīvas,
- the novads of Aglonas,
- the novads of Alojās,
- the novads of Beverīnas,
- the novads of Burtnieku,
- the novads of Ciblas,
- the novads of Dagdas,
- the novads of Daugavpils,
- the novads of Kārsavas,
- the novads of Krāslavas,
- the novads of Ludzas,
- the novads of Mazsalacas,
- the novads of Naukšēnu,
- the novads of Preiļi,
- the novads of Rēzeknes,
- the novads of Riebiņi,
- the novads of Rūjienas,
- the novads of Strenči,
- the novads of Valkas,
- the novads of Vārkavas,
- the novads of Viļānu,
- the novads of Zilupes,
- the republikas pilsēta of Daugavpils,
- the republikas pilsēta of Rēzekne.

3. Lithuania

The following areas in Lithuania:

- in the rajono savivaldybė of Anykščiai, the seniūnija of Viešintos and the part of the seniūnija of Svėdasai located north to road No 118,
- in the rajono savivaldybė of Jonava the seniūnijos of Upninkų, Ruklos, Dumsių, Užusalių, Kulvos and, in the seniūnija of Žeimiai, the kaimai Akliai, Akmeniai, Barsukinė, Blauzdziai, Gireliai, Jagėlava, Juljanava, Kuigaliai, Liepkalniai, Martynišķiai, Milašiškiai, Mimaliai, Naujasodis, Normainiai I, Paduobiai, Palankesiai, Pamelnytėlė, Pėdžiai, Skrynės, Svalkeniai, Terespolis, Varpėnai, Žeimių gst., Žieveliškiai and Žeimių miestelis,
- in the rajono savivaldybė of Kaišiadorys, the seniūnijos of Palomenės, Pravieniškų and the part of the seniūnija of Rumšiškų located north of the road N. A1,
- in the rajono savivaldybė of Kaunas, the seniūnijos of Vandžiogalos, Lapių, Karmėlavos and Neveronių,
- in the rajono savivaldybė of Kėdainiai, the seniūnija of Pelėdnagių,
- in the rajono savivaldybė of Šalčininkai, the seniūnijos of Baltosios Vokės, Pabarės, Dainavos, Kalesninkų,
- in the rajono savivaldybė of Varėna, the seniūnijos of Valkininkų, Jakėnų,, Matuizų, Varėnos, Vydenių,
- the miesto savivaldybė of Jonava,
- the rajono savivaldybė of Kupiškis,
- the rajono savivaldybė of Trakai.

PART IV

Italy

The following areas in Italy:

all areas of Sardinia.'

