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Contents

II *Non-legislative acts*

INTERNATIONAL AGREEMENTS

2014/278/EU:

- ★ **Council Decision of 12 May 2014 on the conclusion of the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, with the exception of matters related to readmission** 1

2014/279/EU:

- ★ **Council Decision of 12 May 2014 on the conclusion of the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, as regards matters related to readmission** 3

REGULATIONS

- ★ **Commission Delegated Regulation (EU) No 499/2014 of 11 March 2014 supplementing Regulations (EU) No 1308/2013 of the European Parliament and of the Council and Regulation (EU) No 1306/2013 of the European Parliament and of the Council by amending Commission Implementing Regulation (EU) No 543/2011 relating to the fruit and vegetables and processed fruit and vegetables sectors** 5
- ★ **Commission Delegated Regulation (EU) No 500/2014 of 11 March 2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council by amending Commission Regulation (EC) No 288/2009 as regards the granting of aid for accompanying measures in the framework of a School Fruit and Vegetables Scheme** 12
- ★ **Commission Delegated Regulation (EU) No 501/2014 of 11 March 2014 supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council by amending Commission Regulation (EC) No 826/2008 as regards certain requirements related to the agricultural products benefiting from private storage aid** 14

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.

The titles of all other acts are printed in bold type and preceded by an asterisk.

★ Commission Delegated Regulation (EU) No 502/2014 of 11 March 2014 supplementing Council Regulation (EC) No 73/2009 and Regulation (EU) No 1307/2013 of the European Parliament and of the Council as regards the basis of calculation for reductions to be applied to farmers by Member States due to the linear reduction of payments in 2014 and financial discipline for calendar year 2014	20
★ Commission Implementing Regulation (EU) No 503/2014 of 8 May 2014 approving minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Muscat du Ventoux (PDO))	22
★ Commission Implementing Regulation (EU) No 504/2014 of 15 May 2014 amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance plant oils/citronella oil ⁽¹⁾	28
★ Commission Regulation (EU) No 505/2014 of 15 May 2014 amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of caramel colours (E 150a-d) in beer and malt beverages ⁽¹⁾	32
★ Commission Regulation (EU) No 506/2014 of 15 May 2014 amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council and the Annex to Commission Regulation (EU) No 231/2012 as regards Ethyl lauroyl arginate as a preservative in certain heat-treated meat products ⁽¹⁾	35
Commission Implementing Regulation (EU) No 507/2014 of 15 May 2014 establishing the standard import values for determining the entry price of certain fruit and vegetables	38

DECISIONS

2014/280/EU:

★ Council Decision of 8 May 2014 on the position to be adopted on behalf of the European Union at the International Maritime Organization during the 93 rd session of the Maritime Safety Committee on the adoption of amendments to SOLAS Regulations II-1/29, II-2/3, 2/9.7, 2/13.4, 2/18, III/20, the Life Saving Appliances Code and the 2011 Enhanced Survey Programme Code	40
---	----

2014/281/EU:

★ Commission Implementing Decision of 14 May 2014 granting EU recognition to the Croatian Register of Shipping pursuant to Regulation (EC) No 391/2009 of the European Parliament and of the Council on common rules and standards for ship inspection and survey organisations (notified under document C(2014) 3014) ⁽¹⁾	43
---	----

2014/282/EU:

★ Commission Implementing Decision of 14 May 2014 amending Implementing Decision 2012/44/EU on the rules applicable to veterinary checks to be carried out on live animals and products of animal origin entering certain French overseas departments from third countries (notified under document C(2014) 3053) ⁽¹⁾	45
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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION

of 12 May 2014

on the conclusion of the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, with the exception of matters related to readmission

(2014/278/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 91, 100, 191(4), 207 and 212, in conjunction with Article 218(6)(a) 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 the Council Decision of 2013/40/EU ⁽²⁾, the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part (the 'Agreement'), was signed on 10 May 2010, subject to its conclusion at a later date.
- (2) Certain provisions of the Agreement concern readmission, and therefore fall within the scope of Title V of Part Three of the Treaty on the Functioning of the European Union. A separate Decision ⁽³⁾ relating to those provisions, which are contained in Article 33(2) of the Agreement, will be adopted in parallel to this Decision.
- (3) The Agreement should be approved on behalf of the Union,

HAS ADOPTED THIS DECISION:

Article 1

The Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, with the exception of Article 33(2) thereof, is hereby approved on behalf of the Union ⁽⁴⁾.

⁽¹⁾ Consent given on 16 April 2014 (not yet published in the Official Journal).

⁽²⁾ Council Decision 2013/40/EU of 10 May 2010 on the signing, on behalf of the European Union, and provisional application of the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part (OJ L 20, 23.1.2013, p. 1).

⁽³⁾ Council Decision 2014/279/EU of 12 May 2014 on the conclusion of the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, as regards matters related to readmission (see page 3 of this Official Journal).

⁽⁴⁾ The Agreement has been published in OJ L 20, 23.1.2013, p. 2, together with the decision on signature.

Article 2

The High Representative of the Union for Foreign Affairs and Security Policy shall chair the Joint Committee provided for in Article 44 of the Agreement. The Union or, as the case may be, the Union and the Member States, shall be represented in the Joint Committee depending on the subject matter.

Article 3

The President of the Council shall designate the person(s) empowered to proceed, on behalf of the Union, to the notification provided for in Article 49(1) of the Agreement ⁽¹⁾.

Article 4

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

Done at Brussels, 12 May 2014.

For the Council

The President

C. ASHTON

⁽¹⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

COUNCIL DECISION**of 12 May 2014****on the conclusion of the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, as regards matters related to readmission**

(2014/279/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 79(3), in conjunction with Article 218(6)(a) 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 the Council Decision 2013/40/EU ⁽²⁾, the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part (the 'Agreement'), was signed on 10 May 2010, subject to its conclusion at a later date.
- (2) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, those Member States are not taking part in the adoption of this Decision and are not bound by it or subject to its application.
- (3) 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.
- (4) The provisions of the Agreement, other than Article 33(2), related to readmission, will be the subject of a separate Decision ⁽³⁾ adopted in parallel to this Decision.
- (5) The Agreement should be approved on behalf of the Union,

HAS ADOPTED THIS DECISION:

Article 1

The Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, as regards Article 33(2) thereof, is hereby approved on behalf of the Union ⁽⁴⁾.

Article 2

The High Representative of the Union for Foreign Affairs and Security Policy shall chair the Joint Committee provided for in Article 44 of the Agreement. The Union or, as the case may be, the Union and the Member States, shall be represented in the Joint Committee depending on the subject matter.

⁽¹⁾ Consent given on 16 April 2014 (not yet published in the Official Journal).

⁽²⁾ Council Decision 2013/40/EU of 10 May 2010 on the signing, on behalf of the European Union, and provisional application of the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part (OJ L 20, 23.1.2013, p. 1).

⁽³⁾ Council Decision 2014/278/EU of 12 May 2014 on the conclusion of the Framework Agreement between the European Union and its Member States, on the one part, and the Republic of Korea, on the other part, with the exception of matters related to readmission (see page 1 of this Official Journal).

⁽⁴⁾ The Agreement has been published in OJ L 20, 23.1.2013, p. 2, together with the decision on signature.

Article 3

The President of the Council shall designate the person(s) empowered to proceed, on behalf of the Union, to the notification provided for in Article 49(1) of the Agreement ⁽¹⁾.

Article 4

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

Done at Brussels, 12 May 2014.

For the Council
The President
C. ASHTON

⁽¹⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) No 499/2014

of 11 March 2014

supplementing Regulations (EU) No 1308/2013 of the European Parliament and of the Council and Regulation (EU) No 1306/2013 of the European Parliament and of the Council by amending Commission Implementing Regulation (EU) No 543/2011 relating to the fruit and vegetables and processed fruit and vegetables sectors

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 1037/01 and (EC) No 1234/07 ⁽¹⁾, and in particular Article 37(c)(iv) and (d)(xiii), Article 173(1)(b) and (c) and (f), Article 181(2) and Article 231(1) thereof,

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/00, (EC) No 1290/05 and (EC) No 485/2008 ⁽²⁾, and in particular, Article 64(6) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 543/2011 ⁽³⁾ was adopted on the basis of Council Regulation (EC) No 1234/2007 ⁽⁴⁾ which was repealed and replaced by Regulation (EU) No 1308/2013.
- (2) Regulation (EU) No 1308/2013 includes some new provisions concerning the fruit and vegetables and processed fruit and vegetable sectors. These provisions need to be supplemented as regards the financial contribution of the members of the producer organisation in the fruit and vegetables sector (producer organisation), the marketing of entire production through the producer organisation, the outsourcing of the activities, the democratic accountability, the fixing of ceilings for the crisis management and prevention expenditure, the conditions for replanting of orchard as crisis prevention and management measure, certain elements of the procedure in case of non-respect of the recognition criteria and the application of the entry price system as well as conditions for lodging the security.
- (3) Article 160 of Regulation (EU) No 1308/2013 provides for the statutes of a producer organisation to require that its producer members market their entire production concerned through the organisation. In order to allow for flexibility in the fruit and vegetables sector, it is appropriate to allow producers, under certain conditions, to market their production outside the producer organisation.
- (4) According to Article 26 of Implementing Regulation (EU) No 543/2011, the main activity of a producer organisation has to relate to the concentration of supply and the placing on the market of the products of its members for which it is recognised. It is necessary to clarify how this activity is carried out, in particular in case of outsourcing. Furthermore, in order to allow Member States to carry out the necessary controls, producer organisation should keep records which allow the Member State to verify that the producer organisation complied with its tasks.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 347, 20.12.2013, p. 549.

⁽³⁾ 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 (OJ L 157, 15.6.2011, p. 1).

⁽⁴⁾ Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ L 299, 16.11.2007, p. 1).

- (5) Article 27 of Implementing Regulation (EU) No 543/2011 provides that producer organisations have to remain responsible for the activities outsourced. It is appropriate to specify in more detail the means of ensuring that outsourced activities remain under control of the producer organisation that has outsourced those activities.
- (6) Article 31 of Implementing Regulation (EU) No 543/2011 provides that Member States have to take all measures they consider necessary in order to avoid any abuse of power or influence by one or several members of a producer organisation. Producer organisations should provide evidence to Member States of their democratic accountability with regard to their producer members. To this end, the maximum percentage of voting rights and shares any individual or legal person may hold in a producer organisation should be limited.
- (7) Article 153(2)(b) of Regulation (EU) No 1308/2013 provides for the statutes of a producer organisation to impose on its members a financial contribution needed to finance it. In order to ensure that the producer organisation's members pay the financial contributions required for the establishment and replenishment of the operational fund provided for in Article 32 of that Regulation, it is necessary to provide for the inclusion of such obligation in the statutes of the producer organisation.
- (8) In order to avoid situations where crisis prevention and management measures give rise to uneven funding within an association of producer organisations, ceilings for a crisis management and prevention expenditure under the operational programmes of associations of producer organisations should be calculated at the level of each member producer organisation. In addition, conditions for replanting of orchards as crisis prevention and management measure should also be established. In order to avoid the uneven funding of operational programmes, a maximum percentage of expenditure that can be dedicated to replanting of orchards should be fixed.
- (9) Article 114 of Implementing Regulation (EU) No 543/2011 establishes the sanctions to be applied in case of non-respect of the recognition criteria. Pursuant to Article 154(4) of Regulation (EU) No 1308/2013, Member States have to carry out checks at regular intervals to ascertain that producer organisations comply with the recognition criteria, impose penalties on such organisations in the event of non-compliance or irregularities and decide, where necessary, to withdraw the recognition. A system which distinguishes between substantial and minor failures to comply with the recognition criteria would be more efficient and avoid divergent interpretations by Member States. It is therefore appropriate to establish a simplified procedure and progressive sanctioning as provided for in Article 64 of Regulation (EU) No 1306/2013 to prevent producer organisations which cease to meet recognition criteria to unduly benefit from Union support.
- (10) Article 181 of Regulation (EU) No 1308/2013 provides for the application of the Customs Code for the clearance of goods subject to the entry price system. As the goods in question are perishable and their value at the moment of customs clearance is not always established, it is necessary to allow the Commission to adopt rules for the purpose of checking the veracity of the declared entry price of a consignment against a flat-rate import value to accelerate the custom clearance procedures. Furthermore, experience gained in the application of the entry price system has shown as appropriate to request the lodging of a security when the custom value determined in accordance with the transaction value referred to in Article 29 of Council Regulation (EEC) No 2913/92 ⁽¹⁾ exceeds by more than 8 % the standard import value calculated by the Commission.
- (11) Implementing Regulation (EU) No 543/2011 should therefore be amended accordingly.
- (12) In order to ensure a smooth transition for the operational programmes approved under Regulation (EC) No 1234/2007 into the new rules under Regulation (EU) No 1308/2013, transitional provisions should be provided for.
- (13) The provisions on crisis prevention and management should apply from 1 January 2014, i.e. the date from which the related new provisions of Regulation (EU) No 1308/2013 apply. In order to allow producer organisations to adapt to the new rules on the requirements for the outsourcing activities and democratic accountability, the relevant provisions should apply only as from 1 January 2015. Article 181 of Regulation (EU) No 1308/2013 applies from 1 October 2014 on and hence the corresponding new provisions of this Regulation on checking the veracity of the declared entry price of a consignment and on conditions for lodging a security should apply from the same date,

⁽¹⁾ Council Regulation (EEC) No 2913/1992 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 543/2011 is amended as follows:

(1) In Article 26(1), the following second and third subparagraphs are added:

‘The placing on the market shall be carried out by the producer organisation, or under the control of the producer organisation in the case of outsourcing as set out in Article 27. It shall include the decision on the product to be sold, the choice of the distribution channel and unless the sale is done by means of auction, the negotiation on its quantity and price.

Producer organisations shall keep records, including accounting documents, for at least 5 years, which demonstrate that the producer organisation concentrated supply and placed on the market members’ products for which it is recognized.’

(2) The following Article 26a is inserted:

‘Article 26a

Marketing of the production outside the producer organisation

Where the producer organisation so authorises and where this is in compliance with the terms and conditions laid down by the producer organisation, the producer members may:

- (1) sell no more than a fixed percentage of their production or products directly or outside their holdings to consumers for their personal needs, such percentages being fixed by Member States at not less than 10 %;
- (2) market themselves or through another producer organisation designated by their own organisation, quantities of products which are marginal in relation to the volume of marketable production of their organisation;
- (3) market themselves or through another producer organisation designated by their own organisation products which, because of their characteristics, are not normally covered by the commercial activities of the producer organisation concerned.’

(3) Article 27 is replaced by the following:

‘Article 27

Outsourcing

1. The activities that a Member State may permit to be outsourced in accordance with Article 155 of Regulation (EU) No 1308/2013 of the European Parliament and of the Council (*) shall relate to the producer organisations’ objectives as set out in Article 152(1)(c) of that Regulation and may include, among others, collecting, storing, packaging and marketing the product of the members of the producer organisation.

2. A producer organisation outsourcing an activity shall enter into a commercial arrangement by way of a written contract with another entity, including one or several of its members or a subsidiary, for the purpose of carrying out of the activity concerned. The producer organisation shall remain responsible for ensuring the carrying out of the outsourced activity and overall management control and supervision of the commercial arrangement for the carrying out of the activity.

3. The overall management control and supervision referred to in paragraph 2 shall be effective and require that the outsourcing contract:

- (a) enables the producer organisation to issue binding instructions and includes provisions enabling the producer organisation to terminate the contract if the service provider does not meet the terms and conditions of the outsourcing contract,
- (b) lays down detailed terms and conditions, including reporting obligations and deadlines which enable the producer organisation to evaluate and practise genuine control over the outsourced activities.

Outsourcing contracts, as well as the reports referred to in point (b) shall be kept by the producer organisation for at least 5 years for the purpose of *ex-post* checks and be accessible to all members on request.

(*) 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 1037/01 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).'

(4) Article 31 is replaced by the following:

'Article 31

Democratic accountability of producer organisations

1. Member States shall set a maximum percentage of voting rights and shares which any individual or legal person may hold in a producer organisation. The maximum percentage of voting rights and shares must be below 50 % of the total voting rights and below 50 % of the shares. In duly justified cases, Member States may set a higher maximum percentage of shares that a legal person may hold in a producer organisation provided that abuse of power of such legal person in any case is avoided.

By way of derogation from the first subparagraph, in the case of producer organisations implementing an operational programme on 17 May 2014, the maximum percentage of shares fixed by the Member State in application of the first subparagraph shall only apply after the end of the operational programme.

2. Member States' authorities shall carry out checks on voting rights and shareholdings, including checks on the identities of the individuals or legal persons holding the shares of the members of the producer organisation which are legal persons themselves.

3. Where a producer organisation is a clearly defined part of a legal entity, Member States shall adopt measures to restrict or prohibit the powers of that legal entity to modify, approve or reject decisions of the producer organisation.'

(5) In Article 53, the following paragraph 3 is added:

'3. The statutes of a producer organisation in the fruit and vegetables sector shall require its producer members to pay the financial contributions provided for in its rules of association for the establishment and replenishment of the operational fund provided for in Article 32 of Regulation (EU) No 1308/2013.'

(6) In Article 62, the following paragraph 5 is added:

'5. The ceiling for the crisis management and prevention expenditure, referred to in fourth paragraph of Article 33(3) of Regulation (EU) No 1308/2013, under the operational programmes of associations of producer organisations shall be calculated at the level of each member producer organisation.'

(7) The following Article 89a is inserted:

'Article 89a

Replanting of orchards following mandatory grubbing-up

Where Member States include in their national strategy the replanting of orchards, following mandatory grubbing-up for health or phytosanitary reasons as a crisis measure, they shall determine the species and, where necessary, the varieties eligible for and the conditions relating to the application of that measure. In case of grubbing-up for phytosanitary reasons, the measures taken by Member States for the replanting of orchards shall comply with Council Directive 2000/29/EC (*).

Replanting of orchards shall not cover more than 20 % of the total expenditure under operational programmes. Member States may decide to set up a lower percentage.

(*) Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169, 10.7.2000, p. 1).'

(8) Article 114 is replaced by the following:

'Article 114

Non-respect of recognition criteria

1. If a Member State has established that a producer organisation fails to respect one of the recognition criteria linked to the requirements of Articles 21, 23, 26(1) and (2) and Article 31, it shall send to the producer organisation in question no later than 2 months after the failure has been identified, by registered delivery, a warning letter stating the failure identified, the corrective measures and the time periods within which these measures shall be taken, which shall not exceed 4 months. As from the moment a failure is established, Member States shall suspend payments of aid until the corrective measures are taken to their satisfaction.

2. A failure to respect recognition criteria referred to in paragraph 1 within the time period fixed by the Member State shall lead to the suspension of the recognition of the producer organisation. The Member State shall notify the producer organisation of the period of suspension, which shall not exceed 12 months from the date of the receipt of the warning letter by the producer organisation. This is without prejudice to the application of horizontal national legislation which may provide for the suspension of such an action following the commencement of connected legal proceedings.

During the suspension of the recognition, the producer organisation may continue its activity, but aid payments shall be withheld until the suspension of the recognition is lifted. The yearly aid amount shall be reduced by 2 % for each started calendar month during which recognition has been suspended.

The suspension shall end on the day of the check which shows that the recognition criteria in question have been fulfilled.

3. If the criteria are not fulfilled by the end of the period of suspension set by the competent authority of the Member State, the Member State shall withdraw the recognition with effect from the date from which the conditions for recognition were not fulfilled, or, if it is not possible to identify that date, from the date when the failure was established. This is without prejudice to the application of horizontal national legislation which may provide for the suspension of such an action following the commencement of connected legal proceedings. Outstanding aid shall not be paid and unduly paid aid shall be recovered.

4. If a Member State has established that a producer organisation fails to respect any other of the recognition criteria laid down in Article 154 of Regulation (EU) No 1308/2013 other than those mentioned in paragraph 1, it shall send to the producer organisation in question, no later than 2 months after the failure has been established, by registered delivery, a warning letter stating the failure identified, the corrective measures and the time periods within which these measures shall be taken, which shall not exceed 4 months.

5. A failure to take the corrective measures referred to in paragraph 4 within the time period fixed by the Member State shall lead to a suspension of payments and a reduction of the yearly aid amount by 1 % for each started calendar month that exceeds that time period. This is without prejudice to the application of horizontal national legislation which may provide for the suspension of such an action following the commencement of connected legal proceedings.

6. However, when a producer organisation delivers to the Member State proof that due to natural disasters, adverse climatic events, diseases or pest infestations, despite having undertaken the necessary risk prevention measures it is not able to respect the recognition criteria laid down in Article 154(1)(b) of Regulation (EU) No 1308/2013 in respect of the minimum volume or value of marketable production laid down by Member States, the Member State may, for the year in question, derogate from minimum volume or value of marketable production for this producer organisation.

7. In cases where paragraphs 1, 2, 4 and 5 apply, Member States may make payments after the deadline set out in Article 70 where this is necessary for applying this Article. However, these payments may not be made later than 15 October of the second year following the year of implementation of the programme.'

(9) Article 137 is replaced by the following:

'Article 137

Entry price basis

1. Article 181(1) of Regulation (EU) No 1308/2013 shall apply to the products listed in Annex XVI.
2. When the custom value of the products listed in Part A of Annex XVI is determined in accordance with the transaction value referred to in Article 29 of Regulation (EEC) No 2913/92 and that custom value is higher by more than 8 % than the flat-rate calculated by the Commission as a standard import value at the time the declaration of release of the products for free circulation is made, the importer must lodge the security referred to in Article 248(1) of Regulation (EEC) No 2454/93. For this purpose, the amount of import duty for which the products listed in Part A of Annex XVI may finally be liable, shall be the amount of the duty due if the product in question had been classified on the basis of the standard import value concerned.

The first subparagraph shall not apply when the standard import value is higher than the entry prices listed in Annex 2 of Section I of Part III of Annex I to Council Regulation (EEC) No 2658/87 (*), and where the declarant requests the immediate entry in the accounts of the amount of duties to which the goods may ultimately be liable instead of lodging the security.

3. When the custom value of the products listed in Part A of Annex XVI is calculated in accordance with Article 30(2)(c) of Regulation (EEC) No 2913/92, the duty shall be deducted as provided for in Article 136(1) of this Regulation. In that case, the importer shall lodge a security as referred to in Article 248(1) of Regulation (EEC) No 2454/93, equal to the amount of duty which he would have paid if the classification of the products had been made on the basis of the standard import value applicable.
4. The custom value of the goods imported on consignment is directly determined in accordance with Article 30(2)(c) of Regulation (EEC) No 2913/92, and for this purpose, the standard import value calculated in accordance with Article 136 applies during the periods in force.
5. The importer shall have one month from the sale of the products in question, subject to a limit of four months from the date of acceptance of the declaration of release for free circulation, to prove that the lot was disposed of under the conditions confirming the correctness of the prices referred to in Article 29 of Regulation (EEC) No 2913/92, or to determine the customs value referred to in Article 30(2)(c) of that Regulation. Failure to meet one of these deadlines shall entail the loss of the security lodged, without prejudice to the application of paragraph 6.

The security lodged shall be released to the extent that proof of the conditions of disposal is provided to the satisfaction of the customs authorities. Otherwise the security shall be forfeit by way of payment of the import duties.

In order to prove that the lot was disposed of under the conditions set out in the first subparagraph, the importer shall make available, in addition to the invoice, all documents needed for the carrying out of the relevant customs controls in relation to the sale and disposal of each product of the lot in question, including documents relating to the transport, insurance, handling and storage of the lot.

Where the marketing standards referred to in Article 3 require the product variety or the commercial type of the fruit and vegetables to be indicated on the packaging, the product variety or the commercial type of the fruit and vegetables that form part of the lot shall be indicated on documents related to transport, invoices and the delivery order.

6. The time limit of four months referred to in the first subparagraph of paragraph 5 may be extended by the competent authorities of the Member State by a maximum of three months at the request of the importer, which must be duly justified.

If on verification the competent authorities of the Member States establish that the requirements of this Article have not been met, they shall recover the duty due in accordance with Article 220 of Regulation (EEC) No 2913/92. The amount of the duty to be recovered or remaining to be recovered shall include interest from the date the goods were released for free circulation up to the date of recovery. The interest rate applied shall be that in force for recovery operations under national law.

(*) Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).'

Article 2

Transitional rules

Where a Member State approved an operational programme pursuant to the third subparagraph of Article 64(2) of Implementing Regulation (EU) No 543/2011 before 20 January 2014, that operational programme shall be deemed approved under Regulation (EC) No 1234/2007.

Without prejudice to Articles 65 and 66 of Implementing Regulation (EU) No 543/2011, at the request of a producer organisation, an operational programme approved under Regulation (EC) No 1234/2007 may:

- (a) continue to run until its end;
- (b) be modified to meet the requirements of Regulation (EU) No 1308/2013; or
- (c) be replaced by a new operational programme approved under Regulation (EU) No 1308/2013.

Article 3

Entry into force and application

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

Article 1(6) and (7) and Article 2 shall apply from 1 January 2014.

Article 1(9) shall apply from 1 October 2014.

Article 1(3) and (4) shall apply from 1 January 2015.

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

Done at Brussels, 11 March 2014.

For the Commission

The President

José Manuel BARROSO

COMMISSION DELEGATED REGULATION (EU) No 500/2014
of 11 March 2014

supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council by amending Commission Regulation (EC) No 288/2009 as regards the granting of aid for accompanying measures in the framework of a School Fruit and Vegetables Scheme

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 point (c) of paragraph 1 and point (b) of paragraph 2 of Article 24 thereof,

Whereas:

- (1) Regulation (EU) No 1308/2013 repealed and replaced Council Regulation (EC) No 1234/2007 ⁽²⁾ as from 1 January 2014.
- (2) Article 23(1)(b) of Regulation (EU) No 1308/2013 provides that the Union aid under the School Fruit and Vegetables Scheme may cover also the accompanying measures necessary to make the scheme effective. It is therefore necessary to define those measures in terms of objectives and of costs associated with them and to determine which of those costs could be eligible for the Union aid.
- (3) Commission Regulation (EC) No 288/2009 ⁽³⁾ provides rules for the application of the School Fruit and Vegetables Scheme and in particular the obligation for the Member States to describe in their strategies the accompanying measures which they intend to adopt in order to ensure the successful implementation of the scheme. It also provides for rules on the costs eligible to the Union aid. It is therefore appropriate to amend Regulation (EC) No 288/2009 in order to include the rules concerning the accompanying measures as referred to in Article 23(1)(b) of Regulation (EU) No 1308/2013.
- (4) Article 4(1) of Regulation (EC) No 288/2009 provides that Member States setting up a School Fruit and Vegetables Scheme may apply for the Union aid for one or more periods running from 1 August to 31 July. To take into account the periodicity of the school year, the new rules concerning the accompanying measures should therefore become applicable as from 1 August 2014,

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Regulation (EC) No 288/2009

Regulation (EC) No 288/2009 is amended as follows:

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

‘4. Member States shall provide in their strategies the accompanying measures referred to in Article 23(1)(b) of Regulation (EU) No 1308/2013 of the European Parliament and of the Council (*). The accompanying measures shall support the distribution of fruit and vegetable products and shall be directly linked to the objectives of the School Fruit and Vegetables Scheme of increasing short and long-term fruit and vegetable consumption and contributing to shaping healthy eating habits. These measures may involve also parents and teachers.

(*) 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 (OJ L 347, 20.12.2013, p. 671).;

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ L 299, 16.11.2007, p. 1).

⁽³⁾ Commission Regulation (EC) No 288/2009 of 7 April 2009 laying down detailed rules for applying Council Regulation (EC) No 1234/2007 as regards Community aid for supplying fruit and vegetables, processed fruit and vegetables and banana products to children in educational establishments, in the framework of a School Fruit Scheme (OJ L 94, 8.4.2009, p. 38).

(2) Article 5 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) in point (b) of the first subparagraph, the following point (iv) is added:

‘(iv) costs for the accompanying measures referred to in Article 23(1)(b) of Regulation (EU) No 1308/2013 and in particular:

- costs for organising tasting classes, setting up and maintenance of gardening sessions, organisation of farm visits and similar activities aimed at connecting children with agriculture,
- costs for measures aimed at educating children about agriculture, healthy eating habits and environmental matters related to the production, distribution and consumption of fruit and vegetable products,
- costs for measures that are carried out in order to support the distribution of products and that are in line with the objectives of the School Fruit and Vegetables Scheme.’;

(ii) the fourth subparagraph is replaced by the following:

‘The costs for communication and accompanying measures referred to respectively in points (b)(iii) and (iv) of the first subparagraph may not be financed under other Union aid schemes.’;

(b) in paragraph 2, the following subparagraph is added:

‘The total amount of Union funds used to finance the costs under point (b) (iv) of the first subparagraph of paragraph 1 shall not exceed 15 % of the annual amount of the Union aid allocated to the Member State concerned, following the definitive allocation referred to in Article 4(4).’.

Article 2

Entry into force and application

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

It shall apply from 1 August 2014.

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

Done at Brussels, 11 March 2014.

For the Commission

The President

José Manuel BARROSO

**COMMISSION DELEGATED REGULATION (EU) No 501/2014
of 11 March 2014**

**supplementing Regulation (EU) No 1308/2013 of the European Parliament and of the Council by
amending Commission Regulation (EC) No 826/2008 as regards certain requirements related to the
agricultural products benefiting from private storage aid**

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 1037/01 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 19(1) and Article 19(4)(a) thereof,

Whereas:

- (1) Commission Regulation (EC) No 826/2008 ⁽²⁾ lays down common rules for the granting of private storage aid for certain agricultural products. The products eligible for private storage aid were listed in Articles 28 and 31 of Council Regulation (EC) No 1234/2007 ⁽³⁾.
- (2) Regulation (EU) No 1308/2013 has repealed and replaced Regulation (EC) No 1234/2007 as from 1 January 2014. Section 3 of Chapter I of Title I of Part II of Regulation (EU) No 1308/2013 contains provisions on aid for private storage.
- (3) Article 17 of Regulation (EU) No 1308/2013 lists the products eligible for private storage aid. Compared to the products listed in Articles 28 and 31 of Regulation (EC) No 1234/2007, Article 17 of Regulation (EU) No 1308/2013 includes three more products which are flax fibre, cheese with a protected designation of origin (PDO) or a protected geographical indication (PGI) and skimmed milk powder made from cow's milk.
- (4) In accordance with Article 17 of Regulation (EU) No 1308/2013, aid for private storage may be granted if the products concerned fulfil the conditions laid down in Section 3 of Chapter I of Title I of Part II of that Regulation and the additional requirements as regards quality and product characteristics to be adopted by the Commission.
- (5) Eligibility conditions for butter laid down in Article 17(e) of Regulation (EU) No 1308/2013 have been changed compared to those provided for in Regulation (EC) No 1234/2007.
- (6) Provisions on quality and product characteristics and eligibility criteria already exist in Regulation (EC) No 826/2008 for products eligible for private storage aid under Articles 28 and 31 of Regulation (EC) No 1234/2007.
- (7) It is appropriate to adopt the quality requirements and the eligibility criteria with respect to quantities for flax fibre, skimmed milk powder and cheese with a PDO or PGI, to adapt those for butter and to incorporate them in Regulation (EC) No 826/2008.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 826/2008 of 20 August 2008 laying down common rules for the granting of private storage aid for certain agricultural products (OJ L 223, 21.8.2008, p. 3).

⁽³⁾ Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) (OJ L 299, 16.11.2007, p. 1).

- (8) Article 18 of Regulation (EU) No 1308/2013 has set out the criteria that should be taken into account in the decision of the Commission to grant private storage aid. These criteria include the average recorded Union market prices and the reference thresholds and production costs for the products concerned as well as the need to respond in a timely way to a particularly difficult market situation or economic developments having a significant negative impact on the margins in the sector.
- (9) Articles 3 and 5 of Regulation (EC) No 826/2008 provide that the decision to grant private storage aid for white sugar and, respectively, beef may be taken based on recorded average Union prices. Those Articles are based on Regulation (EC) No 1234/2007 which has now been repealed and replaced by Regulation (EU) No 1308/2013. It is therefore appropriate to delete Articles 3 and 5 of Regulation (EC) No 826/2008.
- (10) The quantity stored during the contractual storage period should be equal to the contractual quantity. However, for the purposes of Articles 15, 18 and 34 of Regulation (EC) No 826/2008, a margin of tolerance in respect of the quantity stored is allowed for certain products eligible for private storage aid. Given the characteristics of the products such a tolerance should be also fixed for skimmed milk powder in big bags and for long flax fibre.
- (11) As regards the quality characteristics to be laid down for flax fibre, long flax fibres are considered to be high quality products that should be eligible for private storage aid.
- (12) As the production of butter is no longer required to take place in an approved undertaking, the provisions for certifying compliance with the specific origin requirements in case of storage in a Member State other than that of the production of the butter, laid down in Annex II to Regulation (EC) No 826/2008, are no longer applicable. New simplified rules should be laid down as regards the proof that the butter stored fulfils the requirements of Articles 9 and 17(e) of Regulation (EU) No 1308/2013. The same rules should also apply to skimmed milk powder.
- (13) Regulation (EC) No 826/2008 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 826/2008 is amended as follows:

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

‘2. Butter and skimmed milk powder shall fulfil the additional requirements set out in Annex II to this Regulation.’;

- (2) Articles 3 and 5 are deleted;

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

‘3. Tenders or applications for private storage aid for butter, skimmed milk powder, and cheeses shall relate to products which have been fully placed in storage, unless otherwise specified in the Regulation opening the tendering procedure or in the Regulation fixing the amount of aid in advance.’;

- (4) in Article 15(1), point (b) is replaced by the following:

‘(b) to place and to keep in storage at least 99 %, respectively 90 % for meat products, 98 % for olive oil, 95 % for cheeses, 97 % for skimmed milk powder in big bags and 97 % for long flax fibre of the contractual quantity for the contractual storage period, at the risk of the contracting party within the meaning of Article 19 of this Regulation and under the conditions referred to in Article 22(1)(a) of this Regulation.’;

- (5) in Article 18(1), point (b) is replaced by the following:

‘(b) to place and to keep in storage at least 99 %, respectively 90 % for meat products, 98 % for olive oil, 95 % for cheeses, 97 % for skimmed milk powder in big bags and 97 % for long flax fibre of the contractual quantity for the contractual storage period, at the risk of the contracting party within the meaning of Article 19 of this Regulation and under the conditions referred to in Article 22(1)(a) of this Regulation.’;

(6) in Article 34(1), the following subparagraphs are added:

‘For skimmed milk powder in “big bags”, the aid shall be paid for the quantity actually stored if this represents not less than 97 % of the contractual quantity.

For long flax fibre the aid shall be paid for the quantity actually stored if this represents not less than 97 % of the contractual quantity.’;

(7) Annex I is amended in accordance with the Annex I to this Regulation;

(8) Annex II is replaced by the text set out in 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*.

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

Done at Brussels, 11 March 2014.

For the Commission

The President

José Manuel BARROSO

ANNEX I

Annex I to Regulation (EC) No 826/2008 is amended as follows:

(1) Parts II and III are replaced by the following:

II. Cheese with PDO/PGI

Private storage aid shall be granted only for cheese benefiting from a protected designation of origin (PDO) or from a protected geographical indication (PGI) which on the day when the storage contract commences has a minimum age corresponding to the period of maturation laid down in the product specification referred to in Article 7 of Regulation (EU) No 1151/2012 of the European Parliament and of the Council (*) for that cheese as it will be marketed after the storage under contract increased by the maturing period beyond this period that contributes to increasing the value of the cheese.

Where a period of maturation is not laid down in the product specification referred to in Article 7 of Regulation (EU) No 1151/2012, the cheese should on the day when the storage contract starts have a minimum age corresponding to the period of maturation that contributes to increasing the value of the cheese.

Furthermore, the cheese shall comply with the following requirements:

- (a) each lot weighs at least 1 tonne;
- (b) it is indelibly marked with an indication, which may be encoded, of the undertaking in which it was manufactured and with the date of manufacture;
- (c) it bears the date of entry into storage;
- (d) it is stored as whole cheese in the Member State where the cheese is produced and in which it qualifies to bear the protected designation of origin or protected geographical indication under Regulation (EU) No 1151/2012; and
- (e) it has not been the subject of a previous storage contract.

Member States may waive the obligation to indicate the date of entry into store on the cheese provided that the store manager undertakes to keep a register in which the particulars referred to in the second paragraph under (b) are entered on the date of entry into store.

III. Butter

Private storage aid shall be granted only for butter:

- (a) produced from cream obtained directly and exclusively from cow's milk of a minimum milkfat content, by weight, of 80 %, a maximum milk solids-non-fat content, by weight, of 2 % and a maximum water content, by weight, of 16 %;
- (b) produced during the 60 days preceding the day of application or the day of submission of the tender; and
- (c) for which minimum quantity for applications or tenders for aid is of 10 tonnes.

The packaging of the butter shall show at least the following particulars, which may be encoded, where appropriate:

- (a) the number identifying the factory and the Member State of production;
- (b) the date of production;
- (c) the date of entry into storage;
- (d) the production batch number;
- (e) the net weight.

Member States may waive the obligation to indicate the date of entry into store on the packaging provided that the store manager undertakes to keep a register in which the particulars referred to in the second paragraph are entered on the date of entry into store.

(*) Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1.);

(2) new Parts V and VI are added:

V. Skimmed milk powder

Private storage aid shall be granted only for skimmed milk powder made from cow's milk which:

- (a) contains no more than 1,5 % fat and 5 % water and has a protein content of the non-fat dry matter of at least 34 %;
- (b) has been produced during the 60 days preceding the day of application or the day of submission of the tender;
- (c) is stored in bags with a net content of 25 kg or in "big bags" weighing no more than 1 500 kg showing at least the following particulars, which may be encoded, where appropriate:
 - (i) the number identifying the factory and the Member State of production;
 - (ii) the date of production;
 - (iii) the date of entry into storage;
 - (iv) the production batch number;
 - (v) the net weight; and
- (d) for which minimum quantity for applications or tenders for aid is of 10 tonnes.

Member States may waive the obligation to indicate the date of entry into store on the packaging provided that the store manager undertakes to keep a register in which the particulars referred to in the first paragraph are entered on the date of entry into store.

VI. Long Flax Fibre

Private storage aid shall be granted only for long flax fibre obtained by complete separation of the fibres and the woody parts of the stalk that are at least 50 cm long on average after scutching and are arranged in parallel strands in bundles, sheets or slivers and for which the minimum quantity for applications or tenders for aid is of 2 000 kg.

Long flax fibres shall be stored in bales on which may be encoded, where appropriate:

- (a) the number identifying the factory and the Member State of production;
 - (b) the date of entry into storage;
 - (c) the net weight.'
-

ANNEX II

'ANNEX II

Butter has to be produced from cream obtained directly and exclusively from cow's milk produced in the Union. Skimmed milk powder has to be made from cow's milk produced in the Union.

Compliance with the first paragraph can be substantiated by proof that the butter or skimmed milk powder was produced in an undertaking approved in accordance with point 1(a), (b) and (c) of Part III of Annex IV to Commission Regulation (EU) No 1272/2009 ⁽¹⁾ which is subject to checks verifying the requirements referred to in the first paragraph, or by another appropriate proof testifying compliance with the first paragraph.'

⁽¹⁾ Commission Regulation (EU) No 1272/2009 of 11 December 2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention (OJ L 349, 29.12.2009, p. 1).

COMMISSION DELEGATED REGULATION (EU) No 502/2014**of 11 March 2014****supplementing Council Regulation (EC) No 73/2009 and Regulation (EU) No 1307/2013 of the European Parliament and of the Council as regards the basis of calculation for reductions to be applied to farmers by Member States due to the linear reduction of payments in 2014 and financial discipline for calendar year 2014**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 73/2009 of 19 January 2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers, amending Regulations (EC) No 1290/2005, (EC) No 247/2006, (EC) No 378/2007 and repealing Regulation (EC) No 1782/2003 ⁽¹⁾, and in particular Article 140a thereof,

Having regard to Regulation (EU) No 1307/2013 of the European Parliament and of the Council of 17 December 2013 establishing rules for direct payments to farmers under support schemes within the framework of the common agricultural policy and repealing Council Regulation (EC) No 637/2008 and Council Regulation (EC) No 73/2009 ⁽²⁾, and in particular Article 8(3) thereof

Whereas:

- (1) Article 40(3) of Regulation (EC) No 73/2009, as amended by point (2) of Article 6 of Regulation (EU) No 1310/2013 of the European Parliament and of the Council ⁽³⁾, provides for a linear reduction of direct payments in respect of 2014. Article 8 of Regulation (EU) No 1307/2013 provides for an adjustment of direct payments for reasons of financial discipline. Provision should be made to ensure an optimal application of those reductions in 2014.
- (2) In the interest of transparency and predictability, it is appropriate that the method of calculation of both reductions in the process of calculating the amount of the payments to be made to farmers in respect of 2014 corresponds to the method for calculating the linear reduction of direct payments due to the application of Article 8(1) of Regulation (EC) No 73/2009 and the reduction due to financial discipline under Article 11 of that Regulation as provided for in Article 79(1) of Commission Regulation (EC) No 1122/2009 ⁽⁴⁾ and under Commission Delegated Regulation (EU) No 635/2013 ⁽⁵⁾.
- (3) Article 29(5) of Regulation (EC) No 73/2009, as amended by point (1) of Article 6 of Regulation (EU) No 1310/2013, provides for the possibility for Member States to pay, from 16 October 2014, advances to farmers in respect of applications made in 2014. To ensure consistency with the rules applicable in 2013 in accordance with Commission Implementing Regulation (EU) No 946/2013 ⁽⁶⁾ providing that advances may be paid without taking into account the adjustment due to financial discipline under Article 11 of Regulation (EC) No 73/2009, it is appropriate to foresee that, also in 2014, advances may be paid without taking into account

⁽¹⁾ OJ L 30, 31.1.2009, p. 16.

⁽²⁾ OJ L 347, 20.12.2013, p. 608.

⁽³⁾ Regulation (EU) No 1310/2013 of the European Parliament and of the Council of 17 December laying down certain transitional provisions on support for rural development by the European Agricultural Fund for Rural Development (EAFRD), amending Regulation (EU) No 1305/2013 of the European Parliament and of the Council as regards resources and their distribution in respect of the year 2014 and amending Council Regulation (EC) No 73/2009 and Regulations (EU) No 1307/2013, (EU) No 1306/2013 and (EU) No 1308/2013 of the European Parliament and of the Council as regards their application in the year 2014 (OJ L 347, 20.12.2013, p. 865).

⁽⁴⁾ Commission Regulation (EC) No 1122/2009 of 30 November 2009 laying down detailed rules for the implementation of Council Regulation (EC) No 73/2009 as regards cross-compliance, modulation and the integrated administration and control system, under the direct support schemes for farmers provided for that Regulation, as well as for the implementation of Council Regulation (EC) No 1234/2007 as regards cross-compliance under the support scheme provided for the wine sector (OJ L 316, 2.12.2009, p. 65).

⁽⁵⁾ Commission Delegated Regulation (EU) No 635/2013 of 25 April 2013 supplementing Council Regulation (EC) No 73/2009 as regards the basis of calculation for reductions to be applied to farmers by Member States due to the adjustment of payments in 2013 and financial discipline for calendar year 2013 (OJ L 183, 2.7.2013, p. 1).

⁽⁶⁾ Commission Implementing Regulation (EU) No 946/2013 of 2 October 2013 on advances to be paid from 16 October 2013 of the direct payments listed in Annex I to Council Regulation (EC) No 73/2009 establishing common rules for direct support schemes for farmers under the common agricultural policy and establishing certain support schemes for farmers (OJ L 261, 3.10.2013, p. 25).

the reductions due to financial discipline provided for in Article 26 of Regulation (EU) No 1306/2013 ⁽¹⁾ and Article 8 of Regulation (EU) No 1307/2013. The balance payment as from 1 December 2014 should take into account the adjustment rate of financial discipline applicable at that time.

- (4) Since this Regulation applies to aid applications in respect of 2014, it should enter into force on the day following that of its publication,

HAS ADOPTED THIS REGULATION:

Article 1

Reductions due to the linear reduction of direct payments in 2014 provided for in Article 40(3) of Regulation (EC) No 73/2009 as well as reductions due to financial discipline provided for in Article 8 of Regulation (EU) No 1307/2013 for calendar year 2014 shall be applied to the sum of the payments from the different support schemes listed in Annex I to Regulation (EC) No 73/2009 to which each farmer is entitled to after the application of Article 78 of Regulation (EC) No 1122/2009.

Those reductions shall be applied before the reductions provided for in Article 79(2) of Regulation (EC) No 1122/2009 are applied.

Article 2

Advances referred to in Article 29(5) of Regulation (EC) No 73/2009 may be paid without taking into account the reductions due to financial discipline provided for in Article 26 of Regulation (EU) No 1306/2013 and Article 8 of Regulation (EU) No 1307/2013. The balance payment to be granted to beneficiaries as from 1 December 2014 shall take into account the adjustment rate of financial discipline applicable at that time for the total amount of direct payments in respect of calendar year 2014.

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 to aid applications lodged in respect of 2014.

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

Done at Brussels, 11 March 2014.

For the Commission

The President

José Manuel BARROSO

⁽¹⁾ Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).

COMMISSION IMPLEMENTING REGULATION (EU) No 503/2014**of 8 May 2014****approving minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Muscat du Ventoux (PDO))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular the second subparagraph of Article 53(2) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined France's application for the approval of amendments to the specification for the protected designation of origin 'Muscat du Ventoux', registered under Commission Regulation (EC) No 378/1999 ⁽²⁾.
- (2) The purpose of the application is to amend the specification by giving more detailed information on the product description, geographical area, proof of origin, method of production, labelling, national requirements and the contact details of the structures responsible for monitoring the designation and the applicant group, and by removing the requirement for packaging in the area.
- (3) The Commission has examined the amendments in question and concluded that they are justified. Since the amendment is minor within the meaning of the third subparagraph of Article 53(2) of Regulation (EU) No 1151/2012, the Commission may approve it without following the procedure set out in Articles 50 and 52 of the Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

The specification for the protected geographical indication 'Muscat du Ventoux' is hereby amended in accordance with Annex I to this Regulation.

Article 2

Annex II to this Regulation contains the consolidated Single Document setting out the main points of the specification.

Article 3

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, 8 May 2014.

*For the Commission,
On behalf of the President,
Dacian CIOLOȘ
Member of the Commission*

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ L 46, 20.2.1999, p. 13.

ANNEX I

The following amendments to the specification for the protected designation of origin 'Muscat du Ventoux' are approved:

1. Description of product

The national provisions defining the registered designation of origin 'Muscat du Ventoux', particularly the analytical characteristics relating to the designation (refractometric index, sugar/acid ratio) and the characteristics relating to the bunch (shape, minimum weight) have been added to the product description. These elements already featured in the specifications registered at EU level under the heading 'Method of production'.

2. Definition of the geographical area

The stages that must take place in the geographical area are listed; this list comes from the application of the provisions set out in the method of production.

The list of communes which make up the geographical area included in the specifications is based on the list in the Decree of 22 August 1997 defining the AOC (*appellation d'origine contrôlée*, registered designation of origin). A previous error in determining the number of communes in the geographical area is corrected.

The specification clarifies how to determine which parcels are suitable for producing the designation.

3. Evidence that the product originates from the geographical area

Owing to developments in national legislation and regulations, the text under the heading 'Evidence that the product originates from the defined geographical area' has been consolidated to bring together, in particular, provisions on declaration requirements and the keeping of registers for tracing the product and monitoring production conditions.

These amendments result from the reform of the system for inspecting designations of origin introduced by Order No 2006-1547 of 7 December 2006 on enhancing the value of agricultural, forestry, food and marine products.

In addition, the aspects relating to the product's history have been moved to the 'Link with the geographical area' section.

4. Method of production

The provisions set out in the initial decree concerning the recognition of the registered designation of origin 'Muscat du Ventoux', which was annexed to the initial request for recognition of the designation as a PDO, have been added to the 'Method of production' section, in particular on:

- the minimum age of the vines for entry into production;
- the densities of planting;
- the pruning methods;
- the authorised vegetation height and number of bunches per vine;
- the factors determining the start of harvest and obligations with regard to the yield;
- the specific provisions that apply to grapes put in long-term storage in cold rooms.

Finally, the provisions allowing for derogations from the rules on the refractometric index, the harvest start and the yield in the event of exceptional climatic conditions have been withdrawn from the specification as they are no longer appropriate.

5. 'Specific labelling details'

The labelling provisions have been amended to:

- include the obligation to affix the European Union 'PDO' symbol;
- reflect the withdrawal of the requirement for packaging in the area and the amended product identification requirements. At present the products are identified by a special sticker affixed to the packaging which allows the products to be traced. Taking account of the request to withdraw the requirement for packaging in the area, the sticker is affixed to the crates of harvested grapes or when the grapes are removed from long-term cold storage. If the product is handled further ahead of its final packaging, only the number on the sticker is retained on the product label in order to guarantee the traceability of the product.

6. National requirements

In line with the national reform of the inspection system, the specification has been supplemented with a table setting out the main items to be checked and the evaluation methods to be used.

7. Other

- The requirement for packaging in the area is withdrawn, as this provision has proven no longer necessary.
 - The 'Contact details of the inspection bodies', and the 'Applicant group' sections have been updated with the name and contact details of the official inspection bodies and the applicant group to reflect the change in the inspection methods.
-

ANNEX II

CONSOLIDATED SINGLE DOCUMENT

COUNCIL REGULATION (EC) No 510/2006 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (*)**'MUSCAT DU VENTOUX'**

EC No: FR-PDO-0105-0996-24.04.2012

PGI () PDO (X)**1. Name**

'Muscat du Ventoux'

2. Member State or third country

France

3. Description of the agricultural product or foodstuff**3.1. Type of product**

Class 1.6. Fruit, vegetables and cereals, fresh or processed

3.2. Description of product to which the name in (1) applies

'Muscat du Ventoux' is a black table grape produced from the 'Muscat de Hambourg' variety. It is characterised by its rather large grapes without red grains, generally highly coloured and crunchy, with a muscat flavour which is both intense and elegant. The bunches of grapes are homogeneous and weigh at least 250 g with an even distribution of berries in the bunch. The enhanced bluish colouring is typical of the designation. The bloom of the grape must be unadulterated. The stalk should be turgid.

The grapes have a refractometric index (RI) of over 18 (equivalent to 169,3 g/l of sugar) and a total sugar/acid ratio (S/A) of over 25 (the sugar expressed in g/l of total sugars and the acidity in g/l of tartaric acid).

3.3. Raw materials (for processed products only)

—

3.4. Feed (for products of animal origin only)

—

3.5. Specific steps in production that must take place in the defined geographical area

The entire grape production process takes place within the defined geographical area.

3.6. Specific rules on slicing, grating, packaging, etc.

The long-term cold storage of the grapes takes place in the geographical area to allow them to be refrigerated very rapidly in order to preserve the product and prevent it from spoiling. The speed with which the core temperature of the grapes is lowered is an indispensable condition for keeping them for several months. The grapes are subjected to systematic analytical and organoleptic examinations to ensure their characteristics are retained.

3.7. Specific rules concerning labelling

The labelling of the grapes of the designation of origin 'Muscat du Ventoux' bears the name of the designation of origin, the EU's PDO symbol and the sticker number.

(*) Replaced by Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

4. Concise definition of the geographical area

The 'Muscat du Ventoux' geographical area is situated between three upland regions: Mont Ventoux to the north; the Vaucluse mountains to the east and the Luberon massif to the south. It covers the following communes in the department of Vaucluse:

Apt, Aubignan, Le Barroux, Le Beaucet, Beaumettes, Beaumont-du-Ventoux, Bédoin, Blauvac, Bonnieux, Cabrières-d'Avignon, Caromb, Carpentras, Caseneuve, Castellet, Crestet, Crillon-le-Brave, Entrecieux, Flassan, Fontaine-de-Vaucluse, Gargas, Gignac, Gordes, Goult, Jocas, Lacoste, Lagnes, Lioux, Lorient-du-Comtat, Malaucène, Malemort-du-Comtat, Maubec, Mazan, Ménerbes, Méthamis, Modène, Mormoiron, Murs, Oppède, Pernes-les-Fontaines, Robion, La Roque-sur-Pernes, Roussillon, Rustrel, Saignon, Saint-Didier, Saint-Hippolyte-le-Graveyron, Saint-Martin-de-Castillon, Saint-Pantaléon, Saint-Pierre-de-Vassols, Saint-Saturnin-lès-Apt, Saumane-de-Vaucluse, Vaison-la-Romaine, Venasque, Viens, Villars and Villes-sur-Auzon.

5. Link with the geographical area

5.1. Specificity of the geographical area

5.1.1. Natural factors

The Ventoux region is distinguished by its specific geological and climatic characteristics.

The sandy-loamy clay soils make this region ideal for producing quality table grapes and wine.

The area has a Mediterranean type climate, which receives plenty of sunshine in summer and low rainfall. However, the influence of Mont Ventoux, which peaks at 1900 m, makes for colder temperatures at night. The mountain also protects the area from the mistral, the sometimes violent wind that predominates in the Rhône valley.

The low levels of humidity which result from the low annual rainfall have a prophylactic effect which is particularly suitable for growing vines.

5.1.2. Human factors

'Muscat du Ventoux' grapes have been grown in the Vaucluse region since the beginning of the 20th century. There are records dating back to 1914 of 'muscat de Hambourg', the grapes used to produce 'Muscat de Ventoux', being grown in the department of Vaucluse.

The producers in this area have developed a real expertise in how to cultivate the vine to obtain healthy, coloured berries. The producers optimise the vitality of the plants and the ripening of the grapes throughout the year by pruning the tendrils in winter and managing the foliage in the growing season. The hand-picking of the grapes and sorting on site is further evidence of the expertise honed from long years of experience handed down from generation to generation.

5.2. Specificity of the product

'Muscat du Ventoux' is a black table grape produced from the 'Muscat de Hambourg' variety. It is characterised by its rather large berries without red grains, generally intensely coloured and crunchy, with a muscat flavour and taste characteristic of the 'muscat de Hambourg' variety. The enhanced bluish colouring during ripening is typical of the designation. The bloom of the grape must be unadulterated. The bunches of grapes are homogenous, with a good sugar content.

5.3. Causal link between the geographical area and the quality or characteristics of the product (for PDO) or a specific quality, the reputation or other characteristic of the product (for PGI)

The area's Mediterranean climate, and its exposure to sunlight in particular, is ideally suited for ripening grapes. Furthermore, the influence of Mont Ventoux on the wide variation in day and night-time temperatures during the ripening season means that this region has the ideal conditions for the muscat to obtain its bluish colouring and concentrated aromas. The night-time coolness contributes particularly to preserving the aromas.

The pruning of the vine limits the yield, allowing for optimal ripening of the grapes. Furthermore, particular care is taken to manage the foliage. This work makes it possible to achieve an optimal level of foliage which is one of the elements necessary for a good photosynthesis of sugars, the organoleptic components of the grape and the anthocyanins which give the berries their colour.

Reference to publication of the specification

(Article 5(7) of Regulation (EC) No 510/2006)

<https://www.inao.gouv.fr/fichier/CDCMuscatDuVentoux.pdf>

COMMISSION IMPLEMENTING REGULATION (EU) No 504/2014**of 15 May 2014****amending Implementing Regulation (EU) No 540/2011 as regards the conditions of approval of the active substance plant oils/citronella oil****(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 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 13(2)(c) and Article 78(2) thereof,

Whereas:

- (1) The active substance plant oils/citronella oil was included in Annex I to Council Directive 91/414/EEC ⁽²⁾ by Commission Directive 2008/127/EC ⁽³⁾ in accordance with the procedure provided for in Article 24b of Commission Regulation (EC) No 2229/2004 ⁽⁴⁾. Since the replacement of Directive 91/414/EEC by Regulation (EC) No 1107/2009, this substance is deemed to have been approved under that Regulation and is listed in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽⁵⁾.
- (2) In accordance with Article 25a of Regulation (EC) No 2229/2004, the European Food Safety Authority, hereinafter 'the Authority', presented to the Commission its view on the draft review report for plant oils/citronella oil ⁽⁶⁾ on 16 December 2011. The Authority communicated its view on plant oils/citronella oil to the notifier. The Commission invited the notifier to submit comments on the draft review report for plant oils/citronella oil. The draft review report and the view of the Authority were reviewed by the Member States and the Commission within the Standing Committee on the Food Chain and Animal Health and the draft review report was finalised on 3 October 2013 in the format of the Commission review report for plant oils/citronella oil.
- (3) It is confirmed that the active substance plant oils/citronella oil is to be deemed to have been approved under Regulation (EC) No 1107/2009.
- (4) In accordance with Article 13(2) of Regulation (EC) No 1107/2009 in conjunction with Article 6 thereof and in the light of current scientific and technical knowledge, it is necessary to amend the conditions of approval. It is, in particular, appropriate to require further confirmatory information.
- (5) The Annex to Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (6) Member States should be provided with time to amend or withdraw authorisations for plant protection products containing plant oils/citronella oil.
- (7) For plant protection products containing plant oils/citronella oil, where Member States grant any grace period in accordance with Article 46 of Regulation (EC) No 1107/2009, this period should expire at the latest eighteen months after the date of entry into force of the regulation.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

⁽³⁾ Commission Directive 2008/127/EC of 18 December 2008 amending Council Directive 91/414/EEC to include several active substances (OJ L 344, 20.12.2008, p. 89).

⁽⁴⁾ Commission Regulation (EC) No 2229/2004 of 3 December 2004 laying down further detailed rules for the implementation of the fourth stage of the programme of work referred to in Article 8(2) of Council Directive 91/414/EEC (OJ L 379, 24.12.2004, p. 13).

⁽⁵⁾ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

⁽⁶⁾ Conclusion on the peer review of the pesticide risk assessment of the active substance plant oils/citronella oil. EFSA Journal 2012; 10(2):2518. [42 pp.] doi:10.2903/j.efsa.2012.2518 Available online: www.efsa.europa.eu/efsajournal

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Implementing Regulation (EU) No 540/2011

Part A of the Annex to Implementing Regulation (EU) No 540/2011 is amended in accordance with the Annex to this Regulation.

Article 2

Transitional measures

Member States shall in accordance with Regulation (EC) No 1107/2009, where necessary, amend or withdraw existing authorisations for plant protection products containing plant oils/citronella oil as active substance by 5 December 2014.

Article 3

Grace period

Any grace period granted by Member States in accordance with Article 46 of Regulation (EC) No 1107/2009 shall be as short as possible and shall expire 5 December 2015 at the latest.

Article 4

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

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

Done at Brussels, 15 May 2014.

For the Commission

The President

José Manuel BARROSO

In Part A of the Annex to Implementing Regulation (EU) No 540/2011, row 240 on the active substance plant oils/citronella oil is replaced by the following:

Number	Common Name, Identification Numbers	IUPAC Name	Purity	Date of approval	Expiration of approval	Specific provisions
'240	Plant oils/citronella oil CAS No 8000-29-1 CIPAC No 905	<p>Citronella Oil is a complex mixture of chemical substances.</p> <p>The main components are:</p> <p>Citronellal (3,7-dimethyl-6-octenal).</p> <p>Geraniol ((E)-3,7-dimethyl-2,6-octadien-1-ol).</p> <p>Citronellol (3,7-dimethyl-6-octan-2-ol).</p> <p>Geranyl acetate (3,7-dimethyl-6-octen-1yl acetate).</p>	The sum of the following impurities must not exceed 0,1 % of technical material: methyl eugenol and methyl-isoeugenol.	1 September 2009	31 August 2019	<p>PART A</p> <p>Only uses as herbicide may be authorised.</p> <p>PART B</p> <p>For the implementation of the uniform principles as referred to in Article 29(6) of Regulation (EC) No 1107/2009, the conclusions of the review report on citronella oil (SANCO/2621/2008) and in particular Appendices I and II thereof, as finalised in the Standing Committee on the Food Chain and Animal Health shall be taken into account.</p> <p>Conditions of use shall include, where appropriate, risk mitigation measures.</p> <p>In this overall assessment Member States shall pay particular attention to:</p> <ul style="list-style-type: none"> — the protection of operators, workers, bystanders and residents, ensuring that conditions of use include the application of adequate personal protective equipment, where appropriate; — the protection of groundwater, when the substance is applied in regions with vulnerable soil; — the risk to non-target organisms. <p>The notifier shall submit confirmatory information as regards:</p> <ul style="list-style-type: none"> (a) the technical specification; (b) data comparing natural background exposure situations of plant oils/citronella oil and methyl eugenol and methyl isoeugenol in relation to exposure from the use of plant oils/citronella oil as a plant protection product. This data shall cover human exposure as well as exposure of non-target organisms;

Number	Common Name, Identification Numbers	IUPAC Name	Purity	Date of approval	Expiration of approval	Specific provisions
						<p>(c) the groundwater exposure assessment for potential metabolites of plant oils/citronella oil, in particular for methyl eugenol and methyl isoeugenol.</p> <p>The notifier shall submit to the Commission, the Member States and the Authority that information by 30 April 2016.'</p>

COMMISSION REGULATION (EU) No 505/2014**of 15 May 2014****amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council as regards the use of caramel colours (E 150a-d) in beer and malt beverages****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives ⁽¹⁾, and in particular Article 10(3) thereof,

Whereas:

- (1) Annex II to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in foods and their conditions of use.
- (2) That list may be amended in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008 of the European Parliament and of the Council ⁽²⁾, either on the initiative of the Commission or following an application.
- (3) Caramel colours are food colours currently approved for use and listed in Annex II to Regulation (EC) No 1333/2008. That approval takes into account the Acceptable Daily Intakes (ADI) established by the Scientific Committee for Food in 1987, 1990 and 1996.
- (4) The European Food Safety Authority ('the Authority') issued an opinion on 3 February 2011 as regards the re-evaluation of the safety of caramel colours as food additives ⁽³⁾. In that opinion the Authority established a group ADI of 300 mg/kg bw/day. Within this group ADI an individual ADI of 100 mg/kg bw/day was established for E 150c ammonia caramel. The Authority concluded that the anticipated dietary exposure of child and adult populations may exceed the ADIs for plain caramel (E 150a), ammonia caramel (E 150c) and sulphite ammonia caramel (E 150d).
- (5) On 3 December 2012, the Authority issued a statement providing a refined exposure assessment for caramel colours E 150a, E 150c and E 150d and concluded that the anticipated dietary exposure was considerably lower than that estimated in the previous opinion ⁽⁴⁾. However, the Authority concluded that toddlers and adults could still exceed the ADI for ammonia caramel (E 150c). Whilst the ADI was only slightly exceeded (6 %) at the high levels in toddlers in one Member State, for adults the ADI was exceeded by 5-51 % in five Member States. After considering more detailed national information about the real uses of ammonia caramel (E 150c), the Member States concerned demonstrated that the actual intake is significantly lower. However, taking into account that beer is the main contributor to the exposure in adults, it is appropriate to amend the conditions of use and to establish maximum use levels for ammonia caramel (E 150c) in food subcategory 14.2.1 'Beer and malt beverages' to guarantee a high level of protection of human health.
- (6) Pursuant to Article 11(4) of Regulation (EC) No 1333/2008 the maximum levels for colours shall apply to the quantities of colouring principle contained in the colouring preparation unless otherwise stated. However, the complex nature and limited knowledge of chemical composition of caramel colours makes their identification in food products a challenge. Therefore, in performing official controls the competent authorities could also consider verifying the level of 2-acetyl-4-tetrahydroxy-butylimidazole, i.e. the impurity which can be analytically determined and which was taken into account in establishing an individual ADI for ammonia caramel (E 150c).

⁽¹⁾ OJ L 354, 31.12.2008, p. 16.

⁽²⁾ Regulation (EC) No 1331/2008 of the European Parliament and of the Council of 16 December 2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings (OJ L 354, 31.12.2008, p. 1).

⁽³⁾ EFSA Journal 2011; 9(3):2004.

⁽⁴⁾ EFSA Journal 2012; 10(12):3030.

- (7) An application for authorisation of the use of caramel colours (E 150a-d) in malt beverages was submitted on 4 June 2013 and was made available to the Member States pursuant to Article 4 of Regulation (EC) No 1331/2008.
- (8) Beer is not defined in the Union legislation and the national definitions vary among the Member States. Consequently a particular product classified as beer in one Member State could be classified as malt beverage in another. Since there is a technological need for caramel colours (E 150a-d) in malt beverages and the use of caramel colours is authorised in beer only, the current situation has a negative impact on the internal market and hinders the free movement of those products. Therefore it is appropriate to rectify this situation.
- (9) The common characteristic of malt beverages is the absence of malt as such in the final product and similarities in the technology and in the need for food additives with beers. There is a need for caramel colours to restore a consistent colour which has been affected by the production processes and/or to make malt beverages made from pale malts visually more appealing. Roasted malts cannot be used to provide the dark colour since they impart strong flavour which is not appropriate for those products.
- (10) Malt beverages are niche products providing an alternative to products in which the use of caramel colours is currently authorised (i.e. flavoured drinks and beers). Therefore, it is not expected that the authorisation of use of caramel colours in malt beverages would have a significant impact on total exposure to caramel colours.
- (11) Pursuant to Article 3(2) of Regulation (EC) No 1331/2008, the Commission is to seek the opinion of the Authority in order to update the Union list of food additives set out in Annex II to Regulation (EC) No 1333/2008, except where such update is not liable to have an effect on human health. Since the extension of use of caramel colours (E 150a-d) to malt beverages constitutes an update of that list which is not liable to have an effect on human health, it is not necessary to seek the opinion of the Authority.
- (12) Therefore, Annex II to Regulation (EC) No 1333/2008 should be amended accordingly.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 1333/2008 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 15 May 2014.

For the Commission

The President

José Manuel BARROSO

ANNEX

In Part E of Annex II to Regulation (EC) No 1333/2008, in food subcategory 14.2.1 'Beer and malt beverages', the entry for 'E 150a-d' is replaced by the following:

	E 150a,b,d	Plain caramel, Caustic sulphite caramel and Sulphite ammonia caramel	quantum satis		
	E 150c	Ammonia caramel	6 000		
	E 150c	Ammonia caramel	9 500		only "Bière de table/Tafelbier/Table beer" (original wort content less than 6 %); Brown ale, porter, stout and old ale'

COMMISSION REGULATION (EU) No 506/2014**of 15 May 2014****amending Annex II to Regulation (EC) No 1333/2008 of the European Parliament and of the Council and the Annex to Commission Regulation (EU) No 231/2012 as regards Ethyl lauroyl arginate as a preservative in certain heat-treated meat products****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1333/2008 of the European Parliament and of the Council of 16 December 2008 on food additives ⁽¹⁾, and in particular Article 10(3), Article 14 and Article 30(5) thereof,

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

Whereas:

- (1) Annex II to Regulation (EC) No 1333/2008 lays down a Union list of food additives approved for use in foods and their conditions of use.
- (2) Commission Regulation (EU) No 231/2012 ⁽³⁾ lays down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008.
- (3) The Union list and the specifications may be updated in accordance with the common procedure referred to in Article 3(1) of Regulation (EC) No 1331/2008 either on the initiative of the Commission or following an application.
- (4) On 5 May 2006, an application was submitted for authorisation of the use of Ethyl lauroyl arginate as a preservative in several food categories. The application was made available to the Member States pursuant to Article 4 of Regulation (EC) No 1331/2008.
- (5) Subsequently, in April of 2007 the European Food Safety Authority (the Authority) evaluated the safety of the use of Ethyl lauroyl arginate as a food preservative and allocated an Acceptable Daily Intake (ADI) of 0,5 mg/kg body weight ⁽⁴⁾. Conservative estimates of exposure to the substance, both in adults and in children, suggested that it was likely that the ADI would be exceeded at the maximum proposed use levels for several food categories.
- (6) Following these conclusions, the applicant revised its uses and use levels and requested an authorisation of the use in heat-treated meat products. In July 2013 the Authority published a statement on a refined exposure assessment of Ethyl lauroyl arginate based on its revised proposed uses as a food additive ⁽⁵⁾, and concluded that the exposure for all population groups is below the Acceptable Daily Intake (ADI) of 0,5 mg/kg bw/day.
- (7) There is a technological need to use Ethyl lauroyl arginate as a preservative in heat-treated meat products in order to improve the microbiological quality of those food products, including inhibiting the growth of harmful micro-organisms such as *Listeria monocytogenes*. As the use of Ethyl lauroyl arginate in heat treated meat products will help maintaining their quality and safety, it is appropriate to authorise its use in heat-treated meat products and to assign number E 243 to that food additive.

⁽¹⁾ OJ L 354, 31.12.2008, p. 16.

⁽²⁾ OJ L 354, 31.12.2008, p. 1.

⁽³⁾ Commission Regulation (EU) No 231/2012 of 9 March 2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 of the European Parliament and of the Council (OJ L 83, 22.3.2012, p. 1).

⁽⁴⁾ The EFSA Journal (2007) 511, p. 1.

⁽⁵⁾ EFSA Journal 2013;11(6):3294.

- (8) The specifications for Ethyl lauroyl arginate (E 243) should be included in Regulation (EU) No 231/2012 when it is included in the Union list of food additives laid down in Annex II to Regulation (EC) No 1333/2008 for the first time.
- (9) Regulations (EC) No 1333/2008 and (EU) No 231/2012 should therefore be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EC) No 1333/2008 is amended in accordance with Annex I to this Regulation.

Article 2

The Annex to Regulation (EU) No 231/2012 is amended in accordance with Annex II to this Regulation.

Article 3

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, 15 May 2014.

For the Commission

The President

José Manuel BARROSO

ANNEX I

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

- (1) In Part B, point 3 'Additives other than colours and sweeteners', the following new entry is inserted after the entry for 'E 242 Dimethyl dicarbonate':

E 243	Ethyl lauroyl arginate'
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- (2) In Part E, in food category 08.2.2 'Heat treated processed meat', the following new entry is inserted:

	E 243	Ethyl lauroyl arginate	160		Except emulsified sausages, smoked sausages and liver paste'
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ANNEX II

In the Annex to Regulation (EU) No 231/2012, the following new entry is inserted after the specifications for food additive E 242:

'E 243 ETHYL LAUROYL ARGINATE

Synonyms	Lauric arginate ethyl ester; lauramide arginine ethyl ester; ethyl-Nα-lauroyl-L-arginate-HCl; LAE;
Definition	Ethyl lauroyl arginate is synthesized by esterifying arginine with ethanol, followed by reacting the ester with lauroyl chloride. The resultant ethyl lauroyl arginate is recovered as the hydrochloride salt, which is filtered and dried.
ELINCS	434-630-6
Chemical name	Ethyl-Nα-dodecanoyl-L-arginate-HCl
Chemical formula	C20H41N4O3Cl
Molecular Weight	421,02
Assay	Not less than 85 % and not more than 95 %
Description	White powder
Identification	
Solubility	Freely soluble in water, ethanol, propylene glycol and glycerol
Purity	
Na-Lauroyl-L-arginine	Not more than 3 %
Lauric acid	Not more than 5 %
Ethyl laurate	Not more than 3 %
L-Arginine-HCl	Not more than 1 %
Ethyl arginate·2HCl	Not more than 1 %
Lead	Not more than 1 mg/kg
Arsenic	Not more than 3 mg/kg
Cadmium	Not more than 1 mg/kg
Mercury	Not more than 1 mg/kg'

COMMISSION IMPLEMENTING REGULATION (EU) No 507/2014**of 15 May 2014****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1234/2007 of 22 October 2007 establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products (Single CMO Regulation) ⁽¹⁾,

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

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round 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, 15 May 2014.

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

⁽¹⁾ OJ L 299, 16.11.2007, p. 1.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	MA	43,7
	MK	84,5
	TR	69,9
	ZZ	66,0
0707 00 05	AL	41,5
	MK	40,5
	TR	124,2
	ZZ	68,7
0709 93 10	TR	112,6
	ZZ	112,6
0805 10 20	EG	42,7
	IL	74,1
	MA	55,6
	TN	68,6
	TR	41,5
	ZZ	56,5
	TR	105,6
	ZZ	105,6
0808 10 80	AR	98,0
	BR	68,0
	CL	100,0
	CN	98,7
	MK	32,3
	NZ	135,1
	US	183,2
	UY	78,1
	ZA	96,5
	ZZ	98,9

⁽¹⁾ Nomenclature of countries laid down by Commission Regulation (EC) No 1833/2006 (OJ L 354, 14.12.2006, p. 19). Code 'ZZ' stands for 'of other origin'.

DECISIONS

COUNCIL DECISION

of 8 May 2014

on the position to be adopted on behalf of the European Union at the International Maritime Organization during the 93rd session of the Maritime Safety Committee on the adoption of amendments to SOLAS Regulations II-1/29, II-2/3, 2/9.7, 2/13.4, 2/18, III/20, the Life Saving Appliances Code and the 2011 Enhanced Survey Programme Code

(2014/280/EU)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 100(2) and 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Action by the European Union in the sector of maritime transport should aim to improve maritime safety. The main reference framework for the safety standards should be the 1974 International Convention for the Safety of Life at Sea (the 1974 SOLAS Convention), as amended, which encompasses internationally agreed standards for passenger ships and high-speed passenger craft engaged on international voyages.
- (2) The IMO Maritime Safety Committee (MSC) meeting at its 92nd session approved, among others, amendments to SOLAS Regulations II-1/29, II-2/3, 2/9.7, 2/13.4, 2/18, III/20, the Life Saving Appliances Code and the 2011 Enhanced Survey Programme Code. Those amendments are expected to be adopted in the 93rd session of the MSC, to be held in May 2014.
- (3) The amendments to the SOLAS regulations II-2/3 and II-2/9.7 concerning fire resistance of ventilation ducts for new ships will introduce new requirements for ventilation systems in ships, including for passenger ships carrying more than 36 passengers. The provisions of Regulation 12, Part A and of Regulation 9, Part B of Chapter II-2 of Annex 1 to Directive 2009/45/EC of the European Parliament and of the Council ⁽¹⁾ on ventilation duct penetration provisions and on ventilation systems for ships carrying more than 36 passengers cover these issues and are derived from these SOLAS provisions which are now expected to be amended.
- (4) The amendments to SOLAS Regulation II-2/13.4 will introduce additional means of escape from machinery spaces for new passenger and cargo ships. The provisions of Regulation 6, Part B, Chapter II-2 of Annex 1 to Directive 2009/45/EC (Means of escape) covers these issues and are derived from the SOLAS provisions which are now expected to be amended.
- (5) The amendments to SOLAS Regulation II-2/18 concerning helicopter landing areas on ro-ro passenger ships for new ships will include a requirement for fire-fighting foam application systems to be in accordance with IMO Circular MSC.1/Circ.1431 of 31 May 2012 on Guidelines for the approval of helicopter facility foam fire-fighting appliances. Regulation 18, Part B, Chapter II-2 of Annex 1 to Directive 2009/45/EC provides that ships equipped with helidecks shall comply with the requirements of the SOLAS regulation as revised per 1 January 2003 which are now expected to be amended.
- (6) The amendments to SOLAS Chapter III, Regulation 20 and associated requirements for periodic servicing and maintenance of lifeboats and rescue boats for all ships aim to make these detailed requirements mandatory. Chapter III of Annex 1 to Directive 2009/45/EC provides that maintenance and inspections of life-saving appliances shall be carried out in accordance with the same requirements of SOLAS Regulation III/20, which are now expected to be amended.

⁽¹⁾ Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships (OJ L 163, 25.6.2009, p. 1).

- (7) The amendments to the Life-Saving Appliances (LSA) Code concerning lifejackets Reference Test Devices (RTDs) will introduce new requirements for RTDs. Regulation 2.2, Chapter III of Directive 2009/45/EC indicates that all such personal life-saving appliances comply with the LSA Code. In addition, Article 5(1) of Council Directive 96/98/EC ⁽¹⁾ stipulates that equipment listed in its Annex A.1 placed on board a Community ship meet the applicable requirements of the international instruments referred to in that Annex. In the table in Annex A.1, entry A.1.1.4, the applicable standard for life jackets is IMO Resolution MSC 48(66) — the LSA Code, which is now expected to be amended.
- (8) The amendments to SOLAS regulation II-1/29 concerning requirements for steering gear trials will introduce further requirements to demonstrate compliance during sea trials. Regulations 6 and 7, Part C, Chapter II-1 of Annex 1 to Directive 2009/45/EC are derived from and replicate the same provisions of SOLAS in Chapter II-1, Part C Regulation 29 on requirements for the main and auxiliary steering gear which are now expected to be amended.
- (9) The above amendments to SOLAS Regulations II-1/29, II-2/3, 2/9.7, 2/13.4, 2/18, III/20 and the Life Saving Appliances Code, will apply to passenger ships and high-speed passenger craft which are engaged on domestic voyages, pursuant to Articles 1 and 3 of Directive 2009/45/EC. Therefore, to the extent that they affect passenger ships and high-speed passenger craft which are engaged on domestic voyages, these amendments fall under the exclusive competence of the Union.
- (10) The amendments to the 2011 Enhanced Survey Programme (ESP) Code bring it into line with the practices of classification societies. Articles 5 and 6 of Regulation (EU) No 530/2012 of the European Parliament and of the Council ⁽²⁾ make mandatory the application of the IMO's Condition Assessment Scheme (CAS) to single hull oil tankers above 15 years of age. The Enhanced Programme of Inspections during surveys of Bulk Carriers and Oil tankers or Enhanced Survey Programme (ESP) specifies how to undertake this intensified assessment. As CAS uses ESP as the tool to achieve its aim, any changes to the ESP inspections will automatically be applicable through Regulation (EU) No 530/2012.
- (11) The Union is neither a member of the IMO nor a contracting party to the conventions and codes concerned. It is therefore necessary for the Council to authorise the Member States to express the position of the Union and express their consent to be bound by these amendments, to the extent that they fall under the exclusive competence of the Union,

HAS ADOPTED THIS DECISION:

Article 1

1. The position of the Union at the 93rd session of the IMO Maritime Safety Committee shall be to agree to the adoption of the amendments to SOLAS Regulations II-2/3, 2/9.7, 2/13.4 and 2/18 as laid down in Annex 13 to the IMO document MSC 92/26/Add.1, and to the adoption of the amendments to SOLAS Regulations II-1/29 and III/20, the Life Saving Appliances Code and the 2011 Enhanced Survey Programme Code as laid down in Annexes 31, 32, 33, 34, 35 and 36 respectively to the IMO document MSC 92/26/Add.2.
2. The position of the Union as set out in paragraph 1 shall be expressed by the Member States, which are members of IMO, acting jointly in the interest of the Union.
3. Formal and minor changes to this position may be agreed without requiring that position to be amended.

Article 2

Member States are hereby authorised to give their consent to be bound, in the interest of the Union, by the amendments referred to in Article 1(1) to the extent that they fall under the exclusive competence of the Union.

⁽¹⁾ Council Directive 96/98/EC of 20 December 1996 on marine equipment (OJ L 46, 17.2.1997, p. 25).

⁽²⁾ Regulation (EU) No 530/2012 of the European Parliament and of the Council of 13 June 2012 on the accelerated phasing-in of double-hull or equivalent design requirements for single-hull oil tankers (OJ L 172, 30.6.2012, p. 3).

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 8 May 2014.

For the Council
The President
P. MITARACHI

COMMISSION IMPLEMENTING DECISION**of 14 May 2014****granting EU recognition to the Croatian Register of Shipping pursuant to Regulation (EC) No 391/2009 of the European Parliament and of the Council on common rules and standards for ship inspection and survey organisations***(notified under document C(2014) 3014)***(Text with EEA relevance)**

(2014/281/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations ⁽¹⁾, and in particular Article 4(1) thereof,

Having regard to the letters of 23 July 2010 and of 25 February 2014 from the Croatian authorities requesting the Commission to grant EU recognition to the Croatian Register of Shipping (hereinafter CRS),

Whereas:

- (1) Pursuant to Article 3(1) of Regulation (EC) No 391/2009, Member States wishing to grant an authorisation to an organisation which is not yet recognised shall submit a request for recognition to the Commission.
- (2) On 23 July 2010, the Republic of Croatia provided information on and evidence of CRS complying with the requirements of Regulation (EC) No 391/2009. Taking into account that the recognition process may extend over a longer period of time following the request and that as from accession and until the process is completed the Croatian government would not be entitled to delegate statutory tasks to CRS, the Commission started preparatory stages of the assessment of CRS before Croatia became a Member State of the Union.
- (3) On 25 February 2014, Croatia reiterated its request to the Commission to grant EU recognition to the CRS following Croatia's accession to the Union.
- (4) The Commission, with the assistance of the European Maritime Safety Agency, verified that the CRS meets all the minimum criteria set out in Annex I of Regulation (EC) No 391/2009.
- (5) The assessment was based on the examination of the documentation submitted by the Croatian authorities, as well as on the results of two inspections of the CRS offices carried out by experts from the European Maritime Safety Agency in October 2011 and one inspection carried out in October 2013 to verify the implementation of remedial actions undertaken by the CRS in response to the shortcomings identified by the Commission in the course of the assessment.
- (6) Where shortcomings were identified, the CRS implemented appropriate and sufficient remedial actions in all cases. The CRS cooperated effectively during the assessment process and demonstrated its capacity to improve its organisation and procedures in a proactive fashion.
- (7) The implementation of a number of remedial actions is still in progress and will be monitored, in particular the opening of a branch office in Shanghai, China. This however does not call into question the overall quality of the organisation's systems and control mechanisms.
- (8) The Commission also verified that the CRS has undertaken to comply with the provisions of Articles 8(4), 9, 10 and 11 of Regulation (EC) No 391/2009.

⁽¹⁾ OJ L 131, 28.5.2009, p. 11.

- (9) The CRS's safety and pollution performance, albeit slightly below the average performance of other EU recognised organisations, is satisfactory. In particular, it shows a positive trend under the Paris Memorandum of Understanding on Port State Control, with an average rate of detention of 0,51 % in the period 2010-2012, compared to 0,89 % in the period 2009-2011 and 1,44 % in the period 2008-2010. Also, the CRS did not record any 'recognised organisation related' detention in 2010, 2011 and 2012 under the United States Coast Guard Port State Control regime.
- (10) In order to ensure that the organisation maintains at all times its capacity to operate in accordance with the requirements of Regulation (EC) No 391/2009, and given the relative small size of the fleet currently certified by the CRS, the Commission considers that any substantial growth of the organisation's activities should be accompanied by an appropriate increase in its technical and managerial capacities, including if necessary with regards to the expansion of the office network.
- (11) CRS's legal entity is established in Split, Croatia, as a public institution pursuant to the 'Law on the Croatian Register of Shipping' of 20 September 1996 (Official Gazette No 81/96) and in the 'Croatian Register of Shipping Charter' of 1 June 1997. It holds the name 'Croatian Register of Shipping' ('Hrvatski registar brodova').
- (12) The measures provided for in this Decision are in accordance with the opinion of the Committee on Safe Seas and the Prevention of Pollution from Ships established by Regulation (EC) No 2099/2002 of the European Parliament and of the Council ⁽¹⁾,

HAS ADOPTED THIS DECISION:

Article 1

The 'Croatian Register of Shipping' is recognised pursuant to Article 4(1) of Regulation (EC) No 391/2009.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 14 May 2014.

For the Commission

Siim KALLAS

Vice-President

⁽¹⁾ Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the Regulations on maritime safety and the prevention of pollution from ships (OJ L 324, 29.11.2002, p. 1).

COMMISSION IMPLEMENTING DECISION**of 14 May 2014****amending Implementing Decision 2012/44/EU on the rules applicable to veterinary checks to be carried out on live animals and products of animal origin entering certain French overseas departments from third countries***(notified under document C(2014) 3053)***(Only the French text is authentic)****(Text with EEA relevance)****(2014/282/EU)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/496/EEC of 15 July 1991 laying down the principles governing the organization of veterinary checks on animals entering the Community from third countries and amending Directives 89/662/EEC, 90/425/EEC and 90/675/EEC ⁽¹⁾, and in particular Article 13 thereof,

Having regard to Council Directive 97/78/EC of 18 December 1997 laying down the principles governing the organisation of veterinary checks on products entering the Community from third countries ⁽²⁾, and in particular Article 18 thereof,

Whereas:

- (1) Commission Implementing Decision 2012/44/EU ⁽³⁾ lays down rules on veterinary checks to be carried out on live animals and products of animal origin entering certain French overseas departments from third countries, including a list of authorised entry points ('the list of authorised entry points').
- (2) France has submitted a plan to the Commission for an authorised entry point located in the French overseas department of Mayotte. That plan details the facilities, the necessary equipment and the trained staff to carry out the veterinary checks to verify that Union public and animal health requirements for products of animal origin are met.
- (3) In addition, that plan demonstrates that all consignments of products of animal origin are required to be presented for import at the authorised entry point and that their dispatch into other parts of Union territory is effectively prevented. It also shows that the specific requirements laid down in Articles 3, 4 and 5 of Implementing Decision 2012/44/EU are met.
- (4) The entry point of the French overseas department of Mayotte should therefore be added to the list of authorised entry points, as regards certain products of animal origin.
- (5) Article 1 and the Annex to Implementing Decision 2012/44/EU should therefore be amended accordingly.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

⁽¹⁾ OJ L 268, 24.9.1991, p. 56.

⁽²⁾ OJ L 24, 30.1.1998, p. 9.

⁽³⁾ Commission Implementing Decision 2012/44/EU of 25 January 2012 on the rules applicable to veterinary checks to be carried out on live animals and products of animal origin entering certain French overseas departments from third countries (OJ L 24, 27.1.2012, p. 14).

HAS ADOPTED THIS DECISION:

Article 1

Implementing Decision 2012/44/EU is amended as follows:

(1) Article 1 is replaced by the following:

'Article 1

For the purposes of Article 13 of Directive 91/496/EEC and Article 18 of Directive 97/78/EC, the authorised entry points in the French overseas departments Guadeloupe, Martinique, French Guiana and Mayotte shall be as listed in the Annex to this Decision.';

(2) In the Annex, the following entry for Mayotte is added after the entry for French Guiana — St Georges de l'Oyapock in the list of authorised entry points:

'Mayotte — Longoni	FR09900	P	HC, NHC-NT'	
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Article 2

This Decision is addressed to the French Republic.

Done at Brussels, 14 May 2014.

For the Commission
Tonio BORG
Member of the Commission

