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⁽¹⁾ Text with EEA relevance

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) No 1067/2014**of 3 October 2014**

laying down form and content of the accounting information to be submitted to the Commission for the purpose of the clearance of the accounts of the EAGF and the EAFRD as well as for monitoring and forecasting purposes

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 ⁽¹⁾, and in particular Article 104 thereof,

Whereas:

- (1) Article 8(1) of Commission Regulation (EC) No 885/2006 ⁽²⁾ provides that the form and content of the accounting information referred to in Article 7(1)(c) of that Regulation and the way it is to be forwarded to the Commission are to be established.
- (2) The form and content of the accounting information to be submitted to the Commission for the purpose of the clearance of the accounts of the European Agricultural Guarantee Fund (EAGF) and of the European Agricultural Fund for Rural Development (EAFRD) as well as for monitoring and forecasting purposes are presently laid down in Commission Implementing Regulation (EU) No 991/2013 ⁽³⁾.
- (3) The Annexes to Implementing Regulation (EU) No 991/2013 cannot be used for their intended purposes in the financial year 2015. Implementing Regulation (EU) No 991/2013 should therefore be repealed and replaced by a new regulation setting out the form and content of the accounting information for that financial year.
- (4) The measures provided for in this Regulation are in accordance with the opinion of the Agricultural Funds Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The form and content of the accounting information referred to in Article 7(1)(c) of Regulation (EC) No 885/2006 and the way it is to be forwarded to the Commission shall be as set out in Annexes I (X-Table), II (Technical specifications for the transfer of computer files concerning EAGF and EAFRD expenditure), III (Aide-memoire) and IV (Structure of EAFRD budget codes (F109)) to this Regulation.

⁽¹⁾ OJ L 347, 20.12.2013, p. 549.

⁽²⁾ Commission Regulation (EC) No 885/2006 of 21 June 2006 laying down detailed rules for the application of Council Regulation (EC) No 1290/2005 as regards the accreditation of paying agencies and other bodies and the clearance of the accounts of the EAGF and of the EAFRD (OJ L 171, 23.6.2006, p. 90).

⁽³⁾ Commission Implementing Regulation (EU) No 991/2013 of 15 October 2013 laying down form and content of the accounting information to be submitted to the Commission for the purpose of the clearance of the accounts of the EAGF and EAFRD as well as for monitoring and forecasting purposes (OJ L 275, 16.10.2013, p. 7).

Article 2

Implementing Regulation (EU) No 991/2013 is repealed with effect from 16 October 2014.

Article 3

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 16 October 2014.

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

Done at Brussels, 3 October 2014.

For the Commission

The President

José Manuel BARROSO

ANNEX I

X-TABLE

Financial year 2015

2015	A↓	2014	A↓	F100	F101	F103	F105	F105B	F105C	F106	F106A	F107	F108	F109	F110	F200	F201	F202A	F202B	F202C	F205	F207	F220	F221	F222B	F222C	F300	F300B	F301	F304	F305	F306	F307	F402	F500	F502	F503	F508A				
05020101	1000	05020101	1000	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X				X	X			X							
05020101	1003	05020101	1003	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X				X	X			X							
05020102	1011	05020102	1011																																							
05020102	1012	05020102	1012																																							
05020102	1013	05020102	1013																																							
05020102	1014	05020102	1014																																							
05020199	1021	05020199	1021	X	X	X				X		X	X	X	X	X	X	X	X	X		X					X			X			X			X						
05020199	1022	05020199	1022	X	X	X				X		X	X	X		X	X	X	X	X		X					X			X	X	X	X	X	X	X	X	X				
05020199	1090	05020199	1090	X	X					X		X	X	X		X	X	X	X	X							X	X							X	X						
05020201	1850	05020201	1850	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X				X	X			X							
05020300	3010	05020300	3010	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X				X	X			X							
05020300	3011	05020300	3011	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X				X	X			X							
05020300	3012	05020300	3012	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X				X	X			X							
05020300	3013	05020300	3013	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X				X	X			X							
05020300	3014	05020300	3014	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X				X	X			X							
05020499	3100	05020499	3100	X	X	X				X		X	X	X		X	X	X	X	X							X			X			X			X						
05020499	3119	05020499	3119	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X				X	X			X							
05020501	1100	05020501	1100	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X				X	X			X							

2015	A↓	2014	A↓	F508B	F509A	F510	F511	F531	F532	F533	F600	F601	F602	F603	F700	F702	F703	F703A	F703B	F703C	F707	F707A	F707B	F707C	F800	F800B	F801	F802	F802B	F804	F805	F808	F809	F812	F814	F816	F816B		
05020101	1000	05020101	1000				X				X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X	
05020101	1003	05020101	1003				X				X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X	
05020102	1011	05020102	1011																																				
05020102	1012	05020102	1012																																				
05020102	1013	05020102	1013																																				
05020102	1014	05020102	1014																																				
05020199	1021	05020199	1021			X																																	
05020199	1022	05020199	1022			X	X																																
05020199	1090	05020199	1090																																				
05020201	1850	05020201	1850				X				X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
05020300	3010	05020300	3010				X				X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
05020300	3011	05020300	3011				X				X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
05020300	3012	05020300	3012				X				X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
05020300	3013	05020300	3013				X				X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
05020300	3014	05020300	3014				X				X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
05020499	3100	05020499	3100			X																																	
05020499	3119	05020499	3119				X				X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
05020501	1100	05020501	1100				X				X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

2015	A↓	2014	A↓	F100	F101	F103	F105	F105B	F105C	F106	F106A	F107	F108	F109	F110	F200	F201	F202A	F202B	F202C	F205	F207	F220	F221	F222B	F222C	F300	F300B	F301	F304	F305	F306	F307	F402	F500	F502	F503	F508A			
05020503	1112	05020503	1112	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X			X	X	X	X	X	X	X	X	X			
05020508	0000	05020508	0000																																						
05020599	0000	05020599	0000	X	X	X				X		X	X	X	X	X	X	X	X	X							X			X		X				X	X				
05020603	0000	05020603	0000	X	X	X				X		X	X	X		X	X	X	X	X							X		X	X			X		X	X	X				
05020603	1239	05020603	1239	X	X	X				X		X	X	X		X	X	X	X	X		X					X		X	X			X		X	X	X				
05020605	1211	05020605	1211	X	X	X	X		X	X		X	X	X	X	X	X	X	X	X		X					X	X		X			X		X	X	X				
05020699	0000	05020699	0000	X	X					X		X	X	X		X	X	X	X	X															X	X					
05020699	1210	05020699	1210	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X				X	X			X						
05020699	1240	05020699	1240	X	X	X				X		X	X	X	X	X	X	X	X	X							X	X		X			X		X	X					
05020703	0000	05020703	0000	X	X	X	X		X	X		X	X	X		X	X	X	X	X		X					X	X		X			X			X	X				
05020799	1401	05020799	1401	X	X	X				X		X	X	X	X	X	X	X	X	X		X					X	X		X			X		X	X	X				
05020799	1403	05020799	1403	X	X	X				X		X	X	X	X	X	X	X	X	X		X					X	X		X			X		X	X	X				
05020799	1409	05020799	1409	X	X	X	X		X	X		X	X	X	X	X	X	X	X	X		X					X			X			X		X						
05020803	0000	05020803	0000	X	X	X	X		X	X		X	X	X	X	X	X	X	X	X		X					X	X		X			X	X							
05020803	1502	05020803	1502	X	X	X	X		X	X		X	X	X	X	X	X	X	X	X		X					X	X		X			X	X							
05020811	0000	05020811	0000	X	X	X	X		X	X		X	X	X	X	X	X	X	X	X		X					X	X		X			X								
05020811	1509	05020811	1509	X	X		X		X	X		X	X	X	X	X	X	X	X	X		X					X	X		X			X								
05020812	0000	05020812	0000	X	X	X				X		X	X	X	X	X	X	X	X	X		X					X			X			X		X	X	X				

2015	A↓	2014	A↓	F508B	F509A	F510	F511	F531	F532	F533	F600	F601	F602	F603	F700	F702	F703	F703A	F703B	F703C	F707	F707A	F707B	F707C	F800	F800B	F801	F802	F802B	F804	F805	F808	F809	F812	F814	F816	F816B		
05020503	1112	05020503	1112			X	X																																
05020508	0000	05020508	0000																																				
05020599	0000	05020599	0000			X	X																																
05020603	0000	05020603	0000			X																																	
05020603	1239	05020603	1239			X																																	
05020605	1211	05020605	1211				X				X	X	X	X																									
05020699	0000	05020699	0000																																				
05020699	1210	05020699	1210				X				X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
05020699	1240	05020699	1240				X				X	X																											
05020703	0000	05020703	0000			X	X																																
05020799	1401	05020799	1401																																				
05020799	1403	05020799	1403																																				
05020799	1409	05020799	1409																																				
05020803	0000	05020803	0000																																				
05020803	1502	05020803	1502																																				
05020811	0000	05020811	0000																																				
05020811	1509	05020811	1509																																				
05020812	0000	05020812	0000			X	X																																

2015	A↓	2014	A↓	F100	F101	F103	F105	F105B	F105C	F106	F106A	F107	F108	F109	F110	F200	F201	F202A	F202B	F202C	F205	F207	F220	F221	F222B	F222C	F300	F300B	F301	F304	F305	F306	F307	F402	F500	F502	F503	F508A			
05020899	0000	05020899	0000	X	X					X		X	X	X		X	X	X	X	X		X													X	X					
05020899	1500	05020899	1500	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X				X	X			X						
05020899	1510	05020899	1510	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X				X	X			X						
05020899	1512	05020899	1512	X	X	X	X		X	X		X	X	X	X	X	X	X	X	X		X					X	X		X			X	X	X	X	X	X			
05020899	1515	05020899	1515	X	X	X	X		X	X		X	X	X	X	X	X	X	X	X		X					X	X		X			X	X	X	X	X	X			
05020908	0000	05020908	0000	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X		X					X	X		X			X	X	X	X				X	
05020999	0000	05020999	0000	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X		X					X	X		X			X		X	X				X	
05020999	1600	05020999	1600	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X				X	X			X						
05020999	1610	05020999	1610	X	X	X				X		X	X	X	X	X	X	X	X	X		X					X	X	X	X			X		X	X					
05020999	1630	05020999	1630	X	X	X				X		X	X	X	X	X	X	X	X	X		X					X	X		X			X		X	X					
05020999	1640	05020999	1640	X	X	X				X		X	X	X	X	X	X	X	X	X		X					X	X		X			X		X					X	
05020999	1650	05020999	1650	X	X	X				X		X	X	X	X	X	X	X	X	X		X					X	X		X			X		X					X	
05020999	1690	05020999	1690	X	X					X		X	X	X		X	X	X	X	X																X	X				
05021001	3800	05021001	3800	X	X	X				X		X	X	X	X	X	X	X	X	X																					
05021001	3801	05021001	3801	X	X	X				X		X	X	X	X	X	X	X	X	X																					
05021099	0000	05021099	0000	X	X					X		X	X	X		X	X	X	X	X																X	X				
05021103	0000	05021103	0000	X	X	X	X		X	X		X	X	X	X	X	X	X	X	X		X					X	X		X			X		X	X					
05021104	0000	05021104	0000	X	X	X				X		X	X	X	X	X	X	X	X	X		X					X	X		X	X		X		X	X					

2015	A↓	2014	A↓	F508B	F509A	F510	F511	F531	F532	F533	F600	F601	F602	F603	F700	F702	F703	F703A	F703B	F703C	F707	F707A	F707B	F707C	F800	F800B	F801	F802	F802B	F804	F805	F808	F809	F812	F814	F816	F816B		
05020899	0000	05020899	0000																																				
05020899	1500	05020899	1500				X				X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X	
05020899	1510	05020899	1510				X				X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X	
05020899	1512	05020899	1512				X																																
05020899	1515	05020899	1515				X																																
05020908	0000	05020908	0000	X	X	X	X	X	X	X	X	X	X	X																									
05020999	0000	05020999	0000	X	X	X	X				X	X	X	X																									
05020999	1600	05020999	1600				X				X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X	
05020999	1610	05020999	1610			X				X																													
05020999	1630	05020999	1630			X	X	X	X	X	X	X	X	X																									
05020999	1640	05020999	1640	X	X	X	X			X	X	X	X	X																									
05020999	1650	05020999	1650	X	X	X	X			X																													
05020999	1690	05020999	1690																																				
05021001	3800	05021001	3800			X																																	
05021001	3801	05021001	3801			X																																	
05021099	0000	05021099	0000																																				
05021103	0000	05021103	0000				X																																
05021104	0000	05021104	0000			X	X																																

2015	A↓	2014	A↓	F100	F101	F103	F105	F105B	F105C	F106	F106A	F107	F108	F109	F110	F200	F201	F202A	F202B	F202C	F205	F207	F220	F221	F222B	F222C	F300	F300B	F301	F304	F305	F306	F307	F402	F500	F502	F503	F508A	
05021199	0000	05021199	0000	X	X					X		X	X	X		X	X	X	X	X							X	X							X	X			
05021199	1300	05021199	1300	X	X		X		X	X		X	X	X	X	X	X	X	X	X		X					X	X		X			X		X	X			
05021199	1710	05021199	1710	X	X	X				X		X	X	X	X	X	X	X	X	X		X					X			X			X		X	X			
05021199	1751	05021199	1751	X	X	X	X		X	X		X	X	X	X	X	X	X	X	X		X					X	X		X			X		X				
05021201	2000	05021201	2000	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X				X	X			X				
05021201	2001	05021201	2001	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X				X	X			X				
05021201	2002	05021201	2002	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X				X	X			X				
05021201	2003	05021201	2003	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X				X	X			X				
05021202	2011	05021202	2011																																				
05021202	2012	05021202	2012																																				
05021202	2013	05021202	2013																																				
05021204	2030	05021204	2030	X	X	X				X		X	X	X		X	X	X	X	X								X							X	X	X		
05021204	2031	05021204	2031																																				
05021204	2032	05021204	2032																																				
05021204	2033	05021204	2033																																				
05021208	3120	05021208	3120	X	X	X				X		X	X	X	X	X	X	X	X	X		X					X			X			X		X	X	X		
05021299	0000	05021299	0000																																				
05021299	2050	05021299	2050	X	X	X				X		X	X	X		X	X	X	X	X		X						X							X	X	X		

2015	A↓	2014	A↓	F508B	F509A	F510	F511	F531	F532	F533	F600	F601	F602	F603	F700	F702	F703	F703A	F703B	F703C	F707	F707A	F707B	F707C	F800	F800B	F801	F802	F802B	F804	F805	F808	F809	F812	F814	F816	F816B		
05021199	0000	05021199	0000																																				
05021199	1300	05021199	1300				X				X	X	X	X																									
05021199	1710	05021199	1710			X	X				X	X	X	X																									
05021199	1751	05021199	1751								X	X	X	X																									
05021201	2000	05021201	2000				X				X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X	
05021201	2001	05021201	2001				X				X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X	
05021201	2002	05021201	2002				X				X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X	
05021201	2003	05021201	2003				X				X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X	
05021202	2011	05021202	2011																																				
05021202	2012	05021202	2012																																				
05021202	2013	05021202	2013																																				
05021204	2030	05021204	2030			X																																	
05021204	2031	05021204	2031																																				
05021204	2032	05021204	2032																																				
05021204	2033	05021204	2033																																				
05021208	3120	05021208	3120			X	X																																
05021299	0000	05021299	0000																																				
05021299	2050	05021299	2050			X																																	

2015	A↓	2014	A↓	F100	F101	F103	F105	F105B	F105C	F106	F106A	F107	F108	F109	F110	F200	F201	F202A	F202B	F202C	F205	F207	F220	F221	F222B	F222C	F300	F300B	F301	F304	F305	F306	F307	F402	F500	F502	F503	F508A		
05021299	2099	05021299	2099	X	X					X		X	X	X		X	X	X	X	X														X	X					
05021301	2100	05021301	2100	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X				X	X		X						
05021302	2110	05021302	2110	X	X	X				X		X	X	X	X	X	X	X	X	X		X					X					X		X	X	X				
05021304	2101	05021304	2101	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X				X	X		X						
05021399	2126	05021399	2126	X	X	X				X		X	X	X		X	X	X	X	X		X					X					X			X	X				
05021399	2129	05021399	2129	X	X					X		X	X	X		X	X	X	X	X										X			X		X	X				
05021399	2190	05021399	2190	X	X					X		X	X	X		X	X	X	X	X							X	X						X	X					
05021501	2300	05021501	2300	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X				X	X		X						
05021502	2301	05021502	2301	X	X	X				X		X	X	X	X	X	X	X	X	X		X					X			X			X		X	X	X			
05021504	2310	05021504	2310	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X				X	X		X						
05021505	2311	05021505	2311	X	X	X	X		X	X		X	X	X		X	X	X	X	X							X				X	X		X						
05021506	2320	05021506	2320	X	X					X		X	X	X		X	X	X	X	X		X					X			X			X							
05021599	0000	05021599	0000	D	D					D		D	D	D		D	D	D	D	D		D					D						D							
05021599	2390	05021599	2390	X	X					X		X	X	X		X	X	X	X	X															X	X				
05030101	0000	05030101	0000	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X			X							X
05030102	0000	05030102	0000	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X			X							X
05030103	0000	05030103	0000	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X						X	X			
05030104	0000	05030104	0000	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X		X					X	X		X			X			X	X	X		

2015	A↓	2014	A↓	F508B	F509A	F510	F511	F531	F532	F533	F600	F601	F602	F603	F700	F702	F703	F703A	F703B	F703C	F707	F707A	F707B	F707C	F800	F800B	F801	F802	F802B	F804	F805	F808	F809	F812	F814	F816	F816B		
05021299	2099	05021299	2099																																				
05021301	2100	05021301	2100				X				X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X	
05021302	2110	05021302	2110			X																																	
05021304	2101	05021304	2101				X				X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X	
05021399	2126	05021399	2126			X	X																																
05021399	2129	05021399	2129																																				
05021399	2190	05021399	2190																																				
05021501	2300	05021501	2300				X				X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
05021502	2301	05021502	2301			X																																	
05021504	2310	05021504	2310				X				X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
05021505	2311	05021505	2311				X				X		X	X											X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
05021506	2320	05021506	2320																																				
05021599	0000	05021599	0000																																				
05021599	2390	05021599	2390																																				
05030101	0000	05030101	0000	X	X						X	D	D	D	X	X	X	X	X	X	X	X	X	X															
05030102	0000	05030102	0000	X	X						X	D	D	D																									
05030103	0000	05030103	0000								X	X	X	X																									
05030104	0000	05030104	0000	X	X		X				X	X	X	X																									

2015	A↓	2014	A↓	F100	F101	F103	F105	F105B	F105C	F106	F106A	F107	F108	F109	F110	F200	F201	F202A	F202B	F202C	F205	F207	F220	F221	F222B	F222C	F300	F300B	F301	F304	F305	F306	F307	F402	F500	F502	F503	F508A	
05030105	0000	05030105	0000	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X			X			X	X		
05030106	0000	05030106	0000	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X		X					X	X		X			X					X	
05030107	0000			A	A	A	A	A	A	A		A	A	A		A	A	A	A	A		A					A	A		A			A					A	
05030199	0000	05030199	0000	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X			X		X	X	X	X	
05030206	2120	05030206	2120	X	X		X	X	X	X		X	X	X		X	X	,	X	X		X					X	X		X			X			X	X		
05030207	2121	05030207	2121	X	X		X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X			X			X	X		
05030213	2220	05030213	2220	X	X		X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X			X			X	X		
05030214	2221	05030214	2221	X	X		X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X			X			X	X		
05030228	1420	05030228	1420	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X		X					X	X		X			X		X	X	X		
05030236	0000	05030236	0000	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X			X						
05030239	0000	05030239	0000	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X			X			X	X		
05030240	0000	05030240	0000	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X			X			X	X	X	
05030242	0000	05030242	0000	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X		X					X	X		X			X		X	X	X	X	
05030244	0000	05030244	0000	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X			X		A	X	X		
05030250	0000	05030250	0000	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X			X		X				
05030252	0000	05030252	0000	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X			X		X				
05030299	0000	05030299	0000	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X					X	X	X		
05030299	0001	05030299	0001	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X									X

2015	A↓	2014	A↓	F508B	F509A	F510	F511	F531	F532	F533	F600	F601	F602	F603	F700	F702	F703	F703A	F703B	F703C	F707	F707A	F707B	F707C	F800	F800B	F801	F802	F802B	F804	F805	F808	F809	F812	F814	F816	F816B	
05030105	0000	05030105	0000								X	X	X	X																								
05030106	0000	05030106	0000	X	X		X				X	D	D	D																								
05030107	0000			A	A						A																											
05030199	0000	05030199	0000	X	X		X				X	X	X	X																								
05030206	2120	05030206	2120								X	X	X	X																								
05030207	2121	05030207	2121																																			
05030213	2220	05030213	2220								X	X	X	X																								
05030214	2221	05030214	2221																																			
05030228	1420	05030228	1420				X																															
05030236	0000	05030236	0000								X	X	X	X																								
05030239	0000	05030239	0000								X	X	X	X																								
05030240	0000	05030240	0000	X	X		X				X	D	D	D																								
05030242	0000	05030242	0000	X	X		X				X	X	X	X																								
05030244	0000	05030244	0000								X	X	X	X																								
05030250	0000	05030250	0000								X	X	X	X																								
05030252	0000	05030252	0000								X	X	X	X																								
05030299	0000	05030299	0000	X	X		X				X	X	X	X																								
05030299	0001	05030299	0001	X	X						X	X	X	X																								

2015	A↓	2014	A↓	F100	F101	F103	F105	F105B	F105C	F106	F106A	F107	F108	F109	F110	F200	F201	F202A	F202B	F202C	F205	F207	F220	F221	F222B	F222C	F300	F300B	F301	F304	F305	F306	F307	F402	F500	F502	F503	F508A		
05030299	0004	05030299	0004	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X									X	
05030299	0005	05030299	0005	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X					X	X	X	X			X		X	X	X	X	X	
05030299	0008	05030299	0008	X	X		X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X			X			X	X			
05030299	0009	05030299	0009	X	X		X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X			X			X	X			
05030299	0010	05030299	0010	X	X		X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X			X			X	X			
05030299	0018	05030299	0018	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X			X			X	X			
05030299	0019	05030299	0019	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X									X	
05030299	0021	05030299	0021	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X	X	X	X	X	X	X		X			X		X	X	X	X	X	
05030299	0022	05030299	0022	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X	X	X	X	X	X	X		X			X		X	X			X	
05030299	0023	05030299	0023	D	D	D	D	D	D	D		D	D	D	D	D	D	D	D	D		D					D	D		D			D		D	D			D	
05030299	0024	05030299	0024	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X										X
05030299	0025	05030299	0025	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X										X
05030299	0026	05030299	0026	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X										X
05030299	0041	05030299	0041	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X		X					X	X		X			X		X	X	X	X	X	
05030299	0043	05030299	0043	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X	X		X					X	X		X			X							X
05030299	0051	05030299	0051	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X										X
05030299	1310	05030299	1310	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X										X
05030299	2125	05030299	2125	X	X		X	X	X	X		X	X	X		X	X	X	X	X		X					X			X			X			X	X			

2015	A↓	2014	A↓	F508B	F509A	F510	F511	F531	F532	F533	F600	F601	F602	F603	F700	F702	F703	F703A	F703B	F703C	F707	F707A	F707B	F707C	F800	F800B	F801	F802	F802B	F804	F805	F808	F809	F812	F814	F816	F816B		
05030299	0004	05030299	0004	X	X		X				X	X	X	X																									
05030299	0005	05030299	0005	X	X		X				X	X	X	X																									
05030299	0008	05030299	0008								X	X	X	X																									
05030299	0009	05030299	0009								X	X	X	X																									
05030299	0010	05030299	0010								X	X	X	X																									
05030299	0018	05030299	0018				X				X	X	X	X																									
05030299	0019	05030299	0019	X	X		X				X	X	X	X																									
05030299	0021	05030299	0021	X	X		X				X	X	X	X																									
05030299	0022	05030299	0022	X	X		X				X	X	X	X																									
05030299	0023	05030299	0023				D				D	D	D	D																									
05030299	0024	05030299	0024	X	X		X				X	X	X	X																									
05030299	0025	05030299	0025	X	X		X				X	X	X	X																									
05030299	0026	05030299	0026	X	X		X				X	X	X	X																									
05030299	0041	05030299	0041	X	X		X				X	X	X	X																									
05030299	0043	05030299	0043	X	X		X				X	X	X	X																									
05030299	0051	05030299	0051	X	X						X	X	X	X																									
05030299	1310	05030299	1310	X	X		X				X	X	X	X																									
05030299	2125	05030299	2125								X	X	X	X																									

2015	A↓	2014	A↓	F100	F101	F103	F105	F105B	F105C	F106	F106A	F107	F108	F109	F110	F200	F201	F202A	F202B	F202C	F205	F207	F220	F221	F222B	F222C	F300	F300B	F301	F304	F305	F306	F307	F402	F500	F502	F503	F508A	
05030299	2128	05030299	2128	X	X		X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X					X	X			
05030299	2222	05030299	2222	X	X		X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X					X	X			
05030299	3900	05030299	3900	X	X					X		X	X	X		X	X	X	X	X		X					X	X		X									
05030299	3910	05030299	3910	X	X	X	X	X	X	X		X	X	X		X	X	X	X	X		X					X	X		X				X	X				
05030300	0000	05030300	0000	X	X	X				X		X	X	X		X	X	X	X	X		X					X	X		X									
05030900	0000			A	A	A	A	A	A	A		A	A	A		A	A	A	A	A		A					A	A		A				A					
05040114	0000	05040114	0000	X	X	X	X		X	X		X	X	X	X	X	X	X	X	X		X								X			X	X					
05040501		05040501		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
05046001		05046001		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
05070106																																							
05070107		05070107																																					
05070200		05070200																																					
67010000	0000	67010000	0000																																				
67020000	0000	67020000	0000	X	X					X		X	X	X		X	X	X	X	X															X				
67030000	2071	67030000	2071	X	X	X				X		X	X	X	X	X	X	X	X	X		X																	

2015	A↓	2014	A↓	F508B	F509A	F510	F511	F531	F532	F533	F600	F601	F602	F603	F700	F702	F703	F703A	F703B	F703C	F707	F707A	F707B	F707C	F800	F800B	F801	F802	F802B	F804	F805	F808	F809	F812	F814	F816	F816B			
05030299	2128	05030299	2128								X	X	X	X																										
05030299	2222	05030299	2222								X	X	X	X																										
05030299	3900	05030299	3900																																					
05030299	3910	05030299	3910	X	X						X	X	X	X																										
05030300	0000	05030300	0000																																					
05030900	0000																																							
05040114	0000	05040114	0000			X					X	X	X	X																										
05040501		05040501		X	X						X	X	X	X																										
05046001		05046001		X	X						X	X	X	X																										
05070106																																								
05070107		05070107																																						
05070200		05070200																																						
67010000	0000	67010000	0000																																					
67020000	0000	67020000	0000																																					
67030000	2071	67030000	2071			X	X																																	

ANNEX II

Technical specifications for the transfer of computer files concerning EAGF and EAFRD expenditure

INTRODUCTION

These technical specifications apply in respect of the financial year 2014, which commenced on 16 October 2013.

1. Transfer medium

The coordinating body of the Member State must transfer the computer files and the relating documentation to the Commission through STATEL/eDAMIS. The Commission shall only support one installation of STATEL/eDAMIS per Member State. The latest eDAMIS client and more information on the use of STATEL/eDAMIS shall be downloaded from the CIRCABC website of the agricultural funds.

2. Computer file structure

- 2.1. The Member State must create a computer record for each individual component of the EAGF/EAFRD payments and receipts. These components are the individual items of which the payment (receipt) to (from) the beneficiary consists.
- 2.2. The records must have a flat file structure. If fields have more than one value, separate records containing all data fields are required. Make sure that no double counting occurs. ⁽¹⁾
- 2.3. All information for the same category of payments or receipts must be contained in the same computer file. Separate files relating to the same payments (e.g. for traders or inspections, or for basic and measure data) are not allowed.
- 2.4. The computer files must have the following characteristics:

The first record in the file (header row) contains the file description. The field names comprise an 'F' followed by the field number used in Annex I (the 'X-table'). Only field names existing in that Annex are allowed.

The following records in the file are data (data rows), in the order indicated by the first record describing the file structure.

The fields are separated by a semicolon (;). The header row and data rows shall all contain the same number of semicolons. In the data rows, empty fields appear as a double semicolon (;;) within the record, or as a single semicolon (;) at the end of the record.

Records vary in length. Each record ends with a code 'CR LF' or 'Carriage Return — Line Feed' (in hexadecimal: '0D 0A'). The header row never ends on a ';'. Data rows only end on a ';' if the last field is empty.

The file is in ASCII coding according to the following table. Other codes (such as EBCDIC, TAR, ZIP, etc.) are not accepted:

Code	Member State
ISO 8859-1	BE, DK, DE, ES, FR, IE, IT, LU, NL, AT, PT, FI, SE and GB
ISO 8859-2	CZ, HR, HU, PL, RO, SI and SK
ISO 8859-3	MT
ISO 8859-5	BG
ISO 8859-7	GR and CY
ISO 8859-13	EE, LV and LT

⁽¹⁾ Note: You should first read the preliminary remark concerning 'quantities' in Chapter 5 of Annex III.

Numeric fields:

Decimal separator: ‘.’

The symbol (+ or -) appears on the far left, followed immediately by the figures. For positive numbers, the + sign is optional.

Fixed number of decimals (the details are set out in Annex III).

No spaces between digits. No spaces or other signs between thousands.

Date field: ‘YYYYMMDD’ (year in four digits, month in two digits, day in two digits).

Budget code (field F109) required format without spaces: ‘99999999999999’ (where ‘9’ stands for any figure between 0 and 9).

Quotation marks (") are not allowed at the beginning or at the end of the records. The semicolon field separator ‘;’ must not be used in data in text format.

All fields: no spaces at the beginning or end of a field.

Files satisfying these rules shall follow the following structure (example for financial year 2013):

F100;F101;F106;F107;F108;F109

BE01;154678;+152.50;EUR;20130715;050201011000016

BE01;024578;-1000.00;EUR;20130905;050208031502013

BE01;154985;9999.20;EUR;20130101;050205011100012

BE01;100078;+152.75;EUR;20130331;050208110000009

BE01;215452;+0.50;EUR;20130615;050201011000016 (Please note +0.50 and not +.50)

etc.

(other data rows with the fields in the same order).

- 2.5. Data files with the characteristics as described under point 2.4 shall be sent with consignment type ‘X-TABLE-DATA’ (see ‘eDAMIS client’).
- 2.6. The computer program for checking the format of computer files before sending them to the Commission (‘WinCheckCsv’) is included in the data transfer program (‘eDAMIS client’). The paying agencies are invited to download the check program from CIRCABC separately for offline validation purposes.

3. Annual declaration

- 3.1. The coordinating body of the Member State must send either one annual declaration file for all paying agencies or separate annual declaration files for each paying agency. An annual declaration file shall contain the total amounts by paying agency together with the budget and currency codes, for both EAGF and EAFRD measures (Article 6(b) and (c) of Regulation (EC) No 885/2006).
- 3.2. The files shall have the characteristics as described under point 2.4. Each line shall contain the following fields (in this order):
 - (a) F100: paying agency code;
 - (b) F109: budget code;
 - (c) F106: amount expressed in the currency code F107;
 - (d) F107: currency code.

- 3.3. Files satisfying the rules shall follow the following structure (example for financial year 2013):

F100;F109;F106;F107

BE01;050201021014001;218483644.90;EUR

BE01;050203003010001;29721588.82;EUR

BE01;050203003011001;26099931.75;EUR

BE01;050204013100157;20778423.44;EUR

BE01;050204013100160;16403776.45;EUR

BE01;050207011403031;8123456.45;EUR

etc. ⁽¹⁾

3.4. Annual declaration files shall be sent through STATEL/eDAMIS with consignment type 'ANNUAL-DECLARATION'.

4. Explanation of differences

4.1. In the case of differences between the annual declaration and monthly or quarterly declaration or X-table data the coordinating body of the Member State shall send either one 'difference-explanation' file for all paying agencies or separate 'difference-explanation' files for each paying agency. Such file(s) shall explain, through standard codes, the difference by budget code between the annual declaration and monthly declaration (T104) or between annual declaration and quarterly declaration (SFC2007 — EAFRD programming period 2007-2013); the difference by budget code and/or focus area between annual declaration and quarterly declaration (SFC2014 — EAFRD programming period 2014-2020) or between annual declaration and the sum of the records (Σ F106) of the X-table data.

4.2. The files shall have the characteristics as described under point 2.4. Each line shall contain the following fields and in following order):

(a) F100: paying agency code;

(b) F109: budget code;

(c) Exco: explanation-reconciliation code;

(d) F106: amount of the explained difference in euros

4.3. The explanation-reconciliation code must be expressed by a code corresponding to the list underneath. For differences relating to declarations under the EAGF or the EAFRD programming period 2007-2013; an explanation code can only be provided once per budget code (F109).

For differences related to declarations of expenditure under the EAFRD programming period 2014-2020 the explanation code (as described in list underneath — codes B01 to B99) should be extended with 2 additional digits comprising the respective Union priority and focus area as described in Article 5 of Regulation (EU) No 1305/2013 of the European Parliament and of the Council ⁽²⁾ (e.g.: **4c** for differences relating to the focus area 'preventing soil erosion and improving soil management') ⁽³⁾. For focus areas not explicitly described in Article 5; the 2 additional digits to use should be 'yy'. Differences of expenditure not related to focus areas should be identified by adding 'zz'.

Code EAGF	(A) Type of difference (Annual Declaration to (= MINUS) Monthly Declaration (T104))
A01	Administrative error (outstanding amounts to be recovered at the end of the financial year and credited to the EAGF via the Annual Declaration)
A02	Rounding error
A03	Misposting error (data input on wrong budget code)
A04	Cut-off error (amount in Annual Declaration but not reported in T104)

⁽¹⁾ Budget codes, for which no expenditure is declared, should not be included in the Annual Declaration file.

⁽²⁾ Regulation (EU) No 1305/2013 of the European Parliament and of the Council of 17 December 2013 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and repealing Council Regulation (EC) No 1698/2005 (OJ L 347, 20.12.2013, p. 487).

⁽³⁾ A correct combination would for instance be **B011a** for differences related to administrative errors regarding expenditure paid under Article 5(1)(a) of Regulation (EU) No 1305/2013.

A05	Cut-off error (amount in T104 but not declared in Annual Declaration)
A06	Payment error (payment pending in the bank)
A07	Late payment correction
A08	Ceiling error (correction because expenditure passed ceiling)
A09	Off-set of irrecoverable amount
A10	Off-set of irrecoverable amount (50/50 rule)
A11	Correction due to recovery of outstanding debts
A12	Correction due to double entry of expenditure
A13	Reallocation of expenditure by Fund (national or Union)
A20	Conformity corrections
A21	Adjustments on entitlements
A22	Modulation not declared
A23	Exchange rate corrections
A90	Public storage (P-STO tables 13th period)
A99	Other error
Code EAFRD	(B) Type of difference (Annual Declaration to (= MINUS) Quarterly Declaration (SFC2007 — SFC2014))
B01	Administrative error (outstanding amounts actually recovered but not yet deducted in the Quarterly Declarations during the reference period and credited to the EAFRD via the Annual Declaration)
B02	Rounding error
B03	Misposting error (data input on wrong budget code and/or focus area)
B04	Cut-off error (amount in Annual Declaration but not reported in Quarterly Declaration)
B05	Cut-off error (amount in Quarterly Declaration but not declared in Annual Declaration)
B06	Payment error (payment pending in the bank)
B11	Correction due to recovery of outstanding debts
B12	Correction due to double entry of expenditure
B13	Reallocation of expenditure by Fund (national or Union)
B14	Co-financing rate error (amount with wrong co-financing rate in Annual Declaration)
B15	Co-financing rate error (amount with wrong co-financing rate in Quarterly Declaration)
B16	Difference due to co-financing rate in Quarterly Declaration
B23	Exchange rate corrections
B99	Other error

Code X-table	(C) Type of difference (Annual Declaration to (= MINUS) X-table (EAGF and EAFRD))
C01	Administrative error (outstanding amounts to be recovered at the end of the financial year and credited to the EAGF/EAFRD via the Annual Declaration)
C02	Rounding error
C03	Misposting error (data input on wrong budget code)
C04	Cut-off error (amount in Annual Declaration but not reported in X-table)
C05	Cut-off error (amount in X-table but not declared in Annual Declaration)
C06	Payment error (payment pending in the bank)
C07	Late payment correction in AD
C08	Ceiling error (correction in AD because expenditure passed ceiling)
C09	Off-set of irrecoverable amount
C10	Off-set of irrecoverable amount (50/50 rule)
C11	Correction due to recovery of outstanding debts
C12	Correction due to double entry of expenditure
C13	Reallocation of expenditure by Fund (national or Union)
C14	EAFRD: Co-financing rate error (amount with wrong co-financing rate in Annual Declaration)
C15	EAFRD: Co-financing rate error (amount with wrong co-financing rate in X-table)
C20	Conformity corrections
C21	Adjustments on entitlements
C22	Modulation not declared
C23	Exchange rate corrections
C24	EAGF — 25 % retention on amounts resulting from cross-compliance ⁽¹⁾
C25	EAGF — 20 % retention on amounts recovered following irregularities ⁽²⁾
C98	Not required X-table data
C99	Other error

⁽¹⁾ Article 25 of 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 (OJ L 30, 31.1.2009, p. 16).

⁽²⁾ Article 32 of Council Regulation (EC) No 1290/2005 of 21 June 2005 on the financing of the common agricultural policy (OJ L 209, 11.8.2005, p. 1).

4.4. Files satisfying the rules shall follow the following structure (example for financial year 2014):

F100;F109;Exco;F106

AT01;050207991403011;A03;+505.90

The amount declared in the Annual Declaration is EUR 505,90 higher than the amount (wrongly) declared in the monthly declarations (Tables 104).

AT01;05020812000021;A03;-505.90

The amount declared in the Annual Declaration is EUR 505,90 lower than the amount (wrongly) declared in the monthly declarations (Tables 104).

AT01;050302062120054;A01;-125.80

The amount declared in the Annual Declaration is EUR 125,80 lower than the amount declared in the monthly declarations (Tables 104) due to the correction on 'administrative errors'.

AT01;050302072121141;C04;+31.05

The amount declared in the Annual Declaration is EUR 31,05 higher than the amount reported in the X-table due to a cut-off problem.

AT01;050460010153201;B014a;-100.00

AT01;050460010153201;B014c;-50.00

The amount declared for measure 015 in the Annual Declaration is EUR 150,00 lower than the amounts reported via the quarterly declarations (SFC2014) due to administrative errors. There has been an administrative error of EUR 100,00 on a transaction booked under focus 4a and a second administrative error on a payment under focus 4c.

The code for indicating administrative errors is extended with 2 digits indicating the focus area (only for programming period 2014-2020).

AT01;050302072121142;C05;-81.00

AT01;050405011321001;B02;+3.04

AT01;050405013211001;C15;+3075.07

AT01;050405013211001;C14;-688.23

etc.

- 4.5. The 'difference-explanation' files shall be sent through STATEL/eDAMIS with consignment type 'DIFFERENCE-EXPLANATION'.

5. Documentation (code list)

- 5.1 In case where codes are used for fields, for which Annex III does not enforce standard codes, the coordinating body of the Member State must transfer a code list for each paying agency through STATEL/eDAMIS in order to explain all those used codes.
- 5.2 This code list can have the look and feel of an ordinary letter. The identity of the paying agency and the name or administrative unit of the addressee shall be clearly marked.
- 5.3 The eDAMIS client includes a specific consignment type for this kind of tabular transfer, i.e. 'CODE-LIST'.

6. Data transfer

The coordinating body must send the computer files completely and only once.

If the coordinating body notices that false data were transmitted or a problem occurred with the data transfer, the Commission has to be informed immediately. All files, which contain incorrect information, are to be indicated. Therefore, the Commission is to be asked to delete those files. Thereafter, in order to avoid an overlapping of computer records or data files, the coordinating body must send the corrected computer files to replace entirely the previous incorrect information.

ANNEX III

'AIDE-MEMOIRE'
Financial year 2015

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General remark: significance of the X, A and D codes used in Annex I:

All the information marked 'X' or 'A' is obligatory.

'X' = data element already included in Implementing Regulation (EU) No 991/2013.

'A' = data element to be added compared to Implementing Regulation (EU) No 991/2013.

'D' = data element to be deleted compared to Implementing Regulation (EU) No 991/2013.

Where a data request makes no sense under particular circumstances or is not applicable for the Member States concerned, then put NULL value, which shall be represented by two consecutive semicolons (;;) in the CSV format data file or put a zero value (0.00).

1. DATA RELATING TO PAYMENTS:

Preliminary remark: In this section, the term 'payment' refers to both the EAGF and EAFRD payments and the receipts.

1.1. **F100: name of paying agency**

Required format: to be expressed by a code (see the code list F100 kept up-to-date on CAP-ED):

<https://webgate.ec.europa.eu/agriportal/awaiportal/>

1.2. **F101: reference number of payment**

The reference number identifying the payment clearly in the paying agency's accounts. Removals relating to food aid shall not be considered as sales of intervention products. In this particular case field F101 can be ignored.

1.3. **F103: type of payment**

Required format: to be expressed by a one-character code corresponding to the following code list:

Code	Significance
0	Food aid
1	Advance payment
2	Final payment (first and single payment, or settlement of the balance after advance payment, or normal export refund payment)
3	Recovery/reimbursement (following a sanction)/correction
4	Receipt of amounts (not preceded by an advance or final payment)
5	Prefinancing payment export refund
6	No financial transaction
7	Partial payment

1.4. **F105: payment with sanction**

Required format: yes = 'Y'; no = 'N'.

1.5. **F105B: cross-compliance: reduction or exclusion from payments**

For EAGF, the field F105B must be used to indicate the amount reduced or excluded (negative amount) on the basis of Article 23 of Regulation (EC) No 73/2009 (now Article 97 of Regulation (EU) No 1306/2013). This

negative amount (in euros) resulting from cross-compliance control system must only be shown once per beneficiary under direct aids. It concerns the 100 % reduction to the farmer, without the 25 % retention provided for in Article 25 of Regulation (EC) No 73/2009 (now Article 100 of Regulation (EU) No 1306/2013).

For EAFRD, the field is related to the public expenditure. The field must be used to indicate the amount reduced or excluded (negative amount) on the basis of Article 51 of Council Regulation (EC) No 1698/2005 ⁽¹⁾ (now Regulation (EU) No 1306/2013). This negative amount (in euros) resulting from cross-compliance control system must only be shown once per beneficiary under the corresponding EAFRD budget codes.

Required format: +99.... 99.99 or -99.... 99.99, where 9 stands for a digit from 0 to 9.

1.6. F105C: amount (in euros) not paid: reduction or exclusion from payments as a result of administrative and/or on-the-spot checks

The field must be used to indicate the amount reduced or excluded on the basis of administrative and/or on-the-spot checks pursuant to the sector relevant regulation. For EAFRD, the field is related to the public expenditure. This (negative) amount resulting from administrative and/or on-the-spot checks must be reported in field F105C for each budget post for which a reduction or exclusion has been made. This negative amount (in euros) must only be shown once per beneficiary.

The amount resulting from cross-compliance shall be reported in field F105B and as such, shall not form part of the (negative) amount to be reported in field F105C.

Required format: +99.... 99.99 or -99.... 99.99, where 9 stands for a digit from 0 to 9.

1.7. F106: amount in euros

Amount of each individual item of payment in euros.

The amounts in field F106 shall relate to the EAGF and EAFRD expenditure only. National expenditure shall not appear under this heading.

For EAGF, the sum of those amounts (F106) by budget code (F109) shall correspond with the amounts declared in table 104.

For EAFRD, the sum of those amounts (F106) by budget code (F109) shall correspond with the amounts calculated in the quarterly declarations of expenditure for the same period.

Required format: +99.... 99.99 or -99.... 99.99, where 9 stands for a digit from 0 to 9.

1.8. F106A: public expenditure in euros

Amount of any public contribution to the financing of operations whose origin is the budget of the Member State, of regional and local authorities, of the Union and any similar expenditure.

The sum of those amounts (F106A) by budget code (F109) shall in principle correspond with the amounts declared as public expenditure in the quarterly declarations of expenditure for the same period.

Required format: +99.... 99.99 or -99.... 99.99, where 9 stands for a digit from 0 to 9.

1.9. F107: currency unit

Required format: EUR

1.10. F108: date of payment

The date determining the month of declaration to the EAGF/EAFRD.

⁽¹⁾ Council Regulation (EC) No 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 277, 21.10.2005, p. 1).

Required format: 'YYYYMMDD' (year in four digits, month in two digits, day in two digits).

1.11. F109: budget code

For EAGF, the full code of the activity-based budgeting structure must be given, including the title, chapter, article, item and sub-item.

For EAFRD budget line 05040501, the budget sub-items must be given as described in Section 1.2 of Annex IV.

For EAFRD budget line 05046001, the budget sub-items must be given as described in Section 2.2 of Annex IV.

Required ABB-format without spaces: '99999999999999', where 9 stands for a digit from 0 to 9.

1.12. F110: marketing year, calendar year or period

For intervention products, the marketing year to which the product corresponds or the quota period it is to be set off against.

For EAFRD investment measures, it is the calendar year of the submission of the initial application for financial support. For multiannual commitments, related to, e.g. area based or animal-based measures, it is the calendar year in which the commitment started.

2. DATA RELATING TO BENEFICIARY (APPLICANT):

Preliminary remark: The fields F200, F201, F202A, F202B and F202C must always be used to identify the beneficiary of a payment, i.e. the final beneficiary. The fields F220, F221, F222B and F222C may only be used if a payment is made to the beneficiary through an intermediate organisation. The field F207 is only related to the field F200.

2.1. F200: identification code

The individual unique identifier allocated to each applicant at Member State level for all payments made under EAGF and EAFRD.

2.2. F201: name

The applicant's last name and first name, or the business name.

2.3. F202A: applicant's address (street and number)

2.4. F202B: applicant's address (international post code)

2.5. F202C: applicant's address (municipality or city)

2.6. F205: holding in less-favoured region

Support for a holding in a less-favoured area must be indicated here.

Required format: yes = 'Y'; no = 'N'.

2.7. F207: region and sub-region in the Member State

Region and sub-region code (NUTS 3) is defined by the main activities of the holding of the beneficiary to which the payment is assigned.

The code 'Extra Region' (MSZZZ) shall only be indicated in cases, e.g. where no NUTS 3 code exists.

Required format: NUTS 3 code as specified in the code list F207 on CAP-ED: <https://webgate.ec.europa.eu/agriportal/awaiportal/>

2.8. F220: identification code of the intermediate organisation

The individual unique identifier allocated to intermediate organisations at Member State level. The payment is made to the beneficiary via the intermediate organisation, i.e. via each intermediate institution or directly to this organisation.

2.9. F221: name of the intermediate organisation

The organisation's name.

2.10. F222B: organisation's address (international post code)

2.11. F222C: organisation's address (municipality or city)

3. DATA RELATING TO DECLARATION/APPLICATION:

3.1. F300: number of declaration/application

This must enable the declaration/application to be traced through the Member States' files. It shall be unique for interventions in agricultural markets, direct aids and rural development ensuring the clear identification of the number of the declaration/application in the accounting system.

3.2. F300B: date of declaration/application

The date of receipt of the declaration/application by the paying agency or by one of its delegated bodies (including any divisional or regional offices thereof).

In the case of payments under the national support programmes in the wine sector, the date of logging of the application shall be the one referred to in Article 37(b) of Commission Regulation (EC) No 555/2008 ⁽¹⁾.

For rural development measures subject to Title I of Part II of Commission Regulation (EU) No 65/2011 ⁽²⁾; the date of declaration is related to the payment claim referred to in Article 8 of that Regulation. In the case of rural development measures which are subject to Title II of Part II of that Regulation, the date of application is related to the payment claim as defined in Article 2(b) of that Regulation.

Required format: 'YYYYMMDD' (year in four digits, month in two digits, day in two digits).

3.3. F301: number of contract/project (where applicable)

For EAFRD measures and programmes, a unique identification number must be allocated to each project.

3.4. F304: authorising office

This is the office responsible for administrative control and authorisation, e.g. the region. The more decentralised the management of the scheme is, the more important this information becomes.

3.5. F305: number of certificate/licence

'N' = no, if not applicable.

⁽¹⁾ Commission Regulation (EC) No 555/2008 of 27 June 2008 laying down detailed rules for implementing Council Regulation (EC) No 479/2008 on the common organisation of the market in wine as regards support programmes, trade with third countries, production potential and on controls in the wine sector (OJ L 170, 30.6.2008, p. 1).

⁽²⁾ Commission Regulation (EU) No 65/2011 of 27 January 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures (OJ L 25, 28.1.2011, p. 8).

3.6. **F306: date of issue of the certificate/licence**

This field must be completed when a number of certificate/licence is indicated in field F305.

Required format: 'YYYYMMDD' (year in four digits, month in two digits, day in two digits).

3.7. **F307: office holding supporting documents**

Only where this is not the same as that specified in field F304.

4. DATA RELATING TO SECURITY:

4.1. **F402: amount of processing security (others than tender securities) in euros**

In the case of advance payments in the wine sector (budget post 05020908) the amount of the security lodged must be indicated.

Required format: +99....99.99 or -99....99.99, where 9 stands for a digit from 0 to 9.

5. DATA RELATING TO PRODUCTS:

Preliminary remark concerning quantities: as a basic rule, quantities, areas and numbers of animals must only be shown once. In the case of an advance payment followed by a balance payment, the quantity must be shown in the record of the advance payment. This applies also to cases where the advance payment and balance payment are booked on different budget sub-posts (advances and balance). Adjustments to quantities, areas and numbers of animals must be shown in the records covering the balance or subsequent payments. In the case of sums recovered, if the amount applied for is reduced because of incorrect quantities, areas or numbers of animals, the adjustments to the quantities must be indicated by a minus sign.

5.1. **F500: product code/rural development sub-measure code**

The Member States must draw up their own lists of codes, to be detailed in the explanatory note to the payment file(s).

For rural development measures under EAFRD budget post 05040501 and 05046001, indicate where applicable a code per sub-measure implemented (e.g. type of agri-environmental measure).

In the case of export refunds: F500 is only required if F804 contains ingredients for which export refund is fixed. Then in F500, the code of the goods (the CN code declared in box 33 of the Single Administrative Document (SAD); 8 digits) must be indicated for non-Annex I goods, or the product code for the final processed agricultural products. In the case of the specific support as defined by Article 68 of Regulation (EC) No 73/2009 indicate the measure for which the support is granted.

5.2. **F502: quantity paid (number of animals, hectares, etc.)**

See preliminary remarks in heading 5 (data relating to products).

For the wine sector, the products obtained after distillation shall be expressed by alcoholic strength.

For all other sectors, the quantity paid shall be expressed in the unit which is laid down in the Regulation as the basis for the premium payment.

Required format: +99....99.99 or -99....99.99, where 9 stands for a digit from 0 to 9. With a possibility to increase the number of decimals if significant. (maximum 6).

5.3. **F503: quantity covered by payment application lodged (quantity claimed)**

Required format: +99....99.99 or -99....99.99, where 9 stands for a digit from 0 to 9. With a possibility to increase the number of decimals if significant. (maximum 6).

5.4. F508A: area covered by payment application lodged

The area covered by the application.

Required format: +99....99.99 or -99....99.99, where 9 stands for a digit from 0 to 9.

5.5. F508B: area covered by payment made

See preliminary remark in heading 5 (data relating to products).

The area on which the payment is made.

Required format: +99....99.99 or -99....99.99, where 9 stands for a digit from 0 to 9.

5.6. F509A: area wrongly declared

The difference between the area declared and that measured. Overstatement being the area declared exceeding the area measured and reported with a positive figure. Understatement being the area measured exceeding the area declared and reported with a negative figure.

Required format: +99....99.99 or -99....99.99, where 9 stands for a digit from 0 to 9.

5.7. F510: Union regulation and article number

In the case of intervention goods, the ad hoc instrument published in the *Official Journal of the European Union* is required.

In the case of rural development measures under EAFRD budget post 05046001, indicate where applicable a code for the respective Union priority (focus area) for rural development ⁽¹⁾ chosen.

5.8. F511: EAGF rate of aid (in euros) per unit of measurement

The field F511 must be used if data is reported in one of the required quantity fields F502, F508B and F800. The rate of aid must be expressed in the same unit of measurement as the reported quantity.

Required format: 9....9.999999, where 9 stands for a digit from 0 to 9.

5.9. F531: total alcoholic strength by volume

Expressed in %vol/hl.

Required format: 99.99, where 9 stands for a digit from 0 to 9.

5.10. F532: natural alcoholic strength by volume

Expressed in %vol/hl.

Required format: 99.99, where 9 stands for a digit from 0 to 9.

5.11. F533: wine-growing zone

Wine-growing zone as defined in the Appendix 1 to Annex VII of Regulation (EU) No 1308/2013 ⁽²⁾ of the European Parliament and of the Council.

Required format: to be expressed by one of the following codes: A, B, CI, CII, CIIIA, CIIIB.

⁽¹⁾ Codes should be given in accordance with Article 5 of Regulation (EU) No 1305/2013. For instance: code **1a** for expenditure contributing to 'fostering knowledge transfer and innovation in agriculture, forestry, and rural areas with a focus on fostering innovation, cooperation and the development of the knowledge base in rural areas'.

⁽²⁾ 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).

6. DATA RELATING TO INSPECTIONS:

The number of inspections carried out and the number of cases where penalties have been applied as a result. Where the premium is withheld or recovered in full, zero payments must be indicated with the date of the decision in F108.

6.1. F600: on-the-spot inspection

The 'on-the-spot checks' mentioned here are those referred to in the relevant regulations ⁽¹⁾. They include the physical visits of the farm (code 'F' or code 'C') and/or checks by remote sensing (code 'T') and, the physical spot checks of goods (code 'G'), the substitution checks (code 'S') and the specific substitution checks (code 'U') for export refunds.

Field F601 needs to be completed only if an on-farm inspection or control on cross-compliance ('F' or 'C') is indicated in field F600.

Field F602 needs to be completed where an on-the-spot check ('F', 'C', 'T', 'G', 'S' or 'U') is indicated in field F600.

In the case of multiple visits concerning the same measure and producer, only report once. Every record, be it the advance or balance payment or other, that can be related to a particular inspection, shall have the appropriate code in field F600.

The administrative checks referred to in the relevant regulations ⁽¹⁾, shall not be mentioned in F600. Nevertheless, sanctioned claims shall be identified in field F105 (code 'Y') and reduced or excluded amounts shall be reported in field F105C (negative amount), whether they originate from an administrative check or on-the-spot check.

Required format: 'N' = no inspection, 'F' = on-farm inspection, 'C' = controls on cross-compliance, 'T' = inspection by remote sensing, 'G' = on-the-spot check of goods, 'S' = substitution check and 'U' = specific substitution check.

For a combination of on-farm inspection and cross-compliance and/or inspection by remote sensing; one of corresponding codes 'FT', 'CT', 'CF' or 'FTC' must be shown.

In the case of a combination of checks for export refunds one of the corresponding codes 'GS', 'GSU', 'GU' or 'SU' must be reported.

6.2. F601: date of inspection

This field must be completed when an on-farm inspection or control on cross-compliance ('F' or 'C') is indicated in field F600. The date of inspection is not required for remote sensing checks.

⁽¹⁾ Commission Regulation (EU) No 65/2011 of 27 January 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1698/2005, as regards the implementation of control procedures as well as cross-compliance in respect of rural development support measures (OJ L 25, 28.1.2011, p. 8).

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 (OJ L 30, 31.1.2009, p. 16).

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).

Commission Regulation (EEC) No 2159/89 of 18 July 1989 laying down detailed rules for applying the specific measures for nuts and locust beans as provided for in Title IIa of Council Regulation (EEC) No 1035/72 (OJ L 207, 19.7.1989, p. 19).

Commission Regulation (EC) No 1621/1999 of 22 July 1999 laying down detailed rules for the application of Council Regulation (EC) No 2201/96 as regards aid for the cultivation of grapes to produce certain varieties of dried grapes (OJ L 192, 24.7.1999, p. 21).

Commission Regulation (EC) No 1276/2008 of 17 December 2008 on the monitoring by physical checks of exports of agricultural products receiving refunds or other amounts (OJ L 339, 18.12.2008, p. 53).

Commission Regulation (EC) No 968/2006 of 27 June 2006 laying down detailed rules for the implementation of Council Regulation (EC) No 320/2006 establishing a temporary scheme for the restructuring of the sugar industry in the Community (OJ L 176, 30.6.2006, p. 32).

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 (OJ L 347, 20.12.2013, p. 608).

Required format: 'YYYYMMDD' (year in four digits, month in two digits, day in two digits).

6.3. F602: application reduced

If the application has been reduced as a result of an inspection, this must be indicated here. This field must be completed when an on-the-spot inspection is indicated in field F600.

Required format: yes = 'Y'; no = 'N'.

6.4. F603: reason for reduction

Where there is more than one reason indicate the one justifying the highest penalty. This field must be completed when the application has been reduced as a result of an on-the-spot inspection.

Required format: to be expressed by a code; the codes must be explained in the accompanying letter.

7. DATA RELATING TO PAYMENT ENTITLEMENTS:

The following data shall be provided:

- the total amount for each kind of payment entitlement as defined in Title III of Regulation (EC) No 73/2009 (now Regulation (EU) No 1307/2013),
- financial information on the amounts not paid following administrative or on-the-spot-checks (IACS controls).

7.1. F700: amount of payment entitlement in euros

Amount of payment entitlement in euros, i.e. the total amount to be paid in respect of the payment entitlements as defined in Title III of Regulation (EC) No 73/2009 (now Regulation (EU) No 1307/2013) after performing the IACS controls.

Required format: +99.... 99.99 or -99.... 99.99, where 9 stands for a digit from 0 to 9.

7.2. F702: area covered by payment made

For payment entitlements based on areas: The area on which the payment is made.

Required format: +99.....99.99 or -99.....99.99, where 9 stands for a digit from 0 to 9.

If a payment is composed of normal entitlements and entitlements subject to special conditions, then the requested information under section A) and B) has to be filled in as appropriate. If a section is not applicable, then put NULL value in that section.

Payment entitlements mentioned under points 7.3 to 7.12 hereafter are those referred to in Title III of Regulation (EC) No 73/2009 (now Regulation (EU) No 1307/2013):

(A) Payment entitlements based on areas (normal entitlements)

7.3. F703: amount in euros of payment entitlement

The total amount in euros of the payment entitlement as lodged in the claim.

Required format: +99.... 99.99 or -99....99.99, where 9 stands for a digit from 0 to 9.

7.4. F703A: area covered by payment application lodged

The 'activated' area covered by the aid application: For payment entitlements based on areas, this is the area 'activated', i.e. maximum area subject to payment (see also Article 57(2) of Regulation (EC) No 1122/2009).

Required format: +99....99.99 or -99....99.99, where 9 stands for a digit from 0 to 9.

7.5. F703B: area determined

The area determined as a result of administrative or on-the-spot checks.

Required format: +99....99.99 or -99....99.99, where 9 stands for a digit from 0 to 9.

7.6. F703C: area not found

The difference between the 'activated' area declared in the aid application and the one found as a result of administrative or on-the-spot checks.

Overstatement being the area declared exceeding the area measured and reported as a positive figure. Understatement being the area measured exceeding the area declared and reported as a negative figure.

Required format: +99....99.99 or -99....99.99, where 9 stands for a digit from 0 to 9.

(B) Payment entitlements subject to special conditions**7.7. F707: amount in euros of payment entitlement**

The total amount in euros of the payment entitlement as lodged in the claim.

Required format: +99.... 99.99 or -99.... 99.99, where 9 stands for a digit from 0 to 9.

7.8. F707A: number of livestock units (LU) in the reference period

This number represents the agricultural activity exercised in the reference period expressed in LU in accordance with Article 44(2) of Regulation (EC) No 73/2009 (now Article 97 of Regulation (EU) No 1306/2013).

Required format: +99.... 99.99 or -99.... 99.99, where 9 stands for a digit from 0 to 9.

7.9. F707B: number of LU declared

This field must indicate the exact number of LU declared for the calendar year concerned in accordance with Article 44(2) of Regulation (EC) No 73/2009.

Required format: +99.... 99.99 or -99.... 99.99, where 9 stands for a digit from 0 to 9.

7.10. F707C: number of LU determined

The number of LU determined as a result of administrative or on-the-spot checks, in order to check the compliance with Article 44(2) of Regulation (EC) No 73/2009.

Required format: +99.... 99.99 or -99.... 99.99, where 9 stands for a digit from 0 to 9.

8. ADDITIONAL DATA RELATING TO EXPORT REFUNDS:**8.1. F800: net weight/quantity**

See preliminary remark in heading 5 (data relating to products).

The weight or the quantity shall be expressed in the unit of measurement. In the case of processed products (non-Annex I goods or processed agricultural products): the quantity of the ingredient eligible for funding. If the code of the goods (F500) contains more than one ingredient eligible for funding (F804), then multiple records with corresponding amounts (F106) and quantities (F800) must be created.

Required format: +99....99.99 or -99....99.99, where 9 stands for a digit from 0 to 9. With a possibility to increase the number of decimals if significant. (maximum 6).

8.2. F800B: unit of measurement for field F800

Required format: to be expressed by a one-character code corresponding to the following table:

Code	Meaning
K	Kilogram
L	Litre
P	Piece (item)

8.3. F801: application number (export refunds: SAD)

The more detailed the application number is given, the more important this information becomes. For instance, an extension to the application number such as the indication of the ingredient number will allow more precise identification of export refund data.

8.4. F802: customs office of placing under customs supervision

The Member States must use the Transit Customs Office List (COL) ⁽¹⁾. This is the list of authorised customs offices for Union/common transit operations. It may be that due to its objective of 'transit operations' some of the customs offices might be missing although this shall be an exception. In that case the Member State shall provide the name of the customs office in full.

Required format: The format of the COL code consists of two positions to denote the country (ISO code of a Member State) followed by a six-character code that define the customs office. For instance 'EE1000EE'.

8.5. F802B: customs office of exit

Indicate the customs office, which certifies that products covered by refund applications have left the customs territory of the Union. The Member States must use the Transit Customs Office List (COL) ⁽¹⁾. This is the list of authorised customs offices for Union/common transit operations. It may be that due to its objective of transit operations some of the customs offices might be missing although this shall be an exception. In that case the Member State shall provide the name of the customs office in full. This information is vital for the auditors concerning substitution checks. The information is available in T5 or equivalent documents.

Required format: The format of the COL code consists of two positions to denote the country (ISO code of a Member State) followed by a six-character code that define the customs office. For instance 'GB000392'.

8.6. F804: export refund code

In the case of non-processed agricultural products: the 12-digit product code, for which export refund is fixed.

In cases of processed products (non-Annex I goods or processed agricultural products): the CN code(s) of the ingredient(s) for which export refund is fixed. In this case, F500 must be completed with the code of the final product. See also the explanatory note to F800 for the procedure to follow where more than one ingredient of a processed product is eligible for refund.

8.7. F805: code for destination

Required format: 'XX', where X stands for a letter between A and Z (codes of the nomenclature of countries and territories for the external trade statistics of the Union referred to in Commission Regulation (EC) No 2020/2001 ⁽²⁾).

⁽¹⁾ http://ec.europa.eu/taxation_customs/dds2/col/col_home.jsp?Lang=en&redirectionDate=20110330

⁽²⁾ Commission Regulation (EC) No 2020/2001 of 15 October 2001 on the nomenclature of countries and territories for the external trade statistics of the Community and statistics of trade between Member States (OJ L 273, 16.10.2001, p. 6).

In view of harmonisation, the Member States shall also use the miscellaneous category (codes Q*) of the nomenclature of countries and territories for the external trade statistics. It is known that that nomenclature does not cover all special export refund cases but the Commission does not require that kind of detail. Member States shall therefore convert their special national codes to the broader categories of the nomenclature of countries and territories for the external trade statistics before sending their data to the Commission.

8.8. F808: date of advance fixing

If fixed in advance, the date on which the rate of refund was set.

Required format: 'YYYYMMDD' (year in four digits, month in two digits, day in two digits).

8.9. F809: last day of validity (advance fixing)

Required format: 'YYYYMMDD' (year in four digits, month in two digits, day in two digits).

8.10. F812: reference of the invitation to tender if applicable (advance fixing)

The procedure provided for in Article 5 of Commission Regulation (EU) No 234/2010 ⁽¹⁾ or similar procedure for other sectors. The reference of the invitation to tender shall be provided.

8.11. F814: day of acceptance of payment declaration (COM-7)

For the beef sector: in the case of prefinancing, complete field F814 only (disregarding fields F816 and F816B); if prefinancing is not involved, complete fields F816 and F816B (disregarding field F814).

Required format: 'YYYYMMDD' (year in four digits, month in two digits, day in two digits).

8.12. F816: date of acceptance of export declaration

Date within the meaning of Article 5(1) of Commission Regulation (EC) No 612/2009 ⁽²⁾.

Required format: 'YYYYMMDD' (year in four digits, month in two digits, day in two digits).

8.13. F816B: date of export from the Union territory

Date of export as indicated on the export declaration or on the T5.

Required format: 'YYYYMMDD' (year in four digits, month in two digits, day in two digits).

⁽¹⁾ Commission Regulation (EU) No 234/2010 of 19 March 2010 laying down certain detailed rules for the application of Council Regulation (EC) No 1234/2007 on the granting of export refunds on cereals and the measures to be taken in the event of disturbance on the market for cereals (OJ L 72, 20.3.2010, p. 3).

⁽²⁾ Commission Regulation (EC) No 612/2009 of 7 July 2009 on laying down common detailed rules for the application of the system of export refunds on agricultural products (OJ L 186, 17.7.2009, p. 1).

ANNEX IV

Structure of EAFRD budget codes (F109)

1. EAFRD PROGRAMMING PERIOD 2007-2013:

1.1. **Introduction**

For EAFRD (2007-2013), there is only one budget heading defined in the budget nomenclature: '05040501'.

As the budget codes can be up to 15 figures long, the remaining 7 figures can be used for identifying the programmes and measures. This will allow reconciliation of the data from the different sources on financial year, paying agency, measure and programme level.

1.2. **Budget code structure**

The budget codes must have the following structure:

The first 8 figures are constant: '05040501'.

The following 3 figures indicate the measure, according to the attached list.

The next 1 digit can have the following values:

1. non-convergence region
2. convergence region
3. outermost region
4. voluntary modulation
5. additional contribution for Portugal
6. additional amounts referred to in Article 69(5a) of Regulation (EC) No 1698/2005, non-convergence region
7. additional amounts referred to in Article 69(5a) of Regulation (EC) No 1698/2005, convergence region

The next digit indicates 0 = Operational Programme or 1 = Network Programme.

The last 2 figures indicate the programme number: figures between '01' and '99' are allowed.

Example

F109 = '050405011132001' means: budget heading '05040501' (EAFRD), measure '113' (early retirement), convergence region ('2'), Operational programme ('0') and programme number '01'.

1.3. **List of the EAFRD measures (programming period 2007-2013)**

AXIS 1: IMPROVING THE COMPETITIVENESS OF THE AGRICULTURAL AND FORESTRY SECTOR

Code	Measure
111	Vocational training and information actions
112	Setting up of young farmers
113	Early retirement
114	Use of advisory services

Code	Measure
115	Setting up of management, relief and advisory services
121	Modernisation of agricultural holdings
122	Improvement of the economic value of forests
123	Adding value to agricultural and forestry products
124	Cooperation for development of new products, processes and technologies in the agriculture and food sector and the forestry sector
125	Infrastructure related to the development and adaptation of agriculture and forestry
126	Restoring agricultural production potential damaged by natural disasters and introducing appropriate prevention actions
131	Meeting standards based on Union legislation
132	Participation of farmers in food quality schemes
133	Information and promotion activities
141	Semi-subsistence farming
142	Producer groups
143	Provision of farm advisory and extension services in Bulgaria and Romania
144	Holdings undergoing restructuring due to a reform of a common market organisation

AXIS 2: IMPROVING THE ENVIRONMENT AND THE COUNTRYSIDE THROUGH LAND MANAGEMENT

Code	Measure
211	Natural handicap payments to farmers in mountain areas
212	Payments to farmers in areas with handicaps, other than mountain areas
213	Natura 2000 payments and payments linked to Directive 2000/60/EC (WFD)
214	Agri-environment payments
215	Animal welfare payments
216	Non-productive investments
221	First afforestation of agricultural land
222	First establishment of agroforestry systems on agricultural land
223	First afforestation of non-agricultural land
224	Natura 2000 payments
225	Forest-environment payments

Code	Measure
226	Restoring forestry potential and introducing prevention actions
227	Non-productive investments

AXIS 3: IMPROVING THE QUALITY OF LIFE IN RURAL AREAS AND ENCOURAGING DIVERSIFICATION OF ECONOMIC ACTIVITY

Code	Measure
311	Diversification into non-agricultural activities
312	Business creation and development
313	Encouragement of tourism activities
321	Basic services for the economy and rural population
322	Village renewal and development
323	Conservation and upgrading of the rural heritage
331	Training and information
341	Skills acquisition, animation and implementation of local development strategies

AXIS 4: LEADER

Code	Measure
411	Implementing local development strategies. Competitiveness
412	Implementing local development strategies. Environment/land management
413	Implementing local development strategies. Quality of life/diversification
421	Implementing cooperation projects
431	Running the local action group, acquiring skills and animating the territory as referred to in Article 59 of Regulation (EC) No 1698/2005

5: TECHNICAL ASSISTANCE

Code	Measure
511	Technical assistance

6: COMPLEMENT TO DIRECT PAYMENT FOR BULGARIA AND ROMANIA

Code	Measure
611	Complement to direct payment

2. EAFRD PROGRAMMING PERIOD 2014-2020:

2.1. Introduction

For EAFRD (2014-2020), there is only one budget heading defined in the budget nomenclature: '05046001'.

As budget codes can be up to 15 figures long, the remaining 7 figures can be used for further identifying the expenditure. This will allow reconciliation of data from different sources on financial year, paying agency, measure and programme level.

2.2. Budget code structure

The budget codes must have the structure '05046001 MM RRR PP'. The first 8 digits are constant '05046001'. The following 2 digits 'MM' indicate the measure.

Code	Measure (!)
01	Knowledge transfer and information actions (Article 14)
02	Advisory services, farm management and farm relief services (Article 15)
03	Quality schemes for agricultural products and foodstuffs (Article 16)
04	Investments in physical assets (Article 17)
05	Restoring agricultural production potential damaged by natural disasters and catastrophic events and introduction of appropriate prevention actions (Article 18)
06	Farm and business development (Article 19)
07	Basic services and village renewal in rural areas (Article 20)
08	Investments in forest area development and improvement of the viability of forests (Articles 21 to 26)
09	Setting-up of producer groups and organisations (Article 27)
10	Agri-environment-climate (Article 28)
11	Organic farming (Article 29)
12	Natura 2000 and Water Framework Directive payments (Article 30)
13	Payments to areas facing natural or other specific constraints (Articles 31 and 32)
14	Animal welfare (Article 33)
15	Forest environmental and climate services and forest conservation (Article 34)
16	Cooperation (Article 35)
17	Risk management (Articles 36 to 39)
18	Financing of complementary national direct payments for Croatia (Article 40)
19	Support for Leader local development (CLLD — community-led local development) (Articles 42, 43 and 44)

Code	Measure ⁽¹⁾
20	Technical assistance (Article 51)
97	113 — Early retirement ⁽²⁾
98	131 — Meeting standards based on Union legislation ⁽²⁾
99	341 — Skills acquisition, animation and implementation of local development strategies ⁽²⁾

⁽¹⁾ Reference is made to the respective Articles of Regulation (EU) No 1305/2013.

⁽²⁾ Discontinued measure from programming period 2007-2013

The next three digits 'RRR' indicate the combination of Articles used to establish the maximum EAFRD contribution rate:

- the first digit for the 'Category of contribution rates',
- the second digit for the 'Derogations/Others allocations',
- the third digit for the applicability of Articles 59(4)(d) ⁽¹⁾; 59(4)(g) ⁽¹⁾ and (24)(1) ⁽²⁾.

First digit	Article ⁽¹⁾	Category of contribution rates
1	59(3)(a)	Less developed regions, outermost regions and in the smaller Aegean islands within the meaning of Regulation (EEC) No 2019/93
2	59(3)(b)	Regions whose GDP per capita for the 2007-2013 period was less than 75 % of the average of the EU-25 for the reference period but whose GDP per capita is above 75 % of the GDP average of the EU-27
3	59(3)(c)	Transition regions other than those referred to in Article 59(3)(b)
4	59(3)(d)	Other regions
5	—	Discontinued measure

⁽¹⁾ Reference is made to the respective article of Regulation (EU) No 1305/2013.

Second digit	Article ⁽¹⁾	Derogations/Other allocations
1	—	Mainstream
2	59(4)(a)	Measures referred to in Articles 14, 27 and 35, for the Leader local development referred to in Article 32 of Regulation (EU) No 1303/2013 and for operations under Article 19(1)(a)(i)
3	59(4)(b)	Operations contributing to the objectives of environment and climate change mitigation and adaptation
4	59(4)(c)	Union-level financial instruments referred to in Article 38(1)(a) of Regulation (EU) No 1303/2013

⁽¹⁾ Reference is made to the respective article of Regulation (EU) No 1305/2013.

⁽²⁾ Reference is made to the respective article of Regulation (EU) No 1303/2013.

Second digit	Article ⁽¹⁾	Derogations/Other allocations
5	59(4)(e)	Operations receiving funding from funds transferred to the EAFRD in application of Article 7(2) and Article 14(1) of Regulation (EU) No 1306/2013
6	59(4)(f)	Additional allocation for Portugal and Cyprus
7	—	Voluntary adjustment following Articles 10b and 136 of Regulation (EC) No 73/2009

⁽¹⁾ Reference is made to the respective article of Regulation (EU) No 1305/2013.

Third digit	Financial instruments at Member State level — Article 59(4)(d)	Financial Assistance — Article 59(4)(g)	Temporary budgetary difficulties — Article 24(1)
1	Not Applicable	Not Applicable	Not Applicable
2	Applicable	Not Applicable	Not Applicable
3	Not Applicable	Applicable	Not Applicable
4	Applicable	Applicable	Not Applicable
5	Not Applicable	Not Applicable	Applicable
6	Applicable	Not Applicable	Applicable
7	Not Applicable	Applicable	Applicable
8	Applicable	Applicable	Applicable

The last 2 digits 'PP' indicate the programme number (figures between '00' and '99' are allowed) and where:

00	is for national programme
01 to 98	are for regional programmes
99	is for rural network programme

Example

F109 = 05046001 01 431 01 means:

05046001: budget heading 'EAFRD' programming period 2014-2020;

01: measure 'Knowledge transfer and information actions (Article 14)';

4: '59(3)(d) — Other regions';

3: '59(4)(b) — Operations contributing to the objectives of environment and climate change mitigation and adaptation';

1: Articles 59(4)(d), 59(4)(g) and (24)(1) are not applicable;

01: regional programme number '01'.

COMMISSION REGULATION (EU) No 1068/2014
of 9 October 2014
establishing a prohibition of fishing for tusk in Union and international waters of I, II and XIV by
vessels flying the flag of United Kingdom

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Community control system for ensuring compliance with the rules of the common fisheries policy ⁽¹⁾, and in particular Article 36(2) thereof,

Whereas:

- (1) Council Regulation (EU) No 43/2014 ⁽²⁾, lays down quotas for 2014.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2014.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

Article 1

Quota exhaustion

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2014 shall be deemed to be exhausted from the date set out in that Annex.

Article 2

Prohibitions

Fishing activities for the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein shall be prohibited from the date set out in that Annex. In particular it shall be prohibited to retain on board, relocate, tranship or land fish from that stock caught by those vessels after that date.

Article 3

Entry into force

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

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

Done at Brussels, 9 October 2014.

For the Commission,
On behalf of the President,
Lowri EVANS
Director-General for Maritime Affairs and Fisheries

⁽¹⁾ OJ L 343, 22.12.2009, p. 1.

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

ANNEX

No	44/TQ43
Member State	United Kingdom
Stock	USK/1214EI
Species	Tusk (<i>Brosme brosme</i>)
Zone	Union and international waters of I, II and XIV
Closing date	11.9.2014

COMMISSION IMPLEMENTING REGULATION (EU) No 1069/2014**of 10 October 2014****derogating from Council Regulation (EC) No 73/2009 as regards the retention period for the suckler cow premium for 2014 in Spain**

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 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 142(r) thereof,

Whereas:

- (1) In accordance with the second subparagraph of Article 111(2) of Regulation (EC) No 73/2009, a suckler cow premium may be granted to farmers provided they have kept at their farm a certain number of animals for at least six consecutive months from the day on which the application for the suckler cow premium is lodged. The same obligation applies where Member States pay an additional national suckler cow premium pursuant to Article 111(5) of Regulation (EC) No 73/2009.
- (2) Spain has informed the Commission that parts of the country undergo an exceptional and lasting drought which is the consequence of a high pluviometric deficit compared to the long run average following an insufficient number of days with significant rainfalls since 1 October 2013. This lasting situation leads to the depletion of pasture lands as well as to the scarcity and/or the weaker quality of available fodder, thus creating an extremely difficult economic situation for farmers, located in the areas affected by the drought, who maintain whole herds under extensive breeding systems and have to respect the retention period provided for in the second subparagraph of Article 111(2) of Regulation (EC) No 73/2009.
- (3) This situation has led to an emergency resulting in serious practical and specific problems for farmers holding suckler cows due to increased costs for feeding and watering animals. In order to make it possible for farmers breeding suckler cows located in the areas affected by the drought to continue to cope with their financial commitments without losing their right to receive the suckler cow premiums pursuant to Article 111 of Regulation (EC) No 73/2009, it is therefore appropriate to shorten the length of the retention period referred to in the second subparagraph of Article 111(2) of that Regulation as far as claim year 2014 is concerned.
- (4) According to the dates of lodging the applications for the suckler cow premium within the period fixed by Spain, the retention period provided for in Article 111(2) of Regulation (EC) No 73/2009 may end at the earliest on 2 September 2014 and at the latest on 10 December 2014. In order to allow that all farmers concerned may benefit from the derogation, it is appropriate that this Regulation is applicable retroactively.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for Direct Payments,

HAS ADOPTED THIS REGULATION:

Article 1

As regards calendar year 2014, by way of derogation from the second subparagraph of Article 111(2) of Regulation (EC) No 73/2009, the minimum retention period referred to in that provision shall be shortened to five consecutive months from the day on which the application for the suckler cow premium is lodged.

The first paragraph shall apply to farmers who are located in the Spanish Autonomous Communities listed in the Annex to this Regulation.

⁽¹⁾ OJ L 30, 31.1.2009, p. 16.

Article 2

This Regulation shall enter into force on its day of 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, 10 October 2014.

For the Commission
The President
José Manuel BARROSO

*ANNEX***Spanish Autonomous Communities referred to in Article 1**

Andalucía
Murcia
Valencia
Aragón
Balears
Castilla-La Mancha
Castilla y León
Cataluña
Madrid
Extremadura

COMMISSION IMPLEMENTING REGULATION (EU) No 1070/2014**of 10 October 2014****amending Regulation (EC) No 271/2009 as regards the minimum content of the preparation of endo-1,4-beta-xylanase produced by *Aspergillus niger* (CBS 109.713) and endo-1,4-beta-glucanase produced by *Aspergillus niger* (DSM 18404) as a feed additive for laying hens (holder of authorisation BASF SE)****(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 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 13(3) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) The use of the preparation of endo-1,4-beta-xylanase produced by *Aspergillus niger* (CBS 109.713) and endo-1,4-beta-glucanase produced by *Aspergillus niger* (DSM 18404) was authorised for 10 years for weaned piglets, chickens for fattening, laying hens, turkeys for fattening and ducks for fattening by Commission Regulation (EC) No 271/2009 ⁽²⁾, for chickens reared for laying, turkeys for breeding purposes, turkeys reared for breeding, other minor avian species (other than ducks for fattening) and ornamental birds by Commission Implementing Regulation (EU) No 1068/2011 ⁽³⁾ and for pigs for fattening by Commission Implementing Regulation (EU) No 1404/2013 ⁽⁴⁾.
- (3) In accordance with Article 13(3) of Regulation (EC) No 1831/2003, the holder of the authorisation has proposed changing the terms of the authorisation of that preparation by reducing its minimum content from 560 TXU/kg to 280 TXU/kg and from 250 TGU/kg to 125 TGU/kg of the complete feedingstuff as regards the use on laying hens. The application was accompanied by the relevant supporting data. The Commission forwarded that application to the European Food Safety Authority (hereinafter 'the Authority').
- (4) The Authority concluded in its opinion of 20 May 2014 ⁽⁵⁾ that, under the new proposed conditions of use, the preparation of endo-1,4-beta-xylanase produced by *Aspergillus niger* (CBS 109.713) and endo-1,4-beta-glucanase produced by *Aspergillus niger* (DSM 18404) has the potential to be efficacious at the requested minimum doses of 280 TXU/kg and 125 TGU/kg of complete feedingstuff on laying hens. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The assessment of the preparation of endo-1,4-beta-xylanase produced by *Aspergillus niger* (CBS 109.713) and endo-1,4-beta-glucanase produced by *Aspergillus niger* (DSM 18404) shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003 are satisfied.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ Commission Regulation (EC) No 271/2009 of 2 April 2009 concerning the authorisation of a preparation of endo-1,4-beta-xylanase and endo-1,4-beta-glucanase as a feed additive for weaned piglets, chickens for fattening, laying hens, turkeys for fattening and ducks for fattening (holder of the authorisation BASF SE) (OJ L 91, 3.4.2009, p. 5).

⁽³⁾ Commission Implementing Regulation (EU) No 1068/2011 of 21 October 2011 concerning the authorisation of an enzyme preparation of endo-1,4-beta-xylanase produced by *Aspergillus niger* (CBS 109.713) and endo-1,4-beta-glucanase produced by *Aspergillus niger* (DSM 18404) as a feed additive for chickens reared for laying, turkeys for breeding purposes, turkeys reared for breeding, other minor avian species (other than ducks for fattening) and ornamental birds (holder of authorisation BASF SE) (OJ L 277, 22.10.2011, p. 11).

⁽⁴⁾ Commission Implementing Regulation (EU) No 1404/2013 of 20 December 2013 concerning the authorisation of a preparation of endo-1,4-beta-xylanase produced by *Aspergillus niger* (CBS 109.713) and endo-1,4-beta-glucanase produced by *Aspergillus niger* (DSM 18404) as a feed additive for pigs for fattening (holder of authorisation BASF SE) (OJ L 349, 21.12.2013, p. 88).

⁽⁵⁾ EFSA Journal 2014; 12(6):3723.

- (6) Regulation (EC) No 271/2009 should therefore be amended accordingly.
- (7) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

In the Annex to Regulation (EC) No 271/2009, in the column 'Minimum content' corresponding to the entry for laying hens, '560 TXU' is replaced by '280 TXU' and '250 TGU' is replaced by '125 TGU'.

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, 10 October 2014.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1071/2014
of 10 October 2014
on exceptional support measures for the eggs and poultrymeat sectors in Italy

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾, and in particular Article 220(1)(a) thereof,

Whereas:

- (1) Between 14 August and 5 September 2013 highly pathogenic avian influenza of subtype H7N7 was confirmed and notified by Italy. The outbreak of that disease was confirmed in three industrial holdings of laying hens, one industrial holding of laying pullets, one industrial holding of turkeys and one rural farm of roosters.
- (2) Italy has immediately and efficiently taken all the necessary measures required in accordance with Council Directive 2005/94/EC ⁽²⁾. In particular, the Italian authorities have established protection, surveillance and further restricted zones and taken control, monitoring and preventive measures pursuant to Commission Implementing Decisions 2013/439/EU ⁽³⁾ and 2013/443/EU ⁽⁴⁾. By doing so, they were able to rapidly eradicate the threat. Additional Union and related national control measures, including provisions for restocking holdings and laboratory testing following the eradication of the outbreaks, were applicable until 30 June 2014.
- (3) On 2 September 2013 the Italian authorities informed the Commission that the restrictive sanitary measures applied to contain and eradicate the spread of the virus affected certain operators and that those operators suffered income losses not eligible for Union financial contribution under Regulation (EU) No 652/2014 of the European Parliament and of the Council ⁽⁵⁾.
- (4) On 4 February 2014 the Commission received a formal request from the Italian authorities for part-financing of certain exceptional support measures pursuant to Article 220(3) of Regulation (EU) No 1308/2013.
- (5) As a result of the preventive measures difficulties occurred in the transport and marketing of hatching eggs and day-old chicks. Hong Kong, the Philippines, Saudi Arabia and the United Arab Emirates banned imports of poultry from Italy. In addition, movement restrictions caused further indirect losses due to the necessary destruction or processing of hatching eggs.
- (6) In accordance with Article 220(5) of Regulation (EU) No 1308/2013 the Union part-financing is equivalent to 50 % of the expenditure borne by Italy for the exceptional support measures. The maximum quantities eligible for financing in respect of each exceptional market support measure should be fixed by the Commission after scrutinising the request received from Italy.
- (7) To avoid any risk of overcompensation, a flat rate amount of part-financing should be fixed at an appropriate level for each product. When fixing the maximum level of Union part-financing, several elements should be taken into account. In particular, since hatching eggs of the species *Gallus domesticus* are the only ones allowed to be processed into food products, the Union part-financing for them should be lower for the processed eggs than for the destruction of all other hatching eggs.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.1.2006, p. 16).

⁽³⁾ Commission Implementing Decision 2013/439/EU of 19 August 2013 concerning certain protective measures in relation to highly pathogenic avian influenza of subtype H7N7 in Italy (OJ L 222, 21.8.2013, p. 10).

⁽⁴⁾ Commission Implementing Decision 2013/443/EU of 27 August 2013 concerning certain protective measures in relation to highly pathogenic avian influenza of subtype H7N7 in Italy including the establishment of further restricted zones and repealing Implementing Decision 2013/439/EU (OJ L 230, 29.8.2013, p. 20).

⁽⁵⁾ Regulation (EU) No 652/2014 of the European Parliament and of the Council of 15 May 2014 laying down provisions for the management of expenditure relating to the food chain, animal health and animal welfare, and relating to plant health and plant reproductive material, amending Council Directives 98/56/EC, 2000/29/EC and 2008/90/EC, Regulations (EC) No 178/2002, (EC) No 882/2004 and (EC) No 396/2005 of the European Parliament and of the Council, Directive 2009/128/EC of the European Parliament and of the Council and Regulation (EC) No 1107/2009 of the European Parliament and of the Council and repealing Council Decisions 66/399/EEC, 76/894/EEC and 2009/470/EC (OJ L 189, 27.6.2014, p. 1).

- (8) Furthermore, table eggs of the species of *Gallus domesticus*, originally intended for the final consumers, were processed into pasteurised egg products due to the restrictions imposed to the destination holdings located either in the surveillance zones or in the further restricted zones.
- (9) In addition there were financial losses resulting from the destruction of hatching eggs or chicks, the early partial slaughter of breeding flocks, the earlier slaughter of broilers, the reduction of incubation of hatching eggs due to the temporary fall in production imposed as preventive biosecurity measure and the consequent impossibility to place the chicks, as well as the slaughter of ready-to-lay pullets.
- (10) The species affected by those measures are layers and broilers of the species *Gallus domesticus*, turkeys, guinea fowls and ducks.
- (11) The biosecurity fall following the outbreaks caused important losses for the operators, which should be compensated.
- (12) To avoid any risk of double funding, losses suffered should not have been compensated by State aid or insurances and the Union part-financing under this Regulation should be limited to eligible products for which no Union financial contribution has been received under Regulation (EU) No 652/2014.
- (13) The extent and duration of the exceptional support measures provided for in this Regulation should be limited to what is strictly necessary to support the market concerned.
- (14) For the sake of a sound budgetary management of the measures, payments should be made by Italy to the beneficiary by 30 September 2015 at the latest.
- (15) In order to ensure the eligibility and the correctness of the payments, the Italian authorities should carry out *ex-ante* checks.
- (16) To allow the Union to perform its financial control, the Italian authorities should communicate to the Commission the clearance of the payments.
- (17) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

The Union shall provide part-financing equivalent to 50 % of the expenditure to be borne by Italy to support the market of eggs and poultrymeat seriously affected by the outbreak of highly pathogenic avian influenza of subtype H7N7 which were detected and notified by Italy between 14 August and 5 September 2013 and for which Union and national restrictive measures were applicable until 30 June 2014.

Expenditure shall only be eligible for Union part-financing if it has been paid by Italy to the beneficiary by 30 September 2015.

The maximum level of Union part-financing shall be as follows:

- (a) for the destruction of hatching eggs falling within CN code 0407 11 00, it shall be a flat rate of EUR 0,13824 per hatching egg of laying hens for a maximum of 38 016 pieces;
- (b) for the processing of hatching eggs falling within CN code 0407 11 00, it shall be a flat rate of EUR 0,1106 per hatching egg for a maximum of 4 687 600 pieces of hatching eggs of layers and for a maximum of 28 450 pieces of hatching eggs of broilers;
- (c) for the processing of eggs in shell for human consumption falling within CN code 0407 11 00, it shall be a flat rate of EUR 0,0136 per egg for a maximum of 1 703 520 pieces;
- (d) for the reduction of incubation of hatching eggs of layers, it shall be a flat rate of EUR 0,01672 per hatching egg of CN code 0407 11 00 for a maximum of 549 720 pieces;

- (e) for the culling and disposal of chicks falling within CN code 0105, it shall be a flat rate of:
- (i) EUR 0,140959 per chick of broilers for a maximum of 171 920 heads;
 - (ii) EUR 0,162354 per chick of roosters for a maximum of 436 247 heads;
 - (iii) EUR 0,248 per chick of layers for a maximum of 62 800 heads;
 - (iv) EUR 0,780307 per chick of turkeys for a maximum of 40 500 heads;
- (f) for the early slaughter of flocks of broiler, broiler breeding flocks, turkey parent flocks and broiler grandparent flocks, it shall be a flat rate of:
- (i) EUR 0,86 per broiler for a maximum of 19 200 heads;
 - (ii) EUR 2,94912 per breeding broiler for a maximum of 14 500 heads;
 - (iii) EUR 2,94912 per broiler grandparent for a maximum of 4 485 heads;
 - (iv) EUR 13,824 per turkey parent for a maximum of 19 004 heads;
- (g) for the temporary biosecurity fall in production, it shall be a flat rate of:
- (i) EUR 0,423936 per m² per week for broilers for a maximum of 286 597 m² for a maximum amount of EUR 521 040,69
 - (ii) EUR 0,3779 per m² per week for turkeys for a maximum of 271 759 m² for a maximum amount of EUR 603 604,35;
 - (iii) EUR 0,12 per m² per week for barn pullets for a maximum of 438 930 m² for a maximum amount of EUR 310 937,64;
 - (iv) EUR 0,096 per m² per week for cage pullets for a maximum of 370 000 m² for a maximum amount of EUR 355 200;
 - (v) EUR 0,3779 per m² per week for guinea fowls for a maximum of 2 440 m² for a maximum amount of EUR 5 161,20;
 - (vi) EUR 0,5714 per m² per week for ducks for a maximum of 570 m² for a maximum amount of EUR 2 605,55;
 - (vii) EUR 0,3041 per m² per week for rural layers for a maximum of 7 000 m² for a maximum amount of EUR 17 031,17;
 - (viii) EUR 0,04 per barn layer chick per week for a maximum of 326 450 chicks for a maximum amount of EUR 81 743,18;
 - (ix) EUR 0,032 per cage layer chick per week for a maximum of 100 000 chicks for a maximum amount of EUR 14 176;
 - (x) EUR 0,092 per cage layer per week for a maximum of 649 440 heads for a maximum amount of EUR 2 415 631,05;
 - (xi) EUR 0,116 per barn layer per week for a maximum of 1 067 300 heads for a maximum amount of EUR 3 219 212,86
 - (xii) EUR 0,124 per free range layer per week for a maximum of 59 160 heads for a maximum amount of EUR 13 644,66;
 - (xiii) EUR 0,144 per organic layer per week for a maximum of 124 500 heads for a maximum amount of EUR 167 924,16.

Article 2

The Union part-financing under this Regulation shall be limited to products not compensated by State aid or insurances and for which no Union financial contribution has been received under Regulation (EU) No 652/2014.

Article 3

Before making any payments, Italy shall carry out exhaustive administrative and physical checks to ensure compliance with this Regulation.

In particular, the Italian authorities shall:

- (a) verify the eligibility of the beneficiary submitting the request for support;
- (b) verify the eligibility of the eggs and animals for which a request for support has been submitted;
- (c) verify the quantities of eggs and animals eligible for support;
- (d) verify for each eligible operator the actual production surface concerned by the biosecurity fall in production and the duration thereof.

Article 4

The Italian authorities shall communicate to the Commission the clearance of payments.

Article 5

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

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

Done at Brussels, 10 October 2014.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1072/2014**of 9 October 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 Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 ⁽¹⁾,Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors ⁽²⁾, and in particular Article 136(1) thereof,

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

*Article 2*This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 9 October 2014.

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

Director-General for Agriculture and Rural Development

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)			
CN code	Third country code ⁽¹⁾	Standard import value	
0702 00 00	AL	65,0	
	MA	177,0	
	MK	51,9	
	XS	75,9	
	ZZ	92,5	
0707 00 05	MK	29,8	
	TR	116,3	
	ZZ	73,1	
0709 93 10	TR	130,3	
	ZZ	130,3	
0805 50 10	AR	107,9	
	BR	84,6	
	CL	117,7	
	IL	102,2	
	TR	115,0	
	UY	125,3	
	ZA	112,3	
	ZZ	109,3	
	0806 10 10	BR	166,4
		MK	31,8
TR		136,0	
ZZ		111,4	
0808 10 80	BA	57,3	
	BR	51,7	
	CL	79,6	
	NZ	133,2	
	US	192,8	
	ZA	132,2	
	ZZ	107,8	
	0808 30 90	CN	95,2
TR		110,0	
ZA		80,2	
ZZ		95,1	

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

DECISIONS

COUNCIL DECISION

of 8 October 2014

appointing a United Kingdom member of the European Economic and Social Committee

(2014/705/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal of the United Kingdom Government,

Having regard to the opinion of the European Commission,

Whereas:

- (1) On 13 September 2010 the Council adopted Decision 2010/570/EU, Euratom appointing the members of the European Economic and Social Committee for the period from 21 September 2010 to 20 September 2015 ⁽¹⁾.
- (2) A member's seat on the European Economic and Social Committee has become vacant following the end of the term of office of Mr Bryan CASSIDY,

HAS ADOPTED THIS DECISION:

Article 1

Mr David YEANDLE OBE is hereby appointed as a member of the European Economic and Social Committee for the remainder of the current term of office, which runs until 20 September 2015.

Article 2

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

Done at Luxembourg, 8 October 2014.

For the Council
The President
M. LUPI

⁽¹⁾ OJ L 251, 25.9.2010, p. 8.

COUNCIL DECISION
of 8 October 2014
appointing a United Kingdom member of the European Economic and Social Committee

(2014/706/EU)

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal of the United Kingdom Government,

Having regard to the opinion of the European Commission,

Whereas:

- (1) On 13 September 2010 the Council adopted Decision 2010/570/EU, Euratom appointing the members of the European Economic and Social Committee for the period from 21 September 2010 to 20 September 2015 ⁽¹⁾.
- (2) A member's seat on the European Economic and Social Committee has become vacant following the end of the term of office of Mr Richard BALFE,

HAS ADOPTED THIS DECISION:

Article 1

Ms Lynne FAULKNER is hereby appointed as a member of the European Economic and Social Committee for the remainder of the current term of office, which runs until 20 September 2015.

Article 2

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

Done at Luxembourg, 8 October 2014.

For the Council
The President
M. LUPI

⁽¹⁾ OJ L 251, 25.9.2010, p. 8.

POLITICAL AND SECURITY COMMITTEE DECISION EULEX KOSOVO/2/2014**of 9 October 2014****on the appointment of the Head of Mission of the European Union Rule of Law Mission in Kosovo ⁽¹⁾, EULEX KOSOVO**

(2014/707/CFSP)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular the third paragraph of Article 38 thereof,

Having regard to the Council Joint Action 2008/124/CFSP of 4 February 2008 on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO ⁽²⁾, and in particular Article 12(2) thereof,

Whereas:

- (1) Pursuant to Article 12(2) of Joint Action 2008/124/CFSP, the Political and Security Committee (PSC) is authorised, in accordance with Article 38 of the Treaty, to take the relevant decisions for the purpose of exercising political control and strategic direction of the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO), including the decision to appoint a Head of Mission.
- (2) On 17 June 2014, the PSC adopted Decision EULEX KOSOVO/1/2014 ⁽³⁾ extending the mandate of the Head of Mission of EULEX KOSOVO until 14 October 2014.
- (3) On 12 June 2014, the Council adopted decision 2014/349/CFSP ⁽⁴⁾ amending Joint Action 2008/124/CFSP and extending the duration of EULEX KOSOVO until 14 June 2016.
- (4) On 25 September 2014, the High Representative of the Union for Foreign Affairs and Security Policy proposed the appointment of Ambassador Gabriele MEUCCI as Head of Mission of EULEX KOSOVO for the period from 15 October 2014 to 14 June 2015,

HAS ADOPTED THIS DECISION:

Article 1

Ambassador Gabriele MEUCCI is hereby appointed as Head of Mission of the European Union Rule of Law Mission in Kosovo (EULEX KOSOVO) for the period from 15 October 2014 to 14 June 2015.

Article 2

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

It shall apply from 15 October 2014.

Done at Brussels, 9 October 2014.

*For the Political and Security Committee**The Chairperson*

W. STEVENS

⁽¹⁾ The designation 'Kosovo' is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of Independence.

⁽²⁾ OJ L 42, 16.2.2008, p. 92.

⁽³⁾ Political and Security Committee Decision EULEX KOSOVO/1/2014 of 17 June 2014 extending the mandate of the Head of Mission of the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO (OJ L 180, 20.6.2014, p. 17).

⁽⁴⁾ Council Decision 2014/349/CFSP of 12 June 2014 amending Joint Action 2008/124/CFSP on the European Union Rule of Law Mission in Kosovo, EULEX KOSOVO (OJ L 174, 13.6.2014, p. 42).

COMMISSION IMPLEMENTING DECISION**of 9 October 2014****amending Decision 2003/467/EC as regards the declaration of certain regions of Poland as officially
enzootic-bovine-leukosis-free***(notified under document C(2014) 7141)***(Text with EEA relevance)**

(2014/708/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine ⁽¹⁾, and in particular Annex D(I)(E) thereto,

Whereas:

- (1) Directive 64/432/EEC applies to trade within the Union in bovine animals and swine. It lays down the conditions whereby a Member State or region of a Member State may be declared officially enzootic-bovine-leukosis-free as regards bovine herds.
- (2) Annex III to Commission Decision 2003/467/EC ⁽²⁾ lists the Member States and regions thereof which are declared officially enzootic-bovine-leukosis-free.
- (3) Poland has submitted to the Commission documentation demonstrating compliance with the conditions for the officially enzootic-bovine-leukosis-free status laid down in Directive 64/432/EEC for twelve administrative regions (powiaty) within the superior administrative unit (voivodship) of zachodniopomorskie.
- (4) Following evaluation of the documentation submitted by Poland, the regions concerned should be declared as officially enzootic-bovine-leukosis-free.
- (5) Annex III to Decision 2003/467/EC should therefore be amended accordingly.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Annex III to Decision 2003/467/EC is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 9 October 2014.

For the Commission

Tonio BORG

Member of the Commission

⁽¹⁾ OJ L21, 29.7.1964, p. 1977/64.⁽²⁾ Commission Decision 2003/467/EC of 23 June 2003 establishing the official tuberculosis, brucellosis and enzootic-bovine-leukosis-free status of certain Member States and regions of Member States as regards bovine herds (OJ L 156, 25.6.2003, p. 74).

ANNEX

In Chapter 2 of Annex III to Decision 2003/467/EC, the entry for Poland is replaced by the following:

'In Poland:

— Voivodship dolnośląskie

Powiaty:	bolesławiecki, dzierzoniowski, głogowski, górowski, jaworski, jeleniogórski, Jelenia Góra, kamiennogórski, kłodzki, legnicki, Legnica, lubański, lubiński, lwówecki, milicki, oleśnicki, oławski, polkowicki, strzeliński, średzki, świdnicki, trzebnicki, wałbrzyski, Wałbrzych, wołowski, wrocławski, Wrocław, ząbkowicki, zgorzelecki, złotoryjski.
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— Voivodship lubelskie

Powiaty:	bialski, Biała Podlaska, biłgorajski, chełmski, Chełm, hrubieszowski, janowski, krasnostawski, kraśnicki, lubartowski, lubelski, Lublin, łęczyński, łukowski, opolski, parczewski, puławski, radzyński, rycki, świdnicki, tomaszowski, włodawski, zamojski, Zamość.
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— Voivodship lubuskie

Powiaty:	gorzowski, Gorzów Wielkopolski, krośnieńsko-odrzański, międzyrzecki, nowosolski, słubicki, strzelecko-drezdenecki, sułczyński, świebodziński, Zielona Góra, zielonogórski, żagański, żarski, wschowski.
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— Voivodship kujawsko-pomorskie

Powiaty:	aleksandrowski, brodnicki, bydgoski, Bydgoszcz, chełmiński, golubsko-dobrzyński, grudziądzki, inowrocławski, lipnowski, Grudziądz, mogileński, nakielski, radziejowski, rypiński, sępoleński, świecki, toruński, Toruń, tucholski, wąbrzeski, Włocławek, włocławski, żniński.
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— Voivodship łódzkie

Powiaty:	bełchatowski, brzeziński, kutnowski, łaski, łęczycki, łowicki, łódzki, Łódź, opoczyński, pabianicki, pajęczański, piotrkowski, Piotrków Trybunalski, poddębicki, radomszczański, rawski, sieradzki, skierniewicki, Skierniewice, tomaszowski, wieluński, wieruszowski, zduńskowolski, zgierski.
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— Voivodship małopolskie

Powiaty:	brzeski, bocheński, chrzanowski, dąbrowski, gorlicki, krakowski, Kraków, limanowski, miechowski, myślenicki, nowosądecki, nowotarski, Nowy Sącz, oświęcimski, olkuski, proszowicki, suski, tarnowski, Tarnów, tatrzański, wadowicki, wielicki.
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— Voivodship mazowieckie

Powiaty:	białobrzeski, ciechanowski, garwoliński, grójecki, gostyniński, grodziski, kozienicki, legionowski, lipski, łosicki, makowski, miński, mławski, nowodworski, ostrołęcki, Ostrołęka, ostrowski, otwocki, piaseczyński, Płock, płocki, płoński, pruszkowski, przasnyski, przysuski, pułtuski, Radom, radomski, Siedlce, siedlecki, sierpecki, sochaczewski, sokołowski, szydłowiecki, Warszawa, warszawski zachodni, węgrowski, wołomiński, wyszkowski, zwoleński, żuromiński, żyrardowski.
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— Voivodship opolskie

Powiaty:	brzeski, głubczycki, kędzierzyńsko-kozielski, kluczborski, krapkowicki, namysłowski, nyski, oleski, opolski, Opole, prudnicki, strzelecki.
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— Voivodship podkarpackie

Powiaty:	bieszczadzki, brzozowski, dębicki, jarosławski, jasielski, kolbuszowski, krośnieński, Krosno, leski, leżajski, lubaczowski, łańcucki, mielecki, niżański, przemyski, Przemysł, przeworski, ropczycko-sędziszowski, rzeszowski, Rzeszów, sanocki, stalowowolski, strzyżowski, Tarnobrzeg, tarnobrzeski.
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— Voivodship podlaskie

Powiaty:	augustowski, białostocki, Białystok, bielski, grajewski, hajnowski, kolneński, łomżyński, Łomża, moniecki, sejneński, siemiatycki, sokólski, suwalski, Suwałki, wysokomazowiecki, zambrowski.
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— Voivodship pomorskie

Powiaty:	bytowski, chojnicki, człuchowski, Gdańsk, gdański, Gdynia, kartuski, kościerski, kwidzyński, lęborski, malborski, nowodworski, pucki, Słupsk, słupski, Sopot, starogardzki, sztumski, tczewski, wejherowski.
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— Voivodship śląskie

Powiaty:	będziński, bielski, Bielsko-Biała, bieruńsko-lędziński, Bytom, Chorzów, cieszyński, częstochowski, Częstochowa, Dąbrowa Górnicza, gliwicki, Gliwice, Jastrzębie Zdrój, Jaworzno, Katowice, kłobucki, lubliniecki, mikołowski, Mysłowice, myszkowski, Piekary Śląskie, pszczyński, raciborski, Ruda Śląska, rybnicki, Rybnik, Siemianowice Śląskie, Sosnowiec, Świętochłowice, tarnogórski, Tychy, wodzisławski, Zabrze, zawierciański, Żory, żywiecki.
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— Voivodship świętokrzyskie

Powiaty:	buski, jędrzejowski, kazimierski, kielecki, Kielce, konecki, opatowski, ostrowiecki, pińczowski, sandomierski, skarżyski, starachowicki, staszowski, włoszczowski.
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— Voivodship warmińsko-mazurskie

Powiaty:	bartoszycki, braniewski, działdowski Elbląg, elbląski, ełcki, giżycki, gołdapski, iławski, kętrzyński, lidzbarski, mrągowski, nidzicki, nowomiejski, olecki, olsztyński, ostródzki, Olsztyn, piski, szczycieński, węgorzewski.
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— Voivodship wielkopolskie

Powiaty:	chodzieski, czarnkowsko-trzcianecki, gnieźnieński, gostyński, grodziski, jarociński, kaliski, Kalisz, kępiński, kolski, koniński, Konin, kościański, krotoszyński, leszczyński, Leszno, międzychodzki, nowotomyski, obornicki, ostrowski, ostrzeszowski, pilski, pleszewski, Poznań, poznański, rawicki, słupecki, szamotuński, średzki, śremski, turecki, wągrowiecki, wolsztyński, wrzesiński, złotowski.
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— Voivodship zachodniopomorskie

Powiaty:	gryficki, gryfiński, kamieński, Koszalin, koszaliński, myśliborski, policki, sławieński, Szczecin, szczecinecki, świdwiński, Świnoujście.
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COMMISSION IMPLEMENTING DECISION**of 9 October 2014****concerning animal health control measures relating to African swine fever in certain Member States and repealing Implementing Decision 2014/178/EU***(notified under document C(2014) 7222)***(Text with EEA relevance)**

(2014/709/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/662/EEC of 11 December 1989 concerning veterinary checks in intra-Community trade with a view to the completion of the internal market ⁽¹⁾, and in particular Article 9(4) thereof,Having regard to Council Directive 90/425/EEC of 26 June 1990 concerning veterinary and zootechnical checks applicable in intra-Community trade in certain live animals and products with a view to the completion of the internal market ⁽²⁾, and in particular Article 10(4) thereof,Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ⁽³⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Council Directive 2002/60/EC ⁽⁴⁾ lays down the minimum measures to be applied within the Union for the control of African swine fever, including the measures to be taken in the event of an outbreak of African swine fever on a pig holding and in cases where African swine fever is suspected or confirmed in feral pigs. Those measures include plans to be developed and implemented by Member States, and approved by the Commission, for the eradication of African swine fever from a feral pig population.
- (2) African swine fever is present in Sardinia, Italy since 1978, and has since 2014 been introduced in other Member States situated in Eastern Europe including Estonia, Latvia, Lithuania and Poland from neighbouring third countries where that disease is widely present.
- (3) In order to focus the control measures and to prevent disease spread as well as any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade by third countries, the concerned Member States urgently established infected areas and areas at risk for infection that were defined at Union level in collaboration with the Member States concerned by means of Commission Implementing Decisions that were consolidated by Commission Implementing Decision 2014/178/EU ⁽⁵⁾. That Decision also lays down animal health control measures on the movement, dispatch of pigs and certain pig products and marking of pigmeat from the areas set out in the Annex to that Decision in order to prevent the spread of that disease to other areas of the Union.
- (4) Commission Decision 2005/362/EC ⁽⁶⁾ approved a plan submitted by Italy to the Commission for the eradication of African swine fever in feral pigs in Sardinia and Commission Implementing Decision 2014/442/EU ⁽⁷⁾ approved the plans for the eradication of African swine fever in feral pigs in certain areas of Lithuania and Poland.

⁽¹⁾ OJ L 395, 30.12.1989, p. 13.

⁽²⁾ OJ L 224, 18.8.1990, p. 29.

⁽³⁾ OJ L 18, 23.1.2003, p. 11.

⁽⁴⁾ Council Directive 2002/60/EC of 27 June 2002 laying down specific provisions for the control of African swine fever and amending Directive 92/119/EEC as regards Teschen disease and African swine fever (OJ L 192, 20.7.2002, p. 27).

⁽⁵⁾ Commission Implementing Decision 2014/178/EU of 27 March 2014 concerning animal health control measures relating to African swine fever in certain Member States (OJ L 95, 29.3.2014, p. 47).

⁽⁶⁾ Commission Decision 2005/362/EC of 2 May 2005 approving the plan for the eradication of African swine fever in feral pigs in Sardinia, Italy (OJ L 118, 5.5.2005, p. 37).

⁽⁷⁾ Commission Implementing Decision 2014/442/EU of 7 July 2014 approving the plans for the eradication of African swine fever in feral pigs in certain areas of Lithuania and Poland (OJ L 200, 9.7.2014, p. 21).

- (5) African swine fever can be considered an endemic disease in the domestic and feral pig populations of certain third countries bordering the Union and represents a permanent threat for the Union.
- (6) The disease situation is liable to endanger the pig herds in unaffected areas of the Member States currently concerned by the disease namely Estonia, Italy, Latvia, Lithuania and Poland well as pig herds in other Member States, notably in view of trade in commodities from porcine animals.
- (7) Estonia, Italy, Latvia, Lithuania and Poland have taken measures to combat African swine fever within the framework of Directive 2002/60/EC and Estonia and Latvia are due to submit their plans for the eradication of African swine fever in feral pigs to the Commission for approval in accordance with Article 16 of that Directive.
- (8) It is appropriate that the Member States and areas concerned are listed in an Annex differentiated by the level of risk. The different parts of the Annex should consider the epidemiological situation of African swine fever including whether it concerns both pigs holdings and the feral pig population (Part III and IV), only the feral pig population (Part II) or the risk is due to certain proximity to the infection in the feral population (Part I). In particular it should be differentiated whether the epidemiological situation has been stabilised and the disease has become endemic (Part IV) or the situation is still dynamic with uncertain evolution (Part III). However, the classification of Member States' territories or parts thereof as Parts I, II, III and IV according to the swine population concerned may need to be adapted by taking into account additional risk factors due to the local epidemiological situation and its evolution, especially in newly infected areas where less experience on the disease epidemiology under different ecological systems is available.
- (9) In terms of risk of spread of African swine fever, movements of different porcine commodities pose different levels of risk. As a general rule the movement of live pigs, their semen, ova and embryos and animal by-products of porcine origin from infected areas pose higher risks in terms of exposure and consequences than the movement of meat, meat preparations and meat products as indicated in the Scientific Opinion of the European Food Safety Authority of 2010 ⁽¹⁾. Therefore, the dispatch of live pigs and their semen, ova and embryos, animal by-products of porcine origin as well as the dispatch of certain meat, meat preparations and meat products from certain areas in Member States listed in Parts I, II, III and IV of the Annex to this Decision should be prohibited. This prohibition includes all Suidae as referred to in Council Directive 92/65/EEC ⁽²⁾.
- (10) In order to take account of the different risk levels depending on the type of porcine commodities and the epidemiological situation in the Member States and areas concerned, it is appropriate to provide for certain derogations for each type of porcine commodity from the territories listed in the different parts of the Annex hereto. Those derogations are also in line with the risk mitigation measures for importation as regards African swine fever indicated in the Terrestrial Animal Health Code of the World Organization for Animal Health. The additional safeguard measures and animal health requirements or treatments of the respective commodities applicable in case such derogations are granted should also be provided for in this Decision.
- (11) Due to the current epidemiological situation and for precautionary reasons the concerned Member States, Estonia, Latvia, Lithuania and Poland, have established new areas of a sufficient and appropriate size as described as Parts I, II and III of the Annex to this Decision that are adapted to the current epidemiological situation and where adequate restrictions for movements of live pigs, semen, ova and embryos and fresh pig meat and certain pig products apply. The situation as regards African swine fever in Sardinia, Italy, differs from that in other Member States due to the long lasting endemicity of the disease in this part of the Italian territory and the insular geographic location; it is therefore deemed necessary to have Part IV in the Annex to this Decision to continue covering the whole territory of Sardinia in Italy.
- (12) The veterinary restrictions currently applicable are particularly stringent for the areas listed in Part III of the Annex to this Decision and which therefore may lead to logistic and animal welfare problems in case the slaughtering of pigs in the respective areas is not possible, in particular due to the absence of an appropriate slaughterhouse or limitations in slaughtering capacity within the relevant areas listed in Part III.
- (13) The movement of live pigs for immediate slaughter poses less risk than other types of movements of live pigs provided that risk mitigation measures are in place. It is therefore appropriate that when the above described circumstances concur the Member States concerned may exceptionally grant derogations for the dispatch of live

⁽¹⁾ *The EFSA Journal* 2010; 8(3):1556.

⁽²⁾ Council Directive 92/65/EEC of 13 July 1992 laying down animal health requirements governing trade in and imports into the Community of animals, semen, ova and embryos not subject to animal health requirements laid down in specific Community rules referred to in Annex A (I) to Directive 90/425/EEC (OJ L 268, 14.9.1992, p. 54).

pigs from the areas listed in Part III of the Annex for immediate slaughter to a slaughterhouse located outside that area in the same Member State provided that rigorous conditions are met in order not to jeopardise disease control.

- (14) Council Directive 64/432/EEC ⁽¹⁾ and Commission Decision 93/444/EEC ⁽²⁾ provide that health certificates are to accompany the movements of animals. Where derogations from the prohibition on the dispatch of live pigs from the areas listed in the Annex to this Decision are applied to live pigs intended for intra-Union trade or for export to a third country, those health certificates should include a reference to this Decision so to ensure that adequate and accurate health information is provided in the relevant certificates.
- (15) Commission Regulation (EC) No 599/2004 ⁽³⁾ provides that health certificates are to accompany the movements of certain products of animal origin. In order to prevent the spread of African swine fever to other areas of the Union, where a Member State is subject to a prohibition on the dispatch of fresh pigmeat, meat preparations and meat products consisting of, or containing pigmeat from certain parts of its territory, certain requirements should be laid down, in particular as regards certification, for the dispatch of such meat, meat preparations and meat products from other areas of the territory of that Member State not subject to that prohibition and those health certificates should include a reference to this Decision.
- (16) In addition, it is appropriate, in order to prevent the spread of African swine fever to other areas of the Union and to third countries, to provide that the dispatch of fresh pigmeat, meat preparations and meat products consisting of, or containing meat of pigs from Member States with the areas listed in the Annex, is subject to certain more stringent conditions. In particular, such fresh pigmeat, meat preparations and pigmeat products should be marked with special marks which cannot be confused with the identification mark provided for in Regulation (EC) No 853/2004 of the European Parliament and of the Council ⁽⁴⁾ and with the health marks for pigmeat provided for in Regulation (EC) No 854/2004 of the European Parliament and of the Council ⁽⁵⁾.
- (17) The period of application of the measures provided for in this Decision should take account of the epidemiology of African swine fever and the conditions to regain the African swine fever free status according to the Terrestrial Animal Health Code of the World Organization for Animal Health and therefore this period should last at least until 31 December 2018.
- (18) For reasons of clarity Implementing Decision 2014/178/EU should therefore be repealed and replaced by this Decision.
- (19) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter and scope

This Decision lays down animal health control measures in relation to African swine fever in the Member States or areas thereof as set out in the Annex (the Member States concerned).

⁽¹⁾ Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine (OJ L 21, 29.7.1964, p. 1977/64).

⁽²⁾ Commission Decision 93/444/EEC of 2 July 1993 on detailed rules governing intra-Community trade in certain live animals and products intended for exportation to third countries (OJ L 208, 19.8.1993, p. 34).

⁽³⁾ Commission Regulation (EC) No 599/2004 of 30 March 2004 concerning the adoption of a harmonised model certificate and inspection report linked to intra-Community trade in animals and products of animal origin (OJ L 94, 31.3.2004, p. 44).

⁽⁴⁾ Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin (OJ L 139, 30.4.2004, p. 55).

⁽⁵⁾ Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption (OJ L 139, 30.4.2004, p. 206).

It shall apply without prejudice to the plans for the eradication of African swine fever from feral pig populations in the Member State concerned, approved by the Commission in accordance with Article 16 of Directive 2002/60/EC.

Article 2

Prohibition on the dispatch of live pigs, porcine semen, ova and embryo, pig meat, pig meat preparations, pig meat products and any other products containing pig meat as well as consignments of animal by-products from porcine animals from certain areas listed in the Annex

The Member States concerned shall prohibit:

- (a) the dispatch of live pigs from the areas listed in Parts II, III and IV of the Annex;
- (b) the dispatch of consignments of porcine semen, ova and embryos from the areas listed in Parts III and IV of the Annex;
- (c) the dispatch of consignments of pig meat, pig meat preparations, pig meat products and any other products containing such meat from the areas listed in Parts III and IV of the Annex;
- (d) the dispatch of consignments of animal by-products from porcine animals from the areas listed in Parts III and IV of the Annex.

Article 3

Derogation from the prohibition on the dispatch of live pigs from the areas listed in Part II of the Annex

By way of derogation from the prohibition provided for in point (a) of Article 2, the Member States concerned may authorise the dispatch of live pigs from a holding located in the areas listed in Part II of the Annex to other areas in the territory of the same Member State provided that:

1. the pigs have been resident for a period of at least 30 days or since birth on the holding and no live pigs have been introduced into that holding from the areas listed in Parts II, III and IV of the Annex during a period of at least 30 days prior to the date of the movement, and
2. the pigs have been subjected to laboratory testing for African swine fever carried out with negative results on samples taken in accordance with the sampling procedures as laid down in the plan for the eradication of African swine fever referred to in the second paragraph of Article 1 of this Decision within a period of 15 days prior to the date of the movement and a clinical examination for African swine fever has been carried out by an official veterinarian in accordance with the checking and sampling procedures laid down in Part A of Chapter IV of the Annex to Commission Decision 2003/422/EC ⁽¹⁾ on the date of dispatch, or
3. the pigs come from a holding:
 - (a) that has been subjected at least twice a year, with an interval of at least 4 months, to inspections by the competent veterinary authority, which:
 - (i) followed the guidelines and procedures laid down in Chapter IV of the Annex to Decision 2003/422/EC;
 - (ii) included a clinical examination and sampling in which the pigs over the age of 60 days have been subjected to the laboratory testing in accordance with the checking and sampling procedures laid down in Part A of Chapter IV of the Annex to Decision 2003/422/EC;
 - (iii) checked the effective application of the measures provided for in the second indent and in the fourth to seventh indents of Article 15(2)(b) of Directive 2002/60/EC;
 - (b) that implements bio-security requirements for African swine fever as established by the competent authority.

⁽¹⁾ Commission Decision 2003/422/EC of 26 May 2003 approving an African swine fever diagnostic manual (OJ L 143, 11.6.2003, p. 35).

*Article 4***Derogation from the prohibition on the dispatch of consignments of live pigs for immediate slaughter from the areas listed in Part III of the Annex and the dispatch of consignments of pig meat, pig meat preparations and pig meat products obtained from such pigs**

By way of derogation from the prohibitions provided for in points (a) and (c) of Article 2 the Member States concerned may authorise the dispatch for immediate slaughter of live pigs from the areas listed in Part III of the Annex to other areas in the territory of the same Member State in case there are logistic limitations in the slaughter capacity of the slaughterhouses approved by the competent authority according to Article 12 located in the areas listed in Part III of the Annex, provided that:

1. the pigs have been resident for a period of at least 30 days or since birth on the holding and no live pigs have been introduced into that holding from the areas listed in Parts II, III and IV of the Annex during a period of at least 30 days prior to the date of the movement;
2. the pigs comply with the requirements laid down in paragraph 1 and in paragraph 2 or paragraph 3 of Article 3;
3. the pigs are transported for immediate slaughter directly, without stopping or unloading, to a slaughterhouse approved in accordance with Article 12 and specifically designated by the competent authority for that purpose;
4. the competent authority responsible for the slaughterhouse has been informed by the dispatching competent authority of the intention to send the pigs and notifies the dispatching competent authority of their arrival;
5. on arrival at the slaughterhouse, these pigs are kept and slaughtered separately from other pigs and are slaughtered on a specific day in which only these pigs from the areas listed in Part III of the Annex are slaughtered;
6. the transport of the pigs to the slaughterhouse within and through areas outside of the areas listed in Part III of the Annex is carried out along predefined transport routes and the vehicles used for transporting those pigs are cleaned, if necessary disinfected, disinfected as soon as possible after unloading;
7. the Member States concerned ensures that the fresh pig meat, pig meat preparations and pig meat products obtained from those pigs:
 - (a) are produced, stored and processed in establishments approved in accordance with Article 12;
 - (b) are marked in accordance with Article 16;
 - (c) are only marketed on the territory of that Member State;
8. the Member States concerned ensures that the animal by-products from those pigs are subjected to a treatment in a channelled system approved by the competent authority which ensures that the derived product obtained from those pigs poses no risks as regards African swine fever;
9. the Member States concerned immediately informs the Commission of the granting of the derogation according to this Article and notifies the name(s) and address(es) of the slaughterhouse(s) approved under this Article.

*Article 5***Derogation from the prohibition on the dispatch of consignments of pig meat, pig meat preparations, pig meat products and any other products consisting of or containing pig meat from the areas listed in Part III of the Annex**

By way of derogation from the prohibition provided for in point (c) of Article 2, the Member States concerned may authorise the dispatch of pig meat, pig meat preparations, pig meat products and any other products consisting of or containing pig meat, from the areas listed in Part III of the Annex provided they are either:

- (a) derived from pigs which have been kept since birth in holdings located outside the areas listed in Parts II, III or IV of the Annex, and the pig meat, pig meat preparations and pig meat products consisting of, or containing such meat, have been produced, stored and processed in establishments approved in accordance with Article 12; or

- (b) derived from pigs that comply with the requirements laid down in paragraph 1 and paragraph 2 or paragraph 3 of Article 3 and the pig meat, pig meat preparations and pig meat products consisting of, or containing such meat, have been produced, stored and processed in establishments approved in accordance with Article 12; or
- (c) have been produced and processed in accordance with Article 4(1) of Directive 2002/99/EC in establishments approved in accordance with Article 12.

Article 6

Derogation from the prohibition on the dispatch of consignments of pig meat, pig meat preparations, pig meat products and any other products consisting of or containing pig meat from the areas listed in Part IV of the Annex

By way of derogation from the prohibition provided for in point (c) of Article 2, the Member States concerned may authorise the dispatch of pig meat, pig meat preparations, pig meat products and any other products consisting of or containing pig meat, from the areas listed in Part IV of the Annex provided they are either:

- (a) derived from pigs which have been kept since birth in holdings located outside the areas listed in the Annex, and the pig meat, pig meat preparations and pig meat products consisting of, or containing such meat, have been produced, stored and processed in establishments approved in accordance with Article 12; or
- (b) have been produced and processed in accordance with Article 4(1) of Directive 2002/99/EC in establishments approved in accordance with Article 12.

Article 7

Derogation from the prohibition on the dispatch of consignments of animal by-products from porcine animals from the areas listed in Parts III and IV of the Annex

1. By way of derogation from the prohibition provided for in point (d) of Article 2, the Member States concerned may authorise the dispatch of derived products as referred to in Article 3(2) of Regulation (EC) No 1069/2009 of the European Parliament and of the Council ⁽¹⁾ obtained from animal by-products from porcine animals originating from the areas listed in Part III and IV of the Annex provided that those by-products have been subjected to a treatment which ensures that the derived product pose no risks as regards African swine fever.

2. By way of derogation from the prohibition provided for in point (d) of Article 2, the Member States concerned may authorise the dispatch of unprocessed carcasses of pigs other than feral pigs and of animal by-products of porcine origin other than feral pigs from slaughterhouses ⁽²⁾ (hereinafter: animal by-products) from areas listed in Part III of the Annex to a processing, incineration or co-incineration plant located outside the areas listed in Part III of the Annex, provided that:

- (a) the animal by-products originate from holdings or from slaughterhouses situated within the areas listed in Part III of the Annex, where there has been no outbreak of African swine fever during at least 40 days prior to the dispatch;
- (b) each truck and other vehicles that are used for transport of those animal by-products has been individually registered by the competent authority in accordance with Article 23 of Regulation (EC) No 1069/2009, and:
 - (i) the covered leak-proof compartment for the transport of those animal by-products is constructed in a way permitting its effective cleaning and disinfection and the construction of floors facilitates the draining and collection of liquids;
 - (ii) the application for registration of the truck and other vehicles contains evidence that the truck or vehicle had been successfully subject to regular technical checks;
 - (iii) each truck must be accompanied by a satellite navigation system to determine his real time location. The operator of the transport shall enable the competent authority to control the real time movement of the truck and to keep the electronic records of the movement for at least 2 months;

⁽¹⁾ Regulation (EC) No 1069/2009 of the European Parliament and of the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) No 1774/2002 (Animal by-products Regulation) (OJ L 300, 14.11.2009, p. 1).

⁽²⁾ Approved in accordance with Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1) and Regulation (EC) No 853/2004.

- (c) after loading the compartment for the transport of those animal by-products shall be sealed by the official veterinarian. Only the official veterinarian may break the seal and replace it with a new one. Each loading or replacement of seals shall be notified to the competent authority;
- (d) any entry of the trucks or vehicles into pig holdings shall be prohibited and the competent authority ensures a safe collection of the carcasses of pigs;
- (e) the transport to the above referred plants takes place directly to those plants only, without stopping at the route authorised by the competent authority from the designated disinfection point at the exit from the area listed in Part III of the Annex. At the designated disinfection point the trucks and vehicles must be subject to proper cleansing and disinfection under control of the official veterinarian;
- (f) each consignment of animal by-products is accompanied by the duly completed commercial document referred to in Chapter III of Annex VIII to Commission Regulation (EU) No 142/2011 ⁽¹⁾. The official veterinarian responsible for the processing plant of destination must confirm each arrival to the competent authority referred to in point (b)(iii);
- (g) after unloading of the animal by-products the truck or vehicle and any other equipment which are used in the transport of that animal by-products and that might be contaminated, are cleaned, disinfected and if necessary disinfected in its entirety within the closed area of the processing plant under the supervision of the official veterinarian. Article 12(a) of Directive 2002/60/EC shall apply;
- (h) the animal by-products are processed without any delay. Any storage in the processing plant shall be prohibited;
- (i) the competent authority shall ensure that the dispatch of animal by-products does not exceed the relevant daily processing capacity of the processing plant;
- (j) before the first dispatch from Part III of the Annex takes place, the competent authority shall ensure that the necessary arrangements with the relevant authorities within the meaning of point (c) of Annex VI to Directive 2002/60/EC in order to ensure the emergency plan, the chain of command and full cooperation of services in case of accidents during the transport, mayor breakdown of truck or vehicle or any fraudulent action of operator. The operators of the trucks shall immediately notify the competent authority of any accident or breakdown of truck or vehicle.

Article 8

Prohibition on the dispatch to other Member States and third countries of live pigs from the areas listed in the Annex

1. The Member States concerned shall ensure that live pigs are not dispatched from their territory to other Member States and third countries, except where those live pigs come from:

- (a) areas outside those listed in the Annex;
- (b) a holding where no live pigs originating from the areas listed in the Annex have been introduced during a period of at least 30 days immediately prior to the date of dispatch.

2. By way of derogation from paragraph 1, the Member States concerned may authorise the dispatch of live pigs from a holding located in the areas listed in the Part I of the Annex provided that those live pigs comply with the following conditions:

- (a) they have been uninterruptedly resident on the holding for a period of at least 30 days prior to the date of the dispatch or since birth and no live pigs have been introduced into that holding from the areas listed in the Annex during a period of at least 30 days prior to the date of the dispatch;
- (b) they come from a holding which implements bio-security requirements for African swine fever as established by the competent authority;

⁽¹⁾ Commission Regulation (EU) No 142/2011 of 25 February 2011 implementing Regulation (EC) No 1069/2009 of the European Parliament and of the Council laying down health rules as regards animal by-products and derived products not intended for human consumption and implementing Council Directive 97/78/EC as regards certain samples and items exempt from veterinary checks at the border under that Directive (OJ L 54, 26.2.2011, p. 1).

- (c) they have been subjected to laboratory testing for African swine fever carried out with negative results on samples taken in accordance with the sampling procedures as laid down in the plan for the eradication of African swine fever referred to in the second paragraph of Article 1 of this Decision within a period of 15 days prior to the date of the movement and a clinical examination for African swine fever has been carried out by an official veterinarian in accordance with the checking and sampling procedures laid down in Part A of Chapter IV of the Annex to Decision 2003/422/EC on the date of shipment; or
- (d) they come from a holding which has been subjected at least twice a year, with an interval of at least 4 months, to inspections by the competent veterinary authority, which:
- (i) followed the guidelines and procedures laid down in Chapter IV of the Annex to Decision 2003/422/EC;
 - (ii) included a clinical examination and sampling in which the pigs over the age of 60 days have been subjected to the laboratory testing in accordance with the checking and sampling procedures laid down in Part A of Chapter IV of the Annex to Decision 2003/422/EC;
 - (iii) checked the effective application of the measures provided for in the second indent and in the fourth to seventh indents of Article 15(2)(b) of Directive 2002/60/EC.
3. For consignments of the live pigs complying with the conditions of the derogation provided to in paragraph 2, the following additional wording shall be added to the corresponding veterinary documents and/or health certificates referred to in Article 5(1) of Directive 64/432/EEC and Article 3(1) of Decision 93/444/EEC:

'Pigs in compliance with Article 8(2) of Commission Implementing Decision 2014/709/EU (*).

(* OJ L 295, 11.10.2014, p. 63.'

Article 9

Prohibition on the dispatch to other Member States and third countries of consignments of porcine semen and ova and embryos of pigs from the areas listed in the Annex

The Member State concerned shall ensure that no consignments of the following commodities are dispatched from their territory to other Member States and third countries:

- (a) porcine semen, unless the semen originates from boars kept at an approved collection centre as referred to in Article 3(a) of Council Directive 90/429/EEC ⁽¹⁾ and situated outside the areas listed in Parts II, III and IV of the Annex to this Decision;
- (b) ova and embryos of animals of the porcine species, unless the ova and embryos originate from donor sows kept in holdings which comply with Article 8(2) and are situated outside the areas listed in Parts II, III and IV of the Annex and the embryos are conceived or produced with semen in compliance with the conditions laid down in point (a).

Article 10

Prohibition on the dispatch to other Member States and third countries of consignments of animal by-products from porcine animals from the areas listed in the Annex

1. The Member States concerned shall ensure that no consignments of animal by-products from porcine animals are dispatched from their territory to other Member States and third countries, unless those porcine by-products originated from pigs originating in and coming from holdings located in the areas outside those listed in Parts II, III and IV of the Annex.

2. By way of derogation from paragraph 1, the Member States concerned may authorise the dispatch of derived products obtained from animal by-products from porcine animals from the areas listed in Parts II, III and IV of the Annex to other Member States and third countries provided that:

- (a) those by-products have been subjected to a treatment which ensures that the derived product obtained from porcine animals poses no risks as regards African swine fever;
- (b) the consignments of derived products are accompanied by a commercial document issued as referred in Chapter III of Annex VIII to Regulation (EU) No 142/2011.

⁽¹⁾ Council Directive 90/429/EEC of 26 June 1990 laying down the animal health requirements applicable to intra-Community trade in and imports of semen of domestic animals of the porcine species (OJ L 224, 18.8.1990, p. 62).

*Article 11***Prohibition on the dispatch to other Member States and third countries of fresh pig meat and of certain pig meat preparations and pig meat products from areas listed in the Annex**

1. The Member States concerned shall ensure that consignments of fresh pig meat from pigs originating from holdings located in the areas listed in the Annex, and pig meat preparations and pig meat products consisting of, or containing meat from those pigs are not dispatched to other Member States and third countries, except where such pig meat was produced from pigs originating in and coming from holdings not located in the areas listed in Parts II, III or IV of the Annex.
2. By way of derogation from paragraph 1, the Member States concerned with areas listed in Parts II, III or IV of the Annex may authorise the dispatch of fresh pig meat referred to in paragraph 1 and pig meat preparations and pig meat products consisting of, or containing such pig meat, to other Member States provided that those pig meat preparations and pig meat products are derived from pigs which have been kept since birth in holdings located outside the areas listed in Parts II, III and IV of the Annex and the fresh pig meat, pig meat preparations and pig meat products are produced, stored and processed in establishments approved in accordance with Article 12.
3. By way of derogation from paragraph 1, the Member States concerned with areas listed in Part II of the Annex may authorise the dispatch of fresh pig meat referred to in paragraph 1 and pig meat preparations and pig meat products consisting of, or containing such pig meat, to other Member States provided that those pig meat preparations and pig meat products are derived from pigs that comply with the requirements laid down in paragraph 1 and paragraph 2 or paragraph 3 of Article 3.

*Article 12***Approval of slaughterhouses, cutting plants and meat processing establishments for the purposes of Articles 4, 5 and 6 and Article 11(2)**

The competent authority of the Member States concerned shall only approve slaughterhouses, cutting plants and meat processing establishments for the purposes of Articles 4, 5 and 6 and Article 11(2) in which the production, storage and processing of the fresh pig meat and pig meat preparations and pig meat products consisting of or containing such pig meat eligible for dispatch to other Member States and third countries in accordance with the derogations provided for in Articles 4 to 6 and 11(2), is carried out separately from the production, storage and processing of other products consisting of or containing fresh pig meat and pig meat preparations and pig meat products consisting of or containing meat derived from pigs originating in or coming from holdings located in areas listed in the Annex other than those approved in accordance with this Article.

*Article 13***Derogation from the prohibition on the dispatch of fresh pig meat and of certain pig meat preparations and pig meat products from areas listed in the Annex**

By way of derogation from Article 11, the Member States concerned may authorise the dispatch of fresh pig meat, pig meat preparations and pig meat products consisting of or containing such meat from the areas listed in Parts II, III or IV of the Annex, to other Member States and third countries provided that the products in question:

- (a) have been produced and processed in compliance with Article 4(1) of Directive 2002/99/EC;
- (b) are subjected to veterinary certification in accordance with Article 5 of Directive 2002/99/EC;
- (c) are accompanied by the appropriate intra-Union trade health certificate as set out in the Annex to Regulation (EC) No 599/2004 and of which Part II shall be completed by the following:

'Products in accordance with Commission Implementing Decision 2014/709/EU of 9 October 2014 concerning animal health control measures relating to African swine fever in certain Member States (*).

(*) OJ L 295, 11.10.2014, p. 63.'

*Article 14***Information concerning Articles 11, 12 and 13**

The Member States shall communicate to the Commission and the other Member States, every six months from the date of this Decision, the updated list of approved establishments referred to in Article 12 and any relevant information on the application of Articles 11, 12 and 13.

*Article 15***Measures relating to live feral pigs, fresh meat, meat preparations and meat products consisting of or containing meat from feral pigs**

1. The Member States concerned shall ensure that:
 - (a) no live feral pigs from the areas listed in the Annex are dispatched to other Member States or to other areas in the territory of the same Member State;
 - (b) no consignments of fresh meat of feral pigs, meat preparations and meat products consisting of or containing such meat from the areas listed in the Annex are dispatched to other Member States or to other areas in the territory of the same Member State.
2. By way of derogation from paragraph 1(b), the Member States concerned may authorise the dispatch of consignments of fresh meat of feral pigs, meat preparations and meat products consisting of or containing such meat from the areas listed in Part I of the Annex to other areas in the territory of the same Member State not listed in the Annex, provided that the feral pigs have been tested with negative results for African swine fever in accordance with the diagnostic procedures set out in Parts C and D of Chapter VI of the Annex to Decision 2003/422/EC.

*Article 16***Special health marks and certification requirements for fresh meat, meat preparations and meat products subject to prohibition referred to in Article 2, Article 11(1) and Article 15(1)**

The Member States concerned shall ensure that the fresh meat and meat preparations and meat products subject to the prohibitions provided for in Articles 2, Article 11(1) and Article 15(1) are marked with a special health mark that is not oval and cannot be confused with:

- (a) the identification mark for meat preparations and meat products consisting of, or containing pig meat, as set out in Section I of Annex II to Regulation (EC) No 853/2004;
- (b) the health mark for fresh pig meat as set out in Chapter III of Section I of Annex I to Regulation (EC) No 854/2004.

*Article 17***Requirements concerning holdings and transport vehicles in the areas listed in the Annex**

The Member States concerned shall ensure that:

- (a) the conditions laid down in the second and the fourth to seventh indents of Article 15(2)(b) of Directive 2002/60/EC are applied in the pig holdings located within the areas listed in the Annex to this Decision;
- (b) vehicles which have been used for the transport of pigs or animal by-products from porcine animals originating from holdings located within the areas listed in the Annex to this Decision are cleansed and disinfected immediately following each operation and the transporter provides and carries in the vehicle proof of such cleansing and disinfection.

*Article 18***Information requirements of the Member States concerned**

The Member States concerned shall inform the Commission and the other Member States, in the framework of the Standing Committee on Plants, Animals, Food and Feed, of the results of the surveillance for African swine fever carried out in the areas listed in the Annex, as provided for in the plans for the eradication of African swine fever from feral pig populations approved by the Commission in accordance with Article 16 of Directive 2002/60/EC and referred to in the second paragraph of Article 1 of this Decision.

*Article 19***Compliance**

The Member States shall amend the measures they apply to trade so as to bring them into compliance with this Decision and they shall give immediate appropriate publicity to the measures adopted. They shall immediately inform the Commission thereof.

*Article 20***Repeal**

Implementing Decision 2014/178/EU is repealed.

*Article 21***Applicability**

This Decision shall apply until 31 December 2018.

*Article 22***Addressees**

This Decision is addressed to the Member States.

Done at Brussels, 9 October 2014.

For the Commission
Tonio BORG
Member of the Commission

ANNEX

PART I

1. Estonia

The following areas in Estonia:

- the maakond of Põlvamaa,
- the maakond of Võrumaa,
- the vald of Häädemeeste,
- the vald of Kambja,
- the vald of Kasepää,
- the vald of Kolga-Jaani,
- the vald of Konguta,
- the vald of Kõo,
- the vald of Kõpu,
- the vald of Laekvere,
- the vald of Nõo,
- the vald of Paikuse,
- the vald of Pärsti,
- the vald of Puhja,
- the vald of Rägavere,
- the vald of Rannu,
- the vald of Rõngu,
- the vald of Saarde,
- the vald of Saare,
- the vald of Saarepeedi,
- the vald of Sõmeru,
- the vald of Surju,
- the vald of Suure-Jaani,
- the vald of Tahkuranna,
- the vald of Torma,
- the vald of Viiratsi,
- the vald of Vinni,
- the vald of Viru-Nigula,
- the linn of Kunda,
- the linn of Viljandi.

2. Latvia

The following areas in Latvia:

- the novads of Aizkraukles,
- the novads of Alojas,
- the novads of Alūksnes,
- the novads of Amatas,

- the novads of Apes,
- the novads of Baltinavas,
- the novads of Balvu,
- the novads of Cēsu,
- the novads of Gulbenes,
- the novads of Ikšķiles,
- the novads of Inčukalna,
- the novads of Jaunjelgavas,
- the novads of Jaunpiepalgas,
- the novads of Ķeguma,
- the novads of Kocēnu,
- the novads of Krimuldas,
- the novads of Lielvārdes,
- the novads of Līgatnes,
- the novads of Limbažu,
- the novads of Mālpils,
- the novads of Mazsalacas,
- the novads of Neretas,
- the novads of Ogres,
- the novads of Pārgaujas,
- the novads of Priekuļu,
- the novads of Raunas,
- the novads of Ropažu,
- the novads of Rugāju,
- the novads of Salacgrīvas,
- the novads of Salas,
- the novads of Sējas,
- the novads of Siguldas,
- the novads of Skrīveru,
- the novads of Smiltenes,
- the novads of Vecpiebalgas,
- the novads of Vecumnieku,
- the novads of Viesītes,
- the novads of Viļakas,
- the republikas pilsēta of Valmiera.

3. Lithuania

The following areas in Lithuania:

- the rajono savivaldybe of Biržai,
- the rajono savivaldybe of Jonava,
- the rajono savivaldybe of Kaišiadorys,
- the rajono savivaldybe of Kaunas,

- the rajono savivaldybe of Kedainiai,
- the rajono savivaldybe of Panevežys,
- the rajono savivaldybe of Pasvalys,
- the rajono savivaldybe of Prienai,
- the savivaldybe of Birštonas,
- the savivaldybe of Kazlu Ruda,
- the savivaldybe of Marijampole,
- the savivaldybe of Kalvarija,
- the miesto savivaldybe of Kaunas,
- the miesto savivaldybe of Panevežys,
- in the rajono savivaldybė of Kupiškis, the seniūnija of Alizava, Kupiškis, Noriūnai and Subačius.

4. Poland

The following areas in Poland:

In the województwo podlaskie:

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

PART II

1. Estonia

The following areas in Estonia:

- the maakond of IDA-Virumaa,
- the maakond of Valgamaa,
- the vald of Abja,
- the vald of Halliste,
- the vald of Karksi,
- the vald of Paistu,
- the vald of Tarvastu.

2. Latvia

The following areas in Latvia:

- the novads of Aknīstes,
- the novads of Cesvaines,
- the novads of Ērgļi,
- the novads of Ilūkstes,
- the republikas pilsēta of Jēkabpils,
- the novads of Jēkabpils,
- the novads of Kokneses,
- the novads of Krustpils,
- the novads of Līvānu,
- the novads of Lubānas,
- the novads of Madonas,
- the novads of Pļaviņu,
- the novads of Varakļānu.

3. Lithuania

The following areas in Lithuania:

- the apskritis of Alytus,
- the rajono savivaldybe of Šalčininkai,
- the rajono savivaldybe of Širvintos,
- the rajono savivaldybe of Trakai,
- the rajono savivaldybe of Ukmerge,
- the rajono savivaldybe of Vilnius,
- the savivaldybe of Elektrenai,
- the miesto savivaldybe of Vilnius,
- in the rajono savivaldybė of Anykščiai, the seniūnija of Andrioniškis, Anykščiai, Debeikiai, Kavarskas, Kurkliai, Skiemonys, Traupis, Troškūnai, Viešintos and the part of Svėdasai located south to road No 118.

4. Poland

The following areas in Poland:

In podlaskie voivodship:

- the gminy of Giby and Sejny with the city of Sejny in the powiat sejneński,
- the gminy of Lipsk and Płaska in the powiat augustowski,
- the gminy of Czarna Białostocka, Gródek, Supraśl, Wasilków and Michałowo in the powiat białostocki,
- the gminy of Dąbrowa Białostocka, Janów, Krynki, Kuźnica, Nowy Dwór, Sidra, Sokółka and Szudziałowo in the powiat sokólski.

PART III**1. Latvia**

The following areas in Latvia:

- the novads of Aglonas,
- the novads of Beverīnas,

- the novads of Burtnieku,
- the novads of Ciblas,
- the novads of Dagdas,
- the novads of Daugavpils,
- the novads of Kārsavas,
- the novads of Krāslavas,
- the novads of Ludzas,
- the novads of Naukšēnu,
- the novads of Preiļu,
- the novads of Rēzeknes,
- the novads of Riebiņu,
- the novads of Rūjienas,
- the novads of Strenču,
- the novads of Valkas,
- the novads of Vārkavas,
- the novads of Viļānu,
- the novads of Zilupes,
- the republikas pilsēta of Daugavpils,
- the republikas pilsēta of Rēzekne.

2. Lithuania

The following areas in Lithuania:

- the rajono savivaldybe of Ignalina,
- the rajono savivaldybe of Moletai,
- the rajono savivaldybe of Rokiškis,
- the rajono savivaldybe of Švencionys,
- the rajono savivaldybe of Utena,
- the rajono savivaldybe of Zarasai,
- the savivaldybe of Visaginas,
- in the rajono savivaldybė of Kupiškis, the seniūnija of Šimonys and Skapiškis,
- in the rajono savivaldybė of Anykščiai, the part of the seniūnija of Svėdasai located north to road No 118.

PART IV

Italy

The following areas in Italy:

all areas of Sardinia.

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 9 October 2014

on relevant product and service markets within the electronic communications sector susceptible to *ex ante* regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services

(Text with EEA relevance)

(2014/710/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) ⁽¹⁾, and in particular Article 15(1) thereof,

Having regard to the opinions of the Body of European Regulators for Electronic Communications (BEREC) and of the Communications Committee,

Whereas:

- (1) Directive 2002/21/EC establishes a legislative framework for the electronic communications sector that seeks, inter alia, to respond to convergence trends by covering all electronic communications networks and services within its scope. In accordance with Directive 2009/140/EC of the European Parliament and of the Council ⁽²⁾, the aim of the regulatory framework is, inter alia, to reduce *ex ante* sector-specific regulation progressively as competition in markets develops and, ultimately, for electronic communications to be governed by competition law only.
- (2) In line with this aim the purpose of this Recommendation is to identify those product and service markets in which *ex ante* regulation may be warranted in accordance with Article 15(1) of Directive 2002/21/EC. The objective of any *ex ante* regulatory intervention is ultimately to produce benefits for end-users by making retail markets effectively competitive on a sustainable basis. It is likely that national regulatory authorities will gradually be able to find retail markets to be competitive even in the absence of wholesale regulation, especially taking into account expected improvements in innovation and competition.
- (3) The definition of relevant markets may change over time as the characteristics of products and services may evolve and the possibilities for demand and supply substitution may change. With Commission Recommendation 2007/879/EC ⁽³⁾ having been in force for more than six years, it is now appropriate to revise it on the basis of market developments that occurred since its adoption. Hence, this Recommendation replaces Recommendation 2007/879/EC, and provides guidance to national regulatory authorities over forthcoming market reviews.
- (4) Article 15(1) of Directive 2002/21/EC requires the Commission to identify markets within the electronic communications sector the characteristics of which may be such as to justify the imposition of regulatory obligations in accordance with the principles of competition law. Competition law principles are therefore used in this Recommendation to define product markets in the electronic communications sector.

⁽¹⁾ OJ L 108, 24.4.2002, p. 33.

⁽²⁾ Directive 2009/140/EC of the European Parliament and of the Council of 25 November 2009 amending Directives 2002/21/EC on a common regulatory framework for electronic communications networks and services, 2002/19/EC on access to, and interconnection of, electronic communications networks and associated facilities, and 2002/20/EC on the authorisation of electronic communications networks and services (OJ L 337, 18.12.2009, p. 37).

⁽³⁾ Commission Recommendation 2007/879/EC of 17 December 2007 on relevant product and service markets within the electronic communications sector susceptible to *ex ante* regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services (OJ L 344, 28.12.2007, p. 65).

- (5) In accordance with Article 15(3) of Directive 2002/21/EC, it is for national regulatory authorities to define, in accordance with competition law and taking the utmost account of this Recommendation, relevant markets appropriate to national circumstances, in particular relevant geographic markets within their territory.
- (6) In accordance with Article 16(3) of Directive 2002/21/EC, *ex ante* regulatory obligations are only imposed in markets that are not effectively competitive. As explained in recital 27 of the Directive, these are markets where there are one or more undertakings with significant market power and where national and EU competition law remedies alone are not sufficient to address the competition problem identified. Furthermore, an analysis of effective competition should include an analysis as to whether the market is prospectively competitive, and thus whether any lack of effective competition is durable.
- (7) For both the Commission and national regulatory authorities the starting point for the identification of wholesale markets susceptible to *ex ante* regulation is the analysis of corresponding retail markets. This retail analysis is done by taking into account demand-side and, where appropriate, supply-side substitutability from a forward-looking perspective over a given time horizon. When defining relevant markets in accordance with Article 15(3) of Directive 2002/21/EC, national regulatory authorities should identify a geographic area where the conditions of competition are similar or sufficiently homogeneous and which can be distinguished from neighbouring areas in which the prevailing conditions of competition are appreciably different, having particular regard to the question whether the potential SMP operator acts uniformly across its network area or whether it faces appreciably different conditions of competition to a degree that its activities are constrained in some areas but not in others.
- (8) It should be assessed whether retail markets are effectively competitive from a forward-looking perspective in the absence of regulation based on a finding of significant market power. On the other hand, the analysis should take into account the effects of other types of regulation applicable to the relevant retail and related wholesale market(s) throughout the relevant period.
- (9) When carrying out a market analysis under Article 16 of Directive 2002/21/EC, the assessment of a market should be done from a forward-looking perspective, starting from existing market conditions. The analysis should assess whether the market is prospectively competitive and whether any lack of competition is durable, by taking into account expected or foreseeable market developments ⁽¹⁾.
- (10) If the retail market concerned is not effectively competitive from a forward-looking perspective in the absence of *ex ante* regulation, the corresponding wholesale market(s) susceptible to *ex ante* regulation in line with Article 16 of Directive 2002/21/EC should be assessed. When analysing the boundaries and market power within (a) corresponding relevant wholesale market(s) to determine whether it is/they are effectively competitive, direct and indirect competitive constraints should be taken into account, irrespective of whether these constraints result from electronic communications networks, electronic communications services or other types of services or applications that are comparable from the end-users' perspective ⁽²⁾. On the other hand, if the retail market concerned is effectively competitive from a forward-looking perspective in the absence of *ex ante* wholesale regulation on the corresponding relevant market(s), this should lead the national regulatory authority to conclude that regulation is no longer needed at wholesale level. In such a case, the corresponding relevant wholesale market(s) should be assessed with a view to withdrawing *ex ante* regulation. Where wholesale markets are vertically linked in the supply chain, the wholesale market to be analysed first is the one that is most upstream from the retail market in question.
- (11) The wholesale markets listed in the Annex may have such characteristics as to justify *ex ante* regulation because overall they meet the following three cumulative criteria, which have also been used to identify markets susceptible to *ex ante* regulations in the previous versions of the Recommendation. The first criterion is the presence of high and non-transitory barriers to entry. However, given the dynamic character and functioning of electronic communications markets, possibilities to overcome barriers to entry within the relevant time horizon should also be taken into consideration when carrying out a prospective analysis to identify the relevant markets for possible *ex ante* regulation. The second criterion addresses whether a market structure tends towards effective competition

⁽¹⁾ Point 20 of the Commission guidelines on market analysis and the assessment of significant market power under the Community regulatory framework for electronic communications networks and services (2002/C 165/03).

⁽²⁾ Such as for instance, over-the-top (OTT) services which although today may not be considered as direct substitutes to services provided by electronic communication service providers, technological developments are likely to result in their a continuous expansion in the coming years.

within a relevant time horizon. The application of this criterion involves examining the state of infrastructure-based and other competition behind the barriers to entry. The third criterion is that the application of competition law alone would not adequately address the market failure(s) concerned. The main indicators to be considered when assessing the first and second criteria are similar to those examined as part of a forward-looking market analysis to determine the presence of significant market power. In particular, indicators of barriers to entry in the absence of regulation (including the extent of sunk costs), market structure, market performance and market dynamics, including indicators such as market shares and trends, market prices and trends, and the extent and coverage of competing networks or infrastructures.

- (12) As far as the first criterion is concerned, two types of barriers to entry are relevant for the purpose of this Recommendation: structural barriers and legal or regulatory barriers. Structural barriers to entry result from original cost or demand conditions that create asymmetric conditions between incumbents and new entrants impeding or preventing market entry of the latter. For instance, high structural barriers may be found to exist when the market is characterised by absolute cost advantages, substantial economies of scale and/or economies of scope, capacity constraints and high sunk costs. A related structural barrier can also exist where the provision of service requires a network component that cannot be technically duplicated or only duplicated at a cost that makes it uneconomic for competitors.
- (13) Legal or regulatory barriers are not based on economic conditions, but result from legislative, administrative or other measures that have a direct effect on the conditions of entry and/or the positioning of operators in the relevant market. An example of a legal or regulatory barrier impeding or preventing entry into a market is a limit on the number of undertakings that have access to spectrum for the provision of underlying services. Other examples of legal or regulatory barriers are price controls or other price-related measures imposed on undertakings, which affect not only entry but also the positioning of undertakings on the market. Legal or regulatory barriers that are likely to be removed within the relevant time horizon should not normally be deemed to constitute a barrier to entry such as to fulfil the first criterion.
- (14) Barriers to entry may also become less relevant with regard to innovation-driven markets characterised by ongoing technological progress. In such markets, competitive constraints often come from innovative threats from potential competitors that are not currently in the market. In innovation-driven markets, dynamic or longer-term competition can take place among firms that are not necessarily competitors in an existing 'static' market. This Recommendation identifies markets where barriers to entry are expected to persist over a foreseeable period. In assessing whether barriers to entry are likely to persist in the absence of regulation, it is necessary to examine whether the industry has experienced frequent and successful entry and whether entry has been or is likely in the future to be sufficiently immediate and persistent to limit market power. The relevance of barriers to entry will depend, inter alia, on the minimum efficient scale of output and the costs which are sunk.
- (15) Even when a market is characterised by high barriers to entry, other structural factors in that market may entail that the market still tends towards becoming effectively competitive within a relevant time horizon. A tendency towards effective competition implies that the market will either reach the status of effective competition absent *ex ante* regulation within the period of review, or will do so after that period provided clear evidence of positive dynamics in the market is available within the period of review. Market dynamics may for instance be caused by technological developments, or by the convergence of products and markets which may give rise to competitive constraints being exercised between operators active in distinct product markets. This may also be the case in markets with a limited — but sufficient — number of undertakings having diverging cost structures and facing price-elastic market demand. There may also be excess capacity in a market that would normally allow rival firms to expand output very rapidly in response to any price increase. In such markets, market shares may change over time and/or decreasing prices may be observed.
- (16) The third criterion serves to assess the adequacy of corrective measures that can be imposed under competition law to tackle identified persistent market failure(s), in particular given that *ex ante* regulatory obligations may effectively prevent competition law infringements. Competition law interventions are likely to be insufficient where for instance the compliance requirements of an intervention to redress persistent market failure(s) are extensive or where frequent and/or timely intervention is indispensable. Thus, *ex ante* regulation should be considered an appropriate complement to competition law when competition law alone would not adequately address persistent market failure(s) identified.

- (17) The application of these three cumulative criteria should limit the number of markets within the electronic communications sector where *ex ante* regulatory obligations are imposed and thereby contribute to one of the aims of the regulatory framework, namely to reduce *ex ante* sector-specific rules progressively as competition in the markets develops. Failure to meet any one of the three criteria would indicate that a market should not be identified as susceptible to *ex ante* regulation.
- (18) *Ex ante* regulation imposed at the wholesale level should be considered sufficient to tackle potential competition problems on the related downstream market(s). A downstream market should only be subject to *ex ante* regulation if competition on that market still exhibits significant market power despite the presence of *ex ante* regulation on the related wholesale upstream market(s). Given the advances in competition that have been achieved thanks to regulation, this Recommendation identifies only relevant markets at the wholesale level. It is believed that their regulation can address a lack of effective competition at the wholesale level, which in turn is the cause of identified market failures in the related retail markets. Should a national regulatory authority nonetheless demonstrate that wholesale interventions have been unsuccessful, the relevant retail market may be susceptible to *ex ante* regulation provided that the national regulatory authority has found that the three-criteria test prescribed in this Recommendation is met.
- (19) The markets listed in the Annex have been identified on the basis of the above-mentioned three cumulative criteria. The national regulatory authorities should start from a presumption that, in these markets, the three criteria are met. If, however, a national regulatory authority concludes that, absent regulation at the wholesale level, the retail market(s) as defined display(s) sustainable competition, it should also conclude that *ex ante* regulation is no longer needed at the wholesale level.
- (20) For the markets listed in the Annex, a national regulatory authority may still consider it appropriate, on the basis of specific national circumstances, to conduct its own three-criteria test. A national regulatory authority may conclude that the three-criteria test is or is not met in the national circumstances. If the three-criteria test is not met for a specific market listed in the Recommendation, the NRA should not impose regulatory obligations on that market.
- (21) National regulatory authorities may identify other markets than those listed in this Recommendation and apply the three-criteria test. In particular, if national regulatory authorities, having concluded that a retail market is not effectively competitive absent *ex ante* regulation, intend to regulate the corresponding wholesale market(s), and this/these market(s) is/are not listed in the Recommendation, they should always conduct the three criteria test. In such a case, the wholesale market to be analysed first is the one that is most upstream from the retail market in question in the vertical supply chain. A national regulatory authority should conduct a gradual analysis of the markets that are situated downstream from a regulated upstream input, to determine whether they would be effectively competitive in the presence of regulation upstream, until it reaches the retail market(s).
- (22) National regulatory authorities should also apply the three-criteria test to those markets listed in the Annexes to Commission Recommendation 2003/311/EC⁽¹⁾ and to Recommendation 2007/879/EC which are no longer listed in the Annex to this Recommendation if they are currently regulated in the light of national circumstances, in order to assess whether, on the basis of such national circumstances, such markets are still susceptible to *ex ante* regulation.
- (23) Newly emerging markets should not be subject to inappropriate *ex ante* regulatory obligations, even if there is a first-mover advantage, in accordance with Directive 2002/21/EC. Newly emerging markets are considered to comprise products or services where, due to their novelty, it is very difficult to predict demand conditions or market entry and supply conditions, and consequently difficult to apply the three-criteria test. The purpose of not subjecting newly emerging markets to inappropriate *ex ante* regulatory obligations is to promote innovation as

⁽¹⁾ Commission Recommendation 2003/311/EC of 11 February 2003 on relevant product and service markets within the electronic communications sector susceptible to *ex ante* regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communication networks and services (OJ L 114, 8.5.2003, p. 45).

required by Article 8 of Directive 2002/21/EC; at the same time, foreclosure of such markets by the leading undertaking should be prevented, as also indicated in the Commission guidelines on market analysis and the assessment of significant market power under the Community regulatory framework for electronic communications networks and services ⁽¹⁾. Incremental upgrades to existing network infrastructure rarely lead to a new or emerging market. The lack of substitutability of a product has to be established from both demand- and supply-side perspectives before it can be concluded that it is not part of an already existing market. The emergence of new retail services may give rise to a new derived wholesale market to the extent that such retail services cannot be provided using existing wholesale products.

- (24) National regulatory authorities shall make accessible the results of the application of the three-criteria test carried out in accordance with this Recommendation and falling within the scope of Article 7(3) of the Directive 2002/21/EC to the Commission, BEREC and other national regulatory authorities. Failure to notify a draft measure which affects trade between Member States as described in recital 38 of Directive 2002/21/EC may result in infringement proceedings being taken against the Member State concerned.
- (25) The markets listed in the Annex to the Recommendation no longer include two markets that were listed in Recommendation 2007/879/EC (markets 1 and 2) as they no longer fulfil the three-criteria test. As there may be a degree of variation across Member States in the pace of the expected or foreseeable market developments which underlie this finding at Union level, specific national circumstances may justify that a national regulatory authority could find that market 1 of Recommendation 2007/879/EC or other retail markets related to market 2 of Recommendation 2007/879/EC are not yet effectively competitive from a forward-looking perspective absent appropriate and proportionate wholesale remedies. National regulatory authorities could thus justify continuing *ex ante* regulatory intervention at wholesale level provided that the three-criteria test is satisfied in the national circumstances for the subsequent review period. The remaining markets of Recommendation 2007/879/EC still warrant *ex ante* regulation, although the boundaries of markets 4, 5 and 6 of Recommendation 2007/879/EC are redefined. National regulatory authorities take into account their national circumstances when delineating these markets.

HAS ADOPTED THIS RECOMMENDATION:

1. In defining relevant markets appropriate to national circumstances in accordance with Article 15(3) of Directive 2002/21/EC, national regulatory authorities should analyse the product and service markets identified in the Annex.
2. When identifying markets other than those set out in the Annex, national regulatory authorities should demonstrate, and the Commission will verify, that the following three criteria are cumulatively met:
 - (a) the presence of high and non-transitory structural, legal or regulatory barriers to entry;
 - (b) a market structure which does not tend towards effective competition within the relevant time horizon, having regard to the state of infrastructure-based and other competition behind the barriers to entry;
 - (c) competition law alone is insufficient to adequately address the identified market failure(s).
3. When considering that any of the markets set out in the Annex is not susceptible to *ex ante* regulation in the specific national circumstances, national regulatory authorities should demonstrate, and the Commission will verify, that at least one of the three criteria set out in point 2 is not met.
4. National regulatory authorities should consider all relevant competitive constraints, irrespective of whether the sources of such constraints are deemed to be electronic communications networks, electronic communications services, or other types of services or applications which are comparable from the perspective of the end-user.

⁽¹⁾ Commission Guidelines (OJ C 165, 11.7.2002, p. 6).

5. This Recommendation is without prejudice to market definitions, results of market analyses and regulatory obligations adopted by national regulatory authorities in accordance with Articles 15(3) and 16 of Directive 2002/21/EC prior to the date of adoption of this Recommendation.
6. This Recommendation is addressed to the Member States.

Done at Brussels, 9 October 2014.

For the Commission
Neelie KROES
Vice President

ANNEX

- Market 1: Wholesale call termination on individual public telephone networks provided at a fixed location
 - Market 2: Wholesale voice call termination on individual mobile networks
 - Market 3: (a) Wholesale local access provided at a fixed location
(b) Wholesale central access provided at a fixed location for mass-market products
 - Market 4: Wholesale high-quality access provided at a fixed location
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