

Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005

REGULATION (EU) 2019/1241 OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

of 20 June 2019

on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

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

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

Having regard to the opinion of the Committee of the Regions⁽²⁾,

Acting in accordance with the ordinary legislative procedure⁽³⁾,

Whereas:

- (1) Regulation (EU) No 1380/2013 of the European Parliament and of the Council⁽⁴⁾ establishes a Common Fisheries Policy (CFP) for the conservation and sustainable exploitation of fisheries resources.
- (2) Technical measures are tools to support the implementation of the CFP. However, an evaluation of the current regulatory structure in relation to technical measures showed that it is unlikely to achieve the objectives of the CFP and a new approach should be taken to increase the effectiveness of technical measures, focusing on adapting the governance structure.
- (3) There is a need to develop a framework for the regulation of technical measures. That framework should, on the one hand, establish general rules which are to apply across all Union waters and, on the other hand, provide for the adoption of technical measures

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that take account of the regional specificities of fisheries through the regionalisation process introduced by Regulation (EU) No 1380/2013.

- (4) The framework should cover the taking and landing of fisheries resources as well as the operation of fishing gear and the interaction of fishing activities with marine ecosystems.
- (5) This Regulation should apply to fishing operations conducted in Union waters by Union and third-country fishing vessels and by nationals of Member States — without prejudice to the primary responsibility of the flag State — as well as to Union fishing vessels operating in Union waters of the outermost regions referred to in the first paragraph of Article 349 of the Treaty on the Functioning of the European Union (TFEU). It should also apply, in respect of Union fishing vessels and nationals of Member States, in non-Union waters to technical measures adopted for the North East Atlantic Fisheries Commission (NEAFC) Regulatory Area and the General Fisheries Commission for the Mediterranean (GFCM) Agreement Area.
- (6) Where relevant, technical measures should apply to recreational fishing, which can have a significant impact on the stocks of fish and shellfish species.
- (7) Technical measures should contribute to achieving the CFP objectives to fish at maximum sustainable yield levels, reduce unwanted catches and eliminate discards, and contribute to the achievement of good environmental status as set out in Directive 2008/56/EC of the European Parliament and of the Council⁽⁵⁾.
- (8) Technical measures should specifically contribute to the protection of juveniles and spawning aggregations of marine species through the use of selective fishing gear and measures for the avoidance of unwanted catches. Technical measures should also minimise the impacts of fishing gear on marine ecosystems and in particular on sensitive species and habitats, including where appropriate by using incentives. They should also contribute to having in place management measures for the purposes of complying with obligations under Council Directive 92/43/EEC⁽⁶⁾, Directive 2008/56/EC and Directive 2009/147/EC of the European Parliament and of the Council⁽⁷⁾.
- (9) To evaluate the effectiveness of technical measures, targets relating to the levels of unwanted catches, in particular catches of marine species below the minimum conservation reference size, to the level of incidental catches of sensitive species and to the extent of seabed habitats adversely affected by fishing should be established. Those targets should reflect the objectives of the CFP, Union environmental legislation — in particular Directive 92/43/EEC and Directive 2000/60/EC of the European Parliament and of the Council⁽⁸⁾ — and international best practice.
- (10) In order to ensure uniformity as regards the interpretation and implementation of technical rules, definitions of fishing gear and fishing operations contained in existing technical measures regulations should be updated and consolidated.
- (11) Certain destructive fishing gear or methods which use explosives, poison, stupefying substances, electric current, pneumatic hammers or other percussive instruments, towed devices and grabs for harvesting red coral or other type of corals and coral-like species and certain spear-guns, should be prohibited. It should not be allowed to sell, display

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or offer for sale any marine species caught using such gear or methods where they are prohibited under this Regulation.

- (12) The use of electric pulse trawl should remain possible during a transitional period until 30 June 2021 and under certain strict conditions.
- (13) In the light of advice from the Scientific, Technical and Economic Committee for Fisheries (STECF), certain common rules setting out restrictions on the use of towed gear and on the construction of codends should be established, in order to prevent bad practices that lead to unselective fishing.
- (14) In order to restrict the use of driftnets which can fish over large areas and result in significant catches of sensitive species, the existing restrictions on using such fishing gear should be consolidated.
- (15) In the light of advice from STECF, fishing with static nets in ICES divisions 3a, 6a, 6b, 7b, 7c, 7j and 7k and ICES sub-areas 8, 9, 10 and 12 east of 27° W in waters with a charted depth of more than 200 m should continue to be prohibited, in order to provide protection for sensitive deep-sea species, subject to certain derogations.
- (16) For certain rare fish species, such as some species of sharks and rays, even limited fishing activity could result in a serious risk for their conservation. To protect such species a general prohibition on fishing for them should be introduced.
- (17) To afford the strict protection for sensitive marine species such as marine mammals, seabirds and marine reptiles provided for in Directives 92/43/EEC and 2009/147/EC, Member States should put in place mitigation measures to minimise and where possible eliminate the catching of such species by fishing gear.
- (18) In order to provide continued protection for sensitive marine habitats located off the coasts of Ireland, the United Kingdom and around the Azores, Madeira and the Canary Islands, as well as in the NEAFC Regulatory Area, existing restrictions on the use of demersal fishing gear should be maintained.
- (19) Where scientific advice identifies other such habitats, there should be a possibility to introduce similar restrictions to protect those habitats.
- (20) In accordance with Regulation (EU) No 1380/2013, minimum conservation reference sizes should be established to ensure the protection of juveniles of marine species and for the purpose of establishing fish stock recovery areas, as well as for the purpose of constituting minimum marketing sizes.
- (21) The manner in which the size of marine species is to be measured should be defined.
- (22) There should be a possibility for Member States to carry out pilot projects with the aim of exploring ways to avoid, minimise and eliminate unwanted catches. Where the results of those projects or scientific advice indicate that there are significant unwanted catches, Member States should endeavour to establish technical measures to reduce such catches.
- (23) This Regulation should establish baseline standards for each sea basin. Those baseline standards are derived from existing technical measures, taking account of STECF

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advice and the opinions of stakeholders. Those standards should consist of baseline mesh sizes for towed gear and static nets, minimum conservation reference sizes, closed or restricted areas, as well as nature conservation measures to mitigate against catches of sensitive species in certain areas and any other existing regionally specific technical measures.

- (24) Member States should have the possibility to develop joint recommendations for appropriate technical measures that differ from these baselines in accordance with the regionalisation process set out in Regulation (EU) No 1380/2013, based on scientific evidence.
- (25) Such regional technical measures should as a minimum lead to such benefits for the conservation of marine biological resources that are at least equivalent to the ones provided by the baseline standards, in particular in terms of exploitation patterns and the level of protection provided for sensitive species and habitats.
- (26) When developing joint recommendations in relation to size and species selective characteristics of gear alternative to the baseline mesh sizes, regional groups of Member States should ensure that such measures result in similar, as a minimum, or improved selectivity characteristics as the baseline gear.
- (27) When developing joint recommendations in relation to restricted areas for the protection of juveniles and spawning aggregations, regional groups of Member States should define the objectives, geographical extent and duration of closures as well as gear restrictions and control and monitoring arrangements in their joint recommendations.
- (28) When developing joint recommendations in relation to minimum conservation reference sizes, regional groups of Member States should ensure that the objective of the CFP of ensuring the protection of juveniles of marine species is respected, while ensuring that no distortion is introduced into the market and that no market for fish below minimum conservation reference sizes is created.
- (29) The creation of real-time closures in conjunction with moving-on provisions as an additional measure for the protection of sensitive species, juveniles or spawning aggregations should be allowed as an option to be developed through regionalisation. The conditions for the establishment of such areas, including the geographical extent and duration of closures, as well as the control and monitoring arrangements should be defined in the relevant joint recommendations.
- (30) On the basis of an assessment of the impacts of innovative gear, the use, or extending the use, of such innovative gear could be included as an option in joint recommendations from regional groups of Member States. The use of innovative fishing gear should not be permitted where scientific assessment indicates that their use would lead to significant negative impacts on sensitive habitats and non-target species.
- (31) When developing joint recommendations in relation to the protection of sensitive species and habitats, regional groups of Member States should be allowed to develop additional mitigation measures to reduce the impacts of fishing on such species and habitats. Where scientific evidence shows that there is a serious threat to the conservation status of sensitive species and habitats, Member States should introduce

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additional restrictions on the construction and operation of certain fishing gear or even the introduction of a total prohibition on their use in a given area. In particular, such restrictions could be applied to the use of driftnets which in certain areas has resulted in significant catches of sensitive species.

- (32) Regulation (EU) No 1380/2013 allows for the establishment of temporary discard plans for the implementation of the landing obligation, in cases where no multiannual plan is in place for the fishery in question. As part of such plans it should be allowed to establish technical measures which are strictly linked to the implementation of the landing obligation and which aim to increase selectivity and reduce unwanted catches as much as possible.
- (33) There should be a possibility to carry out pilot projects on full documentation of catches and discards. Such projects could involve derogations from the rules on mesh sizes laid down in this Regulation insofar as they contribute to achieving the objectives and targets of this Regulation.
- (34) Certain provisions on technical measures adopted by NEAFC should be included in this Regulation.
- (35) In order not to hinder scientific research or direct restocking and translocation, the technical measures provided for in this Regulation should not apply to operations which may be necessary for conducting such activities. In particular, where fishing operations for the purposes of scientific research require such a derogation from the technical measures under this Regulation, they should be subject to appropriate conditions.
- (36) The power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of adopting certain measures in relation to recreational fishing, restrictions on towed gear, sensitive species and habitats, the list of fish and shellfish for which directed fishing is prohibited, the definition of directed fishing, pilot projects on full documentation on catches and discards, and technical measures as part of temporary discard plans, as well as in relation to minimum conservation reference sizes, mesh sizes, closed areas and other technical measures in certain sea basins, mitigation measures for sensitive species and the list of species of key indicator stocks. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁽⁹⁾. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (37) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission in respect of the establishment of the specification of devices to reduce wear and tear of and to strengthen towed gear or to limit the escape of catches in the forward part of towed gear; to define the specification of the selection devices attached to defined baseline gear; to define the specifications of the electric pulse trawl; to define restrictions on construction of

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gear and the control and monitoring measures to be adopted by the flag Member State; and to define rules on the control and monitoring measures to be adopted by the flag Member State when using static gear in depths between 200 and 600 m, on the control and monitoring measures to be adopted for certain closed or restricted areas, and on the signal and implementation characteristics of devices used to deter cetaceans from static nets and methods used to minimise incidental catches of seabirds, marine reptiles and turtles. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽¹⁰⁾.

- (38) By 31 December 2020, and every third year thereafter, the Commission should report to the European Parliament and to the Council on the implementation of this Regulation, on the basis of information supplied by Member States and the relevant Advisory Councils and following evaluation by STECF. That report should assess the extent to which technical measures both at regional level and at Union level have contributed to achieving the objectives and reaching the targets of this Regulation.
- (39) For the purpose of that report, adequate selectivity indicators, such as the scientific concept of length of optimal selectivity (L_{opt}), could be used as a reference tool to monitor progress over time towards the CFP objective of minimising unwanted catches. In that sense, those indicators are not binding targets, but monitoring tools which may inform deliberations or decisions at regional level. The indicators, and the values used for their application, should be requested from appropriate scientific bodies for a number of key indicator stocks which would also take into account mixed fisheries and recruitment spikes. The Commission could include those indicators in the report on the implementation of this Regulation. The list of the key indicator stocks should include demersal species which are managed through catch limits, taking into account the relative importance of landings, discards and relevance of the fishery for each sea basin.
- (40) The Commission's report should also refer to advice from ICES on the progress made or impact of innovative gear. The report should draw conclusions about the benefits for, or negative effects on, marine ecosystems, sensitive habitats and selectivity.
- (41) On the basis of the Commission's report, where at regional level there is evidence that the objectives and targets have not been met, Member States within that region should submit a plan setting out the corrective actions to be taken to ensure those objectives and targets can be met. The Commission should also propose to the European Parliament and to the Council any necessary amendments to this Regulation on the basis of that report.
- (42) Given the number and importance of the amendments to be made, Council Regulations (EC) No 894/97⁽¹¹⁾, (EC) No 850/98⁽¹²⁾, (EC) No 2549/2000⁽¹³⁾, (EC) No 254/2002⁽¹⁴⁾, (EC) No 812/2004⁽¹⁵⁾ and (EC) No 2187/2005⁽¹⁶⁾ should be repealed.
- (43) Council Regulations (EC) No 1967/2006⁽¹⁷⁾ and (EC) No 1224/2009⁽¹⁸⁾ and Regulation (EU) No 1380/2013 should be amended accordingly.
- (44) The Commission is currently empowered to adopt and amend technical measures at regional level under Regulations (EU) 2016/1139⁽¹⁹⁾, (EU) 2018/973⁽²⁰⁾, (EU)

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2019/472⁽²¹⁾ and (EU) 2019/1022⁽²²⁾ of the European Parliament and of the Council, establishing the multi-annual plans for the Baltic Sea, the North Sea, Western Waters and the Western Mediterranean. In order to clarify the scope of the respective empowerments, and to specify that delegated acts adopted under the empowerments provided for in those Regulations are to comply with certain requirements set out in this Regulation, those Regulations should be amended in the interest of legal certainty,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Regulation lays down technical measures concerning:

- (a) the taking and landing of marine biological resources;
- (b) the operation of fishing gear; and
- (c) the interaction of fishing activities with marine ecosystems.

Article 2

Scope

1 This Regulation shall apply to activities pursued by Union fishing vessels and nationals of Member States, without prejudice to the primary responsibility of the flag State, in the fishing zones referred to in Article 5, as well as by fishing vessels flying the flag of, and registered in, third countries when fishing in Union waters.

2 Articles 7, 10, 11 and 12 shall also apply to recreational fishing. In cases where recreational fishing has a significant impact in a particular region, the Commission is empowered to adopt delegated acts pursuant to Article 15 and in accordance with Article 29 in order to amend this Regulation by providing that the relevant provisions of Article 13 or parts A or C of Annexes V to X also apply to recreational fishing.

3 Subject to the conditions set out in Articles 25 and 26, the technical measures set out in this Regulation shall not apply to fishing operations conducted solely for the purpose of:

- a scientific investigations; and
- b direct restocking or transplantation of marine species.

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Article 3

Objectives

- 1 As tools to support the implementation of the CFP, technical measures shall contribute to the objectives of the CFP set out in the applicable provisions of Article 2 of Regulation (EU) No 1380/2013.
- 2 Technical measures shall in particular contribute to achieving the following objectives:
 - a optimise exploitation patterns to provide protection for juveniles and spawning aggregations of marine biological resources;
 - b ensure that incidental catches of sensitive marine species, including those listed under Directives 92/43/EEC and 2009/147/EC, that are a result of fishing, are minimised and where possible eliminated so that they do not represent a threat to the conservation status of these species;
 - c ensure, including by using appropriate incentives, that the negative environmental impacts of fishing on marine habitats are minimised;
 - d have in place fisheries management measures for the purposes of complying with Directives 92/43/EEC, 2000/60/EC and 2008/56/EC, in particular with a view to achieving good environmental status in line with Article 9(1) of Directive 2008/56/EC, and with Directive 2009/147/EC.

Article 4

Targets

- 1 Technical measures shall aim to ensure that:
 - a catches of marine species below the minimum conservation reference size are reduced as far as possible in accordance with Article 2(2) of Regulation (EU) No 1380/2013.
 - b incidental catches of marine mammals, marine reptiles, seabirds and other non-commercially exploited species do not exceed levels provided for in Union legislation and international agreements that are binding on the Union.
 - c the environmental impacts of fishing activities on seabed habitats are in line with point (j) of Article 2(5) of Regulation (EU) No 1380/2013.
- 2 The extent to which progress was made towards those targets shall be reviewed as part of the reporting process set out in Article 31.

Article 5

Definition of fishing zones

For the purposes of this Regulation, the following geographical definitions of fishing zones shall apply:

- (a) 'North Sea' means Union waters in ICES divisions⁽²³⁾ 2a and 3a and ICES sub-area 4;
- (b) 'Baltic Sea' means Union waters in ICES divisions 3b, 3c and 3d;
- (c) 'North Western waters' means Union waters in ICES sub-areas 5, 6 and 7;

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- (d) ‘South Western waters’ means ICES sub-areas 8, 9 and 10 (Union waters) and CECAF zones⁽²⁴⁾ 34.1.1, 34.1.2 and 34.2.0 (Union waters);
- (e) ‘Mediterranean Sea’ means the maritime waters of the Mediterranean to the East of line 5°36’ W;
- (f) ‘Black Sea’ means waters in GFCM geographical sub-area 29 as defined in Annex I to Regulation (EU) No 1343/2011 of the European Parliament and of the Council⁽²⁵⁾;
- (g) ‘Union waters in the Indian Ocean and the West Atlantic’ means waters around Guadeloupe, French Guiana, Martinique, Mayotte, Réunion and Saint Martin under the sovereignty or jurisdiction of a Member State;
- (h) ‘NEAFC Regulatory Area’ means the waters of the NEAFC Convention Area which lie beyond the waters under the fisheries jurisdiction of the Contracting Parties as defined in Regulation (EU) No 1236/2010 of the European Parliament and of the Council⁽²⁶⁾;
- (i) ‘GFCM Agreement area’ means the Mediterranean Sea and the Black Sea and connecting waters, as defined in Regulation (EU) No 1343/2011.

Article 6

Definitions

For the purposes of this Regulation, in addition to the definitions set out in Article 4 of Regulation (EU) No 1380/2013, the following definitions apply:

- (1) ‘exploitation pattern’ means how fishing mortality is distributed across the age and size profile of a stock;
- (2) ‘selectivity’ means a quantitative expression represented as a probability of capture of marine biological resources of a certain size and/or species;
- (3) ‘directed fishing’ means fishing effort targeted at a specific species or group of species and may be further specified at regional level in delegated acts adopted pursuant to Article 27(7) of this Regulation;
- (4) ‘good environmental status’ means the environmental status of marine waters as defined by Article 3(5) of Directive 2008/56/EC;
- (5) ‘conservation status of a species’ means the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its populations;
- (6) ‘conservation status of a habitat’ means the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species;
- (7) ‘sensitive habitat’ means a habitat whose conservation status, including its extent and the condition (structure and function) of its biotic and abiotic components, is adversely affected by pressures arising from human activities, including fishing activities. Sensitive habitats, in particular, include habitat types listed in Annex I, and habitats of species listed in Annex II to Directive 92/43/EEC, habitats of species listed in Annex I to Directive 2009/147/EC, habitats whose protection is necessary to achieve good environmental status under Directive 2008/56/EC and vulnerable marine ecosystems as defined by point (b) of Article 2 of Council Regulation (EC) No 734/2008⁽²⁷⁾;

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- (8) ‘sensitive species’ means a species whose conservation status, including its habitat, distribution, population size or population condition is adversely affected by pressures arising from human activities, including fishing activities. Sensitive species, in particular, include species listed in Annexes II and IV to Directive 92/43/EEC, species covered by Directive 2009/147/EC and species whose protection is necessary to achieve good environmental status under Directive 2008/56/EC;
- (9) ‘small pelagic species’ means species such as mackerel, herring, horse mackerel, anchovy, sardine, blue whiting, argentines, sprat, and boarfish;
- (10) ‘Advisory Councils’ means stakeholder groups established in accordance with Article 43 of Regulation (EU) No 1380/2013;
- (11) ‘trawl’ means fishing gear which is actively towed by one or more fishing vessels and consisting of a net closed at the back by a bag or a codend;
- (12) ‘towed gear’ means any trawls, Danish seines, dredges and similar gear which are actively moved in the water by one or more fishing vessels or by any other mechanised system;
- (13) ‘bottom trawl’ means a trawl designed and rigged to operate on or near the seabed;
- (14) ‘bottom pair trawl’ means a bottom trawl towed by two boats simultaneously, one towing each side of the trawl. The horizontal opening of the trawl is maintained by the distance between the two vessels as they tow the gear;
- (15) ‘pelagic trawl’ means a trawl designed and rigged to operate in midwater;
- (16) ‘beam trawl’ means gear with a trawl net open horizontally by a beam, wing or similar device;
- (17) ‘electric pulse trawl’ means a trawl which uses an electric current to catch marine biological resources;
- (18) ‘Danish seine’ or ‘Scottish seine’ means an encircling and towed gear, operated from a boat by means of two long ropes (seine ropes) designed to herd the fish towards the opening of the seine. The gear is made up of a net which is similar in design to a bottom trawl;
- (19) ‘shore seines’ means surrounding nets and towed seines set from a boat and pulled towards the shore as they are being operated from the shore or from a vessel moored or anchored by the shore;
- (20) ‘surrounding nets’ means nets which catch fish by surrounding them both from the sides and from below. They may or may not be equipped with a purse line;
- (21) ‘purse seine’ or ‘ring nets’ means any surrounding net where the bottom is drawn together by means of a purse line situated at the bottom of the net, which passes through a series of rings along the groundrope, enabling the net to be pursed and closed;
- (22) ‘dredges’ means gear which are either actively towed by the main boat engine (boat dredge) or hauled by a motorised winch from an anchored vessel (mechanised dredge) to catch bivalves, gastropods or sponges and which consist of a net bag or metal basket mounted on a rigid frame or rod of variable size and shape whose lower part may carry a scraper blade that can be either rounded, sharp or toothed, and may or may not be equipped with skids and diving boards. Some dredges are equipped with hydraulic

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- equipment (hydraulic dredges). Dredges pulled by hand or by manual winches in shallow waters with or without a boat to catch bivalves, gastropods or sponges (hand dredges) shall not be considered towed gear for the purpose of this Regulation;
- (23) ‘static nets’ means any type of gillnet, entangling net or trammel net that is anchored to the seabed for fish to swim into and become entangled or enmeshed in the netting;
- (24) ‘driftnet’ means a net held on the water surface or at a certain distance below it by floating devices and drifting with the current, either independently or with the boat to which it may be attached. It may be equipped with devices aiming to stabilise the net or to limit its drift;
- (25) ‘gillnet’ means a static net made up of a single piece of net and held vertically in the water by floats and weights;
- (26) ‘entangling net’ means a static net consisting of a wall of netting rigged so that the netting is hung onto the ropes to create a greater amount of slack netting than a gillnet;
- (27) ‘trammel net’ means a static net made up of several layers of netting with two outer layers of a large mesh size with a sheet of small mesh sandwiched between them;
- (28) ‘combined gillnet and trammel net’ means any bottom-set gillnet combined with a trammel net which constitutes the lower part;
- (29) ‘longline’ means a fishing gear consisting of a main line of variable length, to which branch lines (snoods) with hooks are fixed at intervals determined by the target species. The main line is anchored either horizontally on or near the bottom or vertically, or can be allowed to drift on the surface;
- (30) ‘pots and creels’ means traps in the form of cages or baskets having one or more entrances, designed to catch crustaceans, molluscs or fish, that are set on the seabed or suspended above it;
- (31) ‘handline’ means a single fishing line with one or more lures or baited hooks;
- (32) ‘St Andrew’s cross’ means a grab which employs a scissor-like action to harvest for example bivalve molluscs or red coral from the seabed;
- (33) ‘codend’ means the rearmost part of the trawl, having either a cylindrical shape, with the same circumference throughout, or a tapering shape. It can be made up of one or more panels (pieces of netting) attached to one another along their sides and can include the lengthening piece which is made up of one or more panels located just in front of the codend *sensu stricto*;
- (34) ‘mesh size’ means:
- (i) for knotted netting: the longest distance between two opposite knots in the same mesh when fully extended;
 - (ii) for knotless netting: the inside distance between the opposite joints in the same mesh when fully extended along its longest possible axis;
- (35) ‘square mesh’ means a quadrilateral mesh composed of two sets of parallel bars of the same nominal length, where one set is parallel to, and the other is at right angles to, the longitudinal axis of the net;

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- (36) 'diamond mesh' means a mesh composed of four bars of the same length where the two diagonals of the mesh are perpendicular and one diagonal is parallel to the longitudinal axis of the net;
- (37) 'T90' means trawls, Danish seines or similar towed gear having a codend and extension piece produced from knotted diamond mesh netting turned 90° so that the main direction of run of the netting is parallel to the towing direction;
- (38) 'Bacoma exit window' means an escape panel constructed in knotless square mesh netting fitted into the top panel of a codend with its lower edge no more than four meshes from the codline;
- (39) 'sieve net' means a piece of netting attached to the full circumference of the shrimp trawl in front of the codend or extension piece, and tapering to an apex where it is attached to the bottom sheet of the shrimp trawl. An exit hole is cut where the sieve net and codend join, allowing species or individuals too large to pass through the sieve to escape, whereas the shrimp can pass through the sieve and into the codend;
- (40) 'drop' means the sum of the height of the meshes (including knots) in a net when wet and stretched perpendicular to the float line;
- (41) 'immersion time' or 'soak time' means the period from the point of time when the gear is first put in the water until the point of time when the gear is fully recovered on board the fishing vessel;
- (42) 'gear monitoring sensors' means remote electronic sensors that are placed on fishing gear to monitor key performance parameters such as the distance between trawl doors or volume of the catch;
- (43) 'weighted line' means a line of baited hooks with added weight to increase its sinking speed and thereby reduce its time of exposure to seabirds;
- (44) 'acoustic deterrent device' means devices aimed to deter species such as marine mammals from fishing gear by emitting acoustic signals;
- (45) 'bird scaring lines' (also called a tori line) means lines with streamers that are towed from a high point near the stern of fishing vessels as baited hooks are deployed, with the aim of scaring seabirds away from the hooks;
- (46) 'direct restocking' means the activity of releasing live wild animals of selected species into waters where they occur naturally, in order to use the natural production of the aquatic environment to increase the number of individuals available for fisheries and/or to increase natural recruitment;
- (47) 'transplantation' means the process by which a species is intentionally transported and released by humans within areas of established populations of that species;
- (48) 'selectivity performance indicator' means a reference tool to monitor progress over time towards the achievement of the CFP objective of minimising unwanted catches;
- (49) 'spear gun' means a pneumatic or mechanically powered hand-held gun that shoots a spear for the purpose of underwater fishing;
- (50) 'length of optimal selectivity (L_{opt})' is the average length of capture, provided by the best available scientific advice, that optimises the growth of individuals in a stock.

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CHAPTER II

COMMON TECHNICAL MEASURES

SECTION 1

Prohibited fishing gear and uses

Article 7

Prohibited fishing gear and methods

- 1 It shall be prohibited to catch or harvest marine species using the following methods:
 - a toxic, stupefying or corrosive substances;
 - b electric current except for the electric pulse trawl, which shall only be allowed under the specific provisions of Part D of Annex V;
 - c explosives;
 - d pneumatic hammers or other percussive instruments;
 - e towed devices for harvesting red coral or other type of corals or coral-like organisms;
 - f St Andrew's cross and similar grabs for harvesting, in particular, red coral or other type of corals and coral-like species;
 - g any type of projectile, with the exception of those used to kill caged or trapped tuna and of hand-held spears and spear guns used in recreational fishing without an aqualung, from dawn until dusk.
- 2 Notwithstanding Article 2, this Article shall apply to Union vessels in international waters and the waters of third countries, except where the rules adopted by multilateral fisheries organisations, under bilateral or multilateral agreements, or by a third country, specifically provide otherwise.

SECTION 2

General restrictions on gear and conditions for their use

Article 8

General restrictions on the use of towed gear

- 1 For the purpose of Annexes V to XI, the mesh size of a towed gear as set out in those Annexes shall mean the minimum mesh size of any codend and any extension piece found on board a fishing vessel and attached to, or suitable for attachment to, any towed net. This paragraph shall not apply to netting devices used for the attachment of gear monitoring sensors or when used in conjunction with fish and turtle excluder devices. Further derogations to improve size or species selectivity for marine species may be provided for in a delegated act adopted in accordance with Article 15.
- 2 Paragraph 1 shall not apply to dredges. However, during any voyage when dredges are carried on board the following shall apply:
 - a it shall be prohibited to tranship marine organisms;

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- b in the Baltic Sea it shall be prohibited to retain on board or land any quantity of marine organisms unless at least 85 % of the live weight thereof consists of molluscs and/or *Furcellaria lumbricalis*;
- c in all other sea basins, except in the Mediterranean Sea, where Article 13 of Regulation (EC) No 1967/2006 applies, it shall be prohibited to retain on board or land any quantity of marine organisms unless at least 95 % by live weight thereof consists of bivalve molluscs, gastropods and sponges.

Points (b) and (c) of this paragraph shall not apply to unintended catches of species subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013. Such unintended catches shall be landed and counted against quotas.

3 Whenever more than one net is towed simultaneously by a fishing vessel or by more than one fishing vessel, each net shall have the same nominal mesh size. The Commission is empowered to adopt delegated acts pursuant to Article 15 and in accordance with Article 29 derogating from this paragraph, where the use of several nets having a different mesh size leads to such benefits for the conservation of marine biological resources that are at least equivalent to those of existing fishing methods.

4 It shall be prohibited to use any device that obstructs or otherwise effectively diminishes the mesh size of the codend or any part of a towed gear, as well as to carry on board any such device that is specifically designed for that purpose. This paragraph shall not exclude the use of specified devices used to reduce wear and tear of and strengthen the towed gear, or to limit the escape of catches in the forward part of towed gear.

5 The Commission may adopt implementing acts establishing detailed rules for the specification of codends and the devices referred to in paragraph 4. Those implementing acts shall be based on the best available scientific and technical advice and may define:

- a restrictions on twine thickness;
- b restrictions on the circumference of codends;
- c restrictions on the use of netting materials;
- d structure and attachment of codends;
- e permitted devices to reduce wear and tear; and
- f permitted devices to limit the escape of catches.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 30(2).

Article 9

General restrictions on the use of static nets and driftnets

1 It shall be prohibited to have on board or deploy one or more driftnets the individual or total length of which is more than 2,5 km.

2 It shall be prohibited to use driftnets to fish for the species listed in Annex III.

3 Notwithstanding paragraph 1, it shall be prohibited to have on board or deploy any driftnet in the Baltic Sea.

4 It shall be prohibited to use bottom-set gillnets, entangling nets and trammel nets to catch the following species:

- a Albacore (*Thunnus alalunga*);

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- b Bluefin tuna (*Thunnus thynnus*);
- c Ray's bream (*Brama brama*);
- d Swordfish (*Xiphias gladius*);
- e Sharks belonging to the following species or families *Hexanchus griseus*; *Cetorhinus maximus*; all species of *Alopiidae*; *Carcharhinidae*; *Sphyrnidae*; *Isuridae*; *Lamnidae*.

5 By way of derogation from paragraph 4, incidental catches in the Mediterranean Sea of no more than three specimens of the shark species referred to in that paragraph may be retained on board or landed provided that they are not protected species under Union law.

6 It shall be prohibited to deploy any bottom set gillnet, entangling net and trammel net at any position where the charted depth is greater than 200 m.

7 Notwithstanding paragraph 6 of this Article:

- a specific derogations as set out in point 6.1 of Part C of Annex V, point 9.1 of Part C of Annex VI and point 4.1 of Part C of Annex VII shall apply where the charted depth is between 200 and 600 m;
- b the deployment of bottom set gillnets, entangling nets and trammel nets at any position where the charted depth is greater than 200 m shall be allowed in the Mediterranean Sea.

SECTION 3

Protection of sensitive species and habitats

Article 10

Prohibited fish and shellfish species

1 The catching, retention on board, transshipment or landing of fish or shellfish species referred to in Annex IV to Directive 92/43/EEC shall be prohibited except when derogations are granted under Article 16 of that Directive.

2 In addition to the species referred to in paragraph 1, it shall be prohibited for Union vessels to fish for, retain on board, tranship, land, store, sell, display or offer for sale the species listed in Annex I or species for which fishing is prohibited under other Union legal acts.

3 When caught accidentally, species referred to in paragraphs 1 and 2 shall not be harmed and specimens shall be promptly released back into the sea, except for the purpose of allowing scientific research on accidentally killed specimens in accordance with applicable Union law.

4 The Commission is empowered to adopt delegated acts in accordance with Article 29 to amend the list set out in Annex I, where the best available scientific advice indicates that an amendment of that list is necessary.

5 Measures adopted pursuant to paragraph 4 of this Article shall aim at achieving the target set out in point (b) of Article 4(1) and may take into account international agreements concerning the protection of sensitive species.

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Article 11

Catches of marine mammals, seabirds and marine reptiles

1 The catching, retention on board, transshipment or landing of marine mammals or marine reptiles referred to in Annexes II and IV to Directive 92/43/EEC and of species of seabirds covered by Directive 2009/147/EC shall be prohibited.

2 When caught, species referred to in paragraph 1 shall not be harmed and specimens shall be promptly released.

3 Notwithstanding paragraphs 1 and 2, the retention on board, transshipment or landing of specimens of marine species referred to in paragraph 1 which have been caught accidentally, shall be permitted as far as this activity is necessary to secure assistance for the recovery of the individual animals and to allow for scientific research on incidentally killed specimens, provided that the competent national authorities concerned have been fully informed in advance as soon as possible after the catch and in accordance with applicable Union law.

4 On the basis of the best available scientific advice a Member State may, for vessels flying its flag, put in place mitigation measures or restrictions on the use of certain gear. Such measures shall minimise, and where possible eliminate, the catches of the species referred to in paragraph 1 of this Article and shall be compatible with the objectives set out in Article 2 of Regulation (EU) No 1380/2013 and be at least as stringent as technical measures applicable under Union law.

5 Measures adopted pursuant to paragraph 4 of this Article shall aim at achieving the target set out in point (b) of Article 4(1). The Member States shall, for control purposes, inform the other Member States concerned of provisions adopted under paragraph 4 of this Article. They shall also make publicly available appropriate information concerning such measures.

Article 12

Protection for sensitive habitats including vulnerable marine ecosystems

1 It shall be prohibited to deploy the fishing gear specified in Annex II within the relevant areas set out in that Annex.

2 Where the best available scientific advice recommends an amendment of the list of areas set out in Annex II, the Commission is empowered to adopt delegated acts in accordance with Article 29 of this Regulation and pursuant to the procedure laid down in Article 11(2) and (3) of Regulation (EU) No 1380/2013, to amend Annex II accordingly. When adopting such amendments, the Commission shall give particular attention to the mitigation of negative effects of the displacement of fishing activity to other sensitive areas.

3 Where the habitats referred to in paragraph 1 or other sensitive habitats, including vulnerable marine ecosystems, occur in waters under the sovereignty or jurisdiction of a Member State, that Member State may establish closed areas or other conservation measures to protect such habitats, pursuant to the procedure laid down in Article 11 of Regulation (EU) No 1380/2013. Such measures shall be compatible with the objectives of Article 2 of Regulation (EU) No 1380/2013 and be at least as stringent as measures under Union law.

4 Measures adopted pursuant to paragraphs 2 and 3 of this Article shall aim at achieving the target set out in point (c) of Article 4(1).

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SECTION 4

Minimum conservation reference sizes

Article 13

Minimum conservation reference sizes

- 1 The minimum conservation reference sizes of marine species specified in Part A of Annexes V to X to this Regulation shall apply for the purpose of:
 - a ensuring the protection of juveniles of marine species pursuant to Article 15(11) and (12) of Regulation (EU) No 1380/2013;
 - b establishing fish stock recovery areas pursuant to Article 8 of Regulation (EU) No 1380/2013;
 - c constituting minimum marketing sizes pursuant to Article 47(2) of Regulation (EU) No 1379/2013 of the European Parliament and of the Council⁽²⁸⁾.
- 2 The size of a marine species shall be measured in accordance with Annex IV.
- 3 Where more than one method of measuring the size of a marine species is provided for, the specimen shall not be considered to be below the minimum conservation reference size if the size measured by any one of those methods is equal to, or greater than, the minimum conservation reference size.
- 4 Lobsters, crawfish, and bivalve and gastropod molluscs belonging to any such species for which a minimum conservation reference size is established in Annexes V, VI or VII may only be retained on board whole and may only be landed whole.

SECTION 5

Measures to reduce discarding

Article 14

Pilot projects for the avoidance of unwanted catches

- 1 Without prejudice to Article 14 of Regulation (EU) No 1380/2013, Member States may conduct pilot projects with the aim of exploring methods for the avoidance, minimisation and elimination of unwanted catches. Those pilot projects shall take account of the opinions of the relevant Advisory Councils and be based on the best available scientific advice.
- 2 Where the results of those pilot studies or other scientific advice indicate that unwanted catches are significant, the Member States concerned shall endeavour to establish technical measures to reduce those unwanted catches in accordance with Article 19 of Regulation (EU) No 1380/2013.

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CHAPTER III

REGIONALISATION

Article 15

Regional technical measures

- 1 Technical measures established at regional level are set out in the following Annexes:
 - a in Annex V for the North Sea;
 - b in Annex VI for North Western Waters;
 - c in Annex VII for South Western Waters;
 - d in Annex VIII for the Baltic Sea;
 - e in Annex IX for the Mediterranean Sea;
 - f in Annex X for the Black Sea;
 - g in Annex XI for Union waters in the Indian Ocean and the West Atlantic;
 - h in Annex XIII for sensitive species.
- 2 In order to take into account regional specificities of the relevant fisheries, the Commission is empowered to adopt delegated acts in accordance with Article 29 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 in order to amend, supplement, repeal or derogate from the technical measures set out in the Annexes referred to in paragraph 1 of this Article, including when implementing the landing obligation in the context of Article 15(5) and (6) of Regulation (EU) No 1380/2013. The Commission shall adopt such delegated acts on the basis of a joint recommendation submitted in accordance with Article 18 of Regulation (EU) No 1380/2013 and in accordance with the relevant Articles of Chapter III of this Regulation.
- 3 For the purpose of adopting such delegated acts, Member States having a direct management interest may submit joint recommendations in accordance with Article 18(1) of Regulation (EU) No 1380/2013 for the first time not later than 24 months, and thereafter 18 months, after each submission of the report referred to in Article 31(1) of this Regulation. They may also submit such recommendations when deemed necessary by them.
- 4 The technical measures adopted pursuant to paragraph 2 of this Article shall:
 - a aim at achieving the objectives and targets set out in Articles 3 and 4 of this Regulation;
 - b aim at achieving the objectives and comply with the conditions set out in other relevant Union acts adopted in the area of the CFP, in particular in the multiannual plans referred to in Articles 9 and 10 of Regulation (EU) No 1380/2013;
 - c be guided by the principles of good governance set out in Article 3 of Regulation (EU) No 1380/2013;
 - d as a minimum, lead to such benefits for the conservation of marine biological resources that are at least equivalent, in particular in terms of exploitation patterns and the level of protection provided for sensitive species and habitats, to the measures referred to in paragraph 1. The potential impact of fishing activities on the marine ecosystem shall also be taken into account.
- 5 The application of the conditions in relation to the mesh size specifications set out in Article 27 and in Part B of Annexes V to XI shall not lead to a deterioration of selectivity standards, in particular in terms of an increase in the catches of juveniles, existing on 14 August 2019, and shall aim at achieving the objectives and targets set out in Articles 3 and 4.

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6 In the joint recommendations submitted for the purpose of adopting the measures referred to in paragraph 2, the Member States shall provide scientific evidence to support the adoption of those measures.

7 The Commission may require STECF to assess the joint recommendations referred to in paragraph 2.

Article 16

Species and size selectivity of fishing gear

A joint recommendation submitted for the purpose of adopting the measures referred to in Article 15(2) in relation to size-selective and species-selective characteristics of gear shall provide scientific evidence demonstrating that those measures result in selectivity characteristics for specific species or combination of species which are at least equivalent to the selectivity characteristics of the gear set out in Part B of Annexes V to X and in Part A of Annex XI.

Article 17

Closed or restricted areas to protect juveniles and spawning aggregations

A joint recommendation submitted for the purpose of adopting the measures referred to in Article 15(2) in relation to Part C of Annexes V to VIII and X and Part B of Annex XI or in order to establish new closed or restricted areas shall include the following elements in respect of such closed or restricted areas:

- (a) the objective of the closure;
- (b) the geographical extent and duration of the closure;
- (c) restrictions on specific gear; and
- (d) control and monitoring arrangements.

Article 18

Minimum conservation reference sizes

A joint recommendation submitted for the purpose of adopting the measures referred to in Article 15(2) in relation to Part A of Annexes V to X shall respect the objective of ensuring the protection of juveniles of marine species.

Article 19

Real-time closures and moving-on provisions

1 A joint recommendation submitted for the purpose of adopting the measures referred to in Article 15(2) in relation to the creation of real-time closures with the aim of ensuring the protection of sensitive species or of aggregations of juveniles, spawning fish or shellfish species, shall include the following elements:

- a the geographical extent and duration of the closures;

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- b the species and threshold levels that trigger the closure;
- c the use of highly selective gear to allow access to otherwise closed areas; and
- d control and monitoring arrangements.

2 A joint recommendation submitted for the purpose of adopting the measures referred to in Article 15(2), in relation to moving-on provisions, shall include:

- a the species and threshold levels that trigger an obligation to move;
- b the distance by which a vessel is to move away from its previous fishing position.

Article 20

Innovative fishing gear

1 A joint recommendation submitted for the purpose of adopting the measures referred to in Article 15(2) in relation to the use of innovative fishing gear, within a specific sea basin, shall contain an assessment of the likely impacts of using such gear on the targeted species and on sensitive species and habitats. The Member States concerned shall collect the appropriate data necessary for such assessment.

2 The use of innovative fishing gear shall not be permitted where the assessments referred to in paragraph 1 indicate that their use will lead to significant negative impacts on sensitive habitats and non-target species.

Article 21

Nature conservation measures

A joint recommendation submitted for the purpose of adopting the measures referred to in Article 15(2), in relation to the protection of sensitive species and habitats, may in particular:

- (a) develop lists of sensitive species and habitats most at risk from fishing activities within the relevant region based on the best available scientific advice;
- (b) specify the use of additional or alternative measures to those referred to in Annex XIII to minimise the incidental catches of the species referred to in Article 11;
- (c) provide information on the effectiveness of existing mitigation measures and monitoring arrangements;
- (d) specify measures to minimise the impacts of fishing gear on sensitive habitats;
- (e) specify restrictions on the operation of certain gear or introduce a total prohibition on the use of certain fishing gear within an area where such gear represent a threat to the conservation status of species in that area as referred to in Articles 10 and 11 or other sensitive habitats.

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Article 22

Regional measures under temporary discard plans

1 When Member States submit joint recommendations for the establishment of technical measures in temporary discard plans referred to in Article 15(6) of Regulation (EU) No 1380/2013, those recommendations may contain, inter alia, the following elements:

- a specifications of fishing gear and the rules governing their use;
- b specifications of modifications to fishing gear or use of selectivity devices to improve size or species selectivity;
- c restrictions or prohibitions on the use of certain fishing gear and on fishing activities in certain areas or during certain periods;
- d minimum conservation reference sizes;
- e derogations adopted on the basis of Article 15(4) of Regulation (EU) No 1380/2013.

2 The measures referred to in paragraph 1 of this Article shall aim at achieving the objectives set out in Article 3 and in particular for the protection of juveniles or spawning aggregations of fish or shellfish species.

Article 23

Pilot projects on full documentation of catches and discards

1 The Commission is empowered to adopt delegated acts in accordance with Article 29 of this Regulation and Article 18 of Regulation (EU) No 1380/2013, supplementing this Regulation by defining pilot projects that develop a system of full documentation of catches and discards based on measurable objectives and targets, for the purpose of a results-based management of fisheries.

2 The pilot projects referred to in paragraph 1 may derogate from the measures set out in Part B of Annexes V to XI for a specific area and for a maximum period of one year, provided that it can be demonstrated that such pilot projects contribute to achieving the objectives and targets set out in Articles 3 and 4 and, in particular, aim at improving the selectivity of the fishing gear or practice concerned or otherwise reduce its environmental impact. That one-year period may be extended by one additional year under the same conditions. It shall be limited to no more than 5 % of the vessels in that metier per Member State.

3 Where Member States submit joint recommendations for the establishment of pilot projects as referred to in paragraph 1, they shall provide scientific evidence to support their adoption. STEFC shall assess those joint recommendations and shall make that assessment public. Within six months of the conclusion of the project, the Member States shall submit a report to the Commission outlining the results, including a detailed assessment of the changes in selectivity and other environmental impacts.

4 STECF shall assess the report referred to in paragraph 3. In the case of a positive assessment of the contribution of the new gear or practice to the objective in paragraph 2, the Commission may submit a proposal in accordance with the TFEU to allow for the generalised use of that gear or practice. The STECF assessment shall be made public.

5 The Commission is empowered to adopt delegated acts in accordance with Article 29 supplementing this Regulation by defining the technical specifications of a system for full documentation of catches and discards referred to in paragraph 1 of this Article.

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Article 24

Implementing acts

- 1 The Commission may adopt implementing acts, establishing the following:
 - a the specifications of the selection devices attached to the gear set out in Part B of Annexes V to IX;
 - b detailed rules on the specifications of the fishing gear described in Part D of Annex V relating to restrictions on gear construction and the control and monitoring measures to be adopted by the flag Member State;
 - c detailed rules on the control and monitoring measures to be adopted by the flag Member State when using the gear referred to in point 6 of Part C of Annex V, point 9 of Part C of Annex VI, and point 4 of Part C of Annex VII;
 - d detailed rules on the control and monitoring measures to be adopted for the closed or restricted areas described in point 2 of Part C of Annex V, and points 6 and 7 of part C of Annex VI;
 - e detailed rules on the signal and implementation characteristics of acoustic deterrent devices as referred to in Part A of Annex XIII;
 - f detailed rules on the design and deployment of bird scaring lines and weighted lines as referred to in Part B of Annex XIII;
 - g detailed rules on the specifications for the turtle excluder device referred to in Part C of Annex XIII.
- 2 The implementing acts referred to in paragraph 1 shall be adopted in accordance with Article 30(2).

CHAPTER IV

SCIENTIFIC RESEARCH, DIRECT RESTOCKING AND TRANSPLANTATION

Article 25

Scientific research

- 1 The technical measures provided for in this Regulation shall not apply to fishing operations conducted for the purpose of scientific investigations subject to the following conditions:
 - a the fishing operations are to be carried out with the permission and under the authority of the flag Member State;
 - b the Commission and the Member State in the waters under the sovereignty or jurisdiction of which the fishing operations take place ('the coastal Member State'), are to be informed at least two weeks in advance of the intention to conduct such fishing operations detailing the vessels involved and the scientific investigations to be undertaken;
 - c the vessel or vessels conducting the fishing operations are to have a valid fishing authorisation in accordance with Article 7 of Regulation (EC) No 1224/2009;

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- d if requested by the coastal Member State to the flag Member State, the master of the vessel shall be required to take on board an observer from the coastal Member State during the fishing operations, unless this is not possible for security reasons;
 - e fishing operations conducted by commercial vessels for the purpose of scientific investigation shall be limited in time. When the fishing operations conducted by commercial vessels for a specific research involve more than six commercial vessels, the Commission shall be informed by the flag Member State at least three months in advance and shall seek, where appropriate, the advice of STECF to confirm that this level of participation is justified on scientific grounds; if the level of participation is not considered justified according to the advice of STECF, the concerned Member State shall amend the conditions of the scientific research accordingly;
 - f in the case of electric pulse trawl, vessels conducting scientific research must follow a specific scientific protocol as part of a scientific research plan that has been reviewed or validated by ICES or STECF, as well as a system for monitoring, control and evaluation.
- 2 Marine species caught for the purposes specified in paragraph 1 of this Article may be sold, stored, displayed or offered for sale, provided that they are counted against quotas in accordance with Article 33(6) of Regulation (EC) No 1224/2009, where applicable, and:
- a they meet the minimum conservation reference sizes set out in Annexes IV to X to this Regulation; or
 - b they are sold for purposes other than direct human consumption.

Article 26

Direct restocking and transplantation

- 1 The technical measures provided for in this Regulation shall not apply to fishing operations conducted solely for the purpose of direct restocking or transplantation of marine species, provided that those operations are carried out with the permission and under the authority of the Member State or Member States having a direct management interest.
- 2 Where the direct restocking or transplantation is carried out in the waters of another Member State or Member States, the Commission and all those Member States shall be informed, at least 20 calendar days in advance, of the intention to conduct such fishing operations.

CHAPTER V

CONDITIONS IN RELATION TO MESH SIZE SPECIFICATIONS

Article 27

Conditions in relation to mesh size specifications

- 1 The catch percentages referred to in the Annexes V to VIII shall mean the maximum percentage of species allowed so as to qualify for the specific mesh sizes set out in those Annexes. Such percentages shall be without prejudice to the obligation to land catches in Article 15 of Regulation (EU) No 1380/2013.
- 2 The catch percentages shall be calculated as the proportion by live weight of all marine biological resources landed after each fishing trip.

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3 The catch percentages referred to in paragraph 2 may be calculated on the basis of one or more representative samples.

4 For the purpose of this Article, the equivalent weight of whole Norway lobster shall be obtained by multiplying the weight of Norway lobster tails by three.

5 Member States may issue fishing authorisations in accordance with Article 7 of Regulation (EC) No 1224/2009 for vessels flying their flag when engaged in fishing activities using the mesh-specific sizes provided for in Annexes V to XI. Such authorisations may be suspended or withdrawn where a vessel has been found to not have complied with the defined catch percentages provided for in Annexes V to VIII.

6 This Article shall be without prejudice to Regulation (EC) No 1224/2009.

7 The Commission is empowered to adopt delegated acts pursuant to Article 15 and in accordance with Article 29 in order to further define the term ‘directed fishing’ for relevant species in Part B of Annexes V to X and Part A of Annex XI. For this purpose, Member States having a direct management interest in the fisheries concerned shall submit any joint recommendations for the first time not later than 15 August 2020.

CHAPTER VI

TECHNICAL MEASURES IN THE NEAFC REGULATORY AREA

Article 28

Technical measures in the NEAFC Regulatory Area

Technical measures applicable in the NEAFC Regulatory Area are set out in Annex XII.

CHAPTER VII

PROCEDURAL PROVISIONS

Article 29

Exercise of the delegation

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

2 The power to adopt delegated acts referred to in Article 2(2), Article 8(3), Article 10(4), Article 12(2), Article 15(2), Article 23(1) and (5), Article 27(7) and Article 31(4) shall be conferred on the Commission for a period of five years from 14 August 2019. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of power referred to in Article 2(2), Article 8(3), Article 10(4), Article 12(2), Article 15(2), Article 23(1) and (5), Article 27(7) and Article 31(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end

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to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

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

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

6 A delegated act adopted pursuant to Article 2(2), Article 8(3), Article 10(4), Article 12(2), Article 15(2), Article 23(1) and (5), Article 27(7) and Article 31(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 30

Committee procedure

1 The Commission shall be assisted by the Committee for fisheries and aquaculture established by Article 47 of Regulation (EU) No 1380/2013. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2 Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

CHAPTER VIII

FINAL PROVISIONS

Article 31

Review and reporting

1 By 31 December 2020 and every third year thereafter, and on the basis of information supplied by Member States and the relevant Advisory Councils and following evaluation by STECF, the Commission shall submit a report to the European Parliament and to the Council on the implementation of this Regulation. That report shall assess the extent to which technical measures both at regional level and at Union level have contributed to achieving the objectives set out in Article 3 and reaching the targets set out in Article 4. The report shall also refer to advice from ICES on the progress that has been made, or impact arising from innovative gear. The report shall draw conclusions about the benefits for, or negative effects on, marine ecosystems, sensitive habitats and selectivity.

2 The report referred to in paragraph 1 of this Article shall contain, inter alia, an assessment of the contribution of technical measures to optimise exploitation patterns, as provided for in point (a) of Article 3(2). For that purpose the report may include, inter alia, as a selectivity performance indicator for the key indicator stocks for the species listed in Annex

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XIV the length of optimal selectivity (L_{opt}) compared to the average length of fish caught for each year covered.

3 On the basis of that report, where at regional level there is evidence that the objectives and targets have not been met, Member States within that region shall, within 12 months after the submission of the report referred to in paragraph 1, submit a plan setting out the actions to be taken to contribute to achieving those objectives and targets.

4 The Commission may also propose to the European Parliament and to the Council any necessary amendments to this Regulation on the basis of that report. The Commission is empowered to adopt delegated acts pursuant to Article 15 and in accordance with Article 29 in order to amend the list of species set out in Annex XIV.

Article 32

Amendments to Regulation (EC) No 1967/2006

Regulation (EC) No 1967/2006 is amended as follows:

- (a) Articles 3, 8 to 12, 14, 15, 16 and 25 are deleted;
- (b) Annexes II, III and IV are deleted.

References to the deleted Articles and Annexes shall be construed as references to the relevant provisions of this Regulation.

Article 33

Amendments to Regulation (EC) No 1224/2009

In Chapter IV of Regulation (EC) No 1224/2009, Title IV is amended as follows:

- (a) Section 3 is deleted;
- (b) the following Section is added:

Section 4

On-board processing and pelagic fisheries

Article 54a

On-board processing

1 The carrying out on board a fishing vessel of any physical or chemical processing of fish to produce fish-meal, fish-oil, or similar products or to tranship catches of fish for such purposes shall be prohibited.

- 2 Paragraph 1 shall not apply to:
- a the processing or transhipment of offal; or
 - b the production on board a fishing vessel of surimi.

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Article 54b

Catch handling and discharge restrictions on pelagic vessels

1 The maximum space between bars in the water separator on board pelagic fishing vessels targeting mackerel, herring and horse mackerel operating in the NEAFC Convention Area as defined in Article 3(2) of Regulation (EU) No 1236/2010 shall be 10 mm.

The bars shall be welded in place. If holes are used in the water separator instead of bars, the maximum diameter of the holes shall not exceed 10 mm. Holes in the chutes before the water separator shall not exceed 15 mm in diameter.

2 Pelagic vessels operating in the NEAFC Convention Area shall be prohibited from discharging fish under their water line from buffer tanks or refrigerated seawater (RSW) tanks.

3 Drawings related to the catch handling and discharge capabilities of pelagic vessels targeting mackerel, herring and horse mackerel in the NEAFC Convention Area which are certified by the competent authorities of the flag Member States, as well as any modifications thereto, shall be sent by the master of the vessel to the competent fisheries authorities of the flag Member State. The competent authorities of the flag Member State of the vessels shall carry out periodic verifications of the accuracy of the drawings submitted. Copies shall be carried on board the vessel at all times.

Article 54c

Restrictions on the use of automatic grading equipment

1 The carrying or use on board a fishing vessel of equipment which is capable of automatically grading, by size or by sex, herring or mackerel or horse mackerel shall be prohibited.

2 However, the carrying and use of such equipment shall be permitted provided that:

- a the vessel does not simultaneously carry or use on board either towed gear of mesh size less than 70 mm or one or more purse seines or similar fishing gear; or
- b the whole of the catch which may be lawfully retained on board:
 - (i) is stored in a frozen state;
 - (ii) the graded fish are frozen immediately after grading and no graded fish are returned to the sea; and
 - (iii) the equipment is installed and located on the vessel in such a way as to ensure immediate freezing and not to allow the return of marine species to the sea.

3 By way of derogation from paragraphs 1 and 2 of this Article, any vessel authorised to fish in the Baltic Sea, the Belts or the Sound may carry automatic grading equipment in the Kattegat provided that a fishing authorisation has been issued in

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accordance with Article 7. The fishing authorisation shall define the species, areas, time periods and any other required conditions applicable to the use and carriage on board of the grading equipment.

4 This Article shall not apply in the Baltic Sea..

Article 34

Amendment to Regulation (EU) No 1380/2013

In Article 15 of Regulation (EU) No 1380/2013, paragraph 12 is replaced by the following:

12. For species that are not subject to the landing obligation as specified in paragraph 1, the catches of species below the minimum conservation reference size shall not be retained on board, but shall be returned immediately to the sea, except when they are used as live bait. .

Article 35

Amendment to Regulation (EU) 2016/1139

In Regulation (EU) 2016/1139, Article 8 is amended as follows:

- (a) in paragraph 1, the introductory part is replaced by the following:
1. The Commission is empowered to adopt delegated acts in accordance with Article 16 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 regarding the following technical measures, insofar as they are not covered by Regulation (EU) 2019/1241 of the European Parliament and of the Council⁽²⁹⁾;
- (b) paragraph 2 is replaced by the following:
2. The measures referred to in paragraph 1 of this Article shall contribute to the achievement of the objectives set out in Article 3 of this Regulation and shall comply with Article 15(4) of Regulation (EU) 2019/1241.

Article 36

Amendments to Regulation (EU) 2018/973

In Regulation (EU) 2018/973, Article 9 is amended as follows:

- (a) in paragraph 1, the introductory part is replaced by the following:
1. The Commission is empowered to adopt delegated acts in accordance with Article 16 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 in order to supplement this Regulation regarding the following technical measures, insofar as they are not covered by Regulation (EU) 2019/1241 of the European Parliament and of the Council⁽³⁰⁾;
- (b) paragraph 2 is replaced by the following:
2. The measures referred to in paragraph 1 of this Article shall contribute to the achievement of the objectives set out in Article 3 of this Regulation, and shall comply with Article 15(4) of Regulation (EU) 2019/1241.

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Article 37

Amendment to Regulation (EU) 2019/472

In Regulation (EU) 2019/472, Article 9 is amended as follows:

- (a) in paragraph 1, the introductory part is replaced by the following:
1. The Commission is empowered to adopt delegated acts in accordance with Article 18 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 in order to supplement this Regulation regarding the following technical measures, insofar as they are not covered by Regulation (EU) 2019/1241 of the European Parliament and of the Council⁽³¹⁾;
- (b) paragraph 2 is replaced by the following:
2. The measures referred to in paragraph 1 of this Article shall contribute to the achievement of the objectives set out in Article 3 of this Regulation, and shall comply with Article 15(4) of Regulation (EU) 2019/1241.

Article 38

Amendment to Regulation (EU) 2019/1022

In Regulation (EU) 2019/1022, Article 13 is amended as follows:

- (a) in paragraph 1, the introductory part is replaced by the following:
1. The Commission is empowered to adopt delegated acts in accordance with Article 18 of this Regulation and Article 18 of Regulation (EU) No 1380/2013 in order to supplement this Regulation regarding the following technical measures, insofar as they are not covered by Regulation (EU) 2019/1241 of the European Parliament and of the Council⁽³²⁾;
- (b) paragraph 2 is replaced by the following:
2. The measures referred to in paragraph 1 of this Article shall contribute to the achievement of the objectives set out in Article 3 of this Regulation, and shall comply with Article 15(4) of Regulation (EU) 2019/1241.

Article 39

Repeals

Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 are repealed.

References to the repealed Regulations shall be construed as references to this Regulation.

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Article 40

Entry into Force

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

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

Done at Brussels, 20 June 2019.

For the European Parliament

The President

A. TAJANI

For the Council

The President

G. CIAMBA

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) 2019/1241 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

ANNEX I

PROHIBITED SPECIES

Species for which there is a prohibition to fish for, retain on board, tranship, land, store, sell, display or offer for sale, as referred to in Article 10(2):

- (a) The following species of sawfish in all Union waters:
 - (i) narrow sawfish (*Anoxypristis cuspidata*);
 - (ii) dwarf sawfish (*Pristis clavata*);
 - (iii) smalltooth sawfish (*Pristis pectinata*);
 - (iv) largetooth sawfish (*Pristis pristis*);
 - (v) green sawfish (*Pristis zijsron*);
- (b) basking shark (*Cetorhinus maximus*) and white shark (*Carcharodon carcharias*) in all waters;
- (c) smooth lantern shark (*Etmopterus pusillus*) in Union waters of ICES division 2a and subarea 4 and in Union waters of ICES subareas 1, 5, 6, 7, 8, 12 and 14;
- (d) reef manta ray (*Manta alfredi*) in all Union waters;
- (e) giant manta ray (*Manta birostris*) in all Union waters;
- (f) the following species of *Mobula* rays in all Union waters:
 - (i) devil fish (*Mobula mobular*);
 - (ii) lesser Guinean devil ray (*Mobula rochebrunei*);
 - (iii) spinetail mobula (*Mobula japanica*);
 - (iv) smoothtail mobula (*Mobula thurstoni*);
 - (v) longhorned mobula (*Mobula eregoodootenkee*);
 - (vi) Munk's devil ray (*Mobula munkiana*);
 - (vii) Chilean devil ray (*Mobula tarapacana*);
 - (viii) shortfin devil ray (*Mobula kuhlii*);
 - (ix) lesser devil ray (*Mobula hypostoma*);
- (g) Norwegian skate (*Raja (Dipturus) nidarosiensis*) in Union waters of ICES divisions 6a, 6b, 7a, 7b, 7c, 7e, 7f, 7g, 7h and 7k;
- (h) white skate (*Raja alba*) in Union waters of ICES subareas 6-10
- (i) guitarfishes (*Rhinobatidae*) in Union waters of ICES subareas 1-10 and 12;
- (j) angel shark (*Squatina squatina*) in all Union waters;
- (k) salmon (*Salmo salar*) and sea trout (*Salmo trutta*) when fishing with any towed net within the waters outside the six-mile limit measured from Member States' baselines in ICES sub-areas 1, 2 and 4-10 (Union waters);

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- (l) houting (*Coregonus oxyrhynchus*) in ICES division 4b (Union waters);
- (m) the Adriatic sturgeon (*Acipenser naccarii*) and common sturgeon (*Acipenser sturio*) in Union waters;
- (n) berried female crawfish (*Palinurus* spp.) and berried female lobster (*Homarus gammarus*) in the Mediterranean Sea except when used for direct restocking or transplantation purposes;
- (o) date shell (*Lithophaga lithophaga*), fan mussel (*Pinna nobilis*) and common piddock (*Pholas dactylus*) in Union waters in the Mediterranean Sea;
- (p) hatpin urchin (*Centrostephanus longispinus*).

ANNEX II

CLOSED AREAS FOR THE PROTECTION OF SENSITIVE HABITATS

For the purposes of Article 12, the following restrictions on fishing activity are applicable in the areas enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

PART A

North Western Waters

1. It shall be prohibited to deploy bottom trawls or similar towed nets, bottom set gillnets, entangling nets or trammel nets and bottom set longlines within the following areas:

Belgica Mound Province:

- 51°29.4' N, 11°51.6' W
- 51°32.4' N, 11°41.4' W
- 51°15.6' N, 11°33.0' W
- 51°13.8' N, 11°44.4' W
- 51°29.4' N, 11°51.6' W

Hovland Mound Province:

- 52°16.2' N, 13°12.6' W
- 52°24.0' N, 12°58.2' W
- 52°16.8' N, 12°54.0' W
- 52°16.8' N, 12°29.4' W
- 52°04.2' N, 12°29.4' W
- 52°04.2' N, 12°52.8' W
- 52°09.0' N, 12°56.4' W
- 52°09.0' N, 13°10.8' W
- 52°16.2' N, 13°12.6' W

North-West Porcupine Bank Area I:

- 53°30.6' N, 14°32.4' W
- 53°35.4' N, 14°27.6' W
- 53°40.8' N, 14°15.6' W

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— 53°34.2' N, 14°11.4' W

— 53°31.8' N, 14°14.4' W

— 53°24.0' N, 14°28.8' W

— 53°30.6' N, 14°32.4' W

North-West Porcupine Bank Area II:

— 53°43.2' N, 14°10.8' W

— 53°51.6' N, 13°53.4' W

— 53°45.6' N, 13°49.8' W

— 53°36.6' N, 14°07.2' W

— 53°43.2' N, 14°10.8' W

South-West Porcupine Bank:

— 51°54.6' N, 15°07.2' W

— 51°54.6' N, 14°55.2' W

— 51°42.0' N, 14°55.2' W

— 51°42.0' N, 15°10.2' W

— 51°49.2' N, 15°06.0' W

— 51°54.6' N, 15°07.2' W.

2. All pelagic vessels fishing in the areas as described in point 1 shall:
- be on a list of authorised vessels and be issued with a fishing authorisation in accordance with Article 7 of Regulation (EC) No 1224/2009;
 - carry on board exclusively pelagic gear;
 - give four hours advance notification of their intention to enter an area for the protection of vulnerable deep-sea habitats to the Irish Fisheries Monitoring Centre (FMC) as defined in point 15 of Article 4 of Regulation (EC) No 1224/2009 and at the same time notify quantities of fish retained on board;
 - have an operational, fully functioning secure Vessel Monitoring System (VMS) which complies fully with the respective rules when present in any of the areas described in point 1;
 - make VMS reports every hour;
 - inform the Irish FMC on departure from the area and at the same time notify quantities of fish retained on board; and
 - have on board trawls with a codend mesh size range from 16-79mm.

3. It shall be prohibited to deploy any bottom trawl or similar towed nets within the following area:

Darwin Mounds:

— 59°54' N, 6°55' W

— 59°47' N, 6°47' W

— 59°37' N, 6°47' W

— 59°37' N, 7°39' W

— 59°45' N, 7°39' W

— 59°54' N, 7°25' W.

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PART B

South Western Waters

1. El Cachucho

1.1. It shall be prohibited to deploy bottom trawls, bottom set gillnets, entangling nets or trammel nets and bottom set longlines within the following areas:

- 44°12' N, 5°16' W
- 44°12' N, 4°26' W
- 43°53' N, 4°26' W
- 43°53' N, 5°16' W
- 44°12' N, 5°16' W.

1.2. Vessels that conducted directed fisheries with bottom set longlines in 2006, 2007 and 2008 for greater forkbeard (*Phycis blennoides*) may continue to fish in the area south of 44°00.00' N provided they have a fishing authorisation issued in accordance with Article 7 of Regulation (EC) No 1224/2009.

1.3. All vessels having obtained this fishing authorisation shall, regardless of their overall length, have in use an operational, fully functioning secure VMS which complies with the respective rules, when conducting fisheries in the area described in point 1.1.

2. Madeira and the Canary Islands

It shall be prohibited to deploy bottom set gillnets, entangling nets and trammel nets at depths greater than 200 m or bottom trawls or similar towed gear within the following areas:

- 27°00' N, 19°00' W
- 26°00' N, 15°00' W
- 29°00' N, 13°00' W
- 36°00' N, 13°00' W
- 36°00' N, 19°00' W.

3. Azores

It shall be prohibited to deploy bottom set gillnets, entangling nets and trammel nets at depths greater than 200 m or bottom trawls or similar towed gear within the following areas:

- 36°00' N, 23°00' W
- 39°00' N, 23°00' W
- 42°00' N, 26°00' W
- 42°00' N, 31°00' W
- 39°00' N, 34°00' W
- 36°00' N, 34°00' W.

ANNEX III

LIST OF SPECIES PROHIBITED FOR CAPTURE WITH DRIFTNETS

- Albacore: *Thunnus alalunga*
- Bluefin tuna: *Thunnus thynnus*
- Bigeye tuna: *Thunnus obesus*

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- Skipjack: *Katsuwonus pelamis*
- Atlantic Bonito: *Sarda sarda*
- Yellowfin tuna: *Thunnus albacares*
- Blackfin tuna: *Thunnus atlanticus*
- Little tuna: *Euthynnus* spp.
- Southern bluefin tuna: *Thunnus maccoyii*
- Frigate tuna: *Auxis* spp.
- Oceanic sea breams: *Brama rayi*
- Marlins: *Tetrapturus* spp.; *Makaira* spp.
- Sailfishes: *Istiophorus* spp.
- Swordfishes: *Xiphias gladius*
- Sauries: *Scomberesox* spp.; *Cololabis* spp.
- Dolphinfishes: *Coryphæna* spp.
- Sharks: *Hexanchus griseus*; *Cetorhinus maximus*; *Alopiidae*; *Carcharhinidae*; *Sphyrnidae*; *Isuridae*; *Lamnidae*
- Cephalopods: all species

ANNEX IV

MEASUREMENT OF THE SIZE OF A MARINE ORGANISM

1. The size of any fish shall be measured, as shown in Figure 1, from the tip of the snout to the end of the tail fin.
2. The size of a Norway lobster (*Nephrops norvegicus*) shall be measured, as shown in Figure 2, either:
 - as the length of the carapace, parallel to the midline, from the back of either eye socket to the midpoint of the distal dorsal edge of the carapace, or
 - as the total length, from the tip of the rostrum to the rear end of the telson, not including the setae.

In the case of detached Norway lobster tails: from the front edge of the first tail segment present to the rear end of the telson, not including the setae. The tail shall be measured flat, unstretched and on the dorsal side.
3. The size of a lobster (*Homarus gammarus*) from the North Sea except Skagerrak or Kattegat shall be measured, as shown in Figure 3, as the length of the carapace, parallel to the midline, from the back of either eye socket to the distal edge of the carapace.
4. The size of a lobster (*Homarus gammarus*) from Skagerrak or Kattegat shall be measured, as shown in Figure 3, either:
 - as the length of the carapace, parallel to the midline, from the back of either eye socket to the midpoint of the distal dorsal edge of the carapace, or
 - as the total length, from the tip of the rostrum to the rear end of the telson, not including the setae.
5. The size of a crawfish (*Palinurus* spp.) shall be measured, as shown in Figure 4, as the length of the carapace, parallel to the midline, from the tip of the rostrum to the midpoint of the distal dorsal edge of the carapace.

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6. The size of any bivalve mollusc shall be measured, as shown in Figure 5, across the longest part of the shell.
7. The size of a spinous spider crab (*Maja squinado*) shall be measured, as shown in Figure 6, as the length of the carapace, along the midline, from the edge of the carapace between the rostrums to the posterior edge of the carapace.
8. The size of an edible crab (*Cancer pagurus*) shall be measured, as shown in Figure 7, as the maximum width of the carapace measured perpendicular to the antero-posterior midline of the carapace.
9. The size of a whelk (*Buccinum* spp.) shall be measured, as shown in Figure 8, as the length of the shell.
10. The size of swordfish (*Xiphias gladius*) shall be measured, as shown in Figure 9, as the lower jaw to fork length (LJFL).

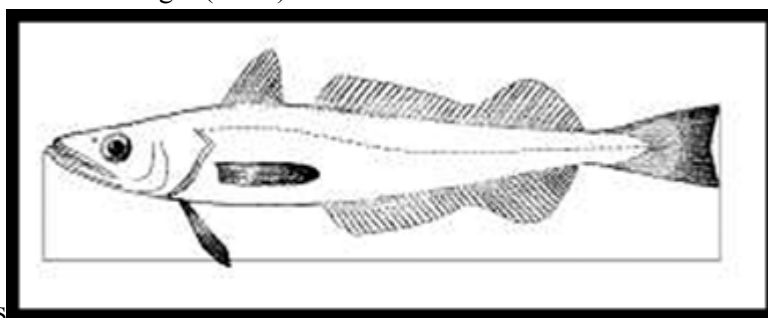


Figure 1 Fish species

Figure 2 Norway Lobster

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(Nephrops norvegicus)

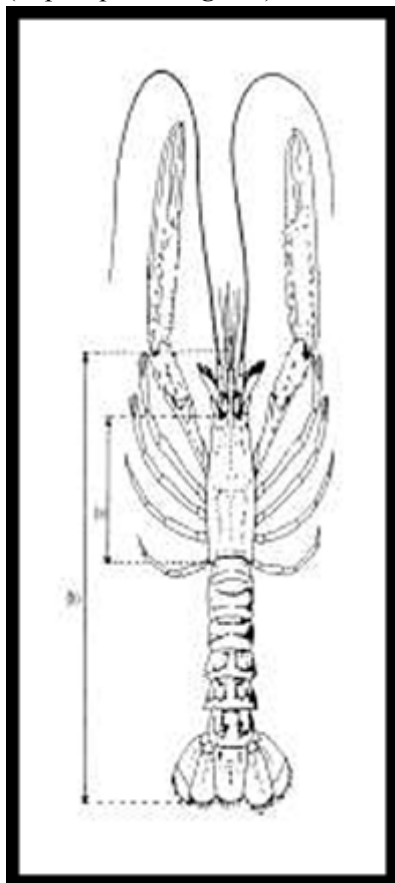


Figure 3 Lobster

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(*Hommarus gammarus*)

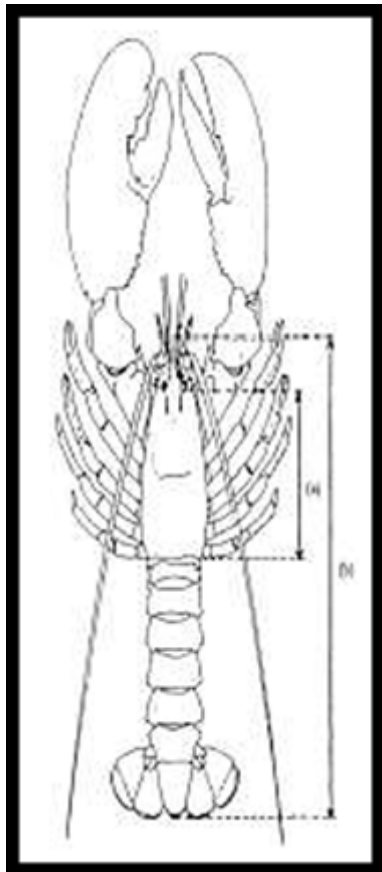
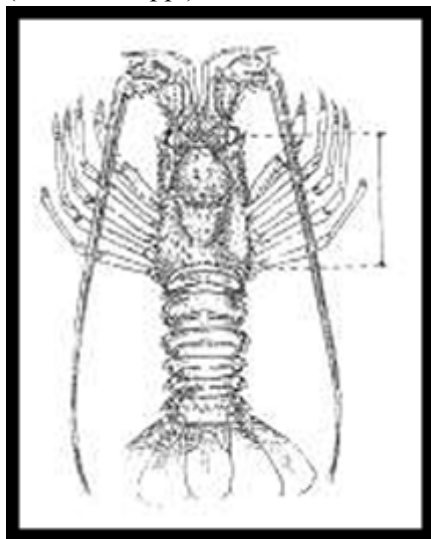


Figure 4 Crayfish

(*Palinurus* spp.)



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Figure 5 Bivalve molluscs

Figure 6 Spinous Spider Crabs

(*Maja squinado*)

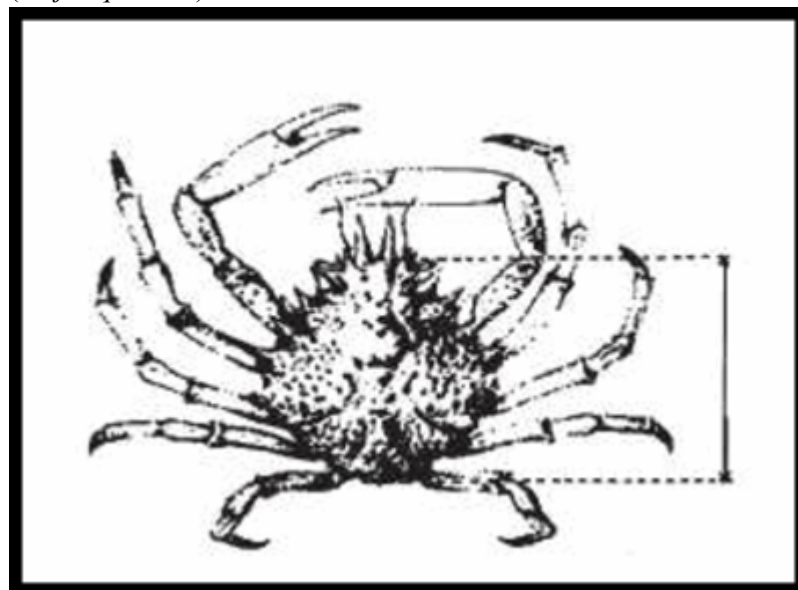


Figure 7 Edible crab

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(*Cancer pagurus*)

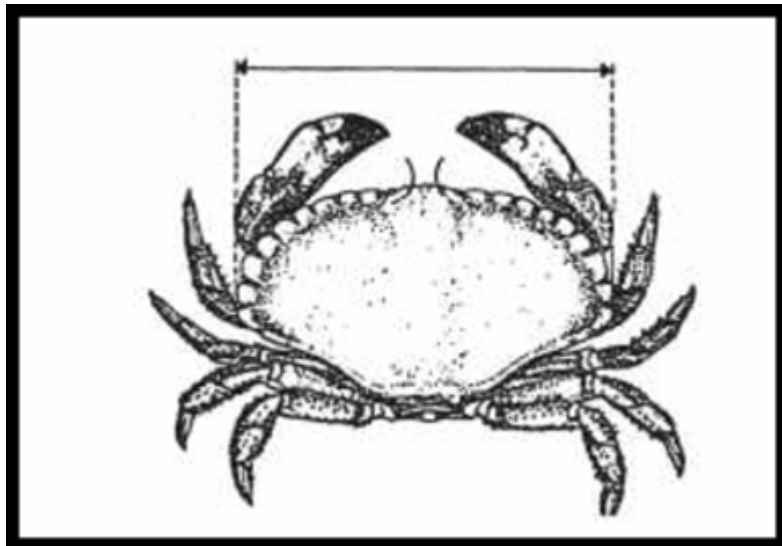


Figure 8 Whelk

(*Buccinum* spp.)

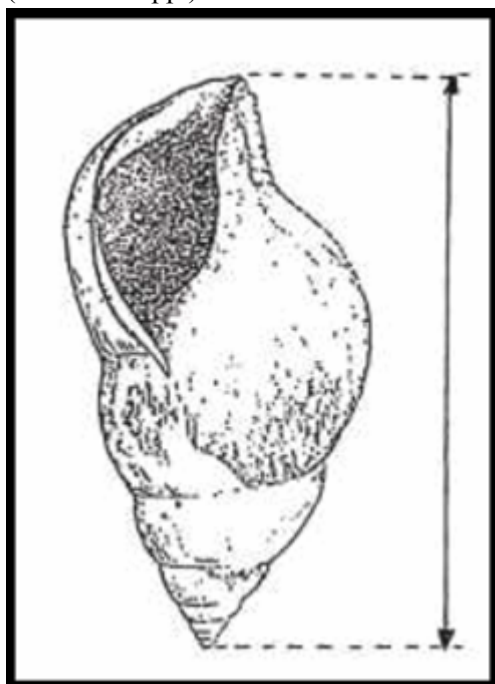
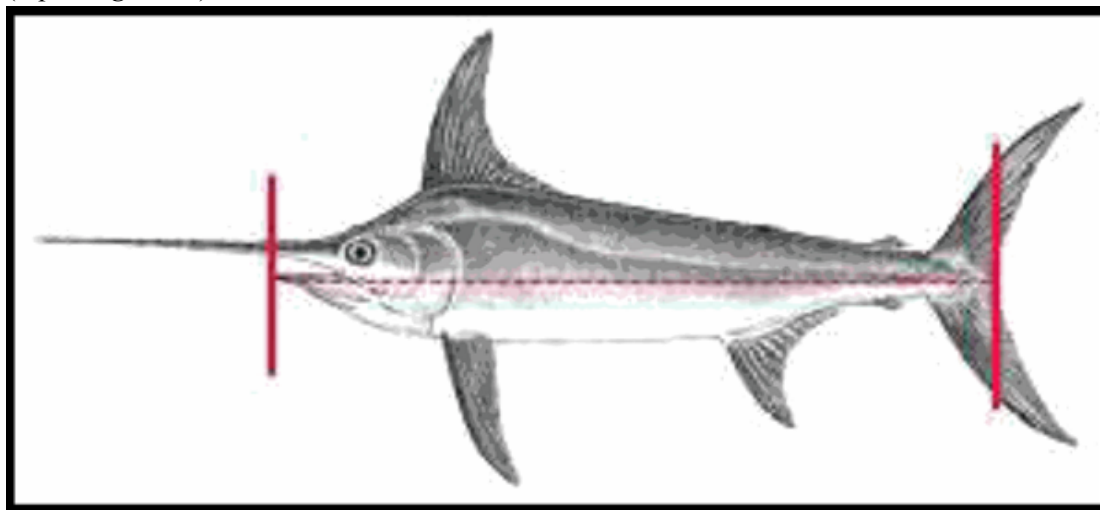


Figure 9 Swordfish

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(*Xiphias gladius*)



ANNEX V

NORTH SEA⁽³³⁾

PART A

Minimum conservation reference sizes

Species	North Sea
Cod (<i>Gadus morhua</i>)	35 cm
Haddock (<i>Melanogrammus aeglefinus</i>)	30 cm
Saithe (<i>Pollachius virens</i>)	35 cm
Pollack (<i>Pollachius pollachius</i>)	30 cm
Hake (<i>Merluccius merluccius</i>)	27 cm
Megrim (<i>Lepidorhombus</i> spp.)	20 cm
Sole (<i>Solea</i> spp.)	24 cm
Plaice (<i>Pleuronectes platessa</i>)	27 cm
Whiting (<i>Merlangius merlangus</i>)	27 cm
Ling (<i>Molva molva</i>)	63 cm
Blue ling (<i>Molva dipterygia</i>)	70 cm
Norway lobster (<i>Nephrops norvegicus</i>)	Total length 85 mm, Carapace length 25 mm Norway lobster tails 46 mm
Mackerel (<i>Scomber</i> spp.)	30 cm ^d
Herring (<i>Clupea harengus</i>)	20 cm ^d

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Horse mackerel (<i>Trachurus</i> spp.)	15 cm ^d
Anchovy (<i>Engraulis encrasicolus</i>)	12 cm or 90 individuals per kg ^d
Bass (<i>Dicentrarchus labrax</i>)	42 cm
Sardine (<i>Sardina pilchardus</i>)	11 cm ^d
Lobster (<i>Homarus gammarus</i>)	87 mm (carapace length)
Spinous spider crab (<i>Maja squinado</i>)	120 mm
Queen scallop (<i>Chalamys</i> spp.)	40 mm
Grooved carpetshell (<i>Ruditapes decussatus</i>)	40 mm
Carpetshell (<i>Venerupis pullastra</i>)	38 mm
Short-necked clam (<i>Venerupis philippinarum</i>)	35 mm
Clam (<i>Venus verrucosa</i>)	40 mm
Hard clam (<i>Callista chione</i>)	6 cm
Razor clam (<i>Ensis</i> spp.)	10 cm
Surf clams (<i>Spisula solida</i>)	25 mm
Donax clams (<i>Donax</i> spp.)	25 mm
Bean solen (<i>Pharus legumen</i>)	65 mm
Whelk (<i>Buccinum undatum</i> .)	45 mm
Octopus (<i>Octopus vulgaris</i>)	750 g
Crawfish (<i>Palinurus</i> spp.)	95 mm (carapace length)
Deepwater rose shrimp (<i>Parapenaeus longirostirs</i>)	22 mm (carapace length)
Edible crab (<i>Cancer pagurus</i>)	140 mm ^{abc}
Scallop (<i>Pecten maximus</i>)	100 mm
Cod (<i>Gadus morhua</i>)	30 cm
Haddock (<i>Melanogrammus aeglefinus</i>)	27 cm
Saithe (<i>Pollachius virens</i>)	30 cm
Pollack (<i>Pollachius pollachius</i>)	—
Hake (<i>Merluccius merluccius</i>)	30 cm
Megrim (<i>Lepidorhombus</i> spp.)	25 cm
Sole (<i>Solea</i> spp.)	24 cm
Plaice (<i>Pleuronectes platessa</i>)	27 cm
Whiting (<i>Merlangius merlangus</i>)	23 cm
Ling (<i>Molva molva</i>)	—

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Blue ling (<i>Molva dypterygia</i>)	—
Norway lobster (<i>Nephrops norvegicus</i>)	Total length 105 mm Norway lobster tails 59 mm Carapace length 32 mm
Mackerel (<i>Scomber</i> spp.)	20 cm ^d
Herring (<i>Clupea harengus</i>)	18 cm ^d
Horse mackerel (<i>Trachurus</i> spp.)	15 cm ^d
Lobster (<i>Homarus gammarus</i>)	Total length 220 mm Carapace length 78 mm
a	In Union waters in ICES division 4a. In ICES Divisions 4b and 4c, a minimum conservation reference size of 130 mm shall apply.
b	In an area in ICES divisions 4b and 4c limited by a point at 53°28'22" N, 0°09'24" E, on the coast of England, a straight line joining this point with 53°28'22" N, 0°22'24" E, the 6-mile boundary of the United Kingdom, and a straight line connecting a point at 51°54'06" N, 1°30'30" E, with a point on the coast of England at 51°55'48" N, 1°17'00" E, a minimum conservation reference size of 115 mm shall apply.
c	For edible crabs caught in pots or creels, a maximum of 1 % by weight of the total catch of edible crab may consist of detached claws. For edible crabs caught with any other fishing gear, a maximum of 75 kg of detached crab claws may be landed.
d	By way of derogation from Article 15 of Regulation (EU) No 1380/2013, the minimum conservation reference sizes of sardine, anchovy, herring, horse mackerel and mackerel shall not apply within a limit of 10 % by live weight of the total catches retained on board of each of those species. The percentage of sardine, anchovy, herring, horse mackerel or mackerel below minimum conservation reference size shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage may be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

PART B

Mesh sizes

1. Baseline mesh sizes for towed gear
 - 1.1. Without prejudice to the landing obligation, vessels shall use a mesh size of at least 120 mm or at least 90 mm in Skagerrak and Kattegat⁽³⁴⁾.
 - 1.2. Without prejudice to the landing obligation, and notwithstanding point 1.1, vessels may use smaller mesh sizes as listed in the following table for the North Sea, Skagerrak and Kattegat provided that:
 - (i) the associated conditions set out in that table are complied with, and by-catches of cod, haddock and saithe do not exceed 20 % of the total catch in live weight of all marine biological resources landed after each fishing trip; or
 - (ii) other selectivity modifications are used which have been assessed by STECF upon request of one or more Member States and approved by the Commission. Those selectivity modifications shall result in the same or better selectivity characteristics for cod, haddock and saithe as that of 120 mm.

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Mesh Size	Geographical Areas	Conditions
At least 100 mm ^a	North Sea south of 57° 30' N	Directed fishing for plaice and sole with otter trawls, beam trawls, and seines. A square mesh panel of at least 90 mm shall be fitted.
At least 80 mm ^a	ICES Divisions 4b and 4c	Directed fishing for sole with beam trawls. A panel with a mesh size of at least 180 mm fitted in the upper half of the anterior part of the net shall be fitted. Directed fishing for whiting, mackerel and species not subject to catch limits with bottom trawls. A square mesh panel of at least 80 mm shall be fitted.
At least 80 mm	North Sea	Directed fishing for Norway lobster (<i>Nephrops norvegicus</i>). A square mesh panel of at least 120 mm or sorting grid with a maximum bar spacing of 35 mm or equivalent selectivity device shall be fitted. Directed fishing for species not subject to catch limits and which are not covered elsewhere in the table. A square mesh panel of at least 80 mm shall be fitted. Directed fishing for skates and rays.
At least 80 mm	ICES division 4c	Directed fishing for sole using otter trawls. A square mesh panel of at least 80 mm shall be fitted.
At least 70 mm (square mesh) or 90 mm (diamond mesh)	Skagerrak and Kattegat	Directed fishing for Norway lobster (<i>Nephrops norvegicus</i>). A sorting grid with a maximum bar spacing of 35mm or equivalent selectivity device shall be fitted.

^a Vessels shall be prohibited from using any beam trawl with a mesh size between 32 and 99 mm north of a line joined by the following points by a point on the East Coast of the United Kingdom at latitude 55° N, then east to latitude 55°, longitude 5° E, then north to latitude 56° N and east to a point on the west coast of Denmark at latitude 56° N. It is prohibited to use any beam trawl of mesh size range 32 to 119 mm within ICES Division 2a and that part of ICES Sub-area 4 to the north of 56° 00' N.

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At least 40 mm	Whole area	Directed fishing for squid (<i>Lolignidae</i> , <i>Ommastrephidae</i>).
At least 35 mm	Skagerrak and Kattegat	Directed fishing for Northern prawn (<i>Pandalus borealis</i>). A sorting grid with a maximum bar spacing of 19mm or equivalent selectivity device shall be fitted.
At least 32 mm	Whole area except Skagerrak and Kattegat	Directed fishing for Northern prawn (<i>Pandalus borealis</i>). A sorting grid with a maximum bar spacing of 19 mm or equivalent selectivity device shall be fitted.
At least 16 mm	Whole area	Directed fishing for small pelagic species which are not covered elsewhere in the table. Directed fishing for Norway pout. A sorting grid with a maximum bar spacing of 35 mm in the Norway pout fishery shall be fitted. Directed fishing for common and Aesop shrimps. A separator trawl or sorting grid must be fitted in accordance with nationally or regionally established rules.
Less than 16 mm	Whole area	Directed fishing for sandeel.

- a** Vessels shall be prohibited from using any beam trawl with a mesh size between 32 and 99 mm north of a line joined by the following points by a point on the East Coast of the United Kingdom at latitude 55° N, then east to latitude 55°, longitude 5° E, then north to latitude 56° N and east to a point on the west coast of Denmark at latitude 56° N. It is prohibited to use any beam trawl of mesh size range 32 to 119 mm within ICES Division 2a and that part of ICES Sub-area 4 to the north of 56° 00' N.

2. Baseline mesh sizes for static nets and driftnets

2.1. Without prejudice to the landing obligation, vessels shall use a mesh size of at least 120 mm.

2.2. Without prejudice to the landing obligation, and notwithstanding point 2.1, vessels may use smaller mesh sizes as listed in the following table for the North Sea, Skagerrak and Kattegat provided that the associated conditions set out in that table are complied with and by-catches of cod, haddock and saithe do not exceed 20 % of the total catch in live weight of all marine biological resources landed after each fishing trip.

Mesh Size	Geographical Areas	Conditions
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At least 100 mm	Whole area	Directed fishing for haddock, whiting, dab and bass
At least 90 mm	Whole area	Directed fishing for flatfish or species not subject to catch limits and which are not covered elsewhere in the table
At least 50 mm	Whole area	Directed fishing for small pelagic species which are not covered elsewhere in the table

PART C

Closed or restricted areas

1. Closure of an area to protect sandeel in ICES divisions 4a and 4b
 - 1.1. Fishing for sandeel with any towed gear with a codend mesh size less than 32 mm shall be prohibited within the geographical area bounded by the east coast of England and Scotland, and enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:
 - the east coast of England at latitude 55°30' N
 - 55°30' N, 01°00' W
 - 58°00' N, 01°00' W
 - 58°00' N, 02°00' W
 - the east coast of Scotland at longitude 02°00' W.
 - 1.2. Fisheries for scientific investigation shall be allowed in order to monitor the sandeel stock in the area and the effects of the closure.
2. Closure of an area to protect juvenile plaice in ICES subarea 4
 - 2.1. Vessels exceeding 8 m in overall length shall be prohibited from using any demersal trawl, beam trawl, Danish seine or similar towed gear within the geographical areas enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84:
 - (a) the area within 12 nautical miles of the coasts of France, north of latitude 51°00' N, Belgium, and the Netherlands up to latitude 53°00' N, measured from the baselines;
 - (b) the area bounded by a line joining the following coordinates:
 - a point on the west coast of Denmark at latitude 57°00' N
 - 57°00' N, 7°15' E
 - 55°00' N, 7°15' E
 - 55°00' N, 7°00' E
 - 54°30' N, 7°00' E
 - 54°30' N, 7°30' E
 - 54°00' N, 7°30' E
 - 54°00' N, 6°00' E

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- 53°50' N, 6°00' E
- 53°50' N, 5°00' E
- 53°30' N, 5°00' E
- 53°30' N, 4°15' E
- 53°00' N, 4°15' E
- a point on the coast of the Netherlands at latitude 53°00' N
- the area within 12 nautical miles of the west coast of Denmark from 57°00' N as far north as the Hirtshals Lighthouse, measured from the baselines.

2.2. The following vessels are permitted to fish in the area referred to in point 2.1:

- (a) vessels whose engine power does not exceed 221 kW using bottom trawls or Danish seines;
- (b) paired vessels whose combined engine power does not exceed 221 kW at any time using bottom pair trawls;
- (c) vessels whose engine power exceeds 221 kW shall be permitted to use bottom trawls or Danish seine, and paired vessels whose combined engine power exceeds 221 kW shall be permitted to use bottom pair trawls provided that such vessels do not engage in directed fishing for plaice and sole and comply with the relevant mesh size rules contained in Part B of this Annex.

2.3. When vessels referred to in point 2.2(a) use beam trawls, the beam length, or the aggregate length of combined beam trawls measured as the sum of the length of each beam, shall not be greater than or shall not be able to be extended to a length of greater than 9 m except when operating with gear having a mesh size between 16 and 31 mm. Fishing vessels whose primary activity is fishing for common shrimp (*Crangon crangon*) shall be permitted to use beam trawls of which the aggregate beam length, measured as the sum of the length of each beam, is greater than 9 m when operating with gear having a mesh size between 80 and 99 mm provided an additional fishing authorisation has been issued to these vessels.

2.4. Vessels permitted to fish in the area referred to in point 2.1 shall be included in a list to be provided to the Commission by each Member State. The total engine power of the vessels referred to in point 2.2(a) within the list shall not exceed the total engine power in evidence for each Member State at 1 January 1998. The permitted fishing vessels shall hold a fishing authorisation in accordance with Article 7 of Regulation (EC) No 1224/2009.

3. Restrictions on the use of beam trawls within 12 nautical miles of the coast of the United Kingdom

3.1. Vessels shall be prohibited from using any beam trawl inside the areas within 12 nautical miles of the coast of the United Kingdom, measured from the baselines of the territorial waters.

3.2. By way of derogation from point 3.1, fishing with beam trawls within the specified area shall be permitted provided that:

- The engine power of the vessels does not exceed 221 Kw and their overall length does not exceed 24 m; and
- The beam length or aggregated beam length, measured as the sum of each beam, is no more than 9 m, or cannot be extended to a length greater than 9 m, except when directed fishing for common shrimp (*Crangon crangon*) with a minimum mesh size of less than 31 mm.

4. Restrictions on fishing for sprat to protect herring in ICES division 4b

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Fishing with any towed gear with a codend mesh size of less than 32 mm or static nets less than 30 mm mesh size shall be prohibited within the geographical areas enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84, and during the following periods mentioned:

- from 1 January to 31 March, and from 1 October to 31 December, within ICES statistical area 39E8. For the purpose of this Regulation, that ICES area shall be the area bounded by a line due east from the east coast of the United Kingdom along latitude 55°00' N to a point at longitude 1°00' W, from there due north to a point at latitude 55°30' N and from there due west to the United Kingdom coast;
- from 1 January to 31 March, and from 1 October to 31 December, within the inner waters of the Moray Firth west of longitude 3°30' W, and in the inner waters of the Firth of Forth west of longitude 3°00' W,
- from 1 July to 31 October, within the geographical area bounded by the following coordinates:
 - the west coast of Denmark at latitude 55°30' N
 - latitude 55°30' N, longitude 7°00' E
 - latitude 57°00' N, longitude 7°00' E
 - the west coast of Denmark at latitude 57°00' N.

5. Specific provisions for the Skagerrak and Kattegat in ICES division 3a

5.1. It shall be prohibited to fish with beam trawls in the Kattegat.

5.2. It shall be prohibited for Union vessels to fish for, retain on board, tranship, land, store, sell and display or offer for sale salmon and sea trout.

5.3. It shall be prohibited to deploy towed gear with a codend mesh size of less than 32 mm from 1 July to 15 September in the waters situated within three nautical miles of the baselines in the Skagerrak and Kattegat unless carrying out directed fishing for Northern Prawn (*Pandalus borealis*). For directed fishing for eelpout (*Zoarces viviparous*), gobies (*Gobiidae*) or scorpion fish (*Cottus* spp.) for use as bait, nets with any mesh size may be used.

6. Use of static nets in ICES divisions 3a and 4a

6.1. In accordance with point (a) of Article 9(7) and by way of derogation from Part B Point 2 of this Annex, it shall be permitted to use the following gear in waters with a charted depth of less than 600 m:

- Bottom set gillnets used for directed fishing for hake of a mesh size of at least 100 mm and no more than 100 meshes deep, where the total length of all nets deployed does not exceed 25 km per vessel and the maximum soak time is 24 hours;
- Entangling nets used for directed fishing for anglerfish of a mesh size of at least 250 mm and no more than 15 meshes deep, where the total length of all nets deployed does not exceed 100 km and the maximum soak time is 72 hours.

6.2. Directed fishing for deepwater sharks as listed in Annex I to Regulation (EU) 2016/2336 of the European Parliament and of the Council⁽³⁵⁾ in charted depths of less than 600 m shall be prohibited. When accidentally caught, deepwater sharks classified as prohibited in this Regulation and other Union legislation shall be recorded, unharmed to the extent possible, and shall be promptly released. Deepwater sharks subject to catch limits shall be retained on board. Such catches shall be landed and counted against quotas. In situations where quota is not or not sufficiently available to the Member State concerned, the Commission may resort to Article 105(5) of Regulation (EC) No 1224/2009. Where accidental catches of deepwater sharks by the

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vessels of any Member State exceed 10 tonnes then those vessels may no longer avail of the derogations set out in point 6.1.

PART D

The use of electric pulse trawls in ICES divisions 4b and 4c

1. Fishing with electric pulse trawl shall be prohibited in all Union waters as of 1 July 2021.

2. During the transitional period ending 30 June 2021, fishing with electric pulse trawl in ICES divisions 4b and 4c shall continue to be allowed under the conditions set out in this and any conditions defined in accordance with point (b) of Article 24(1) of this Regulation, regarding the characteristics of the pulse used and control monitoring measures in place south of a rhumb line joined by the following points, which shall be measured according to the WGS84 coordinate system:

- a point on east coast of the United Kingdom at latitude 55° N
- east to latitude 55° N, longitude 5° E
- north to latitude 56° N
- east to a point on the west coast of Denmark at latitude 56° N.

The following conditions shall apply:

- (a) no more than 5 % of the beam trawler fleet per Member State use the electric pulse trawl;
- (b) the maximum electrical power in kW for each beam trawl is no more than the length in metres of the beam multiplied by 1,25;
- (c) the effective voltage between the electrodes is no more than 15 V;
- (d) the vessel is equipped with an automatic computer management system which records the maximum power used per beam and the effective voltage between electrodes for at least the last 100 tows. It is not possible for non-authorised personnel to modify this automatic computer management system;
- (e) it is prohibited to use one or more tickler chains in front of the footrope.

3. New licences shall not be granted to any vessel during this period.

4. Until 30 June 2021 in the waters up to 12 nautical miles from baselines under their sovereignty or jurisdiction, Member States may take non-discriminatory measures to restrict or prohibit the use of electric pulse trawl. Member States shall inform the Commission and the Member States concerned of the measures put in place under this point.

5. If requested by the coastal Member State to the flag Member State, the master of a vessel using electric pulse trawl shall, in line with Article 12 of Regulation (EU) 2017/1004 of the European Parliament and of the Council⁽³⁶⁾, take on board an observer from the coastal Member State during the fishing operations.

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ANNEX VI

NORTH WESTERN WATERS

PART A

MINIMUM CONSERVATION REFERENCE SIZES

Species	Whole area
Cod (<i>Gadus morhua</i>)	35 cm
Haddock (<i>Melanogrammus aeglefinus</i>)	30 cm
Saithe (<i>Pollachius virens</i>)	35 cm
Pollack (<i>Pollachius pollachius</i>)	30 cm
Hake (<i>Merluccius merluccius</i>)	27 cm
Megrim (<i>Lepidorhombus</i> spp.)	20 cm
Sole (<i>Solea</i> spp.)	24 cm
Plaice (<i>Pleuronectes platessa</i>)	27 cm
Whiting (<i>Merlangius merlangus</i>)	27 cm
Ling (<i>Molva molva</i>)	63 cm
Blue ling (<i>Molva dypterygia</i>)	70 cm
Norway lobster (<i>Nephrops norvegicus</i>) Norway Lobster tails	Total length 85 mm, Carapace length 25 mm ^a 46 mm ^b
Mackerel (<i>Scomber</i> spp.)	20 cm ^f
Herring (<i>Clupea harengus</i>)	20 cm ^f
Horse mackerel (<i>Trachurus</i> spp.)	15 cm ^f
Anchovy (<i>Engraulis encrasicolus</i>)	12 cm or 90 individuals per kg ^f
Bass (<i>Dicentrarchus labrax</i>)	42 cm
Sardine (<i>Sardina pilchardus</i>)	11 cm ^f
Red sea-bream (<i>Pagellus bogaraveo</i>)	33 cm
Lobster (<i>Hommarus gammarus</i>)	87 mm
Spinous spider crab (<i>Maja squinado</i>)	120 mm
Queen scallop (<i>Chlamys</i> spp.)	40 mm
Grooved carpetshell (<i>Ruditapes decussatus</i>)	40 mm
Carpetshell (<i>Venerupis pullastra</i>)	38 mm
Short-necked clam (<i>Venerupis philippinarum</i>)	35 mm
Clam (<i>Venus verrucosa</i>)	40 mm

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Hard clam (<i>Callista chione</i>)	6 cm
Razor clam (<i>Ensis</i> spp.)	10 cm
Surf clams (<i>Spisula solida</i>)	25 mm
Donax clams (<i>Donax</i> spp.)	25 mm
Bean solen (<i>Pharus legumen</i>)	65 mm
Whelk (<i>Buccinum undatum</i> .)	45 mm
Octopus (<i>Octopus vulgaris</i>)	750 g
Crawfish (<i>Palinurus</i> spp.)	95 mm
Deepwater rose shrimp (<i>Parapenaeus longirostris</i>)	22 mm (carapace length)
Edible crab (<i>Cancer pagurus</i>)	140 mm ^{cd}
Scallop (<i>Pecten maximus</i>)	100 mm ^e

a In ICES divisions 6a and 7a a minimum conservation reference size of total length of 70 mm and a carapace length of 20 mm shall apply.

b In ICES divisions 6a and 7a a minimum conservation reference size of 37 mm shall apply.

c In Union waters in ICES sub-areas, 5, 6 south of 56° N and 7, except ICES divisions 7d, 7e and 7f, a minimum conservation reference size of 130 mm shall apply.

d For edible crabs caught in pots or creels, a maximum of 1 % by weight of the total catch of edible crab may consist of detached claws. For edible crabs caught with any other fishing gear, a maximum of 75 kg of detached crab claws may be landed.

e In ICES division 7a north of 52°30' N, and ICES division 7d, a minimum conservation reference size of 110 mm shall apply.

f By way of derogation from Article 15 of Regulation (EU) No 1380/2013, the minimum conservation reference sizes of sardine, anchovy, herring, horse mackerel and mackerel shall not apply within a limit of 10 % by live weight of the total catches retained on board of each of those species.

The percentage of sardine, anchovy, herring, horse mackerel or mackerel below the minimum conservation reference size shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing.

The percentage may be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.

PART B

Mesh sizes

1. Baseline mesh sizes for towed gear
 - 1.1. Without prejudice to the landing obligation, vessels shall use a mesh size of at least 120 mm⁽³⁷⁾, or at least 100 mm in ICES sub-area 7b-7k.
 - 1.2. Without prejudice to the landing obligation, and notwithstanding point 1.1, vessels may use smaller mesh sizes as listed in the following table for the North Western waters provided that:

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- (i) the associated conditions set out in that table are complied with, and by-catches of cod, haddock and saithe do not exceed 20 % of the total catch in live weight of all marine biological resources landed after each fishing trip; or
- (ii) other selectivity modifications are used which have been assessed by STECF upon request of one or more Member States and approved by the Commission. Those selectivity modifications shall result in the same or better selectivity characteristics for cod, haddock and saithe as that of 120 mm, or 100 mm in ICES sub-area 7b-7k, respectively.

Mesh Size	Geographical Areas	Conditions
At least 80 mm ^a	ICES sub-area 7	Directed fishing for hake, megrim and anglerfish, or directed fishing for whiting, mackerel and species not subject to catch limits and which are not covered elsewhere in the table, using bottom trawls. A square mesh panel of at least 120 mm shall be fitted ^{ce} Directed fishing for sole and species not covered by catch limits, using otter trawls. A square mesh panel of at least 80 mm shall be fitted ^c .
At least 80 mm	Whole area	Directed fishing for Norway lobster (<i>Nephrops norvegicus</i>) ^b . A square mesh panel of at least 120 mm or sorting grid with a maximum bar spacing of 35 mm or equivalent selectivity device shall be fitted.
At least 80 mm	ICES divisions 7a, 7b, 7d, 7e, 7f, 7g, 7h and 7j	Directed fishing for sole with beam trawls. A panel with a mesh size of at least 180 mm ^d fitted in the upper half of the anterior part of the net shall be fitted.

a This is without prejudice to Article 5 of Commission Regulation (EC) No 494/2002.

b At least 70 mm mesh size shall apply for single rig vessels in ICES division 7a.

c This is without prejudice to Article 2(5) of Commission Implementing Regulation (EU) No 737/2012.

d This provision shall not apply to ICES division 7d.

e This provision shall not apply when directed fishing for whiting, mackerel and species not subject to catch limits in ICES divisions 7d and 7e.

f Commission Regulation (EC) No 494/2002 of 19 March 2002 establishing additional technical measures for the recovery of the stock of hake in ICES sub-areas III, IV, V, VI and VII and ICES divisions VIII a, b, d, e (OJ L 77, 20.3.2002, p. 8).

g Commission Implementing Regulation (EU) No 737/2012 of 14 August 2012 on the protection of certain stocks in the Celtic Sea (OJ L 218, 15.8.2012, p. 8).

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At least 80 mm	ICES divisions 7d and 7e	Directed fishing for whiting, mackerel and species not subject to catch limits and which are not covered elsewhere in the table, using bottom trawls.
At least 40 mm	Whole area	Directed fishing for squid (<i>Lolignidae</i> , <i>Ommastrephidae</i>)
At least 16 mm	Whole area	Directed fishing for small pelagic species which are not covered elsewhere in the table. Directed fishing for common and Aesop shrimps. A separator trawl or sorting grid must be fitted in accordance with nationally established rules
Less than 16 mm	Whole area	Directed fishing for sandeel
a	This is without prejudice to Article 5 of Commission Regulation (EC) No 494/2002.	
b	At least 70 mm mesh size shall apply for single rig vessels in ICES division 7a.	
c	This is without prejudice to Article 2(5) of Commission Implementing Regulation (EU) No 737/2012.	
d	This provision shall not apply to ICES division 7d.	
e	This provision shall not apply when directed fishing for whiting, mackerel and species not subject to catch limits in ICES divisions 7d and 7e.	
f	Commission Regulation (EC) No 494/2002 of 19 March 2002 establishing additional technical measures for the recovery of the stock of hake in ICES sub-areas III, IV, V, VI and VII and ICES divisions VIII a, b, d, e (OJ L 77, 20.3.2002, p. 8).	
g	Commission Implementing Regulation (EU) No 737/2012 of 14 August 2012 on the protection of certain stocks in the Celtic Sea (OJ L 218, 15.8.2012, p. 8).	

2. Baseline mesh sizes for static nets and driftnets

2.1. Without prejudice to the landing obligation, vessels shall use a mesh size of at least 120 mm⁽³⁸⁾.

2.2. Without prejudice to the landing obligation, and notwithstanding point 2.1, vessels may use smaller mesh sizes as listed in the following table for the North Western waters provided that the associated conditions set out in that table are complied with, and by-catches of cod, haddock and saithe do not exceed 20 % of the total catch in live weight of all marine biological resources landed after each fishing trip.

Mesh Size	Geographical Areas	Conditions
At least 100 mm ^a	Whole area	Directed fishing for flatfish or species not subject to catch limits and which are not covered elsewhere in the table
a	In division 7d, at least 90 mm shall apply.	

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		Directed fishing for whiting, dab and bass
At least 50 mm	Whole area	Directed fishing for small pelagic species which are not covered elsewhere in the table Directed fishing for red mullet
a In division 7d, at least 90 mm shall apply.		

3. This Part is without prejudice to Commission Delegated Regulation (EU) 2018/2034⁽³⁹⁾, for the fisheries covered by that Delegated Regulation.

PART C

Closed or restricted areas

1. Closed area for the conservation of cod in ICES division 6a

From 1 January to 31 March, and from 1 October to 31 December, each year, it shall be prohibited to conduct any fishing activity using any towed gear or static nets in the area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 coordinate system:

- 55°25' N, 7°07' W
- 55°25' N, 7°00' W
- 55°18' N, 6°50' W
- 55°17' N, 6°50' W
- 55°17' N, 6°52' W
- 55°25' N, 7°07' W.

2. Closed area for the conservation of cod in ICES divisions 7f and 7g

2.1. From 1 February to 31 March each year, it shall be prohibited to conduct any fishing activity in the following ICES statistical rectangles: 30E4, 31E4, 32E3. This prohibition shall not apply within 6 nautical miles from the baseline.

2.2. It shall be permitted to conduct fishing activities using pots and creels within the specified areas and time periods, provided that:

- (i) no fishing gear other than pots and creels are carried on board; and
- (ii) by-catches of a species subject to the landing obligation are landed and counted against quotas.

2.3. Directed fishing for small pelagic species with towed gear with a mesh size less than 55 mm shall be permitted, provided that:

- (i) no net of mesh size greater than or equal to 55 mm is carried on board; and
- (ii) by-catches of a species subject to the landing obligation are landed and counted against quotas.

3. Closed area for the conservation of cod in ICES division 7a

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) 2019/1241 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

3.1. In the period from 14 February to 30 April each year it shall be prohibited to use any demersal trawl, seine or similar towed net, any gillnet, entangling net or trammel net or any fishing gear incorporating hooks within that part of ICES division 7a enclosed by the east coast of Ireland and the east coast of Northern Ireland and straight lines sequentially joining the following geographical coordinates, which shall be measured according to the WGS84 coordinate system:

- a point on the east coast of the Ards peninsula in Northern Ireland at 54°30' N
- 54°30' N, 04°50' W
- 53°15' N, 04°50' W
- a point on the east coast of Ireland at 53°15' N.

3.2. By way of derogation from point 1, within the area and time period referred to therein the use of demersal trawls shall be permitted provided such trawls are fitted with selective devices that have been assessed by STECF.

4. Rockall haddock box in ICES sub-area 6

All fishing, except with longlines, shall be prohibited in the areas enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

- 57°00' N, 15°00' W
- 57°00' N, 14°00' W
- 56°30' N, 14°00' W
- 56°30' N, 15°00' W
- 57°00' N, 15°00' W.

5. Closed area for the conservation of Norway lobster in ICES divisions 7c and 7k

5.1. Directed fishing for Norway lobster (*Nephrops norvegicus*) and associated species (namely, cod, megrim, anglerfish, haddock, whiting, hake, plaice, pollack, saithe, skates and rays, common sole, tusk, blue ling, ling and spurdog) shall be prohibited from 1 May to 31 May each year within the geographical area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 coordinate system:

- 52°27' N, 12°19' W
- 52°40' N, 12°30' W
- 52°47' N, 12°39,60' W
- 52°47' N, 12°56' W
- 52°13,5' N, 13°53,83' W
- 51°22' N, 14°24' W
- 51°22' N, 14°03' W
- 52°10' N, 13°25' W
- 52°32' N, 13°07,50' W
- 52°43' N, 12°55' W
- 52°43' N, 12°43' W
- 52°38,80' N, 12°37' W
- 52°27' N, 12°23' W
- 52°27' N, 12°19' W.

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5.2. Transit through the Porcupine Bank while carrying on board the species referred to in point 5.1 shall be permitted in accordance with Article 50(3), (4) and (5) of Regulation (EC) No 1224/2009.

6. Special rules for the protection of blue ling in ICES division 6a

6.1. From 1 March to 31 May each year directed fishing for blue ling shall be prohibited in the areas of ICES division 6a enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

Edge of Scottish continental shelf

- 59°58' N, 07°00' W
- 59°55' N, 06°47' W
- 59°51' N, 06°28' W
- 59°45' N, 06°38' W
- 59°27' N, 06°42' W
- 59°22' N, 06°47' W
- 59°15' N, 07°15' W
- 59°07' N, 07°31' W
- 58°52' N, 07°44' W
- 58°44' N, 08°11' W
- 58°43' N, 08°27' W
- 58°28' N, 09°16' W
- 58°15' N, 09°32' W
- 58°15' N, 09°45' W
- 58°30' N, 09°45' W
- 59°30' N, 07°00' W
- 59°58' N, 07°00' W

Edge of Rosemary bank

- 60°00' N, 11°00' W
- 59°00' N, 11°00' W
- 59°00' N, 09°00' W
- 59°30' N, 09°00' W
- 59°30' N, 10°00' W
- 60°00' N, 10°00' W
- 60°00' N, 11°00' W

Not including the area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

- 59°15' N, 10°24' W
- 59°10' N, 10°22' W
- 59°08' N, 10°07' W
- 59°11' N, 09°59' W
- 59°15' N, 09°58' W
- 59°22' N, 10°02' W
- 59°23' N, 10°11' W
- 59°20' N, 10°19' W

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— 59°15' N, 10°24' W.

6.2. A by-catch of blue ling up to a threshold of 6 tonnes may be retained on board and landed. Once a vessel reaches this six-tonne threshold of blue ling:

- (a) it shall immediately cease fishing and exit the area in which it is present;
- (b) it may not re-enter either of the areas until its catch has been landed;
- (c) it may not return to the sea any quantity of blue ling.

6.3. From 15 February to 15 April each year, it shall be prohibited to use bottom trawls, longlines and static nets within an area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

- 60°58.76' N, 27°27.32' W
- 60°56.02' N, 27°31.16' W
- 60°59.76' N, 27°43.48' W
- 61°03.00' N, 27°39.41' W
- 60°58.76' N, 27°27.32' W.

7. Restrictions on fishing for mackerel in ICES divisions 7e, 7f, 7g and 7h

7.1. Directed fishing for mackerel with towed gear with a codend mesh size of less than 80 mm or with purse seines shall be prohibited, except where the weight of the mackerel does not exceed 15 % by live weight of the total quantities of mackerel and other marine organisms on board which have been caught, within the area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

- a point on the south coast of the United Kingdom at 02°00' W
- 49° 30' N, 2° 00' W
- 49° 30' N, 7° 00' W
- 52° 00' N, 7° 00' W
- a point on the west coast of the United Kingdom at 52° 00' N.

7.2. It shall be permitted to fish within the area defined in point 7.1 with:

- static nets and/or hand lines;
- demersal trawls, Danish seines or other similar towed nets, with a mesh size greater than 80 mm.

7.3. Vessels which are not equipped for fishing and to which mackerel are being transhipped shall be permitted within the area defined in point 7.1.

8. Restrictions on the use of beam trawls within 12 nautical miles of the coast of the United Kingdom and Ireland

8.1. The use of any beam trawl of mesh size less than 100 mm shall be prohibited in ICES division 5b and ICES sub-area 6 north of latitude 56°N.

8.2. Vessels shall be prohibited from using any beam trawl inside the areas within 12 nautical miles of the coasts of the United Kingdom and Ireland, measured from the baselines from which the territorial waters are measured.

8.3. Fishing with beam trawls within the specified area shall be permitted provided that:

- The engine power of the vessels does not exceed 221 Kw and their length does not exceed 24 m; and

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- The beam length or aggregated beam length, measured as the sum of each beam, is no more than 9 m, or cannot be extended to a length greater than 9 m, except when directed fishing for common shrimp (*Crangon crangon*) with a codend mesh size of less than 31 mm.
9. Use of static nets in ICES divisions 5b, 6a, 6b, 7b, 7c, 7h, 7j and 7k
- 9.1. In accordance with point (a) of Article 9(7) and by way of derogation from Part B, Point 2 of this Annex, it shall be permitted to use the following gear in waters with a charted depth of less than 600 m:
- Bottom set gillnets used for directed fishing for hake with a mesh size of at least 100 mm and no more than 100 meshes deep, where the total length of all nets deployed does not exceed 25 km per vessel and the maximum soak time is 24 hours.
 - Entangling nets used for directed fishing for anglerfish with a mesh size of at least 250 mm and no more than 15 meshes deep, where the total length of all nets deployed does not exceed 100 km and the maximum soak time is 72 hours.
- 9.2. Directed fishing for deepwater sharks as listed in Annex I to Regulation (EU) 2016/2336 in charted depths of less than 600 m shall be prohibited. When accidentally caught, deepwater sharks classified as prohibited in this Regulation and other Union legislation shall be recorded, unharmed to the extent possible, and shall be promptly released. Deepwater sharks subject to catch limits shall be retained on board. Such catches shall be landed and counted against quotas. In situations where quota is not or not sufficiently available to the Member State concerned, the Commission may resort to Article 105(5) of Regulation (EC) No 1224/2009. Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 tonnes then those vessels may no longer avail of the derogations set out in point 9.1.

ANNEX VII

SOUTH WESTERN WATERS

PART A

Minimum conservation reference sizes

Species	Whole area
Cod (<i>Gadus morhua</i>)	35 cm
Haddock (<i>Melanogrammus aeglefinus</i>)	30 cm
Saithe (<i>Pollachius virens</i>)	35 cm
Pollack (<i>Pollachius pollachius</i>)	30 cm
Hake (<i>Merluccius merluccius</i>)	27 cm
Megrim (<i>Lepidorhombus</i> spp.)	20 cm
Sole (<i>Solea</i> spp.)	24 cm
Plaice (<i>Pleuronectes platessa</i>)	27 cm
Whiting (<i>Merlangius merlangus</i>)	27 cm

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Ling (<i>Molva molva</i>)	63 cm
Blue ling (<i>Molva dypterygia</i>)	70 cm
Norway lobster (<i>Nephrops norvegicus</i>)	Total length 70 mm, Carapace length 20 mm
Norway Lobster tails	37 mm
Mackerel (<i>Scomber</i> spp.)	20 cm ^f
Herring (<i>Clupea harengus</i>)	20 cm ^f
Horse mackerel (<i>Trachurus</i> spp.)	15 cm ^{afg}
Anchovy (<i>Engraulis encrasicolus</i>)	12 cm or 90 individuals per kg ^{bf}
Bass (<i>Dicentrarchus labrax</i>)	36 cm
Sardine (<i>Sardina pilchardus</i>)	11 cm ^f
Red sea-bream (<i>Pagellus bogaraveo</i>)	33 cm
Lobster (<i>Hommarus gammarus</i>)	87 mm
Spinous spider crab (<i>Maja squinado</i>)	120 mm
Queen scallop (<i>Chlamys</i> spp.)	40 mm
Grooved carpetshell (<i>Ruditapes decussatus</i>)	40 mm
Carpetshell (<i>Venerupis pullastra</i>)	38 mm
Short-necked clam (<i>Venerupis philippinarum</i>)	35 mm
Clam (<i>Venus verrucosa</i>)	40 mm
Hard clam (<i>Callista chione</i>)	6 cm
Razor clam (<i>Ensis</i> spp.)	10 cm
Surf clams (<i>Spisula solida</i>)	25 mm
Donax clams (<i>Donax</i> spp.)	25 mm
Bean solen (<i>Pharus legumen</i>)	65 mm
Whelk (<i>Buccinum undatum</i> .)	45 mm
Octopus (<i>Octopus vulgaris</i>)	750 g ^c
Crawfish (<i>Palinurus</i> spp.)	95 mm
Deepwater rose shrimp (<i>Parapenaeus longirostris</i>)	22 mm (carapace length)
Edible crab (<i>Cancer pagurus</i>)	140 mm ^{de}
Scallop (<i>Pecten maximus</i>)	100 mm

a No minimum conservation reference size shall apply to horse mackerel (*Trachurus pictaratus*) caught in waters adjacent to the Azores islands and under the sovereignty or jurisdiction of Portugal.

b In ICES sub-area 9 and CECAF area 34.1.2 a minimum conservation reference size of 9 cm shall apply.

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- c** In all waters in that part of the eastern central Atlantic comprising divisions 34.1.1, 34.1.2 and 34.1.3 and sub-area 34.2.0 of fishing zone 34 of the CECAF region, a gutted weight of 450 g shall apply.
- d** In Union waters in ICES sub-areas 8 and 9 a minimum conservation reference size of 130 mm shall apply.
- e** For edible crabs caught in pots or creels, a maximum of 1 % by weight of the total catch of edible crab may consist of detached claws. For edible crabs caught with any other fishing gear, a maximum of 75 kg of detached crab claws may be landed.
- f** By way of derogation from Article 15 of Regulation (EU) No 1380/2013, the minimum conservation reference sizes of sardine, anchovy, herring, horse mackerel and mackerel shall not apply within a limit of 10 % by live weight of the total catches retained on board of each of those species.
The percentage of sardine, anchovy, herring, horse mackerel or mackerel below the minimum conservation reference size shall be calculated as the proportion by live weight of all marine organisms on board after sorting or on landing. The percentage may be calculated on the basis of one or more representative samples. The limit of 10 % shall not be exceeded during transshipment, landing, transportation, storage, display or sale.
- g** No more than 5 % may consist of horse mackerel between 12 and 15 cm. For the purposes of the control of that quantity, the conversion factor to be applied to the weight of the catches shall be 1,20. These provisions shall not apply for catches subject to the landing obligation.

PART B

Mesh sizes

1. Baseline mesh sizes for towed gear
- 1.1. Without prejudice to the landing obligation, vessels shall use a mesh size of at least 70 mm⁽⁴⁰⁾,⁽⁴¹⁾ or at least 55 mm in ICES division 9a east of longitude 7°23' 48" W.
- 1.2. Without prejudice to the landing obligation and notwithstanding point 2.1, vessels may use smaller mesh sizes as listed in the following table for South Western waters provided that:
- (i) the associated conditions set out in that table are complied with, and by-catches of hake do not exceed 20 % of the total catch in live weight of all marine biological resources landed after each fishing trip; or
- (ii) other selectivity modifications are used which have been assessed by STECF upon request of one or more Member States and approved by the Commission. Those selectivity modifications shall result in the same or better selectivity characteristics for hake as that of 70 mm, or 55 mm in ICES division 9a east of longitude 7°23' 48" W respectively.

Mesh Size	Geographical Areas	Conditions
At least 55mm	Whole area excluding ICES division 9a east of longitude 7°23' 48" W	Directed fishing for species not subject to catch limits and which are not covered elsewhere in the table Directed fishing for red sea bream Directed fishing for mackerel, horse mackerel and blue whiting with bottom trawls
At least 35mm	Whole area	Directed fishing for wedge sole

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At least 55 mm	ICES division 9a west of longitude 7°23' 48" W	Directed fishing for crustaceans
At least 16 mm	Whole area	Directed fishing for small pelagic species which are not covered elsewhere in the table Directed fishing for shrimps (<i>Palaemon serratus</i> , <i>Crangon crangon</i>), and crab (<i>Polybius henslowi</i>)
Less than 16 mm	Whole area	Directed fishing for sandeel

2. Baseline mesh sizes for static nets and driftnets

2.1. Without prejudice to the landing obligation, vessels shall use a mesh size of at least 100 mm⁽⁴²⁾, or at least 80 mm in ICES division 8c and ICES sub-area 9.

2.2. Without prejudice to the landing obligation, and notwithstanding point 2.1, vessels may use smaller mesh sizes as listed in the following table for the South Western waters provided that the associated conditions set out in that table are complied with, and by-catches of hake do not exceed 20 % of the total catch in live weight of all marine biological resources landed after each fishing trip.

Mesh Size	Geographical Areas	Conditions
At least 80 mm	Whole area except ICES division 8c and ICES sub-area 9	Directed fishing for sea bass, whiting, turbot, flounder and pollack
At least 60 mm	Whole area	Directed fishing for species not subject to catch limits and which are not covered elsewhere in the table
At least 50 mm	Whole area	Directed fishing for small pelagic species ^a which are not covered elsewhere in the table
At least 40 mm	Whole area	Directed fishing for red mullet, shrimps (<i>Penaeus</i> spp.), mantis shrimp, wedge sole and wrasse

^a A mesh size of less than 40 mm may be used for sardines.

PART C

Closed or restricted areas

1. Closed area for the conservation of hake in ICES division 9a

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) 2019/1241 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Fishing with any trawl, Danish seine or similar towed net shall be prohibited within the geographical areas enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

- (a) from 1 October to 31 January in the following year:
- 43°46,5' N, 07°54,4' W
 - 44°01,5' N, 07°54,4' W
 - 43°25,0' N, 09°12,0' W
 - 43°10,0' N, 09°12,0' W
- (b) from 1 December to the last day of February in the following year:
- a point on the west coast of Portugal at 37°50' N
 - 37°50' N, 09°08' W
 - 37°00' N, 09°07' W
 - a point on the west coast of Portugal at 37°00' N

2. Closed areas for the conservation of Norway lobster in ICES division 9a

2.1. Directed fishing for Norway lobster (*Nephrops norvegicus*) with any bottom trawl, Danish seine or similar towed net or with creels shall be prohibited, within the geographical areas enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

- (a) from 1 June to 31 August:
- 42°23' N, 08°57' W
 - 42°00' N, 08°57' W
 - 42°00' N, 09°14' W
 - 42°04' N, 09°14' W
 - 42°09' N, 09°09' W
 - 42°12' N, 09°09' W
 - 42°23' N, 09°15' W
 - 42°23' N, 08°57' W
- (b) from 1 May to 31 August:
- 37°45' N, 09°00' W
 - 38°10' N, 09°00' W
 - 38°10' N, 09°15' W
 - 37°45' N, 09°20' W

2.2. It shall be permitted to fish with bottom trawls or similar towed nets or creels in the geographical areas and during the period as described in point 2.1(b) provided that all by-catches of Norway lobster (*Nephrops norvegicus*) are landed and counted against quotas.

2.3. Directed fishing for Norway lobster (*Nephrops norvegicus*) in the geographical areas and outside the periods referred to in point 2.1, shall be prohibited. By-catches of Norway lobster (*Nephrops norvegicus*) shall be landed and counted against quotas.

3. Restrictions on directed fishing for anchovy in ICES division 8c

3.1. Directed fishing for anchovy using pelagic trawls in ICES division 8c shall be prohibited.

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3.2. The carrying on board of pelagic trawls and purse seines simultaneously within ICES division 8c shall be prohibited.

4. Use of static nets in ICES sub-areas 8, 9, 10, and 12 east of 27° W

4.1. In accordance with point (a) of Article 9(7) and by way of derogation from Part B, Point 2 of this Annex, it shall be permitted to use the following gear in waters with a charted depth of less than 600 m:

- Bottom set gillnets used for directed fishing for hake of a mesh size of at least 80 mm in ICES division 8c and ICES sub-area 9 and 100 mm in all remaining areas and no more than 100 meshes deep, where the total length of all nets deployed does not exceed 25 km per vessel and the maximum soak time is 24 hours.
- Entangling nets used for directed fishing for anglerfish of a mesh size of at least 250 mm and no more than 15 meshes deep, where the total length of all nets deployed does not exceed 100 km and the maximum soak time is 72 hours.
- Trammel nets in ICES sub-area 9 used for directed fishing for anglerfish of a mesh size of at least 220 mm and no more than 30 meshes deep, where the total length of nets deployed does not exceed 20 km per vessel and the maximum soak time is 72 hours.

4.2. Directed fishing for deepwater sharks as listed in Annex I to Regulation (EU) 2016/2336 in charted depths of less than 600 m shall be prohibited. When accidentally caught, deepwater sharks classified as prohibited in this Regulation and other Union legislation shall be recorded, unharmed to the extent possible, and shall be promptly released. Deepwater sharks subject to catch limits shall be retained on board. Such catches shall be landed and counted against quotas. In situations where quota is not or not sufficiently available to the Member State concerned, the Commission may resort to Article 105(5) of Regulation (EC) No 1224/2009. Where accidental catches of deepwater sharks by the vessels of any Member State exceed 10 tonnes then those vessels may no longer avail of the derogations set out in point 4.1.

4.3. Conditions for fisheries using certain towed gear authorised in the Bay of Biscay.

By way of derogation from the provisions laid down in Article 5(2) of Regulation (EC) No 494/2002 establishing additional technical measures for the recovery of the stock of hake in ICES sub-areas 3-7 and ICES Divisions 8a, 8b 8d and 8e, it shall be permitted to conduct fishing activity using trawls, Danish seines and similar gear, with the exception of beam trawls, with a mesh size range of 70-99 mm in the area defined in point (b) of Article 5(1) of Regulation (EC) No 494/2002 if the gear is fitted with a 100 mm square mesh panel.

ANNEX VIII

BALTIC SEA

PART A

Minimum conservation reference sizes

Species	Geographical Areas	Minimum Conservation Reference Size
Cod (<i>Gadus morhua</i>)	Sub-divisions 22-32	35cm

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) 2019/1241 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Plaice (<i>Pleuronectes platessa</i>)	Sub-divisions 22-32	25 cm
Salmon (<i>Salmo salar</i>)	Sub-divisions 22-30 and 32	60 cm
	Sub-division 31	50 cm
Flounder (<i>Platichthys flesus</i>)	Sub-divisions 22-25	23 cm
	Sub-divisions 26, 27 and 28	21 cm
	Sub-divisions 29-32, south of 59°	18 cm
Turbot (<i>Psetta maxima</i>)	Sub-divisions 22-32	30 cm
Brill (<i>Scophthalmus rhombus</i>)	Sub-divisions 22-32	30 cm
Eel (<i>Anguilla anguilla</i>)	Sub-divisions 22-32	35 cm
Sea trout (<i>Salmo trutta</i>)	Sub-divisions 22-25 and 29-32	40 cm
	Sub-divisions 26, 27 and 28	50 cm

PART B

Mesh sizes

1. Baseline mesh sizes for towed gear
 - 1.1. Without prejudice to the landing obligation, vessels shall use a mesh size of at least 120 mm constructed from T90 or at least 105 mm fitted with a Bacoma exit window of 120 mm.
 - 1.2. Without prejudice to the landing obligation and notwithstanding point 1.1, vessels may use smaller mesh sizes as listed in the following table for the Baltic Sea provided that:
 - (i) the associated conditions set out in that table are complied with, and by-catches of cod do not exceed 10 % of the total catch in live weight of all marine biological resources landed after each fishing trip; or
 - (ii) other selectivity modifications are used which have been assessed by STECF upon request of one or more Member States and approved by the Commission. Those selectivity modifications shall result in the same or better selectivity characteristics for cod as that of 120 mm T90, or of 105 mm fitted with a 120 mm Bacoma exit window, respectively.

Mesh Size	Geographical Areas	Conditions
At least 90 mm	In sub-divisions 22 and 23	Directed fishing for flatfish ^a Directed fishing for whiting
At least 32 mm	In sub-divisions 22-27	Directed fishing for herring, mackerel, horse mackerel and blue whiting

a The use of beam trawl shall not be authorised.

b The catch may consist of up to 45 % of herring by live weight

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At least 16 mm	In sub-divisions 22-27	Directed fishing for sprat ^b
At least 16 mm	Whole area	Directed fishing for species other than flatfish and which are not subject to catch limits and not covered elsewhere in the table
At least 16 mm	In sub-divisions 28-32	Directed fishing for small pelagic species which are not covered elsewhere in the table
Less than 16 mm	Whole area	Directed fishing for sandeel
a The use of beam trawl shall not be authorised.		
b The catch may consist of up to 45 % of herring by live weight		

2. Baseline mesh sizes for static nets

2.1. Without prejudice to the landing obligation, vessels shall use a mesh size of at least 110 mm, or 157 mm when fishing for salmon.

2.2. Without prejudice to the landing obligation and notwithstanding point 2.1, vessels may use smaller mesh sizes as listed in the following table for the Baltic Sea provided that the associated conditions set out in that table are complied with, and by-catches of cod do not exceed 10 % of the total catch live weight of all marine biological resources landed after each fishing trip or 5 specimens of salmon.

Mesh Size	Geographical Areas	Conditions ^a
At least 90 mm	Whole area	Directed fishing for flatfish species
Less than 90 mm	Whole area	Directed fishing for small pelagic species
At least 16 mm	Whole area	Directed fishing for species which are not subject to catch limits and not covered elsewhere in the table
a The use of gillnets, entangling nets or trammel nets of more than 9 km for vessels with an overall length of less than 12 m and 21 km for vessels with an overall length of more than 12 m shall be prohibited. The maximum immersion time for such gear shall be 48 hours, except when fishing under ice cover.		

PART C

Closed or restricted areas

1. Restrictions on fishing with towed gear

It shall be prohibited throughout the year, to fish with any towed gear in the geographical area enclosed by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS84 coordinate system:

— 54°23' N, 14°35' E

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- 54°21' N, 14°40' E
- 54°17' N, 14°33' E
- 54°07' N, 14°25' E
- 54°10' N, 14°21' E
- 54°14' N, 14°25' E
- 54°17' N, 14°17' E
- 54°24' N, 14°11' E
- 54°27' N, 14°25' E
- 54°23' N, 14°35' E.

2. Restrictions on fishing for salmon and sea trout

2.1. Directed fishing for salmon (*Salmo salar*) or sea trout (*Salmo trutta*) shall be prohibited:

- (a) from 1 June to 15 September each year in waters of subdivisions 22-31;
- (b) from 15 June to 30 September each year in waters of subdivision 32.

2.2. The area of prohibition during the closed season shall be beyond four nautical miles measured from the baselines.

2.3. The retention on board of salmon (*Salmo salar*) or sea trout (*Salmo trutta*) caught with trap-nets shall be permitted.

3. Specific measures for the Gulf of Riga

3.1. In order to fish in sub-division 28-1, vessels shall hold a fishing authorisation issued in accordance with Article 7 of Regulation (EC) No 1224/2009.

3.2. Member States shall ensure that vessels, to which the fishing authorisation referred to in point 3.1 has been issued, are included in a list, containing their name and internal registration number, made publicly available via an internet website, the address of which shall be provided to the Commission and Member States by each Member State.

3.3. Vessels included in the list shall satisfy the following conditions:

- (a) the total engine power (kW) of the vessels within the lists must not exceed that observed for each Member State in the years 2000-2001 in subdivision 28-1; and
- (b) the engine power of a vessel must not exceed 221 kW at any time.

3.4. Any individual vessel on the list referred to in point 3.2 may be replaced by another vessel or vessels, provided that:

- (a) such replacement does not lead to an increase in the total engine power as indicated in point 3.3(a) for the Member State concerned; and
- (b) the engine power of any replacement vessel does not exceed 221 kW at any time.

3.5. An engine of any individual vessel included in the list referred to in point 3.2 may be replaced, provided that:

- (a) the replacement of an engine does not lead to the vessel's engine power exceeding 221 kW at any time; and

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(b) the power of the replacement engine is not such that replacement leads to an increase in the total engine power as indicated in point 3.3(a) for the Member State concerned.

3.6. In sub-division 28-1, fishing with trawls shall be prohibited in waters of less than 20 m in depth.

4. Area restrictions on fishing

4.1. It shall be prohibited to conduct any fishing activity from 1 May to 31 October each year within the areas enclosed by sequentially joining with rhumb lines the following positions, which shall be measured according to the WGS84 coordinate system:

(a) Area 1:

- 55°45' N, 15°30' E
- 55°45' N, 16°30' E
- 55°00' N, 16°30' E
- 55°00' N, 16°00' E
- 55°15' N, 16°00' E
- 55°15' N, 15°30' E
- 55°45' N, 15°30' E

(b) Area 2:

- 55°00' N, 19°14' E
- 54°48' N, 19°20' E
- 54°45' N, 19°19' E
- 54°45' N, 18°55' E
- 55°00' N, 19°14' E

(c) Area 3:

- 56°13' N, 18°27' E
- 56°13' N, 19°31' E
- 55°59' N, 19°13' E
- 56°03' N, 19°06' E
- 56°00' N, 18°51' E
- 55°47' N, 18°57' E
- 55°30' N, 18°34' E
- 56°13' N, 18°27' E.

4.2. Directed fishing for salmon with gillnets, entangling nets and trammel nets of a mesh size equal to or larger than 157 mm or with drifting lines shall be permitted. No other gear shall be kept on board.

4.3. Directed fishing for cod with the gear specified in point 5.2 shall be prohibited.

5. Restrictions on fishing for flounder and turbot

5.1. The retention on board of the following species of fish shall be prohibited where they are caught within the geographical areas and during the periods mentioned below:

Species	Geographical Areas	Period
Flounder	Sub-divisions 26-29 south of 59° 30' N	15 February to 15 May

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	Subdivision 32	15 February to 31 May
Turbot	Sub-divisions 25, 26 and 28 south of 56° 50' N	1 June to 31 July

5.2. Directed fishing with trawls, Danish seines or similar gear with a codend mesh size equal to or greater than 90 mm or with gillnets, entangling nets or trammel nets with a mesh size equal to or greater than 90 mm shall be prohibited. By-catches of flounder and turbot may be retained on board and landed within a limit of 10 % by live weight of the total catch retained on board during the periods referred to in point 6.1.

6. Restrictions on fishing for eel

The retention on board of eel caught with any active gear shall be prohibited. When accidentally caught, eel shall not be harmed and shall be promptly released.

ANNEX IX

MEDITERRANEAN SEA

PART A

Minimum conservation reference sizes

Species	Whole Area
Bass (<i>Dicentrarchus labrax</i>)	25 cm
Annular sea bream (<i>Diplodus annularis</i>)	12 cm
Sharpsnout sea-bream (<i>Diplodus puntazzo</i>)	18 cm
White sea-bream (<i>Diplodus sargus</i>)	23 cm
Two-banded sea-bream (<i>Diplodus vulgaris</i>)	18 cm
European anchovy (<i>Engraulis encrasicolus</i>)	9 cm ^a
Groupers (<i>Epinephelus</i> spp.)	45 cm
Stripped sea-bream (<i>Lithognathus mormyrus</i>)	20 cm
Hake (<i>Merluccius merluccius</i>)	20 cm
Red mullets (<i>Mullus</i> spp.)	11 cm
Spanish sea-bream (<i>Pagellus acarne</i>)	17 cm

a Member States may convert the minimum conservation reference size into 110 specimens per kg.

b Member States may convert the minimum conservation reference size into 55 specimens per kg.

c CL — carapace length; TL — total length.

d This minimum conservation reference size shall not apply to fries of sardine landed for human consumption if caught by boat seines or shore seines and authorised in accordance with national provisions established in a management plan as referred to in Article 19 of Regulation (EC) No 1967/2006, provided that the stock of sardine concerned is within safe biological limits.

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Red sea-bream (<i>Pagellus bogaraveo</i>)	33 cm
Common Pandora (<i>Pagellus erythrinus</i>)	15 cm
Common sea bream (<i>Pagrus pagrus</i>)	18 cm
Wreckfish (<i>Polyprion americanus</i>)	45 cm
European sardine (<i>Sardina pilchardus</i>)	11 cm ^{b, d}
Mackerel (<i>Scomber</i> spp.)	18 cm
Common sole (<i>Solea vulgaris</i>)	20 cm
Gilt-head sea-bream (<i>Sparus aurata</i>)	20 cm
Horse mackerel (<i>Trachurus</i> spp.)	15 cm
Norway lobster (<i>Nephrops norvegicus</i>)	20 mm CL ^c 70 mm TL ^c
Lobster (<i>Homarus gammarus</i>)	105 mm CL ^c 300 mm TL ^c
Crawfish (<i>Palinuridae</i>)	90 mm CL ^c
Deepwater rose shrimp (<i>Parapenaeus longirostris</i>)	20 mm CL ^c
Scallop (<i>Pecten jacobeus</i>)	10 cm
Carpet Clams (<i>Venerupis</i> spp.)	25 mm
Venus shells (<i>Venus</i> spp.)	25 mm
a	Member States may convert the minimum conservation reference size into 110 specimens per kg.
b	Member States may convert the minimum conservation reference size into 55 specimens per kg.
c	CL — carapace length; TL — total length.
d	This minimum conservation reference size shall not apply to fries of sardine landed for human consumption if caught by boat seines or shore seines and authorised in accordance with national provisions established in a management plan as referred to in Article 19 of Regulation (EC) No 1967/2006, provided that the stock of sardine concerned is within safe biological limits.

PART B

Mesh sizes

1. Baseline mesh sizes for towed gear

The following mesh sizes shall apply in the Mediterranean Sea.

Mesh Size ^a	Geographical Areas	Conditions
At least 40 mm square mesh codend ^b	Whole area	A diamond mesh codend of 50 mm ² may be used as
a	It shall be prohibited to use netting with a twine thickness greater than 3 mm or with multiple twines; or netting with a twine thickness of greater than 6 mm in any part of a bottom trawl.	
b	Only one type of net (either 40 mm square mesh or 50 mm diamond mesh) is allowed to be kept on board or deployed.	

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		an alternative to the 40 mm square mesh cod end at the duly justified request of the vessel owner
At least 20 mm	Whole area	Directed fishing for sardine and anchovy
a	It shall be prohibited to use netting with a twine thickness greater than 3 mm or with multiple twines; or netting with a twine thickness of greater than 6 mm in any part of a bottom trawl.	
b	Only one type of net (either 40 mm square mesh or 50 mm diamond mesh) is allowed to be kept on board or deployed.	

2. Baseline mesh size for surrounding nets

Mesh Size	Geographical Areas	Conditions
At least 14 mm	Whole area	None

3. Baseline mesh sizes for static nets

The following mesh sizes for bottom set gillnets shall apply in the Mediterranean Sea.

Mesh Size	Geographical Areas	Conditions
At least 16 mm	Whole area	None

4. Existing derogations from the provisions set out in points 1, 2 and 3 for boat seines and shore seines which are affected by a management plan as referred to in Article 19 of Regulation (EC) No 1967/2006 and issued within the framework of Article 9 of that Regulation shall continue to apply unless otherwise determined through Article 15 of this Regulation.

PART C

Restrictions on the use of fishing gear

1. Restrictions on the use of dredges

The maximum breadth of dredges shall be 3 m, except for dredges used for directed fishing of sponges.

2. Restrictions on the use of purse seines

The length of purse seines and seines without purse lines shall be restricted to 800 m with a drop of 120 m, except in the case of purse seines used for directed fishing of tuna.

3. Restrictions on the use of static nets

3.1. It shall be prohibited to use the following static nets:

- (a) A trammel net with a drop of more than 4 m;
- (b) A bottom set gillnet or combined trammel and gillnet with a drop of more than 10 m except when such nets are shorter than 500 m, where a drop of not more than 30 m is permitted.

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3.2. It shall be prohibited to use any gillnet, entangling net or trammel net constructed with a twine thickness greater than 0,5 mm.

3.3. It shall be prohibited to have on board or set more than 2 500 m of combined gillnets and trammel nets and 6 000 m of any gillnet, entangling net or trammel net.

4. Restrictions on the use of longlines

4.1. It shall be prohibited for vessels fishing with bottom-set longlines to have on board or deploy more than 5 000 hooks except for vessels undertaking fishing trips of more than 3 days which may have on board or deploy no more than 7 000 hooks.

4.2. It shall be prohibited for vessels fishing with surface-set longlines to have on board or deploy more than the number of hooks per vessel as follows:

(a) 2 500 hooks when directed fishing for swordfish; and

(b) 5 000 hooks when directed fishing for albacore tuna.

4.3. A vessel undertaking fishing trips longer than 2 days may have on board an equivalent number of spare hooks.

5. Restrictions on the use of pots and creels

It shall be prohibited to have on board or set more than 250 pots or creels per vessel to catch deepwater crustaceans.

6. Restrictions on the directed fishing for red sea bream

The directed fishing for red sea bream (*Pagellus bogaraveo*) with the following gear shall be prohibited:

- gillnets, entangling nets or trammel nets having a mesh size of less than 100 mm;
- longlines with hooks of a total length of less than 3,95 cm and a width of less than 1,65 cm.

7. Restrictions on fishing with spear guns

It shall be prohibited to fish with spear guns if used in conjunction with underwater breathing apparatus (aqualung) or at night from sunset to dawn.

ANNEX X

BLACK SEA

PART A

Minimum conservation reference sizes

Species	Minimum Conservation Reference Size
Turbot (<i>Psetta maxima</i>)	45 cm

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) 2019/1241 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PART B

Mesh sizes

1. Baseline mesh sizes for towed gear for demersal stocks

The following mesh sizes shall apply in the Black Sea:

Mesh Size	Geographical Areas	Conditions
At least 40 mm	Whole area	A diamond mesh codend of 50 mm ^a may be used as an alternative to the 40 mm square mesh cod end at the duly justified request of the vessel owner

a Only one type of net (either 40 mm square mesh or 50 mm diamond mesh) is allowed to be kept on board or deployed.

2. Baseline mesh sizes for static nets

The following mesh sizes for static nets shall apply in the Black Sea:

Mesh Size	Geographical Areas	Conditions
At least 400 mm	Whole area	Bottom set gillnets when used to catch turbot

3. Restrictions on the use of trawls and dredges

The use of trawls or dredges at depths beyond 1 000 m shall be prohibited.

ANNEX XI

UNION WATERS IN THE INDIAN OCEAN AND THE WEST ATLANTIC

PART A

1. Baseline mesh sizes for towed gear

The following mesh sizes shall apply in Union waters in the Indian Ocean and the West Atlantic.

Mesh Size	Geographical Areas	Conditions
At least 100 mm	All waters off the coast of the French department of Guyana that come under the sovereignty or jurisdiction of France	None
At least 45 mm	All waters off the coast of the French department of Guyana that come under the	Directed fishing for shrimp (<i>Penaeus subtilis</i> , <i>Penaeus</i>

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	sovereignty or jurisdiction of France	<i>brasiliensis</i> , <i>Xiphopenaeus kroyeri</i>).
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2. Baseline mesh size for surrounding nets

Mesh Size	Geographical Areas	Conditions
At least 14 mm	Whole area	None

PART B

Closed or restricted areas

Restrictions on fishing activities in the 24-mile zone around Mayotte

Vessels shall be prohibited from using any purse-seine on tuna and tuna-like schools of fish within 24 nautical miles of the coast of Mayotte, measured from the baselines from which territorial waters are measured.

ANNEX XII

NEAFC REGULATORY AREA

PART A

Minimum conservation reference sizes

Species	NEAFC
Haddock (<i>Melanogrammus aeglefinus</i>)	30 cm
Ling (<i>Molva molva</i>)	63 cm
Blue ling (<i>Molva dipterygia</i>)	70 cm
Mackerel (<i>Scomber</i> spp.)	30 cm
Herring (<i>Clupea harengus</i>)	20 cm

PART B

Mesh sizes

1. Baseline mesh sizes for towed gear

The following codend mesh sizes shall apply in the NEAFC Regulatory Area.

Codend Mesh Size	Geographical Areas	Conditions
At least 100 mm	Whole area	None

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At least 35 mm	Whole area	Directed fishing for blue whiting
At least 32 mm	ICES sub-areas 1 and 2	Directed fishing for Northern prawn (<i>Pandalus borealis</i>). A sorting grid with a maximum bar spacing of 22 shall be fitted
At least 16 mm	Whole area	Directed fishing for mackerel, capelin and argentinines

2. Baseline mesh sizes for static nets

The following mesh sizes for static nets shall apply in the NEAFC Regulatory Area.

Mesh Size	Geographical Areas	Conditions
At least 220 mm	Whole area	None

PART C

Closed or restricted areas

1. Measures for the redfish fishery in the Irminger Sea and adjacent waters

1.1. It shall be prohibited to catch redfish in international waters of ICES sub-area 5 and Union waters of ICES sub-areas 12 and 14.

By way of derogation from the first subparagraph, it shall be permitted to catch redfish from 11 May to 31 December in the area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system (the 'Redfish Conservation Area'):

- 64°45' N, 28°30' W
- 62°50' N, 25°45' W
- 61°55' N, 26°45' W
- 61°00' N, 26°30' W
- 59°00' N, 30°00' W
- 59°00' N, 34°00' W
- 61°30' N, 34°00' W
- 62°50' N, 36°00' W
- 64°45' N, 28°30' W.

1.2. Notwithstanding point 1.1, a fishery for redfish may be permitted, by a Union legal act, outside the Redfish Conservation Area in the Irminger Sea and adjacent waters from 11 May to 31 December each year on the basis of scientific advice and provided that NEAFC has established a recovery plan in respect of redfish in that geographical area. Only Union vessels that have been duly authorised by their respective Member State and notified to the Commission as required under Article 5 of Regulation (EU) No 1236/2010 shall participate in this fishery.

1.3. It shall be prohibited to use trawls with a mesh size of less than 100 mm.

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1.4. The conversion factor to be applied to the gutted and headed presentation, including the Japanese cut presentation, of redfish caught in this fishery shall be 1,70.

1.5. Masters of fishing vessels engaged in the fishery outside the Redfish Conservation Area shall transmit the catch report provided for in point (b) of Article 9(1) of Regulation (EU) No 1236/2010 on a daily basis after the fishing operations of that calendar day have been completed. It shall indicate the catches on board taken since the last communication of catches.

1.6. In addition to Article 5 of Regulation (EU) No 1236/2010, an authorisation to fish for redfish shall only be valid if the reports transmitted by vessels are in accordance with Article 9(1) of that Regulation and are recorded in accordance with Article 9(3) thereof.

1.7. The reports referred to in point 1.6 shall be made in accordance with the relevant rules.

2. Special rules for the protection of blue ling

2.1. From 1 March to 31 May each year it shall be prohibited to retain on board any quantity of blue ling in excess of 6 tonnes per fishing trip in the areas of ICES division 6a enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

(a) Edge of Scottish continental shelf

- 59°58' N, 07°00' W
- 59°55' N, 06°47' W
- 59°51' N, 06°28' W
- 59°45' N, 06°38' W
- 59°27' N, 06°42' W
- 59°22' N, 06°47' W
- 59°15' N, 07°15' W
- 59°07' N, 07°31' W
- 58°52' N, 07°44' W
- 58°44' N, 08°11' W
- 58°43' N, 08°27' W
- 58°28' N, 09°16' W
- 58°15' N, 09°32' W
- 58°15' N, 09°45' W
- 58°30' N, 09°45' W
- 59°30' N, 07°00' W
- 59°58' N, 07°00' W;

(b) Edge of Rosemary bank

- 60°00' N, 11°00' W
- 59°00' N, 11°00' W
- 59°00' N, 09°00' W
- 59°30' N, 09°00' W
- 59°30' N, 10°00' W
- 60°00' N, 10°00' W
- 60°00' N, 11°00' W

Not including the area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

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- 59°15' N, 10°24' W
- 59°10' N, 10°22' W
- 59°08' N, 10°07' W
- 59°11' N, 09°59' W
- 59°15' N, 09°58' W
- 59°22' N, 10°02' W
- 59°23' N, 10°11' W
- 59°20' N, 10°19' W
- 59°15' N, 10°24' W.

2.2. Where blue ling is subject to the landing obligation set out in Article 15 of Regulation (EU) No 1380/2013, point 2.1 shall not apply.

Fishing for blue ling using any fishing gear within the period and areas referred to in point 2.1 shall be prohibited.

2.3. When entering and exiting the areas referred to in point 2.1, the master of a fishing vessel shall record the date, time and place of entry and exit in the logbook.

2.4. In either of the two areas referred to in point 2.1, if a vessel reaches the 6 tonnes of blue ling:

- (a) it shall immediately cease fishing and exit the area in which it is present;
- (b) it may not re-enter either of the areas until its catch has been landed;
- (c) it may not return to the sea any quantity of blue ling.

2.5. The observers referred to in Article 16 of Regulation (EU) 2016/2336 who are assigned to fishing vessels present in one of the areas referred to in point 1 shall, for appropriate samples of the catches of blue ling, measure the fish in the samples and determine the stage of sexual maturity of subsampled fish. On the basis of advice from STECF, Member States shall establish detailed protocols for sampling and for the collation of results.

2.6. From 15 February to 15 April each year, it shall be prohibited to use bottom trawls, longlines and gillnets within an area enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

- 60°58.76' N, 27°27.32' W
- 60°56.02' N, 27°31.16' W
- 60°59.76' N, 27°43.48' W
- 61°03.00' N, 27°39.41' W
- 60°58.76' N, 27°27.32' W.

3. Measures for the redfish fishery in international waters of ICES sub-areas 1 and 2

3.1. Directed fishing for redfish in the international waters of ICES sub-areas 1 and 2 shall only be permitted within the period from 1 July to 31 December each year by vessels which have previously been engaged in the redfish fishery in the NEAFC Regulatory Area.

3.2. Vessels shall limit their by-catches of redfish in other fisheries to a maximum of 1 % of the total catch retained on board.

3.3. The conversion factor to be applied to the gutted and headed presentation, including the Japanese cut presentation, of redfish caught in this fishery shall be 1,70.

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3.4. By way of derogation from point (b) of Article 9(1) of Regulation (EU) No 1236/2010, masters of fishing vessels engaged in this fishery shall report their catches on a daily basis.

3.5. In addition to Article 5 of Regulation (EU) No 1236/2010, an authorisation to fish for redfish shall only be valid if the reports transmitted by vessels are in accordance with Article 9(1) of that Regulation and are recorded in accordance with Article 9(3) thereof.

3.6. Member States shall ensure that scientific information is collected by scientific observers on board vessels flying their flag. As a minimum, the information collected shall include representative data on sex, age and length composition by depths. This information shall be reported to ICES by the competent authorities in the Member States.

3.7. The Commission shall inform Member States of the date on which the NEAFC Secretariat notifies the NEAFC Contracting Parties that the total allowable catch (TAC) has been fully utilised. Member States shall prohibit directed fishery for redfish by vessels flying their flag from that date.

4. Rockall haddock box in ICES sub-area 6

All fishing, except with longlines, shall be prohibited in the areas enclosed by sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

- 57°00' N, 15°00' W
- 57°00' N, 14°00' W
- 56°30' N, 14°00' W
- 56°30' N, 15°00' W
- 57°00' N, 15°00' W.

PART D

Closed areas for the protection of sensitive habitats

1. It shall be prohibited to conduct bottom trawling and fishing with static gear, including bottom set gillnets and bottom set longlines, within the following areas sequentially joining with rhumb lines the following coordinates, which shall be measured according to the WGS84 system:

Part of the Reykjanes Ridge:

- 55°04.5327' N, 36°49.0135' W
- 55°05.4804' N, 35°58.9784' W
- 54°58.9914' N, 34°41.3634' W
- 54°41.1841' N, 34°00.0514' W
- 54°00' N, 34°00' W
- 53°54.6406' N, 34°49.9842' W
- 53°58.9668' N, 36°39.1260' W
- 55°04.5327' N, 36°49.0135' W

Northern MAR Area:

- 59°45' N, 33°30' W
- 57°30' N, 27°30' W
- 56°45' N, 28°30' W

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— 59°15' N, 34°30' W

— 59°45' N, 33°30' W

Middle MAR Area (Charlie-Gibbs Fracture zone and Subpolar Frontal Region):

— 53°30' N, 38°00' W

— 53°30' N, 36°49' W

— 55°04.5327' N, 36°49' W

— 54°58.9914' N, 34°41.3634' W

— 54°41.1841' N, 34°00' W

— 53°30' N, 30°00' W

— 51°30' N, 28°00' W

— 49°00' N, 26°30' W

— 49°00' N, 30°30' W

— 51°30' N, 32°00' W

— 51°30' N, 38°00' W

— 53°30' N, 38°00' W

Southern MAR Area:

— 44°30' N, 30°30' W

— 44°30' N, 27°00' W

— 43°15' N, 27°15' W

— 43°15' N, 31°00' W

— 44°30' N, 30°30' W

The Altair Seamounts:

— 45°00' N, 34°35' W

— 45°00' N, 33°45' W

— 44°25' N, 33°45' W

— 44°25' N, 34°35' W

— 45°00' N, 34°35' W

The Antialtair Seamounts:

— 43°45' N, 22°50' W

— 43°45' N, 22°05' W

— 43°25' N, 22°05' W

— 43°25' N, 22°50' W

— 43°45' N, 22°50' W

Hatton Bank:

— 59°26' N, 14°30' W

— 59°12' N, 15°08' W

— 59°01' N, 17°00' W

— 58°50' N, 17°38' W

— 58°30' N, 17°52' W

— 58°30' N, 18°22' W

— 58°03' N, 18°22' W

— 58°03' N, 17°30' W

— 57°55' N, 17°30' W

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- 57°45' N, 19°15' W
- 58°11.15' N, 18°57.51' W
- 58°11.57' N, 19°11.97' W
- 58°27.75' N, 19°11.65' W
- 58°39.09' N, 19°14.28' W
- 58°38.11' N, 19°01.29' W
- 58°53.14' N, 18°43.54' W
- 59°00.29' N, 18°01.31' W
- 59°08.01' N, 17°49.31' W
- 59°08.75' N, 18°01.47' W
- 59°15.16' N, 18°01.56' W
- 59°24.17' N, 17°31.22' W
- 59°21.77' N, 17°15.36' W
- 59°26.91' N, 17°01.66' W
- 59°42.69' N, 16°45.96' W
- 59°20.97' N, 15°44.75' W
- 59°21' N, 15°40' W
- 59°26' N, 14°30' W

North-West Rockall:

- 57°00' N, 14°53' W
- 57°37' N, 14°42' W
- 57°55' N, 14°24' W
- 58°15' N, 13°50' W
- 57°57' N, 13°09' W
- 57°50' N, 13°14' W
- 57°57' N, 13°45' W
- 57°49' N, 14°06' W
- 57°29' N, 14°19' W
- 57°22' N, 14°19' W
- 57°00' N, 14°34' W
- 56°56' N, 14°36' W
- 56°56' N, 14°51' W
- 57°00' N, 14°53' W

South-West Rockall (Empress of Britain Bank):

Area 1

- 56°24' N, 15°37' W
- 56°21' N, 14°58' W
- 56°04' N, 15°10' W
- 55°51' N, 15°37' W
- 56°10' N, 15°52' W
- 56°24' N, 15°37' W

Area 2

- 55°56.90 N -16°11.30 W
- 55°58.20 N -16°11.30 W

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- 55°58.30 N -16°02.80 W
- 55°56.90 N -16°02.80 W
- 55°56.90 N -16°11.30 W

Area 3

- 55°49.90 N -15°56.00 W
- 55°48.50 N -15°56.00 W
- 55°48.30 N -15°50.60 W
- 55°49.60 N -15°50.60 W
- 55°49.90 N -15°56.00 W

Edora's bank

- 56°26.00 N -22°26.00 W
- 56°28.00 N -22°04.00 W
- 56°16.00 N -21°42.00 W
- 56°05.00 N -21°40.00 W
- 55°55.00 N -21°47.00 W
- 55°45.00 N -22°00.00 W
- 55°43.00 N -23°14.00 W
- 55°50.00 N -23°16.00 W
- 56°05.00 N -23°06.00 W
- 56°18.00 N -22°43.00 W
- 56°26.00 N -22°26.00 W

Southwest Rockall Bank

Area 1

- 55°58.16 N -16°13.18 W
- 55°58.24 N -16°02.56 W
- 55°54.86 N -16°05.55 W
- 55°58.16 N -16°13.18 W

Area 2

- 55°55.86 N -15°40.84 W
- 55°51.00 N -15°37.00 W
- 55°47.86 N -15°53.81 W
- 55°49.29 N -15°56.39 W
- 55°55.86 N -15°40.84 W

Hatton-Rockall Basin

Area 1

- 58°00.15 N -15°27.23 W
- 58°00.15 N -15°38.26 W
- 57°54.19 N -15°38.26 W
- 57°54.19 N -15°27.23 W
- 58°00.15 N -15°27.23 W

Area 2

- 58°06.46 N -16°37.15 W

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- 58°15.93 N -16°28.46 W
- 58°06.77 N -16°10.40 W
- 58°03.43 N -16° 10.43 W
- 58°01.49 N -16°25.19 W
- 58°02.62 N -16°36.96 W
- 58°06.46 N -16°37.15 W

Hatton Bank 2

Area 1

- 57°51.76 N -18°05.87 W
- 57°55.00 N -17°30.00 W
- 58°03.00 N -17°30.00 W
- 57°53.10 N -16°56.33 W
- 57°35.11 N -18°02.01 W
- 57°51.76 N -18°05.87 W

Area 2

- 57°59.96 N -19°05.05 W
- 57°45.00 N -19°15.00 W
- 57°50.07 N -18°23.82 W
- 57°31.13 N -18°21.28 W
- 57°14.09 N -19°28.43 W
- 57°02.21 N -19°27.53 W
- 56°53.12 N -19°28.97 W
- 56°50.22 N -19°33.62 W
- 56°46.68 N -19°53.72 W
- 57°00.04 N -20°04.22 W
- 57°10.31 N -19°55.24 W
- 57°32.67 N -19°52.64 W
- 57°46.68 N -19°37.86 W
- 57°59.96 N -19°05.05 W

Logachev Mound:

- 55°17' N, 16°10' W
- 55°34' N, 15°07' W
- 55°50' N, 15°15' W
- 55°33' N, 16°16' W
- 55°17' N, 16°10' W

West Rockall Mound:

- 57°20' N, 16°30' W
- 57°05' N, 15°58' W
- 56°21' N, 17°17' W
- 56°40' N, 17°50' W
- 57°20' N, 16°30' W

2. Where, in the course of fishing operations in new and existing bottom fishing areas within the NEAFC Regulatory Area, the quantity of live coral or live sponge caught per gear

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set exceeds 60 kg of live coral and/or 800 kg of live sponge, the vessel shall inform its flag State, cease fishing and move at least 2 nautical miles away from the position that the evidence suggests is closest to the exact location where this catch was made.

ANNEX XIII

MITIGATION MEASURES TO REDUCE INCIDENTAL CATCHES OF SENSITIVE SPECIES

The following measures to monitor and reduce incidental catches of sensitive species shall apply:

1. The measures set out in Parts A, B and C.
2. Member States shall take the necessary steps to collect scientific data on incidental catches of sensitive species.
3. As a result of scientific evidence, validated by ICES, STECF, or in the framework of GFCM, of negative impacts of fishing gear on sensitive species, Member States shall submit joint recommendations for additional mitigation measures for the reduction of incidental catches of the concerned species or in a concerned area on the basis of Article 15 of this Regulation.
4. Member States shall monitor and assess the effectiveness of the mitigation measures established under this Annex.

PART A

Cetaceans

1. Fisheries in which the use of acoustic deterrent devices is mandatory
 - 1.1. It shall be prohibited for vessels with an overall length of 12 m or more to use the fishing gear in specific areas as defined below without the simultaneous use of active acoustic deterrent devices.

Area	Gear
Baltic Sea Area delimited by a line running from the Swedish coast at the point at longitude 13° E, thence due south to latitude 55° N, thence due east to longitude 14° E, thence due north to the coast of Sweden; and, Area delimited by a line running from the eastern coast of Sweden at the point at latitude 55°30' N, thence due east to longitude 15° E, thence due north to latitude 56° N, thence due east to longitude 16° E thence due north to the coast of Sweden	Any bottom-set gill net or entangling net
Baltic Sea sub-division 24 (except for the area covered above)	Any bottom-set gill net or entangling net

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ICES sub-area 4 and ICES division 3a (only from 1 August to 31 October)	Any bottom-set gill net or entangling net, or combination of these nets, the total length of which does not exceed 400 m
	Any bottom-set gillnet or entangling net \geq 220 mm
ICES divisions 7e, 7f, 7g, 7h and 7j	Any bottom-set gillnet or entangling net
ICES division 7d	Any bottom-set gillnet or entangling net

1.2. Point 1.1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member State or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.

1.3. Member States shall take necessary steps to monitor and assess by means of scientific studies or pilot projects, the effects of acoustic deterrent device use over time in the fisheries and areas concerned.

2. Fisheries to be monitored

2.1. Monitoring schemes shall be undertaken on an annual basis and established for vessels flying their flag and with an overall length of 15 m or more to monitor cetacean by-catch, for the fisheries and under the conditions defined below.

Area	Gear
ICES sub-areas 6, 7 and 8	Pelagic trawls (single and pair)
Mediterranean Sea (of the east of line 5°36' west)	Pelagic trawls (single and pair)
ICES divisions 6a, 7a, 7b, 8a, 8b, 8c and 9a	Bottom-set gillnet or entangling nets using mesh sizes equal to or greater than 80 mm
ICES sub area 4, ICES division 6a, and ICES sub-area 7, with the exception of ICES divisions 7c and 7k	Driftnets
ICES divisions 3a, 3b, 3c, 3d south of 59° N, 3d north of 59° (only from 1 June to 30 September) and ICES sub-areas 4 and 9	Pelagic trawls (single and pair)
ICES sub-areas 6, 7, 8 and 9	High-opening trawls
ICES divisions 3b, 3c and 3d	Bottom-set gillnet or entangling nets using mesh sizes equal to or greater than 80 mm

2.2. Point 2.1 shall not apply to fishing operations conducted solely for the purpose of scientific investigation which are carried out with the authorisation and under the authority of the Member State or Member States concerned and which aim at developing new technical measures to reduce the incidental capture or killing of cetaceans.

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PART B

Seabirds

Where the data referred to in point 2 of the introductory paragraph of this Annex indicate a level of incidental catches of seabirds in specific fisheries which constitutes a serious threat to the conservation status of those seabirds, Member States shall use bird scaring lines and/or weighted lines, if it is scientifically proven that such use has a conservation benefit in that area, and where practical and beneficial shall set longlines during the hours of darkness with the minimum of deck lighting necessary for safety.

PART C

Marine turtles

1. Fisheries in which the use of a turtle excluder device is mandatory.

1.1. It shall be prohibited for vessels to use the fishing gear specified below in specific areas as defined below without the simultaneous use of a turtle excluder device.

Area	Species	Gear
Union waters in the Indian Ocean and the West Atlantic	Shrimps (<i>Penaeus</i> spp., <i>Xiphopenaeus kroyeri</i>)	Any shrimp trawl

1.2. The Commission may adopt implementing acts establishing detailed rules for the specification of the device referred to in point 1.1.

ANNEX XIV

SPECIES FOR SELECTIVITY PERFORMANCE INDICATORS

North Sea	North Western Waters	South Western Waters	Baltic Sea	Mediterranean Sea
Cod	Cod	Hake	Cod	Hake
Haddock	Haddock	Whiting	Plaice	Red Mullet
Saithe	Saithe	Megrim		
Whiting	Whiting			
Plaice	Plaice			

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- (1) [OJ C 389, 21.10.2016, p. 67.](#)
- (2) [OJ C 185, 9.6.2017, p. 82.](#)
- (3) Position of the European Parliament of 16 April 2019 (not yet published in the Official Journal) and decision of the Council of 13 June 2019.
- (4) Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC ([OJ L 354, 28.12.2013, p. 22](#)).
- (5) Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy (Marine Strategy Framework Directive) ([OJ L 164, 25.6.2008, p. 19](#)).
- (6) Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora ([OJ L 206, 22.7.1992, p. 7](#)).
- (7) Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds ([OJ L 20, 26.1.2010, p. 7](#)).
- (8) Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ([OJ L 327, 22.12.2000, p. 1](#)).
- (9) [OJ L 123, 12.5.2016, p. 1.](#)
- (10) Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers ([OJ L 55, 28.2.2011, p. 13](#)).
- (11) Council Regulation (EC) No 894/97 of 29 April 1997 laying down certain technical measures for the conservation of fishery resources ([OJ L 132, 23.5.1997, p. 1](#)).
- (12) Council Regulation (EC) No 850/98 of 30 March 1998 for the conservation of fishery resources through technical measures for the protection of juveniles of marine organisms ([OJ L 125, 27.4.1998, p. 1](#)).
- (13) Council Regulation (EC) No 2549/2000 of 17 November 2000 establishing additional technical measures for the recovery of the stock of cod in the Irish Sea (ICES Division VIIa) ([OJ L 292, 21.11.2000, p. 5](#)).
- (14) Council Regulation (EC) No 254/2002 of 12 February 2002 establishing measures to be applicable in 2002 for the recovery of the stock of cod in the Irish Sea (ICES division VIIa) ([OJ L 41, 13.2.2002, p. 1](#)).
- (15) Council Regulation (EC) No 812/2004 of 26 April 2004 laying down measures concerning bycatches of cetaceans in fisheries and amending Regulation (EC) No 88/98 ([OJ L 150, 30.4.2004, p. 12](#)).
- (16) Council Regulation (EC) No 2187/2005 of 21 December 2005 for the conservation of fishery resources through technical measures in the Baltic Sea, the Belts and the Sound, amending Regulation (EC) No 1434/98 and repealing Regulation (EC) No 88/98 ([OJ L 349, 31.12.2005, p. 1](#)).
- (17) Council Regulation (EC) No 1967/2006 of 21 December 2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea, amending Regulation (EEC) No 2847/93 and repealing Regulation (EC) No 1626/94 ([OJ L 409, 30.12.2006, p. 11](#)).
- (18) Council Regulation (EC) No 1224/2009 of 20 November 2009 establishing a Union control system for ensuring compliance with the rules of the common fisheries policy, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 ([OJ L 343, 22.12.2009, p. 1](#)).
- (19) Regulation (EU) 2016/1139 of the European Parliament and of the Council of 6 July 2016 establishing a multiannual plan for the stocks of cod, herring and sprat in the Baltic Sea and the fisheries exploiting those stocks, amending Council Regulation (EC) No 2187/2005 and repealing Council Regulation (EC) No 1098/2007 ([OJ L 191, 15.7.2016, p. 1](#)).

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- (20) Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008 (OJ L 179, 16.7.2018, p. 1).
- (21) Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008 (OJ L 83, 25.3.2019, p. 1).
- (22) Regulation (EU) 2019/1022 of the European Parliament and of the Council of 20 June 2019 establishing a multiannual plan for the fisheries exploiting demersal stocks in the western Mediterranean Sea and amending Regulation (EU) No 508/2014 (OJ L 172, 26.6.2019, p. 1).
- (23) ICES (International Council for the Exploration of the Sea) divisions are as defined in Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70).
- (24) CECAF (Eastern Central Atlantic or FAO major fishing zone 34) zones are as defined in Regulation (EC) No 216/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic (OJ L 87, 31.3.2009, p. 1).
- (25) Regulation (EU) No 1343/2011 of the European Parliament and of the Council of 13 December 2011 on certain provisions for fishing in the GFCM (General Fisheries Commission for the Mediterranean) Agreement area and amending Council Regulation (EC) No 1967/2006 concerning management measures for the sustainable exploitation of fishery resources in the Mediterranean Sea (OJ L 347, 30.12.2011, p. 44).
- (26) Regulation (EU) No 1236/2010 of the European Parliament and of the Council of 15 December 2010 laying down a scheme of control and enforcement applicable in the area covered by the Convention on future multilateral cooperation in the North-East Atlantic fisheries and repealing Council Regulation (EC) No 2791/1999 (OJ L 348, 31.12.2010, p. 17).
- (27) Council Regulation (EC) No 734/2008 of 15 July 2008 on the protection of vulnerable marine ecosystems in the high seas from the adverse impacts of bottom fishing gears (OJ L 201, 30.7.2008, p. 8).
- (28) Regulation (EU) No 1379/2013 of the European Parliament and of the Council of 11 December 2013 on the common organisation of the markets in fishery and aquaculture products, amending Council Regulations (EC) No 1184/2006 and (EC) No 1224/2009 and repealing Council Regulation (EC) No 104/2000 (OJ L 354, 28.12.2013, p. 1).
- (29) Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).';
- (30) Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).';
- (31) Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC)

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- No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).’;
- (32) Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fishery resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).’;
- (33) For the purposes of this Annex:
- the Kattegat is limited in the north by a line drawn from Skagen Lighthouse to the lighthouse in Tistlarna, and from there to the nearest point on the Swedish coast, and in the south by a line drawn from Hasenøre Head to Gniben Point, from Korshage to Spodsbjerg, and from Gilbjerg Head to the Kullen,
 - the Skagerrak is limited in the west by a line drawn from the lighthouse of Hanstholm to the lighthouse of Lindesnes, and in the south by a line drawn from Skagen Lighthouse to the lighthouse of Tistlarna, and from there to the nearest point on the Swedish coast,
 - the North Sea shall comprise ICES sub-area 4, the adjacent part of ICES Division 2a lying south of latitude 64° N, and that part of ICES Division 3a which is not covered by the definition of Skagerrak given in the second indent.
- (34) In sub-divisions Skagerrak and Kattegat, a diamond mesh top panel of at least 270 mm mesh size or a square mesh top panel of at least 140 mm mesh size shall be fitted. In sub-division Kattegat, a square mesh panel of at least 120 mm may be fitted (on trawls in the period from 1 October to 31 December, and on seines in the period from 1 August to 31 October).
- (35) Regulation (EU) 2016/2336 of the European Parliament and of the Council of 14 December 2016 establishing specific conditions for fishing for deep-sea stocks in the north-east Atlantic and provisions for fishing in international waters of the north-east Atlantic and repealing Council Regulation (EC) No 2347/2002 (OJ L 354, 23.12.2016, p. 1).
- (36) Regulation (EU) 2017/1004 of the European Parliament and of the Council of 17 May 2017 on the establishment of a Union framework for the collection, management and use of data in the fisheries sector and support for scientific advice regarding the common fisheries policy and repealing Council Regulation (EC) No 199/2008 (OJ L 157, 20.6.2017, p. 1).
- (37) To be phased-in over a two-year period from the date of entry into force of this Regulation.
- (38) A mesh size of at least 220 mm shall be used when fishing for anglerfish. A mesh size of at least 110 mm shall be used when directed fishing for pollack and hake in ICES divisions 7d and 7e.
- (39) Commission Delegated Regulation (EU) 2018/2034 of 18 October 2018 establishing a discard plan for certain demersal fisheries in North-Western waters for the period 2019-2021 (OJ L 327, 21.12.2018, p. 8).
- (40) This provision is without prejudice to Article 2 of Regulation (EC) No 494/2002.
- (41) For directed fishing for Norway lobster (*Nephrops norvegicus*), a square mesh panel of at least 100 mm or equivalent selectivity device shall be fitted when fishing in ICES divisions 8a, 8b, 8d and 8e. For directed fishing for sole with beam trawls, a panel with a mesh size of at least 180 mm fitted in the upper half of the anterior part of the net shall be fitted.
- (42) For directed fishing for anglerfish a mesh size of at least 220 mm shall be used.

Changes to legislation:

There are outstanding changes not yet made to Regulation (EU) 2019/1241 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- Annex 1 point (n) omitted by [S.I. 2019/1312 reg. 5\(31\)\(m\)](#)
- Annex 1 point (o) omitted by [S.I. 2019/1312 reg. 5\(31\)\(n\)](#)
- Annex 1 point (l) words inserted by [S.I. 2019/1312 reg. 5\(31\)\(k\)\(i\)](#)
- Annex 1 point (g) words omitted by [S.I. 2019/1312 reg. 5\(31\)\(f\)\(ii\)](#)
- Annex 1 point (k) words omitted by [S.I. 2019/1312 reg. 5\(31\)\(j\)\(ii\)](#)
- Annex 1 point (l) words omitted by [S.I. 2019/1312 reg. 5\(31\)\(k\)\(ii\)](#)
- Annex 1 point (a) words substituted by [S.I. 2019/1312 reg. 5\(31\)\(a\)](#)
- Annex 1 point (c) words substituted by [S.I. 2019/1312 reg. 5\(31\)\(b\)\(i\)](#)
- Annex 1 point (c) words substituted by [S.I. 2019/1312 reg. 5\(31\)\(b\)\(ii\)](#)
- Annex 1 point (d) words substituted by [S.I. 2019/1312 reg. 5\(31\)\(c\)](#)
- Annex 1 point (e) words substituted by [S.I. 2019/1312 reg. 5\(31\)\(d\)](#)
- Annex 1 point (f) words substituted by [S.I. 2019/1312 reg. 5\(31\)\(e\)](#)
- Annex 1 point (g) words substituted by [S.I. 2019/1312 reg. 5\(31\)\(f\)\(i\)](#)
- Annex 1 point (g) words substituted by [S.I. 2019/1312 reg. 5\(31\)\(f\)\(iii\)](#)
- Annex 1 point (h) words substituted by [S.I. 2019/1312 reg. 5\(31\)\(g\)\(i\)](#)
- Annex 1 point (h) words substituted by [S.I. 2019/1312 reg. 5\(31\)\(g\)\(ii\)](#)
- Annex 1 point (i) words substituted by [S.I. 2019/1312 reg. 5\(31\)\(h\)\(i\)](#)
- Annex 1 point (i) words substituted by [S.I. 2019/1312 reg. 5\(31\)\(h\)\(ii\)](#)
- Annex 1 point (j) words substituted by [S.I. 2019/1312 reg. 5\(31\)\(i\)](#)
- Annex 1 point (k) words substituted by [S.I. 2019/1312 reg. 5\(31\)\(j\)\(i\)](#)
- Annex 1 point (k) words substituted by [S.I. 2019/1312 reg. 5\(31\)\(j\)\(iii\)](#)
- Annex 1 point (m) words substituted by [S.I. 2019/1312 reg. 5\(31\)\(l\)](#)
- Annex 5 Pt. B point 1.1 omitted by [S.I. 2019/1312 reg. 5\(34\)\(b\)\(i\)](#) (This amendment not applied to legislation.gov.uk. Reg. 5(34)(b)(i) substituted immediately before IP completion day by [S.I. 2020/1542, reg. 17\(2\)](#))
- Annex 5 Pt. C point 2 omitted by [S.I. 2019/1312 reg. 5\(34\)\(c\)\(i\)](#)
- Annex 5 Pt. C point 5 omitted by [S.I. 2019/1312 reg. 5\(34\)\(c\)\(iii\)](#)
- Annex 5 Pt. D point 4 omitted by [S.I. 2019/1312 reg. 5\(34\)\(d\)\(iii\)](#)
- Annex 5 Pt. D point 5 omitted by [S.I. 2019/1312 reg. 5\(34\)\(d\)\(iii\)](#)
- Annex 5 Pt. D point 2 word inserted by [S.I. 2019/1312 reg. 5\(34\)\(d\)\(ii\)\(cc\)](#)
- Annex 5 Pt. C point 6.2 word omitted by [S.I. 2019/1312 reg. 5\(34\)\(c\)\(v\)\(aa\)](#)
- Annex 5 Pt. D point 2 words inserted by [S.I. 2019/1312 reg. 5\(34\)\(d\)\(ii\)\(ee\)](#)
- Annex 5 Pt. B point 1.2 words omitted by [S.I. 2019/1312 reg. 5\(34\)\(b\)\(ii\)\(aa\)](#)
- Annex 5 Pt. B point 1.2 words omitted by [S.I. 2019/1312 reg. 5\(34\)\(b\)\(ii\)\(bb\)](#)
- Annex 5 Pt. B point 1 words omitted by [S.I. 2019/1312 reg. 5\(34\)\(b\)\(iii\)\(aa\)](#)
- Annex 5 Pt. B point 1 words omitted by [S.I. 2019/1312 reg. 5\(34\)\(b\)\(iii\)\(bb\)](#)
- Annex 5 Pt. B point 1 words omitted by [S.I. 2019/1312 reg. 5\(34\)\(b\)\(iii\)\(cc\)](#)
- Annex 5 Pt. B point 2.2 words omitted by [S.I. 2019/1312 reg. 5\(34\)\(b\)\(iv\)](#)
- Annex 5 Pt. C point 4 words omitted by [S.I. 2019/1312 reg. 5\(34\)\(c\)\(ii\)](#)
- Annex 5 Pt. C point 6.2 words omitted by [S.I. 2019/1312 reg. 5\(34\)\(c\)\(v\)\(bb\)](#)
- Annex 5 Pt. D point 2 words omitted by [S.I. 2019/1312 reg. 5\(34\)\(d\)\(ii\)\(bb\)](#)
- Annex 5 Pt. B point 1.1 words omitted by [S.I. 2019/1312, reg. 5\(34\)\(b\)\(i\)](#) (as substituted) by [S.I. 2020/1542 reg. 17\(2\)](#)
- Annex 5 Pt. B point 1.2(ii) words substituted by [S.I. 2019/1312 reg. 5\(34\)\(b\)\(ii\)\(cc\)](#)
- Annex 5 Pt. C point 6 words substituted by [S.I. 2019/1312 reg. 5\(34\)\(c\)\(iv\)](#)
- Annex 5 Pt. C point 6.2 words substituted by [S.I. 2019/1312 reg. 5\(34\)\(c\)\(v\)\(cc\)](#)
- Annex 5 Pt. D point 1 words substituted by [S.I. 2019/1312 reg. 5\(34\)\(d\)\(i\)](#)
- Annex 5 Pt. D point 2 words substituted by [S.I. 2019/1312 reg. 5\(34\)\(d\)\(ii\)\(aa\)](#)
- Annex 5 Pt. D point 2 words substituted by [S.I. 2019/1312 reg. 5\(34\)\(d\)\(ii\)\(dd\)](#)
- Annex 5 Pt. D point 2(a) words substituted by [S.I. 2019/1312 reg. 5\(34\)\(d\)\(ii\)\(ff\)](#)

- Annex 5 Pt. A Note 1 words substituted by S.I. 2019/1312 reg. 5(34)(a)
- Annex 7 Pt. C point 1 omitted by S.I. 2019/1312 reg. 5(36)(c)(i)
- Annex 7 Pt. C point 2 omitted by S.I. 2019/1312 reg. 5(36)(c)(i)
- Annex 7 Pt. C point 3 omitted by S.I. 2019/1312 reg. 5(36)(c)(i)
- Annex 7 Pt. C point 4.3 omitted by S.I. 2019/1312 reg. 5(36)(c)(v)
- Annex 7 Pt. C point 4.2 word omitted by S.I. 2019/1312 reg. 5(36)(c)(iv)(aa)
- Annex 7 Pt. B point 1.1 words omitted by S.I. 2019/1312 reg. 5(36)(b)(i)
- Annex 7 Pt. B point 1.2(ii) words omitted by S.I. 2019/1312 reg. 5(36)(b)(ii)(bb)
- Annex 7 Pt. B point 1 words omitted by S.I. 2019/1312 reg. 5(36)(b)(iii)(aa)
- Annex 7 Pt. B point 1 words omitted by S.I. 2019/1312 reg. 5(36)(b)(iii)(bb)
- Annex 7 Pt. B point 2.1 words omitted by S.I. 2019/1312 reg. 5(36)(b)(iv)
- Annex 7 Pt. B point 2 words omitted by S.I. 2019/1312 reg. 5(36)(b)(v)
- Annex 7 Pt. C point 4.1 words omitted by S.I. 2019/1312 reg. 5(36)(c)(iii)(bb)
- Annex 7 Pt. C point 4.2 words omitted by S.I. 2019/1312 reg. 5(36)(c)(iv)(bb)
- Annex 7 Pt. B point 1.2(ii) words substituted by S.I. 2019/1312 reg. 5(36)(b)(ii)(aa)
- Annex 7 Pt. B point 1 Note 2 words substituted by S.I. 2019/1312 reg. 5(36)(b)(iii)(cc)
- Annex 7 Pt. C point 4 words substituted by S.I. 2019/1312 reg. 5(36)(c)(ii)
- Annex 7 Pt. C point 4.1 words substituted by S.I. 2019/1312 reg. 5(36)(c)(iii)(aa)
- Annex 7 Pt. C point 4.2 words substituted by S.I. 2019/1312 reg. 5(36)(c)(iv)(cc)
- Annex 7 Pt. A Note 1 omitted by S.I. 2019/1312 reg. 5(36)(a)(i)
- Annex 7 Pt. A Note 2 omitted by S.I. 2019/1312 reg. 5(36)(a)(i)
- Annex 7 Pt. A Note 3 omitted by S.I. 2019/1312 reg. 5(36)(a)(i)
- Annex 7 Pt. A Note 4 words substituted by S.I. 2019/1312 reg. 5(36)(a)(ii)(aa)
- Annex 7 Pt. A Note 4 words substituted by S.I. 2019/1312 reg. 5(36)(a)(ii)(bb)
- Annex 12 Pt. C point 3.7 substituted by S.I. 2019/1312 reg. 5(38)(a)(v)
- Annex 12 Pt. C point 1.1 words omitted by S.I. 2019/1312 reg. 5(38)(a)(i)
- Annex 12 Pt. C point 1.2 words omitted by S.I. 2019/1312 reg. 5(38)(a)(ii)(dd)
- Annex 12 Pt. C point 3.6 words omitted by S.I. 2019/1312 reg. 5(38)(a)(iv)(cc)
- Annex 12 Pt. C point 1.2 words substituted by S.I. 2019/1312 reg. 5(38)(a)(ii)(aa)
- Annex 12 Pt. C point 1.2 words substituted by S.I. 2019/1312 reg. 5(38)(a)(ii)(bb)
- Annex 12 Pt. C point 1.2 words substituted by S.I. 2019/1312 reg. 5(38)(a)(ii)(cc)
- Annex 12 Pt. C point 2.5 words substituted by S.I. 2019/1312 reg. 5(38)(a)(iii)
- Annex 12 Pt. C point 3.6 words substituted by S.I. 2019/1312 reg. 5(38)(a)(iv)(aa)
- Annex 12 Pt. C point 3.6 words substituted by S.I. 2019/1312 reg. 5(38)(a)(iv)(bb)
- Annex 12 Pt. D point 2 words substituted by S.I. 2019/1312 reg. 5(38)(b)
- Annex 14 omitted by S.I. 2019/1312 reg. 5(40)
- Annex 8-11 omitted by S.I. 2019/1312 reg. 5(37)
- Annex 13 Pt. C omitted by S.I. 2019/1312 reg. 5(39)(f)
- Annex 13 point 3 substituted by S.I. 2019/1312 reg. 5(39)(b)
- Annex 13 Pt. A point 1.1 words omitted by S.I. 2019/1312 reg. 5(39)(d)(i)(aa)
- Annex 13 Pt. A point 1.1 words omitted by S.I. 2019/1312 reg. 5(39)(d)(i)(bb)
- Annex 13 Pt. A point 2.1 words omitted by S.I. 2019/1312 reg. 5(39)(d)(iv)
- Annex 13 Pt. A point 2.1 words omitted by S.I. 2019/1312 reg. 5(39)(d)(v)(aa)
- Annex 13 Pt. A point 2.1 words omitted by S.I. 2019/1312 reg. 5(39)(d)(v)(bb)
- Annex 13 Pt. A point 2.1 words omitted by S.I. 2019/1312 reg. 5(39)(d)(v)(cc)
- Annex 13 Pt. A point 2.1 words omitted by S.I. 2019/1312 reg. 5(39)(d)(v)(ee)
- Annex 13 Pt. A point 2.1 words omitted by S.I. 2019/1312 reg. 5(39)(d)(v)(ff)
- Annex 13 point 2 words substituted by S.I. 2019/1312 reg. 5(39)(a)
- Annex 13 point 4 words substituted by S.I. 2019/1312 reg. 5(39)(c)
- Annex 13 Pt. A point 1.2 words substituted by S.I. 2019/1312 reg. 5(39)(d)(ii)
- Annex 13 Pt. A point 1.3 words substituted by S.I. 2019/1312 reg. 5(39)(d)(iii)
- Annex 13 Pt. A point 2.1 words substituted by S.I. 2019/1312 reg. 5(39)(d)(v)(dd)
- Annex 13 Pt. A point 2.2 words substituted by S.I. 2019/1312 reg. 5(39)(d)(vi)
- Annex 13 Pt. B words substituted by S.I. 2019/1312 reg. 5(39)(e)
- Annex 2 Pt. A point 1 omitted by S.I. 2019/1312 reg. 5(32)(a)
- Annex 2 Pt. A point 2 omitted by S.I. 2019/1312 reg. 5(32)(a)
- Annex 2 Pt. B omitted by S.I. 2019/1312 reg. 5(32)(b)

- Annex 4 point 4 omitted by S.I. 2019/1312 reg. 5(33)(b)
- Annex 4 point 10 omitted by S.I. 2019/1312 reg. 5(33)(b)
- Annex 4 point 3 words inserted by S.I. 2019/1312 reg. 5(33)(a)(ii)
- Annex 4 point 3 words omitted by S.I. 2019/1312 reg. 5(33)(a)(i)
- Annex 6 Pt. C point 5 omitted by S.I. 2019/1312 reg. 5(35)(c)(v)
- Annex 6 Pt. C point 6.3 omitted by S.I. 2019/1312 reg. 5(35)(c)(vi)
- Annex 6 Pt. B point 1 word omitted by S.I. 2019/1312 reg. 5(35)(b)(iii)
- Annex 6 Pt. C point 9.2 word omitted by S.I. 2019/1312 reg. 5(35)(c)(xi)(aa)
- Annex 6 Pt. B point 1.2(ii) word substituted by S.I. 2019/1312 reg. 5(35)(b)(ii)(bb)
- Annex 6 Pt. C point 3.1 words inserted by S.I. 2019/1312 reg. 5(35)(c)(ii)
- Annex 6 Pt. C point 4 words inserted by S.I. 2019/1312 reg. 5(35)(c)(iv)
- Annex 6 Pt. C point 7.1 words inserted by S.I. 2019/1312 reg. 5(35)(c)(vii)
- Annex 6 Pt. B words inserted by S.I. 2021/1429 reg. 7(2)
- Annex 6 Pt. C point 8.2 words omitted by S.I. 2019/1312 reg. 5(35)(c)(ix)
- Annex 6 Pt. C point 8 words omitted by S.I. 2019/1312 reg. 5(35)(c)(viii)
- Annex 6 Pt. C point 9 words omitted by S.I. 2019/1312 reg. 5(35)(c)(x)(aa)
- Annex 6 Pt. C point 9.2 words omitted by S.I. 2019/1312 reg. 5(35)(c)(xi)(bb)
- Annex 6 Pt. B point 1.1 words substituted by S.I. 2019/1312 reg. 5(35)(b)(i)
- Annex 6 Pt. B point 1.2(ii) words substituted by S.I. 2019/1312 reg. 5(35)(b)(ii)(aa)
- Annex 6 Pt. C point 2.1 words substituted by S.I. 2019/1312 reg. 5(35)(c)(i)
- Annex 6 Pt. C point 3.2 words substituted by S.I. 2019/1312 reg. 5(35)(c)(iii)
- Annex 6 Pt. C point 9 words substituted by S.I. 2019/1312 reg. 5(35)(c)(x)(bb)
- Annex 6 Pt. C point 9.2 words substituted by S.I. 2019/1312 reg. 5(35)(c)(xi)(cc)
- Annex 6 Pt. A Note 3 words substituted by S.I. 2019/1312 reg. 5(35)(a)
- Art. 2(1) words omitted by S.I. 2019/1312 reg. 5(2)(a)(ii)
- Art. 2(1) words substituted by S.I. 2019/1312 reg. 5(2)(a)(i)
- Art. 2(2) word substituted by S.I. 2019/1312 reg. 5(2)(b)(ii)
- Art. 2(2) words substituted by S.I. 2019/1312 reg. 5(2)(b)(i)
- Art. 2(2) words substituted by S.I. 2019/1312 reg. 5(2)(b)(iii)
- Art. 3(1) word substituted by S.I. 2019/1312 reg. 5(3)(a)(i)
- Art. 3(1) words omitted by S.I. 2019/1312 reg. 5(3)(a)(ii)
- Art. 3(1) words substituted by 2020 c. 22 Sch. 11 para. 11(2)
- Art. 4(2) omitted by S.I. 2019/1312 reg. 5(4)(b)
- Art. 7(2) words substituted by S.I. 2019/1312 reg. 5(7)
- Art. 8(1) words substituted by S.I. 2019/1312 reg. 5(8)(a)(i)
- Art. 8(1) words substituted by S.I. 2019/1312 reg. 5(8)(a)(ii)
- Art. 8(3) words substituted by S.I. 2019/1312 reg. 5(8)(c)(i)
- Art. 8(3) words substituted by S.I. 2019/1312 reg. 5(8)(c)(ii)
- Art. 9(3) omitted by S.I. 2019/1312 reg. 5(9)(a)
- Art. 9(5) omitted by S.I. 2019/1312 reg. 5(9)(a)
- Art. 10(1) words substituted by S.I. 2019/1312 reg. 5(10)(a)
- Art. 10(2) words substituted by S.I. 2019/1312 reg. 5(10)(b)(i)
- Art. 10(2) words substituted by S.I. 2019/1312 reg. 5(10)(b)(ii)
- Art. 10(3) words substituted by S.I. 2019/1312 reg. 5(10)(c)
- Art. 10(4) words substituted by S.I. 2019/1312 reg. 5(10)(d)
- Art. 11(3) word omitted by S.I. 2019/1312 reg. 5(11)(a)(i)
- Art. 11(3) words inserted by S.I. 2019/1312 reg. 5(11)(a)(ii)
- Art. 11(3) words substituted by S.I. 2019/1312 reg. 5(11)(a)(iii)
- Art. 11(4) words omitted by 2020 c. 22 Sch. 11 para. 11(4)
- Art. 11(4) words substituted by S.I. 2019/1312 reg. 5(11)(b)(i)
- Art. 11(4) words substituted by S.I. 2019/1312 reg. 5(11)(b)(ii)
- Art. 11(4) words substituted by S.I. 2019/1312 reg. 5(11)(b)(iii)
- Art. 11(5) words omitted by S.I. 2019/1312 reg. 5(11)(c)
- Art. 12(3) omitted by S.I. 2019/1312 reg. 5(12)(b)
- Art. 13(1) words substituted by S.I. 2019/1312 reg. 5(13)(a)
- Art. 14(1) words omitted by S.I. 2019/1312 reg. 5(14)(a)(ii)
- Art. 14(1) words substituted by S.I. 2019/1312 reg. 5(14)(a)(i)
- Art. 14(2) words omitted by S.I. 2019/1312 reg. 5(14)(b)(ii)

- Art. 14(2) words substituted by S.I. 2019/1312 reg. 5(14)(b)(i)
- Art. 15(2) words substituted by S.I. 2019/1312 reg. 5(15)(b)(i)
- Art. 15(2) words substituted by S.I. 2019/1312 reg. 5(15)(b)(ii)
- Art. 15(3) omitted by S.I. 2019/1312 reg. 5(15)(d)
- Art. 15(5) words substituted by S.I. 2019/1312 reg. 5(15)(f)
- Art. 15(6)(7) omitted by S.I. 2019/1312 reg. 5(15)(g)
- Art. 16 substituted by S.I. 2019/1312 reg. 5(16)
- Art. 17 words substituted by S.I. 2019/1312 reg. 5(17)(a)
- Art. 17 words substituted by S.I. 2019/1312 reg. 5(17)(b)
- Art. 18 words substituted by S.I. 2019/1312 reg. 5(18)(a)
- Art. 18 words substituted by S.I. 2019/1312 reg. 5(18)(b)
- Art. 19(1) words substituted by S.I. 2019/1312 reg. 5(19)(a)
- Art. 19(2) words substituted by S.I. 2019/1312 reg. 5(19)(b)
- Art. 20(1) substituted by S.I. 2019/1312 reg. 5(20)
- Art. 21 words substituted by S.I. 2019/1312 reg. 5(21)(a)
- Art. 22(1) words substituted by S.I. 2019/1312 reg. 5(22)(a)
- Art. 22(1) words substituted by S.I. 2019/1312 reg. 5(22)(b)
- Art. 23(1) words substituted by S.I. 2019/1312 reg. 5(23)(a)
- Art. 23(2) words substituted by S.I. 2019/1312 reg. 5(23)(b)(i)
- Art. 23(2) words substituted by S.I. 2019/1312 reg. 5(23)(b)(ii)
- Art. 23(3) words omitted by S.I. 2019/1312 reg. 5(23)(c)(i)
- Art. 23(3) words omitted by S.I. 2019/1312 reg. 5(23)(c)(iii)
- Art. 23(3) words substituted by S.I. 2019/1312 reg. 5(23)(c)(ii)
- Art. 24 substituted by S.I. 2019/1312 reg. 5(24)
- Art. 26(1) words substituted by S.I. 2019/1312 reg. 5(26)(a)
- Art. 26(2) omitted by S.I. 2019/1312 reg. 5(26)(b)
- Art. 27(1) words substituted by S.I. 2019/1312 reg. 5(27)(a)
- Art. 27(5) words omitted by S.I. 2019/1312 reg. 5(27)(b)(ii)
- Art. 27(5) words substituted by S.I. 2019/1312 reg. 5(27)(b)(i)
- Art. 27(5) words substituted by S.I. 2019/1312 reg. 5(27)(b)(iii)
- Art. 27(5) words substituted by S.I. 2019/1312 reg. 5(27)(b)(iv)
- Art. 27(7) word substituted by S.I. 2019/1312 reg. 5(27)(c)(ii)
- Art. 27(7) words omitted by S.I. 2019/1312 reg. 5(27)(c)(iv)
- Art. 27(7) words substituted by S.I. 2019/1312 reg. 5(27)(c)(i)
- Art. 27(7) words substituted by S.I. 2019/1312 reg. 5(27)(c)(iii)
- Art. 29 substituted by S.I. 2019/1312 reg. 5(28)
- Art. 30-38 omitted by S.I. 2019/1312 reg. 5(29)
- Art. 40 omitted by S.I. 2019/1312 reg. 5(30)

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Art. 3(2)(d) words omitted by S.I. 2019/1312 reg. 5(3)(b)(ii)
- Art. 3(2)(d) words substituted by S.I. 2019/1312 reg. 5(3)(b)(i)
- Art. 4(1)(a) words substituted by 2020 c. 22 Sch. 11 para. 11(3)(a)
- Art. 4(1)(b) words substituted by S.I. 2019/1312 reg. 5(4)(a)(i)
- Art. 4(1)(b) words substituted by S.I. 2019/1312 reg. 5(4)(a)(ii)
- Art. 4(1)(c) words substituted by 2020 c. 22 Sch. 11 para. 11(3)(b)
- Art. 5(a) words substituted by S.I. 2019/1312 reg. 5(5)(a)(i)
- Art. 5(a) words substituted by S.I. 2019/1312 reg. 5(5)(a)(ii)
- Art. 5(b) omitted by S.I. 2019/1312 reg. 5(5)(b)
- Art. 5(c) words substituted by S.I. 2019/1312 reg. 5(5)(c)
- Art. 5(d) words substituted by S.I. 2019/1312 reg. 5(5)(d)
- Art. 5(e) omitted by S.I. 2019/1312 reg. 5(5)(e)
- Art. 5(f) omitted by S.I. 2019/1312 reg. 5(5)(e)
- Art. 5(g) omitted by S.I. 2019/1312 reg. 5(5)(e)
- Art. 5(i) omitted by S.I. 2019/1312 reg. 5(5)(e)

- Art. 6(3) words substituted by S.I. 2019/1312 reg. 5(6)(a)
- Art. 6(4) words substituted by S.I. 2019/1312 reg. 5(6)(b)
- Art. 6(7) words omitted by S.I. 2019/1312 reg. 5(6)(c)
- Art. 6(8) words omitted by S.I. 2019/1312 reg. 5(6)(d)
- Art. 6(10) omitted by S.I. 2019/1312 reg. 5(6)(e)
- Art. 6(48) word omitted by S.I. 2019/1312 reg. 5(6)(f)
- Art. 6(50) semicolon substituted for full stop by S.I. 2019/1312 reg. 5(6)(g)
- Art. 6(51) inserted by S.I. 2019/1312 reg. 5(6)(g)
- Art. 8(2)(b) omitted by S.I. 2019/1312 reg. 5(8)(b)(i)
- Art. 8(2)(c) words omitted by S.I. 2019/1312 reg. 5(8)(b)(ii)
- Art. 8(5)-(9) substituted for Art. 8(5) by S.I. 2019/1312 reg. 5(8)(d)
- Art. 9(7)(b) omitted by S.I. 2019/1312 reg. 5(9)(b)
- Art. 10(4A)(4B) inserted by S.I. 2019/1312 reg. 5(10)(e)
- Art. 12(2)-(2C) substituted for Art. 12(2) by S.I. 2019/1312 reg. 5(12)(a)
- Art. 13(1)(b) words omitted by S.I. 2019/1312 reg. 5(13)(b)
- Art. 15(1)(d)-(g) omitted by S.I. 2019/1312 reg. 5(15)(a)
- Art. 15(2A)-(2C) inserted by S.I. 2019/1312 reg. 5(15)(c)
- Art. 15(4)(b) words substituted by S.I. 2019/1312 reg. 5(15)(e)
- Art. 19(3) inserted by S.I. 2019/1312 reg. 5(19)(c)
- Art. 21(a) words substituted by S.I. 2019/1312 reg. 5(21)(b)
- Art. 21(c) omitted by S.I. 2019/1312 reg. 5(21)(c)
- Art. 23(4)-(4B) substituted for Art. 23(4) by S.I. 2019/1312 reg. 5(23)(d)
- Art. 23(5)-(8) substituted for Art. 23(5) by S.I. 2019/1312 reg. 5(23)(e)
- Art. 25(1)(a) words substituted by S.I. 2019/1312 reg. 5(25)(a)(i)
- Art. 25(1)(b) substituted by S.I. 2019/1312 reg. 5(25)(a)(ii)
- Art. 25(1)(d) words substituted by S.I. 2019/1312 reg. 5(25)(a)(iii)(aa)
- Art. 25(1)(d) words substituted by S.I. 2019/1312 reg. 5(25)(a)(iii)(bb)
- Art. 25(1)(e) words substituted by S.I. 2019/1312 reg. 5(25)(a)(iv)(aa)
- Art. 25(1)(e) words substituted by S.I. 2019/1312 reg. 5(25)(a)(iv)(bb)
- Art. 25(1)(f) words omitted by S.I. 2019/1312 reg. 5(25)(a)(v)
- Art. 25(2)(a) words substituted by S.I. 2019/1312 reg. 5(25)(b)

I

(Legislative acts)

REGULATIONS

REGULATION (EU) No 605/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 12 June 2013

amending Council Regulation (EC) No 1185/2003 on the removal of fins of sharks on board vessels

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 43(2) thereof,

Having regard to the proposal from the European Commission,

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

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

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

Whereas:

(1) Council Regulation (EC) No 1185/2003 ⁽³⁾ establishes a general prohibition of the practice of 'shark finning', whereby a shark's fins are removed and the remainder of the shark is discarded at sea.

(2) Fish belonging to the taxon *Elasmobranchii*, including sharks, skates and rays, are generally very vulnerable to overexploitation due to the characteristics of their life cycle, which include slow growth, late maturity and a small number of young, although biological productivity

is not the same for all species. Generally, in recent years, some shark populations have been severely targeted, including by vessels flying the flag of a Member State that are operating in Union and non-Union waters, and put under serious threat as a result of a dramatic increase in demand for shark products, and for shark fins in particular.

(3) Shark fins do not constitute a traditional ingredient of the European diet, but sharks do constitute a necessary element of the Union's marine ecosystem. The management and conservation of shark stocks, as well as, more generally, the promotion of a fishing sector that is sustainably managed for the benefit of the environment and of the people working in the sector, should therefore be a priority.

(4) Current scientific knowledge, based on the examination of shark catch rates, generally indicates that many shark stocks are under serious threat, although the situation is not the same for all species or even for the same species in different maritime zones. According to the International Union for Conservation of Nature (IUCN), more than 25 % of all pelagic shark species, of which over 50 % are large oceanic-pelagic sharks, are threatened. In recent years, the capture, retention on board, transshipment, or landing of a growing number of shark species, including that of sharks whose fins are highly valuable in trade, has been prohibited under Union law or within the framework of regional fisheries management organisations.

(5) Blue shark (*Prionace glauca*) and shortfin mako (*Isurus oxyrinchus*), classified by the IUCN as 'near-threatened' and 'vulnerable' respectively, are currently the predominant species of shark captured by the Union fleet, with blue shark accounting for approximately 70 % of total reported shark landings. Other species, however, including hammerhead and silky sharks, are also subject to capture in Union and non-Union waters and contribute to the economic viability of fisheries.

⁽¹⁾ OJ C 181, 21.6.2012, p. 195.

⁽²⁾ Position of the European Parliament of 22 November 2012 (not yet published in the Official Journal) and decision of the Council of 6 June 2013.

⁽³⁾ OJ L 167, 4.7.2003, p. 1.

- (6) Regulation (EC) No 1185/2003 currently allows Member States to issue special fishing permits allowing sharks to be processed on board by removing their fins from their bodies. In order to ensure that there is a correlation between the weight of a shark's fins and its body, a 'fin-to-carcass' ratio has been established. There are serious control and enforcement difficulties with the use of the 'fin-to-carcass' ratio. The use of such a ratio is insufficient to eliminate the practice of high-grading and, due to differences in fin-cutting techniques and the variability of the fin size and weight of different shark species, its use could lead to finning going undetected. Following processing operations, fins and bodies can be landed in different ports. In these circumstances, the collection of data, inter alia, on species identification and populations structure, underpinning scientific advice for the establishment of fisheries conservation and management measures, is hampered.
- (7) In light of the International Action Plan for the Conservation and Management of Sharks adopted in 1999 by the Food and Agriculture Organisation of the United Nations (FAO), the Union should adopt all measures necessary for the conservation of sharks and to minimise waste and discards from shark catches. In its conclusions of 23 April 2009, the Council endorsed the Union's overall approach and specific objectives, as set out in the related Commission Communication on a European Community Action Plan for the Conservation and Management of Sharks of 5 February 2009. The Council also encouraged the Commission to pay particular attention to the issue of the removal of shark fins and to present, as soon as possible, a proposal for the amendment of Regulation (EC) No 1185/2003, in particular with reference to the derogations and the associated conditions laid down therein.
- (8) The Scientific, Technical, and Economic Committee for Fisheries (STECF) acknowledges the problem of shark finning, calls for its eradication, without derogations, and advises that all elasmobranch species should be landed with their fins/wings naturally attached to their bodies.
- (9) Regional fisheries management organisations are increasingly addressing the issue of shark finning. In addition, their scientific bodies are showing a preference for sharks to be landed with their fins naturally attached to their bodies and are noting that this is the best way to prevent finning and to facilitate the collection of data needed for stock assessments. The annual resolutions on sustainable fisheries issued by the United Nations General Assembly since 2007, the 2008 IUCN Global Policy against shark finning and the 2010 Meeting of the Fish Stocks Agreement Review Conference have all called on nations to take measures requiring that all sharks are landed with their fins naturally attached to their bodies.
- (10) In 2010 and 2011, as part of the required impact assessment exercise, the Commission held a public consultation in order to gather information on the most appropriate manner in which to amend Regulation (EC) No 1185/2003. The Commission concluded in its impact assessment that, in order to achieve the basic objective of conserving shark stocks, that Regulation should provide that all sharks be landed with their fins naturally attached to their bodies.
- (11) Regulation (EC) No 1185/2003 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1185/2003 is hereby amended as follows:

- (1) in Article 2, point 3 is deleted;
- (2) in Article 3, the following paragraph is inserted:

'1a. Without prejudice to paragraph 1, in order to facilitate on-board storage, shark fins may be partially sliced through and folded against the carcass, but shall not be removed from the carcass before landing;'

- (3) Articles 4 and 5 are deleted;
- (4) Article 6 is replaced by the following:

'Article 6

Reports

1. Where vessels flying the flag of a Member State catch, retain on-board, tranship or land sharks, the flag Member State, in accordance with 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 (*) and Commission Implementing Regulation (EU) No 404/2011 of 8 April 2011 laying down detailed rules for the implementation of Council Regulation (EC) No 1224/2009 (**), shall send to the Commission, annually, by 1 May, a

comprehensive report on its implementation of this Regulation during the previous year. The report shall describe the monitoring by the flag Member State of compliance with this Regulation by its vessels in Union and non-Union waters, and the enforcement measures it has taken in cases of non-compliance. In particular, the flag Member State shall provide all of the following information:

- the number of landings of sharks,
- the number, date and place of the inspections that have been carried out,
- the number and nature of cases of non-compliance detected, including a full identification of the vessel(s) involved and the penalty applied for each case of non-compliance, and
- the total landings by species (weight/number) and by port.

2. After the submission by Member States of their second annual report in accordance with paragraph 1, the Commission shall, by 1 January 2016, report to the European Parliament and to the Council on the operation of this Regulation and the international developments in this field.

(*) OJ L 343, 22.12.2009, p. 1.

(**) OJ L 112, 30.4.2011, p. 1.

Article 2

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

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

Done at Strasbourg, 12 June 2013.

For the European Parliament
The President
M. SCHULZ

For the Council
The President
L. CREIGHTON

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EC) No 1239/98

of 8 June 1998

amending Regulation (EC) No 894/97 laying down certain technical measures for the conservation of fishery resources

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 43 thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

Having regard to the opinion of the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

(1) Whereas Articles 2 and 4 of Council Regulation (EEC) No 3760/92 of 20 December 1992 establishing a Community system for fisheries and aquaculture ⁽⁴⁾ state that the Council is to establish, in the light of available scientific opinion, conservation measures necessary to ensure rational and responsible exploitation, on a sustainable basis, of living marine resources, taking account, *inter alia*, of the impact of fishing on the marine ecosystem; whereas for that purpose the Council may adopt technical measures regarding fishing gear and its method of use;

(2) Whereas it is necessary to establish the principles and certain rules at Community level so that Member States may ensure the management of fishing activities by vessels flying their flag or under their jurisdiction;

(3) Whereas Regulation (EC) No 894/97 ⁽⁵⁾ regulates fishing with drift-nets;

(4) Whereas fishing activities using drift-nets have in the past undergone a rapid increase in terms of fishing effort; whereas uncontrolled expansion of these activ-

ities could present a grave risk of an excessive increase in the fishing effort as regards the target species;

(5) Whereas Article 130r(2) of the Treaty establishes the principle that all Community measures must take account of the requirements of environmental protection in a precautionary spirit;

(6) Whereas, in accordance with the Community's international obligations to contribute towards the conservation and management of the biological resources of the oceans, it is necessary to regulate strictly any expansion of drift-net fishing by Community vessels;

(7) Whereas restrictions on the length of drift-nets are required;

(8) Whereas drift-net fishing for tuna, swordfish and certain other species gives rise to by-catches and a risk for the populations of species other than the target species;

(9) Whereas, in view of the risk of an uncontrolled expansion of the fishing effort and the lack of sufficient selectivity of drift-nets, their use should be prohibited in fisheries for tuna, swordfish and certain other species; whereas the transition should be made rapidly to avoid any ecological risks;

(10) Whereas Community vessels which have fished with drift-nets for those species are subject to economic constraints necessitating a phasing-out period; whereas the continuation of fishing with drift-nets by these vessels should be authorised until 31 December 2001;

(11) Whereas technical conservation measures for fishing in the Baltic Sea are laid down in Regulation (EC) No 88/98 ⁽⁶⁾;

⁽¹⁾ OJ C 118, 29. 4. 1994, p. 2.

⁽²⁾ OJ C 305, 31. 10. 1994, p. 83.

⁽³⁾ OJ C 393, 31. 12. 1994, p. 175.

⁽⁴⁾ OJ L 389, 31. 12. 1992, p. 1. Regulation as last amended by the 1994 Act of Accession.

⁽⁵⁾ OJ L 132, 23. 5. 1997, p. 1.

⁽⁶⁾ OJ L 9, 15. 1. 1998, p. 1.

- (12) Whereas fishing using drift-nets should take place only under conditions where such use can be, and actually is, controlled;
- (13) Whereas Commission Regulation (EEC) No 2807/83 of 22 September 1983 laying down detailed rules for recording information on Member States' catches of fish ⁽¹⁾ does not cover all fisheries concerned by the use of drift-nets; whereas the general provisions of Council Regulation (EEC) No 2847/93 of 12 October 1993 establishing a control system applicable to the common fisheries policy ⁽²⁾ concerning logbooks and landing declarations will not apply to the Mediterranean until 1 January 1999;
- (14) Whereas, therefore, the control of fishing using drift-nets poses special difficulties; whereas specific provisions for that activity should be defined;
- (15) Whereas the consequences of fishing using drift-nets must be subject to constant assessment; whereas, therefore, the necessary data must be collected;
- (16) Whereas the logbook data must be verified against the volume of landings, on which effective checks must be possible;
- (17) Whereas the Member States must supply the Commission with certain information necessary for the supervision at Community level of the checks they carry out;
- (18) Whereas any failure to comply with the provisions of this Regulation should be subject to sanctions by Member States in accordance with Regulation (EC) No 2847/93,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 894/97 is hereby amended as follows:

1. Article 11 shall be replaced by the following:

Article 11

No vessel may keep on board, or use for fishing, one or more drift-nets whose individual or total length is more than 2,5 kilometres.

Article 11a

1. From 1 January 2002, no vessel may keep on board, or use for fishing, one or more drift-nets

intended for the capture of species listed in Annex VIII.

2. From 1 January 2002, it is prohibited to land species listed in Annex VIII which have been caught in drift-nets.

3. Until 31 December 2001, a vessel may keep on board, or use for fishing, one or more drift-nets referred to in paragraph 1 after receiving authorisation from the competent authorities of the flag Member State. In 1998, the maximum number of vessels which may be authorised by a Member State to keep on board, or use for fishing, one or more drift-nets shall not exceed 60 % of the fishing vessels which used one or more drift-nets during the period 1995 to 1997.

4. Member States shall communicate to the Commission for each target species by 30 April of each year, the list of vessels authorised to carry out fishing activities using the drift-nets referred to in paragraph 3; for 1998, the information shall be sent not later than 31 July 1998.

Article 11b

1. All fishing vessels using one or more drift-nets intended for the capture of species listed in Annex VIII shall operate under the following conditions:

- during fishing activity, the vessel must keep the net under constant visual observation,
- floating buoys, with radar reflectors, must be moored to each end of the netting, so that its position can be determined at any time. The buoys must be permanently marked with the registration letter(s) and number of the vessel to which they belong.

2. The master of a fishing vessel using one or more drift-nets referred to in paragraph 1 shall keep a logbook in which he must record the following information on a day-to-day basis:

- the total length of the nets on board,
- the total length of the nets used in each fishing operation,
- the quantity of each species caught during each fishing operation, including by-catches and discards at sea, in particular cetaceans, reptiles and sea-birds,
- the quantity of each species held on board,
- the date and position of such catches.

⁽¹⁾ OJ L 276, 10. 10. 1983, p. 1. Regulation as last amended by Commission Regulation (EC) No 2945/95 (OJ L 308, 21. 12. 1995, p. 18).

⁽²⁾ OJ L 261, 20. 10. 1993, p. 1. Regulation as last amended by Regulation (EC) No 686/97 (OJ L 102, 19. 4. 1997, p. 1).

3. All masters referred to in paragraph 2 shall forward to the competent authorities of the Member State of landing a declaration giving at least the quantities of each species landed and the catch dates and zones.

4. Masters of vessels using one or more drift-nets referred to in paragraph 1 who wish to use a landing location in a Member State shall notify the competent authorities in the Member State concerned, at least two hours before arrival in port, of the planned landing location and time of arrival.

5. All fishing vessels using one or more drift-nets referred to in paragraph 1 shall keep on board the prior authorisation to fish issued by the competent authorities of the flag Member State.

6. In the case of failure to comply with the obligations laid down in Articles 11 and 11a and this Article, the competent authorities shall take appropriate measures in respect of the vessels concerned, in ac-

cordance with Article 31 of Regulation (EEC) No 2847/93.

Article 11c

With the exception of waters covered by Council Regulation (EC) No 88/98 of 18 December 1997 laying down certain technical measures for the conservation of fishery resources in the waters of the Baltic Sea, the Belts and the Sound (*) and notwithstanding Article 1(1), Articles 11, 11a and 11b shall apply in all waters falling within the sovereignty of jurisdiction of the Member States and, outside those waters shall apply to all Community fishing vessels.

(*) OJ L 9, 15.1.1998, p. 1.'

2. The text annexed hereto shall be added as Annex VIII.

Article 2

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

It shall apply from 1 July 1998.

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

Done at Luxembourg, 8 June 1998.

For the Council
The President
J. CUNNINGHAM

ANNEX

'ANNEX VIII

- Albacore: *Thunnus alalunga*
 - Bluefin tuna: *Thunnus thynnus*
 - Bigeye tuna: *Thunnus obesus*
 - Skipjack: *Katsuwonus pelamis*
 - Atlantic Bonito: *Sarda sarda*
 - Yellowfin tuna: *Thunnus albacares*
 - Blackfin tuna: *Thunnus atlanticus*
 - Little tuna: *Euthynnus* spp.
 - Southern bluefin tuna: *Thunnus maccoyii*
 - Frigate tuna: *Auxis* spp.
 - Oceanic sea breams: *Brama rayi*
 - Marlins: *Tetrapturus* spp.; *Makaira* spp.
 - Sailfishes: *Istiophorus* spp.
 - Swordfishes: *Xipbias gladius*
 - Sauries: *Scomberesox* spp.; *Cololabis* spp.
 - Dolphinfishes: *Coryphæna* spp.
 - Sharks: *Hexanchus griseus*; *Cetorhinus maximus*; *Alopiidae*; *Carcharbinidae*; *Sphymidae*; *Isuridae*; *Lamnidae*
 - Cephalopods: all species'.
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II

(Non-legislative acts)

REGULATIONS

COUNCIL REGULATION (EU) 2020/123

of 27 January 2020

fixing for 2020 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 43(3) of the Treaty provides that the Council, on a proposal from the Commission, is to adopt measures on the fixing and allocation of fishing opportunities.
- (2) Regulation (EU) No 1380/2013 of the European Parliament and of the Council⁽¹⁾ requires that conservation measures be adopted, taking into account available scientific, technical and economic advice, including, where relevant, reports drawn up by the Scientific, Technical and Economic Committee for Fisheries (STECF) and other advisory bodies, as well as any advice received from advisory councils.
- (3) It is incumbent upon the Council to adopt measures on the fixing and allocation of fishing opportunities, including certain conditions functionally linked thereto, as appropriate. In accordance with Article 16(4) of Regulation (EU) No 1380/2013, fishing opportunities should be fixed in accordance with the objectives of the Common Fisheries Policy (CFP) established in Article 2(2) of that Regulation. In accordance with Article 16(1) of that Regulation, fishing opportunities should be allocated to Member States in such a way as to ensure relative stability of fishing activities of each Member State for each fish stock or fishery.
- (4) The total allowable catch (TAC) should therefore be established, in line with Regulation (EU) No 1380/2013, on the basis of available scientific advice, taking into account biological and socio-economic aspects whilst ensuring fair treatment between fishing sectors, as well as in the light of the opinions expressed during the consultation of stakeholders, in particular at the meetings of the advisory councils.
- (5) In accordance with Article 15 of Regulation (EU) No 1380/2013, the landing obligation applies fully from 1 January 2019 and all species subject to catch limits should be landed. Article 16(2) of Regulation (EU) No 1380/2013 provides that, when the landing obligation in respect of a fish stock applies, fishing opportunities are to be fixed taking into account the change from fixing fishing opportunities that reflect landings to fixing fishing opportunities that reflect catches. On the basis of the joint recommendations submitted by the Member States and in accordance with Article 15 of Regulation (EU) No 1380/2013, the Commission adopted a number of delegated Regulations laying down details for the implementation of the landing obligation in the form of specific discard plans applicable on a temporary basis for a maximum period of three years.
- (6) The fishing opportunities for stocks of species falling under the landing obligation should take into account the fact that discarding is in principle no longer allowed. Therefore, the fishing opportunities should be based on the advice figure for total catches (instead of the advice figure for wanted catches), as provided by the International Council for the Exploration of the Sea (ICES). The amounts that, by way of exception, may continue to be discarded during the operation of the landing obligation should be deducted from that advice figure for total catches.

⁽¹⁾ Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC (OJ L 354, 28.12.2013, p. 22).

- (7) There are certain stocks for which ICES has issued scientific advice for no catches. If TACs for those stocks are established at the level indicated in the scientific advice, the obligation to land all catches, including by-catches from those stocks, in mixed fisheries would lead to the phenomenon of 'choke species'. In order to strike the right balance between continuing fisheries in view of the potentially severe socio-economic implications, and the need to achieve a good biological status for those stocks, taking into account the difficulty of fishing all stocks in a mixed fishery at maximum sustainable yield (MSY) at the same time, it is appropriate to establish specific TACs for by-catches for those stocks. The level of those TACs should be such that mortality for those stocks is decreased and that it provides incentives for improvements in selectivity and avoidance. In order to guarantee to the extent possible the use of fishing opportunities in mixed fisheries in accordance with Article 16(2) of Regulation (EU) No 1380/2013, it is appropriate to establish a pool for quota exchanges for those Member States that have no quota to cover their unavoidable by-catches.
- (8) In order to reduce catches of the stocks for which by-catch TACs are set, fishing opportunities for the fisheries in which fish from those stocks is caught should be set at levels that help the biomass of vulnerable stocks to recover to sustainable levels. Technical and control measures that are intrinsically linked to fishing opportunities should also be established to prevent illegal discarding.
- (9) According to scientific advice, the spawning-stock biomass of European seabass (*Dicentrarchus labrax*) in the Celtic Sea, Channel, Irish Sea and southern North Sea (ICES divisions 4b, 4c, 7a, and 7d to 7h) has been declining since 2009 and is currently below $MSY B_{trigger}$ and just above B_{lim} . The fishing mortality, due to the measures taken by the Union has decreased and is currently below F_{MSY} . However, recruitment is low, fluctuating without trend since 2008. Therefore, the catch limits should be continued, while ensuring that the target fishing mortality for this stock is in line with MSY.
- (10) In accordance with the Western Waters multiannual plan established by Regulation (EU) 2019/472 of the European Parliament and of the Council⁽²⁾, the target fishing mortality, in line with the ranges of F_{MSY} defined in Article 2 of that Regulation, is to be achieved as soon as possible, and on progressive and incremental basis by 2020 for the stocks listed in Article 1(1) of that Regulation and shall be maintained thereafter within the ranges of F_{MSY} , in accordance with Article 4 of that Regulation. The overall fishing mortality for seabass in ICES divisions 8a and 8b should therefore be set in line with MSY, taking into account commercial and recreational catches and including discards (2 533 tonnes altogether according to the ICES advice). Member States are to take appropriate measures to ensure that the fishing mortality from their fleets and from their recreational fishermen does not exceed F_{MSY} point value, as required by Article 4(3) of Regulation (EU) 2019/472.
- (11) Measures for recreational fisheries for European seabass should also be continued, taking account of the significant impact of such fisheries on the stocks concerned. Within the limits of the scientific advice, the catch-and-release practice and the bag limits should be continued. Considering the lack of sufficient selectivity and that higher number of specimens are likely to be caught than the established limits, fixed nets should be excluded. When only the catch-and-release practice is allowed, only the gear ensuring high survival rates should be permitted. Having considered environmental, social and economic circumstances, and especially the dependency of commercial fishermen on those stocks in coastal communities, those measures on European seabass would strike an appropriate balance between the interests of commercial and recreational fishermen. In particular, those measures would allow recreational fishermen to exercise their fishing activities by taking into account their impact on those stocks.
- (12) As regards the European eel (*Anguilla anguilla*) stock, ICES has advised that all anthropogenic mortalities, including recreational and commercial fisheries, should be reduced to zero, or kept as close to zero as possible. Moreover, the General Fisheries Commission for the Mediterranean (GFCM) adopted Recommendation GFCM/42/2018/1 establishing management measures for European eel in the Mediterranean. It is appropriate to maintain the level-playing field across the Union and hence to maintain also for the Union waters of the ICES area as well as brackish waters such as estuaries, coastal lagoons and transitional waters a consecutive three-month closure period for all fisheries of European eel at all life stages. As the fishing closure period should be

⁽²⁾ Regulation (EU) 2019/472 of the European Parliament and of the Council of 19 March 2019 establishing a multiannual plan for stocks fished in the Western Waters and adjacent waters, and for fisheries exploiting those stocks, amending Regulations (EU) 2016/1139 and (EU) 2018/973, and repealing Council Regulations (EC) No 811/2004, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007 and (EC) No 1300/2008 (OJ L 83, 25.3.2019, p. 1).

consistent with the conservation objectives set out in Council Regulation (EC) No 1100/2007⁽³⁾ and with the temporal migration patterns of European eel, for the Union waters of the ICES area it is appropriate to set it in the period between 1 August 2020 and 28 February 2021.

- (13) For some years, certain TACs for stocks of elasmobranchs (skates, sharks, rays) have been set at zero, with a linked provision establishing an obligation to immediately release accidental catches. The reason for that specific treatment was the poor conservation status of those stocks and the assumption that discarding, because of high survival rates, would not raise fishing mortality rates and would be beneficial for the conservation of those species. As of 1 January 2019, however, catches of those species have to be landed, unless they are covered by any of the derogations from the landing obligation provided for in Article 15 of Regulation (EU) No 1380/2013. Point (a) of Article 15(4) of that Regulation allows such derogations for species in respect of which fishing is prohibited and which are identified as such in a Union legal act adopted in the area of the CFP. Therefore, it is appropriate to prohibit fishing of those species in the areas concerned.
- (14) Pursuant to Article 16(4) of Regulation (EU) No 1380/2013, for stocks subject to specific multiannual plans the TACs should be established in accordance with the rules laid down in those plans.
- (15) The North Sea multiannual plan was established by Regulation (EU) 2018/973 of the European Parliament and of the Council⁽⁴⁾ and entered into force in 2018. The Western Waters multiannual plan entered into force in 2019. Fishing opportunities for stocks listed in Article 1 of those plans should be established in accordance with targets (ranges of F_{MSY}) and safeguards in compliance with conditions provided for in those plans. The ranges of F_{MSY} have been identified in the relevant ICES advice. Where no adequate scientific information is available, fishing opportunities for by-catch stocks should be established in accordance with the precautionary approach, as set out in the multiannual plans. In order to limit variations in fishing opportunities between consecutive years, in accordance with point (c) of Article 4(5) of Regulation (EU) 2019/472, it is appropriate to use the upper range of F_{MSY} for the stocks of northern hake and southern hake.
- (16) In accordance with Article 8 of the Western Waters multiannual plan, where scientific advice indicates that the spawning stock biomass of any of the stocks referred to in Article 1(1) of that plan is below the B_{lim} , further remedial measures must be taken to ensure rapid return of the stock to levels above the level capable of producing MSY. In particular, those remedial measures may include suspending the targeted fishery for the stock concerned and the adequate reduction of fishing opportunities for those stocks and/or other stocks in the fisheries having by-catches of cod or whiting.
- (17) In its advice, ICES indicated that stocks of cod and whiting in the Celtic Sea are below B_{lim} . Therefore, further remedial measures should be taken for those stocks. Those measures should contribute to the recovery of the stocks concerned and should replace further reduction of fishing opportunities for fisheries in which those stocks are caught. As regards whiting in the Celtic Sea, those measures should consist of technical modifications to characteristics of gear to decrease by-catches of whiting, which are functionally linked to fishing opportunities for fisheries in which those species are being caught.
- (18) Remedial measures have been taken in 2019 fishing opportunities in respect of the Celtic Sea cod. On that occasion, the TAC for this stock was reserved for by-catches only. However, since the stock is under B_{lim} , further remedial measures should be taken in order to bring the stock above the level capable of producing MSY, in accordance with Article 8(2) of the Western Waters multiannual plan. Such measures would improve selectivity by making the usage of gear that have lower levels of by-catches of cod mandatory in the areas where cod catches are significant, thus decreasing the fishing mortality of this stock in mixed fisheries. The level of the TAC should be established to avoid premature closure of the fishery in early 2020. In addition, the TAC should be such as to avoid potential discarding, which could undermine data collection and scientific assessment of the stock. Establishing the TAC at 805 tonnes would ensure a considerable increase in the stock spawning biomass in 2020 of at least 100 %, in order to ensure rapid return of the stock to levels capable of producing MSY ($B_{trigger}$).
- (19) The TACs for bluefin tuna in the eastern Atlantic and Mediterranean should be established in accordance with the rules laid down in Regulation (EU) 2016/1627 of the European Parliament and of the Council⁽⁵⁾.

⁽³⁾ Council Regulation (EC) No 1100/2007 of 18 September 2007 establishing measures for the recovery of the stock of European eel (OJ L 248, 22.9.2007, p. 17).

⁽⁴⁾ Regulation (EU) 2018/973 of the European Parliament and of the Council of 4 July 2018 establishing a multiannual plan for demersal stocks in the North Sea and the fisheries exploiting those stocks, specifying details of the implementation of the landing obligation in the North Sea and repealing Council Regulations (EC) No 676/2007 and (EC) No 1342/2008 (OJ L 179, 16.7.2018, p. 1).

⁽⁵⁾ Regulation (EU) 2016/1627 of the European Parliament and of the Council of 14 September 2016 on a multiannual recovery plan for bluefin tuna in the eastern Atlantic and the Mediterranean, and repealing Council Regulation (EC) No 302/2009 (OJ L 252, 16.9.2016, p. 1).

- (20) As a result of a benchmark exercise on the stock of herring to the west of Scotland, ICES has provided advice for the combined herring stocks in divisions 6a, 7b and 7c (West of Scotland, West of Ireland). The advice covers two separate TACs (for divisions 6aS, 7b and 7c on the one hand, and for divisions 5b, 6b and 6aN on the other). According to ICES, a rebuilding plan has to be developed for those stocks. Therefore, a TAC should be established to permit limited catches in the framework of a commercially operated scientific sampling programme.
- (21) According to scientific advice by ICES, the Celtic Sea herring (*Clupea harengus*) stock (in ICES divisions 7a South of 52° 30' N, 7g–h, and 7j–k) is below B_{lim} . Therefore, ICES advised that catches in 2020 should be zero tonnes. ICES suggested that a monitoring fishery should be conducted to maximise the contribution to scientific data collection, including assisting with the acoustic survey and that the minimum level of catches should be 869 tonnes. This figure could provide the minimum number of at least 17 samples required for a TAC monitoring. It is thus appropriate to set a TAC for a sentinel fishery for Celtic Sea herring to collect uninterrupted fisheries-dependent catch data, without impairing the recovery of the stock.
- (22) On 17 December 2018 ICES has published scientific advice on the inter-area flexibility for horse mackerel (*Trachurus* spp.) between ICES divisions 8c and 9a. ICES advised the inter-area flexibility between those two stocks should not exceed the difference between the catch corresponding to a fishing mortality of $F_{p,0.5}$ and the established TAC. There should also be no transfer of TAC to a stock with a spawning-stock biomass below the limit reference point (B_{lim}). Under the conditions of that scientific advice, the inter-area flexibility (special condition) for horse mackerel between ICES subarea 9 and ICES division 8c for 2020 should be established at 10 %.
- (23) For stocks for which there is no sufficient or reliable data in order to provide size estimates, management measures and TAC levels should follow the precautionary approach to fisheries management as defined in point (8) of Article 4(1) of Regulation (EU) No 1380/2013, while taking into account stock-specific factors, including, in particular, available information on stock trends and mixed fisheries considerations.
- (24) Council Regulation (EC) No 847/96 ⁽⁶⁾ introduced additional conditions for year-to-year management of TACs including, under Articles 3 and 4 of that Regulation, flexibility provisions for precautionary and analytical TACs. Under Article 2 of that Regulation, when establishing the TACs, the Council is to decide to which stocks Article 3 or 4 of that Regulation is not to apply, in particular on the basis of the biological status of the stocks. In 2014, a further year-to-year flexibility mechanism was introduced by Article 15(9) of Regulation (EU) No 1380/2013 for all stocks that are subject to the landing obligation. Therefore, in order to avoid excessive flexibility that would undermine the principle of rational and responsible exploitation of marine biological resources, hinder the achievement of the objectives of the CFP and deteriorate the biological status of the stocks, it should be established that Articles 3 and 4 of Regulation (EC) No 847/96 apply to analytical TACs only where the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013 is not used.
- (25) The inter-annual flexibility under Article 15(9) of Regulation (EU) No 1380/2013 should be excluded where the application of this flexibility would undermine the achievement of the CFP objectives, in particular for stocks with spawning biomass below B_{lim} .
- (26) Moreover, given that the biomass of the stocks of COD/03AS; COD/5BE6A; WHG/56-14; WHG/07A and PLE/7HJK is below B_{lim} and that only by-catch and scientific fisheries are permitted in 2020, Member States have undertaken not to apply Article 15(9) of Regulation (EU) No 1380/2013 for those stocks in 2020 so that catches in 2020 would not exceed the established TACs.
- (27) Where a TAC relating to a stock is allocated to one Member State only, it is appropriate to empower that Member State, in accordance with Article 2(1) of the Treaty, to determine the level of such TAC. Provisions should be made to ensure that, when fixing that TAC level, the Member State concerned acts in a manner fully consistent with the principles and rules of the CFP.
- (28) It is necessary to establish the fishing effort ceilings for 2020 in accordance with Articles 5, 6, 7 and 9 of, and Annex I to, Regulation (EU) 2016/1627.

⁽⁶⁾ Council Regulation (EC) No 847/96 of 6 May 1996 introducing additional conditions for year-to-year management of TACs and quotas (OJ L 115, 9.5.1996, p. 3).

- (29) In order to guarantee full use of fishing opportunities, it is appropriate to allow for the implementation of a flexible arrangement between certain TAC areas where the same biological stock is concerned.
- (30) For certain species, such as certain species of sharks, even a limited fishing activity could result in a serious conservation risk. Fishing opportunities for such species should therefore be fully restricted through a general prohibition on fishing those species.
- (31) At the 12th Conference of the Parties of the Convention on the Conservation of Migratory Species of Wild Animals, held in Manila from 23 to 28 October 2017, a number of species were added to the lists of protected species in Appendices I and II to that Convention. Therefore, it is appropriate to provide for the protection of those species with respect to Union fishing vessels fishing in all waters and non-Union fishing vessels fishing in Union waters.
- (32) The use of fishing opportunities available to Union fishing vessels set out in this Regulation is subject to Council Regulation (EC) No 1224/2009 ⁽⁷⁾, and in particular to Articles 33 and 34 of that Regulation, concerning the recording of catches and fishing effort and the notification of data on the exhaustion of fishing opportunities. It is therefore necessary to specify the codes to be used by Member States when sending data to the Commission relating to landings of stocks subject to this Regulation.
- (33) It is appropriate, following advice from ICES, to maintain a specific system to manage sandeel and associated by-catches in Union waters of ICES divisions 2a and 3a and ICES subarea 4. Given that the ICES scientific advice is expected to become available only in February 2020, it is appropriate to set the TAC and quotas for that stock provisionally at zero until such advice is released.
- (34) In accordance with the procedure provided for in the agreements or protocols on fisheries relations with Norway ⁽⁸⁾ and the Faroe Islands ⁽⁹⁾, the Union has held consultations on fishing rights with those partners. In accordance with the procedure provided for in the agreement and protocol on fisheries relations with Greenland ⁽¹⁰⁾, the Joint Committee has established the level of fishing opportunities available for the Union in Greenland waters in 2020. It is therefore necessary to include those fishing opportunities in this Regulation.
- (35) The Union TAC for Greenland Halibut in international waters of 1 and 2 is without prejudice to the Union's position on the appropriate Union share in this fishery.
- (36) At its annual meeting in 2019, the North-East Atlantic Fisheries Commission (NEAFC) was unable to adopt conservation measures for the two redfish stocks in the Irminger Sea. The relevant TACs should be established for those stocks, in line with the positions expressed by the Union in NEAFC.
- (37) At its annual meeting in 2017, the International Commission for the Conservation of Atlantic Tunas (ICCAT) agreed that in 2018 and 2019, the ICCAT may distribute the unallocated reserves for bluefin tuna for 2019 and 2020, considering in particular the needs of coastal developing ICCAT contracting parties and cooperating non-contracting parties, entities or fishing entities (CPCs) in their artisanal fisheries. That distribution was agreed at the inter-sessional meeting of Panel 2 of ICCAT (Madrid, March 2018) based, for the Union allocation, on the information received from three Member States: Greece, Spain and Portugal. As a result, the Union received specific additional fishing opportunities of 87 tonnes for 2019 and 100 tonnes for 2020 to be used by the Union artisanal fleets in certain Union regions. That allocation of fishing opportunities to the Union was endorsed by ICCAT at its annual meetings in 2018 and 2019. The parameters established by the Council for establishing an allocation key for 2019 between Greece, Spain and Portugal remain valid for 2020.

⁽⁷⁾ 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, amending Regulations (EC) No 847/96, (EC) No 2371/2002, (EC) No 811/2004, (EC) No 768/2005, (EC) No 2115/2005, (EC) No 2166/2005, (EC) No 388/2006, (EC) No 509/2007, (EC) No 676/2007, (EC) No 1098/2007, (EC) No 1300/2008, (EC) No 1342/2008 and repealing Regulations (EEC) No 2847/93, (EC) No 1627/94 and (EC) No 1966/2006 (OJ L 343, 22.12.2009, p. 1).

⁽⁸⁾ Agreement on fisheries between the European Economic Community and the Kingdom of Norway (OJ L 226, 29.8.1980, p. 48).

⁽⁹⁾ Agreement on fisheries between the European Economic Community, of the one part, and the Government of Denmark and the Home Government of the Faeroe Islands, of the other part (OJ L 226, 29.8.1980, p. 12).

⁽¹⁰⁾ Fisheries Partnership Agreement between the European Community on the one hand, and the Government of Denmark and the Home Rule Government of Greenland, on the other hand (OJ L 172, 30.6.2007, p. 4) and Protocol setting out the fishing opportunities and financial contribution provided for in that Agreement (OJ L 293, 23.10.2012, p. 5).

- (38) The ICCAT Recommendation 16-05, decreasing for 2020 the TAC for Mediterranean swordfish, should be implemented in Union law. As it is already the case for the stock of bluefin tuna in the eastern Atlantic and Mediterranean, it is appropriate that catches in recreational fisheries of all other ICCAT stocks should be subject to the catch limits as adopted by the ICCAT.
- (39) At its annual meeting in 2019, ICCAT agreed for the first time on a TAC for the North Atlantic blue shark caught in association with ICCAT fisheries, and on the allocation key. The fishing opportunities for that stock should thus be allocated to the Member States. In addition, ICCAT agreed on an unallocated TAC for Southern Atlantic blue shark caught in association with ICCAT fisheries. Moreover, annual landing limits were allocated among Contracting Parties for the stocks of blue marlin and white marlin/spearfish in the Atlantic Ocean. Those measures should be implemented in Union law.
- (40) At its annual meeting in 2019, the Parties to the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR) adopted catch limits for both target and by-catch species for the period from 1 December 2019 to 30 November 2020. The uptake of the quotas during 2019 should be considered when setting fishing opportunities for 2020.
- (41) At its annual meeting in 2019, the Indian Ocean Tuna Commission (IOTC) adopted new catch limits for yellowfin tuna (*Thunnus albacares*) that do not affect the Union catch limits in the framework of IOTC. However, it reduced possibilities for using fish aggregating devices (FADs) and supply vessels. Measures on the retention of Mobulid rays were adopted. Those measures should be implemented in Union law.
- (42) The annual meeting of the South Pacific Regional Fisheries Management Organisation (SPRFMO) will be held from 14 to 18 February 2020. The current measures in the SPRFMO Convention Area should be provisionally maintained until such annual meeting is held.
- (43) At its annual meeting in 2017, the Inter-American Tropical Tuna Commission (IATTC) adopted a conservation measure for yellowfin tuna, bigeye tuna and skipjack tuna for the period 2018–2020. It was not revised at its annual meeting in 2019 and should thus continue being implemented in Union law.
- (44) At its annual meeting in 2019, the Commission for the Conservation of Southern Bluefin Tuna (CCSBT) confirmed the TAC for the southern bluefin tuna for the period 2018–2020 adopted at the annual meeting in 2016. Those measures should be implemented in Union law.
- (45) At its annual meeting in 2019, the South East Atlantic Fisheries Organisation (SEAFO) adopted TACs for the main species under its purview. Those measures should be implemented in Union law.
- (46) At its annual meeting in 2019, the Western and Central Pacific Fisheries Commission (WCPFC) kept the previously adopted conservation and management measures. Those measures should continue being implemented in Union law.
- (47) At its 41st annual meeting in 2019, the Northwest Atlantic Fisheries Organisation (NAFO) adopted a number of fishing opportunities for 2020 for certain stocks in subareas 1 to 4 of the NAFO Convention Area. Those measures should be implemented in the Union law.
- (48) The 6th Meeting of the Parties of the Southern Indian Ocean Fisheries Agreement (SIOFA) in 2019 adopted conservation and management measures for the stocks under the scope of the Agreement. Those measures should be implemented in Union law.
- (49) As regards the fishing opportunities for snow crab around the area of Svalbard, the Treaty of Paris of 1920 grants equal and non-discriminatory access to resources for all parties to that Treaty, including with respect to fishing. The view of the Union concerning that access, as regards fishing for snow crab on the continental shelf around Svalbard, has been set out in two *notes verbales* to Norway dated 25 October 2016 and 24 February 2017. In order to ensure that the exploitation of snow crab within the area of Svalbard is made consistent with such non-discriminatory management rules as may be set out by Norway, which enjoys sovereignty and jurisdiction in the area within the limits of the said Treaty, it is appropriate to fix the number of vessels that are authorised to conduct such fishery. The allocation of such fishing opportunities among Member States is limited to 2020. It is recalled that in the Union primary responsibility for ensuring compliance with applicable law lies with the flag Member States.

- (50) In accordance with the declaration by the Union addressed to the Bolivarian Republic of Venezuela ⁽¹¹⁾, it is necessary to fix the fishing opportunities for snapper available to Venezuela in Union waters.
- (51) Given that certain provisions are to be applied on a continuous basis, and in order to avoid legal uncertainty during the period between the end of 2020 and the date of entry into force of the Regulation fixing the fishing opportunities for 2021, the provisions concerning prohibitions and closed seasons set out in this Regulation should continue to apply at the beginning of 2021, until the entry into force of the Regulation fixing the fishing opportunities for 2021.
- (52) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards authorising individual Member States to manage fishing effort allocations in accordance with a kilowatt-day system. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council ⁽¹²⁾.
- (53) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission as regards granting of additional days at sea for permanent cessation of fishing activities and for enhanced scientific observer coverage as well as establishing formats of spreadsheets for the collection and transmission of information concerning transfer of days at sea between fishing vessels flying the flag of a Member State. Those powers should be exercised in accordance with Regulation (EU) No 182/2011.
- (54) In order to avoid the interruption of fishing activities and to ensure the livelihood of the fishermen of the Union, this Regulation should apply from 1 January 2020, except for the provisions concerning fishing effort limits, which should apply from 1 February 2020, and certain provisions concerning particular regions, which should have a specific date of application. For reasons of urgency, this Regulation should enter into force immediately after its publication.
- (55) Certain international measures which create or restrict fishing opportunities for the Union are adopted by the relevant regional fisheries management organisations (RFMOs) at the end of the year and become applicable before the entry into force of this Regulation. It is therefore necessary for the provisions that implement such measures in Union law to apply retroactively. In particular, since the fishing season in the CCAMLR Convention Area runs from 1 December to 30 November, and thus certain fishing opportunities or prohibitions in the CCAMLR Convention Area are laid down for a period of time starting from 1 December 2019, it is appropriate that the relevant provisions of this Regulation apply from that date. Such retroactive application does not prejudice the principle of legitimate expectations as CCAMLR members are forbidden to fish in the CCAMLR Convention Area without authorisation.
- (56) Fishing opportunities should be used in full compliance with Union law,

HAS ADOPTED THIS REGULATION:

TITLE I

GENERAL PROVISIONS

Article 1

Subject matter

1. This Regulation fixes the fishing opportunities available in Union waters and to Union fishing vessels in certain non-Union waters, for certain fish stocks and groups of fish stocks.
2. The fishing opportunities referred to in paragraph 1 include:
 - (a) catch limits for the year 2020 and, where specified in this Regulation, for the year 2021;

⁽¹¹⁾ Council Decision (EU) 2015/1565 of 14 September 2015 on the approval, on behalf of the European Union, of the Declaration on the granting of fishing opportunities in EU waters to fishing vessels flying the flag of the Bolivarian Republic of Venezuela in the exclusive economic zone off the coast of French Guiana (OJ L 244, 19.9.2015, p. 55).

⁽¹²⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (b) fishing effort limits for the year 2020, except the fishing effort limits set out in Annex II, which will apply from 1 February 2020 to 31 January 2021;
- (c) fishing opportunities for the period from 1 December 2019 to 30 November 2020 for certain stocks in the CCAMLR Convention Area;
- (d) fishing opportunities for certain stocks in the IATTC Convention Area set out in Article 30 for the periods in 2019 and 2020 specified in that Article.

Article 2

Scope

1. This Regulation applies to the following vessels:
 - (a) Union fishing vessels;
 - (b) third-country vessels in Union waters.
2. This Regulation also applies to recreational fisheries where such fisheries are expressly referred to in its relevant provisions.

Article 3

Definitions

For the purposes of this Regulation, the definitions set out in Article 4 of Regulation (EU) No 1380/2013 apply. In addition, the following definitions apply:

- (a) 'third-country vessel' means a fishing vessel flying the flag of, and registered in, a third country;
- (b) 'recreational fisheries' means non-commercial fishing activities exploiting marine biological resources such as recreation, tourism or sport;
- (c) 'international waters' means waters falling outside the sovereignty or jurisdiction of any State;
- (d) 'total allowable catch' (TAC) means:
 - (i) in fisheries subject to the exemption of the landing obligation referred to in Article 15(4) to (7) of Regulation (EU) No 1380/2013, the quantity of fish that may be landed from each stock each year;
 - (ii) in all other fisheries, the quantity of fish that may be caught from each stock each year;
- (e) 'quota' means a proportion of the TAC allocated to the Union, a Member State or a third country;
- (f) 'analytical assessment' means quantitative evaluation of trends in a given stock, based on data about the stock's biology and exploitation, which scientific review has indicated to be of sufficient quality to provide scientific advice on options for future catches;
- (g) 'mesh size' means the mesh size of fishing nets as defined in point (34) of Article 6 of Regulation (EU) 2019/1241 of the European Parliament and of the Council⁽¹³⁾;
- (h) 'Union fishing fleet register' means the register set up by the Commission in accordance with Article 24(3) of Regulation (EU) No 1380/2013;
- (i) 'fishing logbook' means the logbook referred to in Article 14 of Regulation (EC) No 1224/2009.

⁽¹³⁾ Regulation (EU) 2019/1241 of the European Parliament and of the Council of 20 June 2019 on the conservation of fisheries resources and the protection of marine ecosystems through technical measures, amending Council Regulations (EC) No 1967/2006, (EC) No 1224/2009 and Regulations (EU) No 1380/2013, (EU) 2016/1139, (EU) 2018/973, (EU) 2019/472 and (EU) 2019/1022 of the European Parliament and of the Council, and repealing Council Regulations (EC) No 894/97, (EC) No 850/98, (EC) No 2549/2000, (EC) No 254/2002, (EC) No 812/2004 and (EC) No 2187/2005 (OJ L 198, 25.7.2019, p. 105).

Article 4

Fishing zones

For the purposes of this Regulation, the following zone definitions apply:

- (a) ICES (International Council for the Exploration of the Sea) zones are the geographical areas specified in Annex III to Regulation (EC) No 218/2009 of the European Parliament and of the Council ⁽¹⁴⁾;
- (b) 'Skagerrak' means the geographical area bounded on the west by a line drawn from the Hanstholm lighthouse to the Lindesnes lighthouse and on the south by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from that point to the nearest point on the Swedish coast;
- (c) 'Kattegat' means the geographical area bounded on the north by a line drawn from the Skagen lighthouse to the Tistlarna lighthouse and from that point to the nearest point on the Swedish coast and on the south by a line drawn from Hasenøre to Gnibens Spids, from Korshage to Spodsbjerg and from Gilbjerg Hoved to Kullen;
- (d) 'Functional Unit 16 of ICES subarea 7' means the geographical area bounded by rhumb lines sequentially joining the following positions:
- 53° 30' N 15° 00' W,
 - 53° 30' N 11° 00' W,
 - 51° 30' N 11° 00' W,
 - 51° 30' N 13° 00' W,
 - 51° 00' N 13° 00' W,
 - 51° 00' N 15° 00' W;
- (e) 'Functional Unit 25 of ICES division 8c' means the geographical sea area bounded by rhumb lines sequentially joining the following positions:
- 43° 00' N 9° 00' W,
 - 43° 00' N 10° 00' W,
 - 43° 30' N 10° 00' W,
 - 43° 30' N 9° 00' W,
 - 44° 00' N 9° 00' W,
 - 44° 00' N 8° 00' W,
 - 43° 30' N 8° 00' W;
- (f) 'Functional Unit 26 of ICES division 9a' means the geographical area bounded by rhumb lines sequentially joining the following positions:
- 43° 00' N 8° 00' W,
 - 43° 00' N 10° 00' W,
 - 42° 00' N 10° 00' W,
 - 42° 00' N 8° 00' W;

⁽¹⁴⁾ Regulation (EC) No 218/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in the north-east Atlantic (OJ L 87, 31.3.2009, p. 70).

- (g) 'Functional Unit 27 of ICES division 9a' means the geographical area bounded by rhumb lines sequentially joining the following positions:
- 42° 00' N 8° 00' W,
 - 42° 00' N 10° 00' W,
 - 38° 30' N 10° 00' W,
 - 38° 30' N 9° 00' W,
 - 40° 00' N 9° 00' W,
 - 40° 00' N 8° 00' W;
- (h) 'Functional Unit 30 of ICES division 9a' means the geographical area under the jurisdiction of Spain in the Gulf of Cádiz and in the adjacent waters of 9a;
- (i) 'Functional Unit 31 of ICES division 8c' means the geographical sea area bounded by rhumb lines sequentially joining the following positions:
- 43° 30' N 6° 00' W,
 - 44° 00' N 6° 00' W,
 - 44° 00' N 2° 00' W,
 - 43° 30' N 2° 00' W;
- (j) 'Gulf of Cádiz' means the geographical area of ICES division 9a east of longitude 7° 23' 48" W;
- (k) 'CCAMLR Convention Area' is the geographical area defined in point (a) of Article 2 of Council Regulation (EC) No 601/2004 ⁽¹⁵⁾;
- (l) CECAF (Committee for Eastern Central Atlantic Fisheries) areas are the geographical areas specified in Annex II to Regulation (EC) No 216/2009 of the European Parliament and of the Council ⁽¹⁶⁾;
- (m) 'IATTC Convention Area' is the geographical area defined in the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica ⁽¹⁷⁾;
- (n) 'ICCAT Convention Area' is the geographical area defined in the International Convention for the Conservation of Atlantic Tunas ⁽¹⁸⁾;
- (o) 'IOTC Area of Competence' is the geographical area defined in the Agreement for the establishment of the Indian Ocean Tuna Commission ⁽¹⁹⁾;

⁽¹⁵⁾ Council Regulation (EC) No 601/2004 of 22 March 2004 laying down certain control measures applicable to fishing activities in the area covered by the Convention on the conservation of Antarctic marine living resources and repealing Regulations (EEC) No 3943/90, (EC) No 66/98 and (EC) No 1721/1999 (OJ L 97, 1.4.2004, p. 16).

⁽¹⁶⁾ Regulation (EC) No 216/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of nominal catch statistics by Member States fishing in certain areas other than those of the North Atlantic (OJ L 87, 31.3.2009, p. 1).

⁽¹⁷⁾ Concluded by Council Decision 2006/539/EC of 22 May 2006 on the conclusion, on behalf of the European Community of the Convention for the Strengthening of the Inter-American Tropical Tuna Commission established by the 1949 Convention between the United States of America and the Republic of Costa Rica (OJ L 224, 16.8.2006, p. 22).

⁽¹⁸⁾ The Union acceded by Council Decision 86/238/EEC of 9 June 1986 on the accession of the Community to the International Convention for the Conservation of Atlantic Tunas, as amended by the Protocol annexed to the Final Act of the Conference of Plenipotentiaries of the States Parties to the Convention signed in Paris on 10 July 1984 (OJ L 162, 18.6.1986, p. 33).

⁽¹⁹⁾ The Union acceded by Council Decision 95/399/EC of 18 September 1995 on the accession of the Community to the Agreement for the establishment of the Indian Ocean Tuna Commission (OJ L 236, 5.10.1995, p. 24).

- (p) NAFO areas are the geographical areas specified in Annex III to Regulation (EC) No 217/2009 of the European Parliament and of the Council ⁽²⁰⁾;
- (q) 'SEAFO Convention Area' is the geographical area defined in the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean ⁽²¹⁾;
- (r) 'SIOFA Agreement Area' is the geographic area defined in the Southern Indian Ocean Fisheries Agreement ⁽²²⁾;
- (s) 'SPRFMO Convention Area' is the geographical area defined in the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean ⁽²³⁾;
- (t) 'WCPFC Convention Area' is the geographical area defined in the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean ⁽²⁴⁾;
- (u) 'high seas of the Bering Sea' is the geographical area of the high seas of the Bering Sea beyond 200 nautical miles from the baselines from which the breadth of the territorial sea of the coastal States of the Bering Sea is measured;
- (v) 'overlap area between IATTC and WCPFC' is the geographical area defined by the following limits:
- longitude 150° W,
 - longitude 130° W,
 - latitude 4° S,
 - latitude 50° S.

TITLE II

FISHING OPPORTUNITIES FOR UNION FISHING VESSELS

CHAPTER I

General provisions

Article 5

TACs and allocations

1. The TACs for Union fishing vessels in Union waters or in certain non-Union waters and the allocation of such TACs among Member States, and the conditions functionally linked thereto, where appropriate, are set out in Annex I.
2. Union fishing vessels shall be authorised to fish, within the TACs set out in Annex I to this Regulation, in waters falling within the fisheries jurisdiction of the Faroe Islands, Greenland and Norway, and the fishing zone around Jan Mayen, subject to the condition set out in Article 18 of, and Part A of Annex V to, this Regulation and in Regulation (EU) 2017/2403 of the European Parliament and of the Council ⁽²⁵⁾ and its implementing provisions.

⁽²⁰⁾ Regulation (EC) No 217/2009 of the European Parliament and of the Council of 11 March 2009 on the submission of catch and activity statistics by Member States fishing in the north-west Atlantic (OJ L 87, 31.3.2009, p. 42).

⁽²¹⁾ Concluded by Council Decision 2002/738/EC of 22 July 2002 on the conclusion by the European Community of the Convention on the Conservation and Management of Fishery Resources in the South-East Atlantic Ocean (OJ L 234, 31.8.2002, p. 39).

⁽²²⁾ The Union acceded by Council Decision 2008/780/EC of 29 September 2008 on the conclusion, on behalf of the European Community, of the Southern Indian Ocean Fisheries Agreement (OJ L 268, 9.10.2008, p. 27).

⁽²³⁾ The Union acceded by Council Decision 2012/130/EU of 3 October 2011 on the approval, on behalf of the European Union, of the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (OJ L 67, 6.3.2012, p. 1).

⁽²⁴⁾ The Union acceded by Council Decision 2005/75/EC of 26 April 2004 on the accession of the Community to the Convention on the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (OJ L 32, 4.2.2005, p. 1).

⁽²⁵⁾ Regulation (EU) 2017/2403 of the European Parliament and of the Council of 12 December 2017 on the sustainable management of external fishing fleets, and repealing Council Regulation (EC) No 1006/2008 (OJ L 347, 28.12.2017, p. 81).

*Article 6***TACs to be determined by Member States**

1. The TACs for certain fish stocks shall be determined by the Member State concerned. Those stocks are identified in Annex I.
2. The TACs to be determined by a Member State shall:
 - (a) be consistent with the principles and rules of the CFP, in particular the principle of sustainable exploitation of the stock; and
 - (b) result:
 - (i) if an analytical assessment is available, in the exploitation of the stock in line with MSY from 2020 onwards, with as high a probability as possible, or
 - (ii) if an analytical assessment is unavailable or incomplete, in the exploitation of the stock consistent with the precautionary approach to fisheries management.
3. By 15 March 2020, each Member State concerned shall submit the following information to the Commission:
 - (a) the TACs adopted;
 - (b) the data collected and assessed by the Member State concerned on which the TACs adopted are based;
 - (c) details on how the TACs adopted comply with paragraph 2.

*Article 7***Conditions for landing catches and by-catches**

1. Catches that are not subject to the landing obligation under Article 15 of Regulation (EU) No 1380/2013 shall be retained on board or landed only if they:
 - (a) have been taken by vessels flying the flag of a Member State having a quota and that quota has not been exhausted, or
 - (b) consist of a share in a Union quota which has not been allocated by quota among Member States, and that Union quota has not been exhausted.
2. The stocks of non-target species within safe biological limits referred to in Article 15(8) of Regulation (EU) No 1380/2013 are identified in Annex I to this Regulation for the purposes of the derogation from the obligation to count catches against the relevant quotas provided for in that Article.

*Article 8***Quota-exchange mechanism for TACs for unavoidable by-catches with regard to the landing obligation**

1. In order to take into account the introduction of the landing obligation and to make quotas for certain by-catches available to Member States without a quota, the quota-exchange mechanism set out in paragraphs 2–5 of this Article shall apply to the TACs identified in Annex IA.
2. 6 % of each quota from the TACs for cod in the Celtic Sea, cod in the West of Scotland, whiting in the Irish Sea and plaice in ICES divisions 7h, 7j and 7k, and 3 % of each quota from the TAC for West of Scotland whiting, allocated to each Member State, shall be made available for a pool for quota exchanges, which shall open as of 1 January 2020. Member States without quota shall have exclusive access to the quota pool until 31 March 2020.
3. The quantities drawn from the pool may not be exchanged or transferred to the following year. Any unused quantities shall be returned, after 31 March 2020, to those Member States that have initially contributed to the pool for quota exchanges.

4. The quotas provided in return shall be preferably taken from a list of TACs identified by each Member State contributing to the pool as listed in the Appendix to Annex IA.

5. Those quotas shall be of equivalent commercial value by using a market exchange rate or other mutually acceptable exchange rates. In absence of alternatives, the equivalent economic value in accordance to the average Union prices of the previous year, as provided by the European Market Observatory for Fisheries and Aquaculture Products, shall be used.

6. In cases where the quota-exchange mechanism set out in paragraphs 2–5 of this Article does not allow Member States to cover their unavoidable by-catches to a similar extent, Member States shall endeavour to agree on quota exchanges pursuant to Article 16(8) of Regulation (EU) No 1380/2013, ensuring that quotas exchanged are of equivalent commercial value.

Article 9

Fishing effort limits in ICES division 7e

1. For the periods referred to in point (b) of Article 1(2), the technical aspects of the rights and obligations related to Annex II for the management of the sole stock in ICES division 7e are set out in Annex II.

2. The Commission may, by means of implementing acts, allocate a requesting Member State a number of days at sea additional to those referred to in point 5 of Annex II, on which a vessel may be authorised by its flag Member State to be present within ICES division 7e when carrying on board any regulated gear, on the basis of such a request by that Member State, in accordance with point 7.4 of Annex II. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).

3. The Commission may, by means of implementing acts, allocate a requesting Member State a maximum of three days between 1 February 2020 and 31 January 2021 additional to those referred to in point 5 of Annex II, on which a vessel may be present within ICES division 7e on the basis of an enhanced programme of scientific observer coverage as referred to in point 8.1 of Annex II. Such an allocation shall be done on the basis of the description submitted by the Member State in accordance with point 8.3 of Annex II and following consultation with the STECF. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).

Article 10

Measures on European seabass fisheries

1. It shall be prohibited for Union fishing vessels, as well as for any commercial fisheries from shore, to fish for European seabass in ICES divisions 4b and 4c, and in ICES subarea 7. It shall be prohibited to retain, tranship, relocate or land European seabass caught in that area.

2. By way of derogation from paragraph 1, in January 2020 and from 1 April to 31 December 2020, Union fishing vessels in ICES divisions 4b, 4c, 7d, 7e, 7f and 7h and in waters within 12 nautical miles from baselines under the sovereignty of the United Kingdom in ICES divisions 7a and 7g may fish for European seabass, and retain, tranship, relocate or land European seabass caught in that area with the following gear and within the following limits:

- (a) using demersal trawls⁽²⁶⁾, for unavoidable by-catches not exceeding 520 kilogrammes per two months and 5 % of the weight of the total catches of marine organisms on board caught by that vessel per fishing trip;
- (b) using seines⁽²⁷⁾, for unavoidable by-catches not exceeding 520 kilogrammes per two months and 5 % of the weight of the total catches of marine organisms on board caught by that vessel per fishing trip;
- (c) using hooks and lines⁽²⁸⁾, not exceeding 5,7 tonnes per vessel per year;
- (d) using fixed gillnets⁽²⁹⁾, for unavoidable by-catches not exceeding 1,4 tonnes per vessel per year.

⁽²⁶⁾ All types of demersal trawls (OTB, OTT, PTB, TBB, TBN, TBS and TB).

⁽²⁷⁾ All types of seines (SSC, SDN, SPR, SV, SB and SX).

⁽²⁸⁾ All long lines or pole and line or rod and line fisheries (LHP, LHM, LLD, LL, LTL, LX and LLS).

⁽²⁹⁾ All fixed gillnets and traps (GTR, GNS, GNC, FYK, FPN and FIX).

The derogations set out in the first subparagraph shall apply to Union fishing vessels that have recorded catches of European seabass over the period from 1 July 2015 to 30 September 2016: in point (c) with recorded catches using hooks and lines, and in point (d) with recorded catches using fixed gillnets. In the case of a replacement of a Union fishing vessel, Member States may allow the derogation to apply to another fishing vessel provided that the number of Union fishing vessels subject to the derogation and their overall fishing capacity do not increase.

3. The catch limits set out in paragraph 2 shall not be transferable between vessels and, where a monthly limit applies, from one month to another. For Union fishing vessels using more than one gear in a single calendar month, the lowest catch limit set out in paragraph 2 for either gear shall apply.

Member States shall report to the Commission all catches of European seabass per type of gear no later than 15 days after the end of each month.

4. France and Spain shall ensure that fishing mortality of seabass stock in ICES divisions 8a and 8b from their commercial and recreational fisheries do not exceed the F_{MSY} point value resulting in 2 533 tonnes of total catches, as required by Article 4(3) of Regulation (EU) 2019/472.

5. In recreational fisheries, including from shore, in ICES divisions 4b, 4c, 6a, 7a to 7k:

(a) from 1 January to 29 February and from 1 to 31 December 2020, only catch-and-release fishing with a rod or a handline for European seabass shall be allowed. During those periods, it shall be prohibited to retain, relocate, tranship or land European seabass caught in that area;

(b) from 1 March to 30 November 2020, not more than two specimens of European seabass may be caught and retained per fisherman per day; the minimum size of European seabass retained shall be 42 cm.

Point (b) of the first subparagraph shall not apply to fixed nets, which may not be used to catch or retain European seabass during the period referred to in that point.

6. In recreational fisheries in ICES divisions 8a and 8b, a maximum of two specimens of European seabass may be caught and retained per fisherman per day. The minimum size of European seabass retained shall be 42 cm. This paragraph shall not apply to fixed nets, which may not be used to catch or retain European seabass.

7. Paragraphs 5 and 6 shall be without prejudice to more stringent national measures on recreational fisheries.

Article 11

Measures on European eel fisheries in Union waters of the ICES area

Any targeted, incidental and recreational fishery of European eel shall be prohibited in Union waters of the ICES area and brackish waters such as estuaries, coastal lagoons and transitional waters for a consecutive three-month period to be determined by each Member State concerned between 1 August 2020 and 28 February 2021. Member States shall communicate the determined period to the Commission no later than 1 June 2020.

Article 12

Special provisions on allocations of fishing opportunities

1. The allocation of fishing opportunities among Member States as set out in this Regulation shall be without prejudice to:

(a) exchanges made pursuant to Article 16(8) of Regulation (EU) No 1380/2013;

(b) deductions and reallocations made pursuant to Article 37 of Regulation (EC) No 1224/2009;

(c) reallocations made pursuant to Articles 12 and 47 of Regulation (EU) 2017/2403;

(d) additional landings allowed under Article 3 of Regulation (EC) No 847/96 and Article 15(9) of Regulation (EU) No 1380/2013;

- (e) quantities withheld in accordance with Article 4 of Regulation (EC) No 847/96 and Article 15(9) of Regulation (EU) No 1380/2013;
 - (f) deductions made pursuant to Articles 105, 106 and 107 of Regulation (EC) No 1224/2009;
 - (g) quota transfers and exchanges pursuant to Article 19 of this Regulation.
2. Stocks which are subject to precautionary or analytical TACs are identified in Annex I to this Regulation for the purposes of the year-to-year management of TACs and quotas provided for in Regulation (EC) No 847/96.
3. Except where otherwise specified in Annex I to this Regulation, Article 3 of Regulation (EC) No 847/96 shall apply to stocks subject to a precautionary TAC, and Article 3(2) and (3) and Article 4 of that Regulation shall apply to stocks subject to an analytical TAC.
4. Articles 3 and 4 of Regulation (EC) No 847/96 shall not apply where a Member State uses the year-to-year flexibility provided for in Article 15(9) of Regulation (EU) No 1380/2013.

Article 13

Remedial measures for cod and whiting in the Celtic Sea

1. The following measures shall apply to Union vessels fishing with bottom trawls and seines in ICES divisions from 7f, 7g, the part of 7h North of latitude 49° 30' North and the part of 7j North of latitude 49° 30' North and East of longitude 11° West:
- (a) Union vessels fishing with bottom trawls whose catches consist of at least 20 % of haddock shall be prohibited from fishing in the area referred to in paragraph 1 unless they use gear with one of the following mesh sizes:
 - 110 mm cod-end with 120 mm square-mesh panel,
 - 100 mm T90 cod-end,
 - 120 mm cod-end,
 - 100 mm with 160 mm square-mesh panel until 31 May 2020;
 - (b) As from 1 June 2020, in addition to measures referred to in point (a), Union vessels shall use: (i) a fishing gear that is constructed with a minimum of one meter spacing between the fishing line and ground gear, or (ii) any means proven to be at least equally selective for avoidance of cod, according to the assessment by ICES or the STECF;
 - (c) Union vessels fishing with bottom seines whose catches consist of at least 20 % of haddock shall be prohibited from fishing in the area referred to in paragraph 1 unless they use gear with one of the following mesh sizes:
 - 110 mm cod-end with 120 mm square-mesh panel,
 - 100 mm T90 cod-end,
 - 120 mm cod-end.
2. Except vessels falling within the scope of Article 9(2) of the Commission Delegated Regulation (EU) 2018/2034⁽³⁰⁾, Union vessels fishing with bottom trawls and seines in ICES divisions from 7f to 7k and in the area west of 5° W longitude in ICES division 7e, or Union vessels fishing with bottom trawls in the area of paragraph 1 whose catches consist of less than 20 % of haddock, shall be prohibited from fishing unless they use a minimum cod-end mesh size of at least 100 mm. This minimum cod-end mesh size requirement does not apply to vessels whose by-catches of cod do not exceed 1,5 %, as assessed by the STECF.

⁽³⁰⁾ Commission Delegated Regulation (EU) 2018/2034 of 18 October 2018 establishing a discard plan for certain demersal fisheries in North-Western waters for the period 2019-2021 (OJ L 327, 21.12.2018, p. 8).

3. According to Article 15 of Regulation (EU) No 1380/2013 and Article 27(2) of Regulation (EU) 2019/1241, the catch percentages shall be calculated as the proportion by live weight of all marine biological resources landed after each fishing trip.

4. Union vessels may deploy an alternative highly selective gear to those listed in points (a) and (b) of paragraph 1, the technical attributes of which result, according to a scientific study assessed by the STECF, in catches of less than 1 % of cod.

Article 14

Remedial measures for cod in the North Sea

The closed areas to fishing, except with pelagic gear (purse seines and trawls), and the periods during which the closures apply are set out in Annex IV.

Article 15

Remedial measures for cod in Kattegat

1. As from 31 May 2020, Union vessels fishing with bottom trawls (gear codes: OTB, OTT, OT, TBN, TBS, TB, TX and PTB) with minimum mesh size of 70 mm shall use one of the following selective gear:

- (a) a sorting grid with maximum 35 mm bar spacing, with an unblocked fish outlet;
- (b) a sorting grid with maximum 50 mm bar spacing separating flatfish and roundfish, with an unblocked fish outlet for roundfish;
- (c) Seltra panel with 300 mm square-mesh size;
- (d) a regulated highly selective gear, the technical attributes of which result, according to the scientific study assessed by the STECF, in catches of less than 1,5 % of cod, if it is the only gear that the vessel carries on board.

2. By 31 March 2020 Member States may identify Union vessels that will have, in a project of a Member State concerned, at the latest on 31 December 2020, equipment installed for fully documented fisheries. Those Union vessels may use gear in accordance with Regulation (EU) 2019/1241. Member States concerned shall communicate the list of those vessels to the Commission.

Article 16

Prohibited species

1. It shall be prohibited for Union fishing vessels to fish for, to retain on board, to tranship or to land the following species:

- (a) starry ray (*Amblyraja radiata*) in Union waters of ICES divisions 2a, 3a and 7d and ICES subarea 4;
- (b) leafscale gulper shark (*Centrophorus squamosus*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;
- (c) Portuguese dogfish (*Centroscymnus coelolepis*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;
- (d) kitefin shark (*Dalatias licha*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;
- (e) birdbeak dogfish (*Deania calcea*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;

- (f) common skate (*Dipturus batis*) complex (*Dipturus cf. flossada* and *Dipturus cf. intermedia*) in Union waters of ICES division 2a and ICES subareas 3, 4, 6, 7, 8, 9 and 10;
 - (g) great lanternshark (*Etmopterus princeps*) in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1 and 14;
 - (h) tope shark (*Galeorhinus galeus*) when taken with longlines in Union waters of ICES division 2a and subarea 4 and in Union and international waters of ICES subareas 1, 5, 6, 7, 8, 12 and 14;
 - (i) porbeagle (*Lamna nasus*) in all waters;
 - (j) thornback ray (*Raja clavata*) in Union waters of ICES division 3a;
 - (k) undulate ray (*Raja undulata*) in Union waters of ICES subareas 6 and 10;
 - (l) whale shark (*Rhincodon typus*) in all waters;
 - (m) common guitarfish (*Rhinobatos rhinobatos*) in the Mediterranean;
 - (n) picked dogfish (*Squalus acanthias*) in Union waters of ICES subareas 2, 3, 4, 5, 6, 7, 8, 9 and 10, with the exception of avoidance programmes as set out in Annex IA.
2. When accidentally caught, species referred to in paragraph 1 shall not be harmed. Specimens shall be promptly released.

Article 17

Data transmission

When, pursuant to Articles 33 and 34 of Regulation (EC) No 1224/2009, Member States submit to the Commission data relating to landings of quantities of stocks caught and fishing effort, they shall use the stock codes set out in Annex I to this Regulation.

CHAPTER II

Fishing authorisations in third-country waters

Article 18

Fishing authorisations

1. The maximum number of fishing authorisations for Union fishing vessels in third-country waters is set out in Part A of Annex V.
2. Where one Member State transfers quota to another Member State ('swap') in the fishing areas set out in Part A of Annex V to this Regulation on the basis of Article 16(8) of Regulation (EU) No 1380/2013, the transfer shall include an appropriate transfer of fishing authorisations and shall be notified to the Commission. However, the total number of fishing authorisations for each fishing area, as set out in Part A of Annex V to this Regulation, shall not be exceeded.

CHAPTER III

Fishing opportunities in waters of regional fisheries management organisations

Section 1

General provisions

Article 19

Quota transfers and exchanges

1. Where, under the rules of a regional fisheries management organisation (RFMO), quota transfers or exchanges between the Contracting Parties to the RFMO are permitted, a Member State ('the Member State concerned') may discuss with a Contracting Party to the RFMO and, as appropriate, establish a possible outline of an intended quota transfer or exchange.

2. Upon notification to the Commission by the Member State concerned, the Commission may endorse the outline of the intended quota transfer or exchange that the Member State has discussed with the relevant Contracting Party to the RFMO. Thereupon, the Commission shall express, without undue delay, the consent to be bound by such quota transfer or exchange with the relevant Contracting Party to the RFMO. The Commission shall notify the secretariat of the RFMO of the agreed quota transfer or exchange in accordance with the rules of that organisation.
3. The Commission shall inform the Member States of the agreed quota transfer or exchange.
4. The fishing opportunities received from or transferred to the relevant Contracting Party to the RFMO under the quota transfer or exchange shall be deemed to be quotas allocated to, or deducted from, the allocation of the Member State concerned, as of the moment that the quota transfer or exchange takes effect in accordance with the terms of the agreement reached with the relevant Contracting Party to the RFMO or in accordance with the rules of the relevant RFMO, as appropriate. Such allocation shall not change the existing distribution key for the purpose of allocating fishing opportunities among Member States in accordance with the principle of relative stability of fishing activities.
5. This Article shall apply until 31 January 2021 for quota transfers from a RFMO Contracting Party to the Union and their subsequent allocation to Member States.

Section 2

ICCAT Convention Area

Article 20

Fishing, farming and fattening capacity limitations

1. The number of Union bait boats and trolling boats authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the eastern Atlantic shall be limited as set out in point 1 of Annex VI.
2. The number of Union coastal artisanal fishing vessels authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Mediterranean shall be limited as set out in point 2 of Annex VI.
3. The number of Union fishing vessels fishing for bluefin tuna in the Adriatic Sea for farming purposes authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm shall be limited as set out in point 3 of Annex VI.
4. The number of fishing vessels authorised to fish for, retain on board, tranship, transport, or land bluefin tuna in the eastern Atlantic and Mediterranean shall be limited as set out in point 4 of Annex VI.
5. The number of traps engaged in bluefin tuna fishery in the eastern Atlantic and Mediterranean shall be limited as set out in point 5 of Annex VI.
6. The bluefin tuna total farming capacity, and the maximum input of wild caught bluefin tuna allocated to the farms in the eastern Atlantic and Mediterranean shall be limited as set out in point 6 of Annex VI.
7. The maximum number of Union fishing vessels authorised to fish for northern albacore as a target species in accordance with Article 12 of Council Regulation (EC) No 520/2007⁽³¹⁾ shall be limited as set out in point 7 of Annex VI to this Regulation.
8. The maximum number of Union fishing vessels of at least 20 metres length that fish for bigeye tuna in the ICCAT Convention Area shall be limited as set out in point 8 of Annex VI.

Article 21

Recreational fisheries

Where appropriate, Member States shall allocate a specific share for recreational fisheries from their allocated quotas as set out in Annex ID.

⁽³¹⁾ Council Regulation (EC) No 520/2007 of 7 May 2007 laying down technical measures for the conservation of certain stocks of highly migratory species and repealing Regulation (EC) No 973/2001 (OJ L 123, 12.5.2007, p. 3).

Article 22

Sharks

1. Retaining on board, transshipping or landing any part or whole carcass of bigeye thresher sharks (*Alopias superciliosus*) caught in any fishery shall be prohibited.
2. It shall be prohibited to undertake a directed fishery for species of thresher sharks of the *Alopias* genus.
3. Retaining on board, transshipping or landing any part or whole carcass of hammerhead sharks of the *Sphyrnidae* family (except for the *Sphyrna tiburo*) caught in fisheries in the ICCAT Convention Area shall be prohibited.
4. Retaining on board, transshipping or landing any part or whole carcass of oceanic whitetip sharks (*Carcharhinus longimanus*) taken in any fishery shall be prohibited.
5. Retaining on board silky sharks (*Carcharhinus falciformis*) caught in any fishery shall be prohibited.

Section 3

CCAMLR Convention Area

Article 23

Exploratory fisheries notifications

If a Member State intends to participate in longline exploratory fisheries for toothfish (*Dissostichus* spp.) in FAO subareas 88.1 and 88.2 as well as in divisions 58.4.1, 58.4.2 and 58.4.3a outside areas of national jurisdiction in 2020, it shall notify the CCAMLR Secretariat in accordance with Articles 7 and 7a of Regulation (EC) No 601/2004 no later than 1 June 2020.

Article 24

Limits on exploratory fisheries for toothfish

1. Fishing for toothfish during the 2019-2020 fishing season shall be limited to the Member States, subareas and number of vessels set out in table A of Annex VII for the species, TACs and by-catch limits set out in table B of that Annex.
2. Direct fishing of shark species for purposes other than scientific research shall be prohibited. Any by-catch of shark, especially juveniles and gravid females, taken accidentally in the toothfish fishery shall be released alive.
3. Where applicable, fishing in any small-scale research unit (SSRU) shall be ceased when the reported catch reaches the specified TAC, and the SSRU shall be closed to fishing for the remainder of the season.
4. Fishing shall take place over as large a geographical and bathymetric range as possible to obtain the information necessary to determine fishery potential and to avoid over-concentration of catch and fishing effort. However, fishing in FAO subareas 88.1 and 88.2 as well as in divisions 58.4.1, 58.4.2 and 58.4.3a, where permitted in accordance with paragraph 1, shall be prohibited in depths less than 550 metres.

Article 25

Krill fishery during the 2020-2021 fishing season

1. If a Member State intends to fish for krill (*Euphausia superba*) in the CCAMLR Convention Area during the 2020-2021 fishing season, it shall notify the Commission, no later than 1 May 2020, of its intention to fish for krill, using the format laid down in Part B of the Appendix to Annex VII to this Regulation. On the basis of the information provided by Member States, the Commission shall submit the notifications to the CCAMLR Secretariat no later than 30 May 2020.
2. The notification referred to in paragraph 1 of this Article shall include the information provided for in Article 3 of Regulation (EC) No 601/2004 for each vessel to be authorised by the Member State to participate in the krill fishery.

3. A Member State intending to fish for krill in the CCAMLR Convention Area shall notify its intention to do so only in respect of authorised vessels either flying its flag at the time of the notification or flying the flag of another CCAMLR member that are expected, at the time the fishery takes place, to be flying the flag of that Member State.
4. Member States shall be entitled to authorise participation in a krill fishery by vessels other than those notified to CCAMLR Secretariat in accordance with paragraphs 1, 2 and 3 of this Article, if an authorised vessel is prevented from participation due to legitimate operational reasons or *force majeure*. In such circumstances the Member States concerned shall immediately inform the CCAMLR Secretariat and the Commission, providing:
 - (a) full details of the intended replacement vessel(s), including information provided for in Article 3 of Regulation (EC) No 601/2004;
 - (b) a comprehensive account of the reasons justifying the replacement and any relevant supporting evidence or references.
5. Member States shall not authorise a vessel placed on any CCAMLR illegal, unreported and unregulated (IUU) fishing vessel list to participate in krill fisheries.

Section 4

IOTC Area of Competence

Article 26

Limitation of fishing capacity of vessels fishing in the IOTC Area of Competence

1. The maximum number of Union fishing vessels fishing for tropical tunas in the IOTC Area of Competence and the corresponding capacity in gross tonnage shall be as set out in point 1 of Annex VIII.
2. The maximum number of Union fishing vessels fishing for swordfish (*Xiphias gladius*) and albacore (*Thunnus alalunga*) in the IOTC Area of Competence and the corresponding capacity in gross tonnage shall be as set out in point 2 of Annex VIII.
3. Member States may reallocate vessels assigned to one of the two fisheries referred to in paragraphs 1 and 2 to the other fishery, provided that they can demonstrate to the Commission that such change does not lead to an increase of fishing effort on the fish stocks involved.
4. Member States shall ensure that, where there is a proposed transfer of capacity to their fleet, vessels to be transferred are on the IOTC record of authorised vessels or on the record of vessels of other tuna RFMOs. Furthermore, no vessels placed on the list of vessels engaged in IUU fishing activities of any RFMO may be transferred.
5. Member States may only increase their fishing capacity beyond the ceilings referred to in paragraphs 1 and 2 within the limits set out in the development plans submitted to the IOTC.

Article 27

Drifting FADs and supply vessels

1. A purse seiner shall not deploy more than 300 active drifting FADs at any time.
2. The number of supply vessels shall be no more than two supply vessels in support of not less than five purse seiners, all flying the flag of the same Member State. This provision shall not apply to Member States using only one supply vessel.
3. A single purse seiner shall not be supported by more than one single supply vessel of the same flag Member State at any time.
4. The Union shall not register new or additional supply vessels in the IOTC record of authorised vessels.

*Article 28***Sharks**

1. Retaining on board, transshipping or landing any part or whole carcass of thresher sharks of all the species of the *Alopiidae* family in any fishery shall be prohibited.
2. Retaining on board, transshipping or landing any part or whole carcass of oceanic whitetip sharks (*Carcharhinus longimanus*) in any fishery shall be prohibited, except for vessels under 24 metres overall length engaged solely in fishing operations within the exclusive economic zone (EEZ) of the Member State whose flag they fly, and provided that their catch is destined solely for local consumption.
3. When accidentally caught, species referred to in paragraphs 1 and 2 shall not be harmed. Specimens shall be promptly released.

*Section 5***SPRFMO Convention Area***Article 29***Pelagic fisheries**

1. Only those Member States which have actively exercised pelagic fisheries activities in the SPRFMO Convention Area in 2007, 2008 or 2009 may fish for pelagic stocks in that area in accordance with the TACs set out in Annex IH.
2. The Member States referred to in paragraph 1 shall limit the total level of gross tonnage of vessels flying their flag and fishing for pelagic stocks in 2020 to the total Union level of 78 600 gross tonnage in that area.
3. The fishing opportunities set out in Annex IH may only be used under the condition that Member States send to the Commission the list of vessels actively fishing or engaged in transshipment in the SPRFMO Convention Area, records from vessel monitoring systems, monthly catch reports and, where available, port calls, at the latest by the fifth day of the following month, with the aim of communicating that information to the SPRFMO Secretariat.

*Article 30***Mobulid rays**

1. It shall be prohibited for Union fishing vessels to fish for, to retain on board, to tranship, to land, to store, to offer for sale or to sell any part or whole carcass of Mobulid rays (*Mobulidae* family which includes the genera *Manta* and *Mobula*), except for fishing vessels carrying out subsistence fishery (where the fish caught are consumed directly by the families of the fishermen). By way of derogation from the first sentence, Mobulid rays that are unintentionally caught by artisanal fishing (fisheries other than longline or surface fisheries, i.e. purse seines, pole and line, gillnet fisheries, hand-line and trolling vessels, and registered in the IOTC record of authorised vessels) may be landed for purposes of local consumption only.
2. All fishing vessels, other than those carrying out subsistence fishery, shall promptly release alive and unharmed, to the extent practicable, Mobulid rays as soon as they are seen in the net, on the hook, or on the deck, and shall do it in a manner that will result in the least possible harm to the individuals captured.

*Article 31***Bottom fisheries**

1. Member States shall limit their bottom fishing catch or effort in 2020 in the SPRFMO Convention Area to those parts of the Convention Area where bottom fishing has occurred from 1 January 2002 to 31 December 2006 and to a level that does not exceed the annual average levels of catches or effort parameters in that period. They may fish beyond the track record only if SPRFMO endorses their plan to fish beyond the track record.
2. Member States without a track record in bottom fishing catch or effort in the SPRFMO Convention Area over the period from 1 January 2002 to 31 December 2006 shall not fish, unless SPRFMO endorses their plan to fish without a track record.

Article 32

Exploratory fisheries

1. Member States may participate in longline exploratory fisheries for toothfish (*Dissostichus* spp.) in the SPRFMO Convention Area in 2020 only if the SPRFMO has approved their application for such fisheries that includes a fisheries operation plan and commitment to implement a data collection plan.
2. Fishing shall take place only in the research blocks specified by SPRFMO. Fishing shall be prohibited in depths less than 750 metres and more than 2 000 metres.
3. The TAC shall be as set out in Annex IH. Fishing shall be limited to one trip of a maximum duration of 21 consecutive days and to a maximum number of 5 000 hooks per set, with a maximum of 20 sets per research block. Fishing shall be ceased either when the TAC is reached or if 100 sets have been set and hauled, whichever is earlier.

Section 6

IATTC Convention Area

Article 33

Purse-seine fisheries

1. Fishing by purse seiners for yellowfin tuna (*Thunnus albacares*), bigeye tuna (*Thunnus obesus*) and skipjack tuna (*Katsuwonus pelamis*) shall be prohibited:
 - (a) from 00.00 hours on 29 July 2020 to 24.00 hours on 8 October 2020 or from 00.00 hours on 9 November 2020 to 24.00 hours on 19 January 2021 in the area defined by the following limits:
 - the Pacific coastlines of the Americas,
 - longitude 150° W,
 - latitude 40° N,
 - latitude 40° S;
 - (b) from 00.00 hours on 9 October 2020 to 24.00 hours on 8 November 2020 in the area defined by the following limits:
 - longitude 96° W,
 - longitude 110° W,
 - latitude 4° N,
 - latitude 3° S.
2. For each of their vessels, Member States concerned shall notify to the Commission before 1 April 2020 the selected period of closure referred to in point (a) of paragraph 1. All purse seiners of the Member States concerned shall stop purse-seine fishing in the areas defined in paragraph 1 during the selected period.
3. Purse seiners fishing for tuna in the IATTC Convention Area shall retain on board and then land or tranship all yellowfin, bigeye and skipjack tuna caught.
4. Paragraph 3 shall not apply in the following cases:
 - (a) where the fish is considered unfit for human consumption for reasons other than size, or
 - (b) during the final set of a trip when there may be insufficient well space remaining to accommodate all the tuna caught in that set.

*Article 34***Drifting FADs**

1. A purse seiner shall not have more than 450 FADs active at any time in the IATTC Convention Area. A FAD shall be considered active when it is deployed at sea, starts transmitting its location and is being tracked by the vessel, its owner or operator. A FAD shall only be activated on board a purse seiner.
2. A purse seiner may not deploy FADs during the 15 days before the start of the selected closure period referred to in point (a) of Article 33(1), and it shall recover the same number of FADs as initially deployed within 15 days prior to the start of the closure period.
3. Member States shall report to the Commission, on a monthly basis, daily information on all active FADs as required by the IATTC. The reports shall be submitted with a delay of at least 60 days, but not longer than 75 days. The Commission shall transmit that information to the IATTC Secretariat without delay.

*Article 35***Catch limits for bigeye tuna in longline fisheries**

The total annual catches of bigeye tuna by longline vessels of each Member State in the IATTC Convention Area are established in Annex II.

*Article 36***Prohibition of fishing for oceanic whitetip sharks**

1. It shall be prohibited to fish for oceanic whitetip sharks (*Carcharhinus longimanus*) in the IATTC Convention Area, and to retain on board, to tranship, to land, to store, to offer for sale or to sell any part or whole carcass of oceanic whitetip sharks caught in that area.
2. When accidentally caught, the species referred to in paragraph 1 shall not be harmed. Specimens shall be promptly released by vessel operators.
3. Vessel operators shall:
 - (a) record the number of releases with indication of status (dead or alive);
 - (b) report the information specified in point (a) to the Member State of which they are nationals. Member States shall transmit the information collected during the previous year to the Commission by 31 January.

*Article 37***Prohibition of fishing for Mobulid rays**

It shall be prohibited for Union fishing vessels in the IATTC Convention Area to fish for, to retain on board, to tranship, to land, to store, to offer for sale or to sell any part or whole carcass of Mobulid rays (*Mobulidae* family which includes the genera *Manta* and *Mobula*). As soon as Union fishing vessels notice that Mobulid rays have been caught, they shall, wherever possible, promptly release them alive and unharmed.

Section 7

SEAFO Convention Area*Article 38***Prohibition of fishing for deep-water sharks**

Directed fishing for the following deep-water sharks in the SEAFO Convention Area shall be prohibited:

- (a) ghost catshark (*Apristurus manis*);
- (b) blurred smooth lanternshark (*Etmopterus bigelowi*);
- (c) shorttail lanternshark (*Etmopterus brachyurus*);

- (d) great lanternshark (*Etmopterus princeps*);
- (e) smooth lanternshark (*Etmopterus pusillus*);
- (f) skates (*Rajidae*);
- (g) velvet dogfish (*Scymnodon squamulosus*);
- (h) deep-sea sharks of the *Selachimorpha* super-order;
- (i) picked dogfish (*Squalus acanthias*).

Section 8

WCPFC Convention Area

Article 39

Conditions for bigeye tuna, yellowfin tuna, skipjack tuna and south Pacific albacore fisheries

1. Member States shall ensure that the number of fishing days allocated to purse seiners fishing for bigeye tuna (*Thunnus obesus*), yellowfin tuna (*Thunnus albacares*) and skipjack tuna (*Katsuwonus pelamis*) in the part of the WCPFC Convention Area located in the high seas between 20° N and 20° S does not exceed 403 days.
2. Union fishing vessels shall not target south Pacific albacore (*Thunnus alalunga*) in the WCPFC Convention Area south of 20° S.
3. Member States shall ensure that catches of bigeye tuna (*Thunnus obesus*) by longliners do not exceed 2 000 tonnes in 2020.

Article 40

Management of fishing with FADs

1. In the part of the WCPFC Convention Area located between 20° N and 20° S, it shall be prohibited for purse seiners to deploy, service or set on FADs between 00.00 hours on 1 July 2020 and 24.00 hours on 30 September 2020.
2. In addition to the prohibition set out in paragraph 1, it shall be prohibited to set on FADs on the high seas of the WCPFC Convention Area, between 20° N and 20° S, for an additional two months: either from 00.00 hours on 1 April 2020 to 24.00 hours on 31 May 2020, or from 00.00 hours on 1 November 2020 to 24.00 hours on 31 December 2020.
3. Paragraph 2 shall not apply in the following cases:
 - (a) in the final set of a trip, if the vessel has insufficient well space left to accommodate all fish;
 - (b) where the fish is unfit for human consumption for reasons other than size, or
 - (c) when a serious malfunction of freezer equipment occurs.
4. Member States shall ensure that each of its purse seiners have deployed at sea, at any time, no more than 350 FADs with activated instrumented buoys. The buoy shall be activated exclusively on board a vessel.
5. All purse seiners fishing in the part of the WCPFC Convention Area referred to in paragraph 1 shall retain on board, tranship and land all bigeye, yellowfin and skipjack tuna caught.

*Article 41***Limitations to the number of Union fishing vessels authorised to fish for swordfish**

The maximum number of Union fishing vessels authorised to fish for swordfish (*Xiphias gladius*) in areas south of 20° S of the WCPFC Convention Area shall be as set out in Annex IX.

*Article 42***Catch limits for swordfish in longline fisheries south of 20° S**

Member States shall ensure that catches of swordfish (*Xiphias gladius*) south of 20° S by longliners do not exceed in 2020 the limit set out in Annex IG. Member States shall also ensure that there is no shift of the fishing effort for swordfish to the area north of the 20° S, as a result of that measure.

*Article 43***Silky sharks and oceanic whitetip sharks**

1. Retaining on board, transshipping, landing or storing any part or whole carcass of the following species in the WCPFC Convention Area shall be prohibited:

- (a) silky sharks (*Carcharhinus falciformis*);
- (b) oceanic whitetip sharks (*Carcharhinus longimanus*).

2. When accidentally caught, species referred to in paragraph 1 shall not be harmed. Specimens shall be promptly released.

*Article 44***Overlap area between IATTC and WCPFC**

1. Vessels listed exclusively in the WCPFC register shall apply the measures set out in this Section when fishing in the overlap area between IATTC and WCPFC as defined in point (v) of Article 4.

2. Vessels listed in both the WCPFC register and the IATTC register and vessels listed exclusively in the IATTC register shall apply the measures set out in Article 33(1)(a), (2), (3) and (4) and Articles 34, 35 and 36 when fishing in the overlap area between IATTC and WCPFC as defined in point (v) of Article 4.

Section 9

Bering Sea*Article 45***Prohibition on fishing in the high seas of the Bering Sea**

Fishing for pollock (*Gadus chalcogrammus*) in the high seas of the Bering Sea shall be prohibited.

Section 10

SIOFA Agreement Area*Article 46***Interim bottom fishing measures**

1. Member States whose vessels have fished for more than 40 days in any given year in the SIOFA Agreement Area up to 2016 shall ensure that fishing vessels flying their flag limit their annual bottom fishing effort and/or catch to its average annual level and that fishing activities take place within the area assessed in their impact assessment submitted to SIOFA.

2. Member States whose vessels have not fished for more than 40 days in any given single year in the SIOFA Agreement Area up to 2016 shall ensure that vessels flying their flag limit their bottom fishing effort and/or catch and spatial distribution in accordance with their historical fishing record.

TITLE III

FISHING OPPORTUNITIES FOR THIRD-COUNTRY VESSELS IN UNION WATERS

Article 47

Fishing vessels flying the flag of Norway and fishing vessels registered in the Faroe Islands

Fishing vessels flying the flag of Norway and fishing vessels registered in the Faroe Islands shall be authorised to fish in Union waters within the TACs set out in Annex I to this Regulation and shall be subject to the conditions provided for in this Regulation and in Title III of Regulation (EU) 2017/2403.

Article 48

Fishing vessels flying the flag of Venezuela

Fishing vessels flying the flag of Venezuela shall be subject to the conditions provided for in this Regulation and in Title III of Regulation (EU) 2017/2403.

Article 49

Fishing authorisations

The maximum number of fishing authorisations for third-country vessels fishing in Union waters shall be as set out in Part B of Annex V.

Article 50

Conditions for landing catches and by-catches

The conditions specified in Article 7 shall apply to catches and by-catches of third-country vessels fishing under the authorisations referred to in Article 49.

Article 51

Closed fishing seasons

Third-country vessels authorised to fish for sandeel and associated by-catches in Union waters of ICES subarea 4 shall not fish for sandeel in that area with demersal trawl, seine or similar towed gear with a mesh size of less than 16 mm from 1 January to 31 March 2020 and from 1 August to 31 December 2020.

Article 52

Prohibited species

1. It shall be prohibited for third-country vessels to fish for, to retain on board, to tranship or to land the following species whenever they are found in Union waters:

- (a) starry ray (*Amblyraja radiata*) in Union waters of ICES divisions 2a, 3a and 7d and ICES subarea 4;
- (b) common skate (*Dipturus batis*) complex (*Dipturus* cf. *flossada* and *Dipturus* cf. *intermedia*) in Union waters of ICES division 2a and ICES subareas 3, 4, 6, 7, 8, 9 and 10;
- (c) tope shark (*Galeorhinus galeus*) when taken with longlines in Union waters of ICES division 2a and ICES subareas 1, 4, 5, 6, 7, 8, 12 and 14;
- (d) kitefin shark (*Dalatias licha*), birdbeak dogfish (*Deania calcea*), leafscale gulper shark (*Centrophorus squamosus*), great lanternshark (*Etmopterus princeps*) and Portuguese dogfish (*Centroscymnus coelolepis*) in Union waters of ICES division 2a and ICES subareas 1, 4 and 14;
- (e) porbeagle (*Lamna nasus*) in Union waters;
- (f) thornback ray (*Raja clavata*) in Union waters of ICES division 3a;
- (g) undulate ray (*Raja undulata*) in Union waters of ICES subareas 6, 9 and 10;

- (h) common guitarfish (*Rhinobatos rhinobatos*) in the Mediterranean;
- (i) whale shark (*Rhincodon typus*) in all waters;
- (j) picked dogfish (*Squalus acanthias*) in Union waters of ICES subareas 2, 3, 4, 5, 6, 7, 8, 9 and 10.
2. When accidentally caught, the species referred to in paragraph 1 shall not be harmed. Specimens shall be promptly released.

TITLE IV

FINAL PROVISIONS

Article 53

Committee procedure

1. The Commission shall be assisted by the Committee for Fisheries and Aquaculture established by Regulation (EU) No 1380/2013. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 54

Transitional provision

Article 10, Article 12(2), Articles 16, 22, 23, 28, 36, 37, 38, 43, 45 and 52 shall continue to apply, *mutatis mutandis*, in 2021 until the entry into force of the Regulation fixing the fishing opportunities for 2021.

Article 55

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*.

It shall apply from 1 January 2020. However, Article 9 shall apply from 1 February 2020. The provisions on fishing opportunities set out in Articles 23, 24 and 25 and Annex VII for certain stocks in the CCAMLR Convention Area shall apply from 1 December 2019.

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

Done at Brussels, 27 January 2020.

For the Council

The President

M. VUČKOVIĆ

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ANNEX I

TACs APPLICABLE TO UNION FISHING VESSELS IN AREAS WHERE TACs EXIST BY SPECIES AND BY AREA

The tables in this Annex set out the TACs and quotas (in tonnes live weight, except where otherwise specified) by stock, and, where appropriate, the conditions functionally linked thereto.

All fishing opportunities set out in this Annex shall be subject to the rules set out in Regulation (EC) No 1224/2009, and in particular Articles 33 and 34 of that Regulation.

The references to fishing zones are references to ICES zones, unless otherwise specified. Within each area, fish stocks are referred to according to the alphabetical order of the Latin names of the species. Only Latin names identify species for regulatory purposes; vernacular names are provided for ease of reference.

For the purposes of this Regulation, the following comparative table of Latin names and common names is provided:

Scientific name	Alpha-3 code	Common name
<i>Amblyraja radiata</i>	RJR	Starry ray
<i>Ammodytes</i> spp.	SAN	Sandeels
<i>Argentina silus</i>	ARU	Greater silver smelt
<i>Beryx</i> spp.	ALF	Alfonsinos
<i>Brosme brosme</i>	USK	Tusk
<i>Caproidae</i>	BOR	Boarfish
<i>Centrophorus squamosus</i>	GUQ	Leafscale gulper shark
<i>Centroscymnus coelolepis</i>	CYO	Portuguese dogfish
<i>Chaceon</i> spp.	GER	Deep sea red crab
<i>Chaenocephalus aceratus</i>	SSI	Blackfin icefish
<i>Champscephalus gunnari</i>	ANI	Mackerel icefish
<i>Channichthys rhinoceratus</i>	LIC	Unicorn icefish
<i>Chionoecetes</i> spp.	PCR	Snow crab
<i>Clupea harengus</i>	HER	Herring
<i>Coryphaenoides rupestris</i>	RNG	Roundnose grenadier
<i>Dalatias licha</i>	SCK	Kitefin shark
<i>Deania calcea</i>	DCA	Birdbeak dogfish
<i>Dicentrarchus labrax</i>	BSS	European seabass
<i>Dipturus batis</i> (<i>Dipturus</i> cf. <i>flossada</i> and <i>Dipturus</i> cf. <i>intermedia</i>)	RJB	Common skate complex
<i>Dissostichus eleginoides</i>	TOP	Patagonian toothfish

Scientific name	Alpha-3 code	Common name
<i>Dissostichus mawsoni</i>	TOA	Antarctic toothfish
<i>Dissostichus</i> spp.	TOT	Toothfish
<i>Engraulis encrasicolus</i>	ANE	Anchovy
<i>Etmopterus princeps</i>	ETR	Great lanternshark
<i>Etmopterus pusillus</i>	ETP	Smooth lanternshark
<i>Euphausia superba</i>	KRI	Krill
<i>Gadus morhua</i>	COD	Cod
<i>Galeorhinus galeus</i>	GAG	Tope shark
<i>Glyptocephalus cynoglossus</i>	WIT	Witch flounder
<i>Hippoglossoides platessoides</i>	PLA	American plaice
<i>Hoplostethus atlanticus</i>	ORY	Orange roughy
<i>Illex illecebrosus</i>	SQI	Shortfin squid
<i>Lamna nasus</i>	POR	Porbeagle
<i>Lepidorhombus</i> spp.	LEZ	Megrims
<i>Leucoraja naevus</i>	RJN	Cuckoo ray
<i>Limanda ferruginea</i>	YEL	Yellowtail flounder
<i>Lophiidae</i>	ANF	Anglerfish
<i>Macrourus</i> spp.	GRV	Grenadiers
<i>Makaira nigricans</i>	BUM	Blue marlin
<i>Mallotus villosus</i>	CAP	Capelin
<i>Manta birostris</i>	RMB	Giant manta ray
<i>Martialia hyadesi</i>	SQS	Squid
<i>Melanogrammus aeglefinus</i>	HAD	Haddock
<i>Merlangius merlangus</i>	WHG	Whiting
<i>Merluccius merluccius</i>	HKE	Hake
<i>Micromesistius poutassou</i>	WHB	Blue whiting
<i>Microstomus kitt</i>	LEM	Lemon sole

Scientific name	Alpha-3 code	Common name
<i>Molva dypterygia</i>	BLI	Blue ling
<i>Molva molva</i>	LIN	Ling
<i>Nephrops norvegicus</i>	NEP	Norway lobster
<i>Notothenia gibberifrons</i>	NOG	Humped rockcod
<i>Notothenia rossii</i>	NOR	Marbled rockcod
<i>Notothenia squamifrons</i>	NOS	Grey rockcod
<i>Pandalus borealis</i>	PRA	Northern prawn
<i>Paralomis</i> spp.	PAI	Crabs
<i>Penaeus</i> spp.	PEN	'Penaeus' shrimps
<i>Pleuronectes platessa</i>	PLE	Plaice
<i>Pleuronectiformes</i>	FLX	Flatfish
<i>Pollachius pollachius</i>	POL	Pollack
<i>Pollachius virens</i>	POK	Saithe
<i>Psetta maxima</i>	TUR	Turbot
<i>Pseudochaenichthys georgianus</i>	SGI	South Georgia icefish
<i>Pseudopentaceros</i> spp.	EDW	Pelagic armourhead
<i>Raja alba</i>	RJA	White skate
<i>Raja brachyura</i>	RJH	Blonde ray
<i>Raja circularis</i>	RJI	Sandy ray
<i>Raja clavata</i>	RJC	Thornback ray
<i>Raja fullonica</i>	RJF	Shagreen ray
<i>Raja (Dipturus) nidarosiensis</i>	JAD	Norwegian skate
<i>Raja microocellata</i>	RJE	Small-eyed ray
<i>Raja montagui</i>	RJM	Spotted ray
<i>Raja undulata</i>	RJU	Undulate ray
<i>Rajiformes</i>	SRX	Skates and rays
<i>Reinhardtius hippoglossoides</i>	GHL	Greenland halibut

Scientific name	Alpha-3 code	Common name
<i>Sardina pilchardus</i>	PIL	Sardine
<i>Scomber scombrus</i>	MAC	Mackerel
<i>Scophthalmus rhombus</i>	BLL	Brill
<i>Sebastes</i> spp.	RED	Redfish
<i>Solea solea</i>	SOL	Common sole
<i>Solea</i> spp.	SOO	Sole
<i>Sprattus sprattus</i>	SPR	Sprat
<i>Squalus acanthias</i>	DGS	Picked dogfish
<i>Tetrapturus albidus</i>	WHM	White marlin
<i>Thunnus maccoyii</i>	SBF	Southern bluefin tuna
<i>Thunnus obesus</i>	BET	Bigeye tuna
<i>Thunnus thynnus</i>	BFT	Bluefin tuna
<i>Trachurus murphyi</i>	CJM	Jack mackerel
<i>Trachurus</i> spp.	JAX	Horse mackerel
<i>Trisopterus esmarkii</i>	NOP	Norway pout
<i>Urophycis tenuis</i>	HKW	White hake
<i>Xiphias gladius</i>	SWO	Swordfish

The following comparative table of common names and Latin names is provided exclusively for explanatory purposes:

Common name	Alpha-3 code	Scientific name
Alfonsinos	ALF	<i>Beryx</i> spp.
American plaice	PLA	<i>Hippoglossoides platessoides</i>
Anchovy	ANE	<i>Engraulis encrasicolus</i>
Anglerfish	ANF	<i>Lophiidae</i>
Antarctic toothfish	TOA	<i>Dissostichus mawsoni</i>
Bigeye tuna	BET	<i>Thunnus obesus</i>
Birdbeak dogfish	DCA	<i>Deania calcea</i>
Blackfin icefish	SSI	<i>Chaenocephalus aceratus</i>
Blonde ray	RJH	<i>Raja brachyura</i>

Common name	Alpha-3 code	Scientific name
Blue ling	BLI	<i>Molva dypterygia</i>
Blue marlin	BUM	<i>Makaira nigricans</i>
Blue whiting	WHB	<i>Micromesistius poutassou</i>
Bluefin tuna	BFT	<i>Thunnus thynnus</i>
Boarfish	BOR	<i>Caproidae</i>
Brill	BLL	<i>Scophthalmus rhombus</i>
Capelin	CAP	<i>Mallotus villosus</i>
Cod	COD	<i>Gadus morhua</i>
Common skate complex	RJB	<i>Dipturus batis</i> (<i>Dipturus</i> cf. <i>flossada</i> and <i>Dipturus</i> cf. <i>intermedia</i>)
Common sole	SOL	<i>Solea solea</i>
Crabs	PAI	<i>Paralomis</i> spp.
Cuckoo ray	RJN	<i>Leucoraja naevus</i>
Deep sea red crab	GER	<i>Chaceon</i> spp.
European seabass	BSS	<i>Dicentrarchus labrax</i>
Flatfish	FLX	<i>Pleuronectiformes</i>
Giant manta ray	RMB	<i>Manta birostris</i>
Great lanternshark	ETR	<i>Etmopterus princeps</i>
Greater silver smelt	ARU	<i>Argentina silus</i>
Greenland halibut	GHL	<i>Reinhardtius hippoglossoides</i>
Grenadiers	GRV	<i>Macrourus</i> spp.
Grey rockcod	NOS	<i>Notothenia squamifrons</i>
Haddock	HAD	<i>Melanogrammus aeglefinus</i>
Hake	HKE	<i>Merluccius merluccius</i>
Herring	HER	<i>Clupea harengus</i>
Horse mackerel	JAX	<i>Trachurus</i> spp.
Humped rockcod	NOG	<i>Notothenia gibberifrons</i>
Jack mackerel	CJM	<i>Trachurus murphyi</i>

Common name	Alpha-3 code	Scientific name
Kitefin shark	SCK	<i>Dalatias licha</i>
Krill	KRI	<i>Euphausia superba</i>
Leafscale gulper shark	GUQ	<i>Centrophorus squamosus</i>
Lemon sole	LEM	<i>Microstomus kitt</i>
Ling	LIN	<i>Molva molva</i>
Mackerel	MAC	<i>Scomber scombrus</i>
Mackerel icefish	ANI	<i>Champscephalus gunnari</i>
Marbled rockcod	NOR	<i>Notothenia rossii</i>
Megrim	LEZ	<i>Lepidorhombus</i> spp.
Northern prawn	PRA	<i>Pandalus borealis</i>
Norway lobster	NEP	<i>Nephrops norvegicus</i>
Norway pout	NOP	<i>Trisopterus esmarkii</i>
Norwegian skate	JAD	<i>Raja (Dipturus) nidarosiensis</i>
Orange roughy	ORY	<i>Hoplostethus atlanticus</i>
Patagonian toothfish	TOP	<i>Dissostichus eleginoides</i>
Pelagic armourhead	EDW	<i>Pseudopentaceros</i> spp.
'Penaeus' shrimps	PEN	<i>Penaeus</i> spp.
Picked dogfish	DGS	<i>Squalus acanthias</i>
Plaice	PLE	<i>Pleuronectes platessa</i>
Pollack	POL	<i>Pollachius pollachius</i>
Porbeagle	POR	<i>Lamna nasus</i>
Portuguese dogfish	CYO	<i>Centroscymnus coelolepis</i>
Redfish	RED	<i>Sebastes</i> spp.
Roundnose grenadier	RNG	<i>Coryphaenoides rupestris</i>
Saithe	POK	<i>Pollachius virens</i>
Sandeels	SAN	<i>Ammodytes</i> spp.
Sandy ray	RJI	<i>Raja circularis</i>
Sardine	PIL	<i>Sardina pilchardus</i>

Common name	Alpha-3 code	Scientific name
Shagreen ray	RJF	<i>Raja fullonica</i>
Shortfin squid	SQI	<i>Illex illecebrosus</i>
Skates and rays	SRX	<i>Rajiformes</i>
Small-eyed ray	RJE	<i>Raja microocellata</i>
Smooth lanternshark	ETP	<i>Etmopterus pusillus</i>
Snow crab	PCR	<i>Chionoecetes</i> spp.
Sole	SOO	<i>Solea</i> spp.
South Georgia icefish	SGI	<i>Pseudochaenichthys georgianus</i>
Southern bluefin tuna	SBF	<i>Thunnus maccoyii</i>
Spotted ray	RJM	<i>Raja montagui</i>
Sprat	SPR	<i>Sprattus sprattus</i>
Squid	SQS	<i>Martialia hyadesi</i>
Starry ray	RJR	<i>Amblyraja radiata</i>
Swordfish	SWO	<i>Xiphias gladius</i>
Thornback ray	RJC	<i>Raja clavata</i>
Toothfish	TOT	<i>Dissostichus</i> spp.
Tope shark	GAG	<i>Galeorhinus galeus</i>
Turbot	TUR	<i>Psetta maxima</i>
Tusk	USK	<i>Brosme brosme</i>
Undulate ray	RJU	<i>Raja undulata</i>
Unicorn icefish	LIC	<i>Channichthys rhinoceros</i>
White hake	HKW	<i>Urophycis tenuis</i>
White marlin	WHM	<i>Tetrapturus albidus</i>
White skate	RJA	<i>Raja alba</i>
Whiting	WHG	<i>Merlangius merlangus</i>
Witch flounder	WIT	<i>Glyptocephalus cynoglossus</i>
Yellowtail flounder	YEL	<i>Limanda ferruginea</i>

ANNEX IA

**SKAGERRAK, KATTEGAT, ICES SUBAREAS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12 AND 14, UNION WATERS OF
CECAF, FRENCH GUIANA WATERS**

Species:	Sandeel and associated by-catches <i>Ammodytes</i> spp.	Zone:	Union waters of 2a, 3a and 4 ⁽¹⁾
Denmark	0 ⁽²⁾	Analytical TAC	
United Kingdom	0 ⁽²⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Germany	0 ⁽²⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
Sweden	0 ⁽²⁾		
Union	0		
TAC	0		

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

⁽²⁾ Up to 2 % of the quota may consist of by-catches of whiting and mackerel (OT1/*2A3A4). By-catches of whiting and mackerel counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9 % of the quota.

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

Zone: Union waters of sandeel management areas

	1r	2r ⁽¹⁾	3r	4 ⁽¹⁾	5r	6	7r
	(SAN/234_1R)	(SAN/234_2R)	(SAN/234_3R)	(SAN/234_4)	(SAN/234_5R)	(SAN/234_6)	(SAN/234_7R)
Denmark	0	0	0	0	0	0	0
United Kingdom	0	0	0	0	0	0	0
Germany	0	0	0	0	0	0	0
Sweden	0	0	0	0	0	0	0
Union	0	0	0	0	0	0	0
Total	0	0	0	0	0	0	0

⁽¹⁾ In management areas 2r and 4 the TAC may only be fished as a monitoring TAC with an associated sampling protocol for the fishery.

Species:	Greater silver smelt <i>Argentina silus</i>	Zone:	Union and international waters of 1 and 2 (ARU/1/2.)
Germany	24	Precautionary TAC	
France	8		
The Netherlands	19		
United Kingdom	39		
Union	90		
TAC	90		

Species:	Greater silver smelt <i>Argentina silus</i>	Zone:	Union waters of 3a and 4 (ARU/3A4-C)
Denmark	1 093	Precautionary TAC	
Germany	11		
France	8		
Ireland	8		
The Netherlands	51		
Sweden	43		
United Kingdom	20		
Union	1 234		
TAC	1 234		

Species:	Greater silver smelt <i>Argentina silus</i>	Zone:	Union and international waters of 5, 6 and 7 (ARU/567.)
Germany	284	Precautionary TAC	
France	6		
Ireland	263		
The Netherlands	2 968		
United Kingdom	208		
Union	3 729		
TAC	3 729		

Species:	Tusk <i>Brosme brosme</i>	Zone:	Union and international waters of 1, 2 and 14 (USK/1214EI)
Germany	6 ⁽¹⁾	Precautionary TAC	
France	6 ⁽¹⁾	Article 7(2) of this Regulation applies	
United Kingdom	6 ⁽¹⁾		
Others	3 ⁽¹⁾		
Union	21 ⁽¹⁾		
TAC	21		

⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.

Species:	Tusk <i>Brosme brosme</i>	Zone:	3a (USK/03A.)
Denmark	15	Precautionary TAC	
Sweden	8	Article 7(2) of this Regulation applies	
Germany	8		
Union	31		
TAC	31		

Species:	Tusk <i>Brosme brosme</i>	Zone:	Union waters of 4 (USK/04-C.)
Denmark	68	Precautionary TAC	
Germany	20	Article 7(2) of this Regulation applies	
France	47		
Sweden	7		
United Kingdom	102		
Others	7 ⁽¹⁾		
Union	251		
TAC	251		

⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.

Species:	Tusk <i>Brosme brosme</i>	Zone:	Union and international waters of 5, 6 and 7 (USK/567EL)
Germany	17	Precautionary TAC	
Spain	60	Article 7(2) of this Regulation applies	
France	705		
Ireland	68		
United Kingdom	340		
Others	17 ⁽¹⁾		
Union	1 207		
Norway	2 923 ⁽²⁾ ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾		
TAC	4 130		

⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.

⁽²⁾ To be fished in Union waters of 2a, 4, 5b, 6 and 7 (USK/*24X7C).

⁽³⁾ Special condition: of which an incidental catch of other species of 25 % per vessel, at any moment, is authorised in 5b, 6 and 7. However, this percentage may be exceeded in the first 24 hours following the beginning of the fishing on a specific ground. The total incidental catch of other species in 5b, 6 and 7 shall not exceed the amount below in tonnes (OTH/*5B67-). By-catch of cod under this provision in area 6a may not be more than 5 %.

3 000

⁽⁴⁾ Including ling. The following quotas for Norway shall only be fished with long-lines in 5b, 6 and 7:

Ling (LIN/*5B67-) 8 000

Tusk (USK/*5B67-) 2 923

⁽⁵⁾ The tusk and ling quotas for Norway are interchangeable up to the following amount, in tonnes:

2 000

Species:	Tusk <i>Brosme brosme</i>	Zone:	Norwegian waters of 4 (USK/04-N.)
Belgium	0	Precautionary TAC	
Denmark	165	Article 3 of Regulation (EC) No 847/96 shall not apply	
Germany	1	Article 4 of Regulation (EC) No 847/96 shall not apply	
France	0		
The Netherlands	0		
United Kingdom	4		
Union	170		
TAC	Not relevant		

Species:	Boarfish <i>Caproidae</i>	Zone:	Union and international waters of 6, 7 and 8 (BOR/678-)
Denmark	4 700	Precautionary TAC	
Ireland	13 235		
United Kingdom	1 217		
Union	19 152		
TAC	19 152		

Species:	Herring ⁽¹⁾ <i>Clupea harengus</i>	Zone:	3a (HER/03A.)
Denmark	10 309 ⁽²⁾	Analytical TAC	
Germany	165 ⁽²⁾	Article 7(2) of this Regulation applies	
Sweden	10 783 ⁽²⁾		
Union	21 257 ⁽²⁾		
Norway	3 271		
TAC	24 528		

⁽¹⁾ Catches of herring taken in fisheries using nets with mesh sizes equal to or larger than 32 mm.

⁽²⁾ Special condition: up to 50 % of this amount may be fished in Union waters of 4 (HER/*04-C).

Species:	Herring ⁽¹⁾ <i>Clupea harengus</i>	Zone:	Union and Norwegian waters of 4 north of 53° 30' N (HER/4AB.)
Denmark	59 468	Analytical TAC	
Germany	39 404	Article 7(2) of this Regulation applies	
France	20 670		
The Netherlands	51 717		
Sweden	3 913		
United Kingdom	55 583		
Union	230 755		
Faroe Islands	250		
Norway	111 652 ⁽²⁾		
TAC	385 008		

⁽¹⁾ Catches of herring taken in fisheries using nets with mesh sizes equal to or larger than 32 mm.

⁽²⁾ Catches taken within this quota are to be deducted from Norway's share of the TAC. Within the limit of this quota, no more than the quantity given below may be taken in Union waters of 4a and 4b (HER/*4AB-C).
50 000

Special condition: within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zone:

Norwegian waters south of 62° N
(HER/*04N-) ⁽¹⁾

Union	50 000
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⁽¹⁾ Catches of herring taken in fisheries using nets with mesh sizes equal to or larger than 32 mm.

Species:	Herring <i>Clupea harengus</i>	Zone:	Norwegian waters south of 62° N (HER/04-N.)
Sweden	948 ⁽¹⁾	Analytical TAC	
Union	948	Article 3 of Regulation (EC) No 847/96 shall not apply	
TAC	385 008	Article 4 of Regulation (EC) No 847/96 shall not apply	

⁽¹⁾ By-catches of cod, haddock, pollack and whiting and saithe are to be counted against the quota for those species.

Species:	Herring ⁽¹⁾ <i>Clupea harengus</i>	Zone:	3a (HER/03A-BC)
Denmark	5 692	Analytical TAC	
Germany	51	Article 7(2) of this Regulation applies	
Sweden	916		
Union	6 659		
TAC	6 659		

⁽¹⁾ Exclusively for catches of herring taken as by-catch in fisheries using nets with mesh sizes smaller than 32 mm.

Species:	Herring ⁽¹⁾ <i>Clupea harengus</i>	Zone:	4, 7d and Union waters of 2a (HER/2A47DX)
Belgium	44	Analytical TAC	
Denmark	8 573	Article 7(2) of this Regulation applies	
Germany	44		
France	44		
The Netherlands	44		
Sweden	42		
United Kingdom	163		
Union	8 954		
TAC	8 954		

⁽¹⁾ Exclusively for catches of herring taken as by-catch in fisheries using nets with mesh sizes smaller than 32 mm.

Species:	Herring ⁽¹⁾ <i>Clupea harengus</i>	Zone:	4c, 7d ⁽²⁾ (HER/4CXB7D)
Belgium	8 632 ⁽³⁾	Analytical TAC	
Denmark	800 ⁽³⁾	Article 7(2) of this Regulation applies	
Germany	530 ⁽³⁾		
France	10 277 ⁽³⁾		
The Netherlands	18 162 ⁽³⁾		
United Kingdom	3 950 ⁽³⁾		
Union	42 351 ⁽³⁾		
TAC	385 008		

⁽¹⁾ Exclusively for catches of herring taken in fisheries using nets with mesh sizes equal to or larger than 32 mm.

⁽²⁾ Except Blackwater stock: reference is to the herring stock in the maritime region of the Thames estuary within a zone delimited by a rhumb line running due south from Landguard Point (51° 56' N, 1° 19.1' E) to latitude 51° 33' N and hence due west to a point on the coast of the United Kingdom.

⁽³⁾ Special condition: up to 50 % of this quota may be taken in 4b (HER/*04B).

Species:	Herring <i>Clupea harengus</i>	Zone:	Union and international waters of 5b, 6b and 6aN ⁽¹⁾ (HER/5B6ANB)
Germany	389 ⁽²⁾	Precautionary TAC	
France	74 ⁽²⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Ireland	526 ⁽²⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
The Netherlands	389 ⁽²⁾		
United Kingdom	2 102 ⁽²⁾		
Union	3 480 ⁽²⁾		
TAC	3 480		

⁽¹⁾ Reference is to the herring stock in the part of ICES zone 6a which lies east of the meridian of longitude 7° W and north of the parallel of latitude 55° N, or west of the meridian of longitude 7° W and north of the parallel of latitude 56° N, excluding the Clyde.

⁽²⁾ It shall be prohibited to target any herring in the part of the ICES zones subject to this TAC that lies between 56° N and 57° 30' N, with the exception of a six nautical mile belt measured from the baseline of the United Kingdom's territorial sea.

Species:	Herring <i>Clupea harengus</i>	Zone:	6aS ⁽¹⁾ , 7b, 7c (HER/6AS7BC)
Ireland	1 236	Precautionary TAC	
The Netherlands	124	Article 3 of Regulation (EC) No 847/96 shall not apply	
Union	1 360	Article 4 of Regulation (EC) No 847/96 shall not apply	
TAC	1 360		

⁽¹⁾ Reference is to the herring stock in 6a south of 56° 00' N and west of 07° 00' W.

Species:	Herring <i>Clupea harengus</i>	Zone:	6 Clyde ⁽¹⁾ (HER/06ACL.)
United Kingdom	To be established	Precautionary TAC	
Union	To be established ⁽²⁾	Article 6 of this Regulation applies.	
TAC	To be established ⁽²⁾		

⁽¹⁾ Clyde stock: reference is to the herring stock in the maritime area situated to the north-east of a line drawn between:

- the Mull of Kintyre (55° 17.9' N, 05° 47.8' W);
- a point at position 55° 04' N, 05° 23' W, and;
- Corsewall Point (55° 00.5' N, 05° 09.4' W).

⁽²⁾ Fixed at the same quantity as the quota of the United Kingdom.

Species:	Herring <i>Clupea harengus</i>	Zone:	7a ⁽¹⁾ (HER/07A/MM)
Ireland	2 099	Analytical TAC	
United Kingdom	5 965	Article 7(2) of this Regulation applies	
Union	8 064		
TAC	8 064		

⁽¹⁾ This zone is reduced by the area bounded:

- to the north by latitude 52° 30' N,
- to the south by latitude 52° 00' N,
- to the west by the coast of Ireland,
- to the east by the coast of the United Kingdom.

Species:	Herring <i>Clupea harengus</i>	Zone:	7e and 7f (HER/7EF.)
France	465	Precautionary TAC	
United Kingdom	465		
Union	930		
TAC	930		

Species:	Herring <i>Clupea harengus</i>	Zone:	7g ⁽¹⁾ , 7h ⁽¹⁾ , 7j ⁽¹⁾ and 7k ⁽¹⁾ (HER/7G-K.)
Germany	10 ⁽²⁾	Analytical TAC	
France	54 ⁽²⁾		
Ireland	750 ⁽²⁾		
The Netherlands	54 ⁽²⁾		
United Kingdom	1 ⁽²⁾		
Union	869 ⁽²⁾		
TAC	869 ⁽²⁾		

⁽¹⁾ This zone is increased by the area bounded:

- to the north by latitude 52° 30' N,
- to the south by latitude 52° 00' N,
- to the west by the coast of Ireland,
- to the east by the coast of the United Kingdom.

⁽²⁾ This quota may only be allocated to vessels participating in the sentinel fishery to allow fisheries-based data collection for this stock as assessed by ICES. The Member States concerned shall communicate the name(s) of the vessel(s) to the Commission before allowing any catches.

Species:	Anchovy <i>Engraulis encrasicolus</i>	Zone:	8 (ANE/08.)
Spain	28 703	Analytical TAC	
France	3 189		
Union	31 892		
TAC	31 892		

Species:	Anchovy <i>Engraulis encrasicolus</i>	Zone:	9 and 10; Union waters of CECAF 34.1.1 (ANE/9/3411)
Spain	0 ⁽¹⁾	Precautionary TAC	
Portugal	0 ⁽¹⁾		
Union	0 ⁽¹⁾		
TAC	0 ⁽¹⁾		

⁽¹⁾ The quota may only be fished from 1 July 2020 to 30 June 2021. The TAC and the Member States quotas will be amended after the scientific advice is issued for this stock. The TAC and the quota for the period 1 July 2019 to 30 June 2020 has been established in the Council Regulation (EU) 2019/1601 of 26 September 2019 amending Regulations (EU) 2018/2025 and (EU) 2019/124 as regards certain fishing opportunities (OJ L 250, 30.9.2019, p. 1).

Species:	Cod <i>Gadus morhua</i>	Zone:	Skagerrak (COD/03AN.)
Belgium	5	Analytical TAC	
Denmark	1 683		
Germany	42		
The Netherlands	11		
Sweden	294		
Union	2 035		
TAC	2 103		

Species:	Cod <i>Gadus morhua</i>	Zone:	Kattegat (COD/03AS.)
Denmark	80 ⁽¹⁾	Precautionary TAC	
Germany	2 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Sweden	48 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	130 ⁽¹⁾		
TAC	130 ⁽¹⁾		

⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.

Species:	Cod <i>Gadus morhua</i>	Zone:	4; Union waters of 2a; that part of 3a not covered by the Skagerrak and Kattegat (COD/2A3AX4)
Belgium	435 ⁽¹⁾	Analytical TAC	
Denmark	2 499		
Germany	1 584		
France	537 ⁽¹⁾		
The Netherlands	1 412 ⁽¹⁾		
Sweden	17		
United Kingdom	5 732 ⁽¹⁾		
Union	12 216		
Norway	2 502 ⁽²⁾		
TAC	14 718		

⁽¹⁾ Special condition: of which up to 5 % may be fished in: 7d (COD/*07D.).

⁽²⁾ May be taken in Union waters. Catches taken within this quota are to be deducted from Norway's share of the TAC.

Special condition: within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zone:

Norwegian waters of 4 (COD/*04N-)	
Union	10 618

Species:	Cod <i>Gadus morhua</i>	Zone:	Norwegian waters south of 62° N (COD/04-N.)
Sweden	382 ⁽¹⁾	Analytical TAC	
Union	382	Article 3 of Regulation (EC) No 847/96 shall not apply	
TAC	Not relevant	Article 4 of Regulation (EC) No 847/96 shall not apply	

⁽¹⁾ By-catches of haddock, pollack and whiting and saithe are to be counted against the quota for these species.

Species:	Cod <i>Gadus morhua</i>	Zone:	6b; Union and international waters of 5b west of 12°00' W and of 12 and 14 (COD/5W6-14)
Belgium	0	Precautionary TAC	
Germany	1		
France	12		
Ireland	16		
United Kingdom	45		
Union	74		
TAC	74		

Species:	Cod <i>Gadus morhua</i>	Zone:	6a; Union and international waters of 5b east of 12°00' W (COD/5BE6A)
Belgium	2 ⁽¹⁾	Analytical TAC	
Germany	19 ⁽¹⁾	Article 8 of this Regulation applies	
France	203 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Ireland	284 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
United Kingdom	771 ⁽¹⁾		
Union	1 279 ⁽¹⁾		
TAC	1 279 ⁽¹⁾		

⁽¹⁾ Exclusively for by-catches of cod in fisheries for other species. No directed fisheries for cod are permitted under this quota.

Species:	Cod <i>Gadus morhua</i>	Zone:	7a (COD/07A.)
Belgium	3 ⁽¹⁾	Precautionary TAC	
France	9 ⁽¹⁾		
Ireland	170 ⁽¹⁾		
The Netherlands	1 ⁽¹⁾		
United Kingdom	74 ⁽¹⁾		
Union	257 ⁽¹⁾		
TAC	257 ⁽¹⁾		

⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.

Species:	Cod <i>Gadus morhua</i>	Zone:	7b, 7c, 7e-k, 8, 9 and 10; Union waters of CECAF 34.1.1 (COD/7XAD34)
Belgium	18 ⁽¹⁾	Analytical TAC	
France	294 ⁽¹⁾	Article 8 of this Regulation applies	
Ireland	461 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
The Netherlands	0 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
United Kingdom	32 ⁽¹⁾		
Union	805 ⁽¹⁾		
TAC	805 ⁽¹⁾		

⁽¹⁾ Exclusively for by-catches of cod in fisheries for other species. No directed fisheries for cod are permitted under this quota.

Species:	Cod <i>Gadus morhua</i>	Zone:	7d (COD/07D.)
Belgium	37 ⁽¹⁾	Analytical TAC	
France	721 ⁽¹⁾		
The Netherlands	21 ⁽¹⁾		
United Kingdom	79 ⁽¹⁾		
Union	858 ⁽¹⁾		
TAC	858		

⁽¹⁾ Special condition: of which up to 5 % may be fished in: 4; Union waters of 2a; that part of 3a not covered by the Skagerrak and Kattegat (COD/*2A3X4).

Species:	Megrims <i>Lepidorhombus</i> spp.	Zone:	Union waters of 2a and 4 (LEZ/2AC4-C)
Belgium	9	Analytical TAC	
Denmark	8	Article 7(2) of this Regulation applies	
Germany	8		
France	48		
The Netherlands	38		
United Kingdom	2 811		
Union	2 922		
TAC	2 922		

Species:	Megrims <i>Lepidorhombus</i> spp.	Zone:	Union and international waters of 5b; 6; international waters of 12 and 14 (LEZ/56-14)
Spain	671	Analytical TAC	
France	2 615 ⁽¹⁾	Article 7(2) of this Regulation applies	
Ireland	764		
United Kingdom	1 851 ⁽¹⁾		
Union	5 901		
TAC	5 901		

⁽¹⁾ Special condition: of which up to 5 % may be fished in: Union waters of 2a and 4 (LEZ/*2AC4C).

Species:	Megrims <i>Lepidorhombus</i> spp.	Zone:	7 (LEZ/07.)
Belgium	506 ⁽¹⁾	Analytical TAC	
Spain	5 620 ⁽²⁾	Article 7(2) of this Regulation applies	
France	6 820 ⁽²⁾		
Ireland	3 101 ⁽²⁾		
United Kingdom	2 685 ⁽²⁾		
Union	18 732		
TAC	18 732		

⁽¹⁾ 10 % of this quota may be used in 8a, 8b, 8d and 8e (LEZ/*8ABDE) for by-catches in directed fisheries for sole.

⁽²⁾ 35 % of this quota may be fished in 8a, 8b, 8d and 8e (LEZ/*8ABDE).

Species:	Megrims <i>Lepidorhombus</i> spp.	Zone:	8a, 8b, 8d and 8e (LEZ/8ABDE.)
Spain	993	Analytical TAC	
France	801	Article 7(2) of this Regulation applies	
Union	1 794		
TAC	1 794		

Species:	Megrims <i>Lepidorhombus</i> spp.	Zone:	8c, 9 and 10; Union waters of CECAF 34.1.1 (LEZ/8C3411)
Spain	2 144	Analytical TAC	
France	107	Article 7(2) of this Regulation applies	
Portugal	71		
Union	2 322		
TAC	2 322		

Species:	Anglerfish <i>Lophiidae</i>	Zone:	Union waters of 2a and 4 (ANF/2AC4-C)
Belgium	498 ⁽¹⁾	Precautionary TAC	
Denmark	1 098 ⁽¹⁾		
Germany	536 ⁽¹⁾		
France	102 ⁽¹⁾		
The Netherlands	377 ⁽¹⁾		
Sweden	13 ⁽¹⁾		
United Kingdom	11 461 ⁽¹⁾		
Union	14 085 ⁽¹⁾		
TAC	14 085		

⁽¹⁾ Special condition: of which up to 10 % may be fished in: 6; Union and international waters of 5b; international waters of 12 and 14 (ANF/*56-14).

Species:	Anglerfish <i>Lophiidae</i>	Zone:	Norwegian waters of 4 (ANF/04-N.)
Belgium	51	Precautionary TAC	
Denmark	1 305	Article 3 of Regulation (EC) No 847/96 shall not apply	
Germany	21	Article 4 of Regulation (EC) No 847/96 shall not apply	
The Netherlands	18		
United Kingdom	305		
Union	1 700		
TAC	Not relevant		

Species:	Anglerfish <i>Lophiidae</i>	Zone:	6; Union and international waters of 5b; international waters of 12 and 14 (ANF/56-14)
Belgium	286 ⁽¹⁾	Precautionary TAC	
Germany	327 ⁽¹⁾		
Spain	307		
France	3 525 ⁽¹⁾		
Ireland	797		
The Netherlands	276 ⁽¹⁾		
United Kingdom	2 453 ⁽¹⁾		
Union	7 971		
TAC	7 971		

⁽¹⁾ Special condition: of which up to 5 % may be fished in: Union waters of 2a and 4 (ANF/*2AC4C).

Species:	Anglerfish <i>Lophiidae</i>	Zone:	7 (ANF/07.)
Belgium	3 262 ⁽¹⁾	Analytical TAC	
Germany	364 ⁽¹⁾	Article 7(2) of this Regulation applies	
Spain	1 296 ⁽¹⁾		
France	20 932 ⁽¹⁾		
Ireland	2 675 ⁽¹⁾		
The Netherlands	422 ⁽¹⁾		
United Kingdom	6 348 ⁽¹⁾		
Union	35 299 ⁽¹⁾		
TAC	35 299		

⁽¹⁾ Special condition: of which up to 10 % may be fished in 8a, 8b, 8d and 8e (ANF/*8ABDE).

Species:	Anglerfish <i>Lophiidae</i>	Zone:	8a, 8b, 8d and 8e (ANF/8ABDE.)
Spain	1 372	Analytical TAC	
France	7 636	Article 7(2) of this Regulation applies	
Union	9 008		
TAC	9 008		
Species:	Anglerfish <i>Lophiidae</i>	Zone:	8c, 9 and 10; Union waters of CECAF 34.1.1 (ANF/8C3411)
Spain	3 353	Analytical TAC	
France	3	Article 7(2) of this Regulation applies	
Portugal	667		
Union	4 023		
TAC	4 023		
Species:	Haddock <i>Melanogrammus aeglefinus</i>	Zone:	3a (HAD/03A.)
Belgium	10	Analytical TAC	
Denmark	1 768	Article 7(2) of this Regulation applies	
Germany	112		
The Netherlands	2		
Sweden	209		
Union	2 101		
TAC	2 193		

Species:	Haddock <i>Melanogrammus aeglefinus</i>	Zone:	4; Union waters of 2a (HAD/2AC4.)
Belgium	206	Analytical TAC	
Denmark	1 416	Article 7(2) of this Regulation applies	
Germany	901		
France	1 571		
The Netherlands	155		
Sweden	143		
United Kingdom	23 361		
Union	27 753		
Norway	7 900		
TAC	35 653		

Special condition: within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zones:

Norwegian waters of 4 (HAD/*04N-)	
Union	20 644

Species:	Haddock <i>Melanogrammus aeglefinus</i>	Zone:	Norwegian waters south of 62° N (HAD/04-N.)
Sweden	707 ⁽¹⁾	Analytical TAC	
Union	707	Article 3 of Regulation (EC) No 847/96 shall not apply	
TAC	Not relevant	Article 4 of Regulation (EC) No 847/96 shall not apply	

(¹) By-catches of cod, pollack, whiting and saithe are to be counted against the quota for these species.

Species:	Haddock <i>Melanogrammus aeglefinus</i>	Zone:	Union and international waters of 6b, 12 and 14 (HAD/6B1214)
Belgium	23	Analytical TAC	
Germany	28	Article 7(2) of this Regulation applies	
France	1 155		
Ireland	824		
United Kingdom	8 442		
Union	10 472		
TAC	10 472		

Species:	Haddock <i>Melanogrammus aeglefinus</i>	Zone:	Union and international waters of 5b and 6a (HAD/5BC6A.)
Belgium	4 ⁽¹⁾	Analytical TAC	
Germany	5 ⁽¹⁾	Article 7(2) of this Regulation applies	
France	219 ⁽¹⁾		
Ireland	651 ⁽¹⁾		
United Kingdom	3 094 ⁽¹⁾		
Union	3 973		
TAC	3 973		

⁽¹⁾ Not more than 10 % of this quota may be fished in 4; Union waters of 2a (HAD/*2AC4).

Species:	Haddock <i>Melanogrammus aeglefinus</i>	Zone:	7b-k, 8, 9 and 10; Union waters of CECAF 34.1.1 (HAD/7X7A34)
Belgium	121	Analytical TAC	
France	7 239	Article 7(2) of this Regulation applies	
Ireland	2 413		
United Kingdom	1 086		
Union	10 859		
TAC	10 859		

Species:	Haddock <i>Melanogrammus aeglefinus</i>	Zone:	7a (HAD/07A.)
Belgium	50	Analytical TAC	
France	228	Article 7(2) of this Regulation applies	
Ireland	1 366		
United Kingdom	1 512		
Union	3 156		
TAC	3 156		

Species:	Whiting <i>Merlangius merlangus</i>	Zone:	3a (WHG/03A.)
Denmark	1 166	Precautionary TAC	
The Netherlands	4		
Sweden	125		
Union	1 295		
TAC	1 660		

Species:	Whiting <i>Merlangius merlangus</i>	Zone:	4; Union waters of 2a (WHG/2AC4.)
Belgium	329	Analytical TAC	
Denmark	1 424	Article 7(2) of this Regulation applies	
Germany	370		
France	2 140		
The Netherlands	823		
Sweden	3		
United Kingdom	10 293		
Union	15 382		
Norway	1 216 ⁽¹⁾		
TAC	17 158		

⁽¹⁾ May be taken in Union waters. Catches taken within this quota are to be deducted from Norway's share of the TAC.

Special condition: within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zones:

Norwegian waters of 4 (WHG/*04N-)	
Union	10 801

Species:	Whiting <i>Merlangius merlangus</i>	Zone:	6; Union and international waters of 5b; international waters of 12 and 14 (WHG/56-14)
Germany	3 ⁽¹⁾	Analytical TAC	
France	57 ⁽¹⁾	Article 8 of this Regulation applies	
Ireland	273 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
United Kingdom	604 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	937 ⁽¹⁾		
TAC	937 ⁽¹⁾		

⁽¹⁾ Exclusively for by-catches of whiting in fisheries for other species. No directed fisheries for whiting are permitted under this quota.

Species:	Whiting <i>Merlangius merlangus</i>	Zone:	7a (WHG/07A.)
Belgium	2 ⁽¹⁾	Analytical TAC	
France	25 ⁽¹⁾	Article 8 of this Regulation applies	
Ireland	415 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
The Netherlands	0	Article 4 of Regulation (EC) No 847/96 shall not apply	
United Kingdom	279 ⁽¹⁾		
Union	721 ⁽¹⁾		
TAC	721 ⁽¹⁾		

⁽¹⁾ Exclusively for by-catches of whiting in fisheries for other species. No directed fisheries for whiting are permitted under this quota.

Species:	Whiting <i>Merlangius merlangus</i>	Zone:	7b, 7c, 7d, 7e, 7f, 7g, 7h, 7j and 7k (WHG/7X7A-C)
Belgium	92	Analytical TAC	
France	5 644		
Ireland	4 072		
The Netherlands	46		
United Kingdom	1 009		
Union	10 863		
TAC	10 863		

Species:	Whiting <i>Merlangius merlangus</i>	Zone:	8 (WHG/08.)
Spain	1 016	Precautionary TAC	
France	1 524		
Union	2 540		
TAC	2 540		

Species:	Whiting and pollack <i>Merlangius merlangus</i> and <i>Pollachius pollachius</i>	Zone:	Norwegian waters south of 62° N (W/P/04-N.)
Sweden	190 ⁽¹⁾	Precautionary TAC	
Union	190		
TAC	Not relevant		

⁽¹⁾ By-catches of cod, haddock and saithe are to be counted against the quota for these species.

Species:	Hake <i>Merluccius merluccius</i>	Zone:	3a (HKE/03A.)
Denmark	3 136 ⁽¹⁾	Analytical TAC	
Sweden	267 ⁽¹⁾	Article 7(2) of this Regulation applies	
Union	3 403		
TAC	3 403		

⁽¹⁾ Transfers of this quota may be effected to Union waters of 2a and 4. However, such transfers shall be notified in advance to the Commission.

Species:	Hake <i>Merluccius merluccius</i>	Zone:	Union waters of 2a and 4 (HKE/2AC4-C)
Belgium	56 ⁽¹⁾	Analytical TAC	
Denmark	2 278 ⁽¹⁾	Article 7(2) of this Regulation applies	
Germany	261 ⁽¹⁾		
France	504 ⁽¹⁾		
The Netherlands	131 ⁽¹⁾		
United Kingdom	710 ⁽¹⁾		
Union	3 940 ⁽¹⁾		
TAC	3 940		

⁽¹⁾ Not more than 10 % of this quota may be used for by-catch in 3a (HKE/*03A.).

Species:	Hake <i>Merluccius merluccius</i>	Zone:	6 and 7; Union and international waters of 5b; international waters of 12 and 14 (HKE/571214)
Belgium	582 ⁽¹⁾	Analytical TAC	
Spain	18 667	Article 7(2) of this Regulation applies	
France	28 827 ⁽¹⁾		
Ireland	3 493		
The Netherlands	376 ⁽¹⁾		
United Kingdom	11 380 ⁽¹⁾		
Union	63 325		
TAC	63 325		

⁽¹⁾ Transfers of this quota may be effected to Union waters of 2a and 4. However, such transfers shall be notified in advance to the Commission.

Special condition: within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zones:

	8a, 8b, 8d and 8e (HKE/*8ABDE)
Belgium	75
Spain	3 012
France	3 012
Ireland	376
The Netherlands	38
United Kingdom	1 694
Union	8 206

Species:	Hake <i>Merluccius merluccius</i>	Zone:	8a, 8b, 8d and 8e (HKE/8ABDE.)
Belgium	19 ⁽¹⁾	Analytical TAC	
Spain	12 995	Article 7(2) of this Regulation applies	
France	29 183		
The Netherlands	38 ⁽¹⁾		
Union	42 235		
TAC	42 235		

⁽¹⁾ Transfers of this quota may be effected to Union waters of 2a and 4. However, such transfers shall be notified in advance to the Commission.

Special condition: within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zones:

6 and 7; Union and international waters of 5b; international waters of 12 and 14 (HKE/*57-14)	
Belgium	4
Spain	3 764
France	6 776
The Netherlands	11
Union	10 555

Species:	Hake <i>Merluccius merluccius</i>	Zone:	8c, 9 and 10; Union waters of CECAF 34.1.1 (HKE/8C3411)
Spain	5 600	Analytical TAC	
France	538	Article 7(2) of this Regulation applies	
Portugal	2 614		
Union	8 752		
TAC	8 752		

Species:	Blue whiting <i>Micromesistius poutassou</i>	Zone:	Norwegian waters of 2 and 4 (WHB/24-N.)
Denmark	0	Analytical TAC	
United Kingdom	0		
Union	0		
TAC	Not relevant		

Species:	Blue whiting <i>Micromesistius poutassou</i>	Zone:	Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14 (WHB/1X14)
Denmark	49 845 ⁽¹⁾	Analytical TAC	
Germany	19 380 ⁽¹⁾	Article 7(2) of this Regulation applies	
Spain	42 258 ⁽¹⁾ ⁽²⁾		
France	34 688 ⁽¹⁾		
Ireland	38 599 ⁽¹⁾		
The Netherlands	60 780 ⁽¹⁾		
Portugal	3 926 ⁽¹⁾ ⁽²⁾		
Sweden	12 330 ⁽¹⁾		
United Kingdom	64 678 ⁽¹⁾		
Union	326 484 ⁽¹⁾ ⁽³⁾		
Norway	99 900		
Faroe Islands	10 000		
TAC	Not relevant		

⁽¹⁾ Special condition: within a total access quantity of 37 500 tonnes for the Union, Member States may fish up to the following percentage of their quotas in Faroese waters (WHB/*05-F): 7 %.

⁽²⁾ Transfers of this quota may be effected to 8c, 9 and 10; Union waters of CECAF 34.1.1. However, such transfers shall be notified in advance to the Commission.

⁽³⁾ Special condition: from the EU quotas in Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14 (WHB/*NZJM1) and in 8c, 9 and 10; Union waters of CECAF 34.1.1 (WHB/*NZJM2), the following quantity may be fished in the Norwegian Economic Zone or in the fishery zone around Jan Mayen:
190 809

Species:	Blue whiting <i>Micromesistius poutassou</i>	Zone:	8c, 9 and 10; Union waters of CECAF 34.1.1 (WHB/8C3411)
Spain	35 806	Analytical TAC	
Portugal	8 951	Article 7(2) of this Regulation applies	
Union	44 757 ⁽¹⁾		
TAC	Not relevant		

(¹) Special condition: from the EU quotas in Union and international waters of 1, 2, 3, 4, 5, 6, 7, 8a, 8b, 8d, 8e, 12 and 14 (WHB/*NZJM1) and in 8c, 9 and 10; Union waters of CECAF 34.1.1 (WHB/*NZJM2), the following quantity may be fished in the Norwegian Economic Zone or in the fishery zone around Jan Mayen:
190 809

Species:	Blue whiting <i>Micromesistius poutassou</i>	Zone:	Union waters of 2, 4a, 5, 6 north of 56° 30' N and 7 west of 12° W (WHB/24A567)
Norway	190 809 ⁽¹⁾ ⁽²⁾	Analytical TAC	
Faroe Islands	37 500 ⁽³⁾ ⁽⁴⁾	Article 7(2) of this Regulation applies	
TAC	Not relevant		

(¹) To be counted against Norway's catch limits established under the Coastal States arrangement.

(²) Special condition: the catch in 4a shall be no more than the following amount (WHB/*04A-C):
40 000

This catch limit in 4a amounts to the following percentage of Norway's access quota:
18 %

(³) To be counted against the catch limits of the Faroe Islands.

(⁴) Special conditions: may also be fished in 6b (WHB/*06B-C). The catch in 4a shall be no more than the following amount (WHB/*04A-C):
9 375

Species:	Lemon sole and witch flounder <i>Microstomus kitt</i> and <i>Glyptocephalus cynoglossus</i>	Zone:	Union waters of 2a and 4 (L/W/2AC4-C)
Belgium	368	Precautionary TAC	
Denmark	1 012		
Germany	130		
France	277		
The Netherlands	842		
Sweden	11		
United Kingdom	4 145		
Union	6 785		
TAC	6 785		

Species:	Blue ling <i>Molva dypterygia</i>	Zone:	Union and international waters of 5b, 6 and 7 (BLI/5B67-)
Germany	113	Analytical TAC	
Estonia	17	Article 7(2) of this Regulation applies	
Spain	356		
France	8 126		
Ireland	31		
Lithuania	7		
Poland	3		
United Kingdom	2 066		
Others	31 ⁽¹⁾		
Union	10 750		
Norway	250 ⁽²⁾		
Faroe Islands	150 ⁽³⁾		
TAC	11 150		

⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.

⁽²⁾ To be fished in Union waters of 2a, 4, 5b, 6 and 7 (BLI/*24X7C).

⁽³⁾ By-catches of roundnose grenadier and black scabbardfish to be counted against this quota. To be fished in Union waters of 6a north of 56° 30' N and 6b. This provision shall not apply for catches subject to the landing obligation.

Species:	Blue ling <i>Molva dypterygia</i>	Zone:	International waters of 12 (BLI/12INT-)
Estonia	0 ⁽¹⁾	Precautionary TAC	
Spain	132 ⁽¹⁾		
France	3 ⁽¹⁾		
Lithuania	1 ⁽¹⁾		
United Kingdom	1 ⁽¹⁾		
Others	0 ⁽¹⁾		
Union	137 ⁽¹⁾		
TAC	137 ⁽¹⁾		

⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.

Species:	Blue ling <i>Molva dypterygia</i>	Zone:	Union and international waters of 2 and 4 (BLI/24-)
Denmark	2	Precautionary TAC	
Germany	2		
Ireland	2		
France	15		
United Kingdom	9		
Others	2 ⁽¹⁾		
Union	32		
TAC	32		

⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.

Species:	Blue ling <i>Molva dypterygia</i>	Zone:	Union and international waters of 3a (BLI/03A-)
Denmark	2	Precautionary TAC	
Germany	1		
Sweden	2		
Union	5		
TAC	5		

Species:	Ling <i>Molva molva</i>	Zone:	Union and international waters of 1 and 2 (LIN/1/2.)
Denmark	26	Precautionary TAC	
Germany	26		
France	26		
United Kingdom	26		
Others	13 ⁽¹⁾		
Union	117		
TAC	117		

⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.

Species:	Ling <i>Molva molva</i>	Zone:	Union waters of 3a (LIN/03A-C.)
Belgium	13	Precautionary TAC	
Denmark	101		
Germany	13		
Sweden	39		
United Kingdom	13		
Union	179		
TAC	179		

Species:	Ling <i>Molva molva</i>	Zone:	Union waters of 4 (LIN/04-C.)
Belgium	27 ⁽¹⁾	Precautionary TAC	
Denmark	424 ⁽¹⁾		
Germany	262 ⁽¹⁾		
France	236		
The Netherlands	9		
Sweden	18 ⁽¹⁾		
United Kingdom	3 261 ⁽¹⁾		
Union	4 237		
TAC	4 237		

⁽¹⁾ Special condition: of which up to 25 % but no more than 75t may be fished in: Union waters of 3a (LIN/*03A-C).

Species:	Ling <i>Molva molva</i>	Zone:	Union and international waters of 5 (LIN/05EI.)
Belgium	9	Precautionary TAC	
Denmark	6		
Germany	6		
France	6		
United Kingdom	6		
Union	33		
TAC	33		

Species:	Ling <i>Molva molva</i>	Zone:	Union and international waters of 6, 7, 8, 9, 10, 12 and 14 (LIN/6X14.)
Belgium	46 ⁽¹⁾	Precautionary TAC	
Denmark	8 ⁽¹⁾		
Germany	166 ⁽¹⁾		
Ireland	898		
Spain	3 361		
France	3 583 ⁽¹⁾		
Portugal	8		
United Kingdom	4 126 ⁽¹⁾		
Union	12 196		
Norway	8 000 ⁽²⁾ ⁽³⁾ ⁽⁴⁾		
Faroe Islands	200 ⁽⁵⁾ ⁽⁶⁾		
TAC	20 396		

⁽¹⁾ Special condition: of which up to 35 % may be fished in: Union waters of 4 (LIN/*04-C).

⁽²⁾ Special condition: of which an incidental catch of other species of 25 % per vessel, at any moment, is authorised in 5b, 6 and 7. However, this percentage may be exceeded in the first 24 hours following the beginning of the fishing on a specific ground. The total incidental catch of other species in 5b, 6 and 7 shall not exceed the amount below in tonnes (OTH/*6X14.). By-catch of cod under this provision in area 6a may not be more than 5 %.

3 000

⁽³⁾ Including tusk. The quotas for Norway shall only be fished with long-lines in 5b, 6 and 7, and they amount to:

Ling (LIN/*5B67-) 8 000

Tusk (USK/*5B67-) 2 923

⁽⁴⁾ The ling and tusk quotas for Norway are interchangeable up to the following amount, in tonnes:

2 000

⁽⁵⁾ Including tusk. To be fished in 6b and 6a north of 56°30' N (LIN/*6BAN).

⁽⁶⁾ Special condition: of which an incidental catch of other species of 20 % per vessel, at any moment, is authorised in 6a and 6b. However, this percentage may be exceeded in the first 24 hours following the beginning of the fishing on a specific ground. The total incidental catch of other species in 6a and 6b shall not exceed the following amount in tonnes (OTH/*6AB):

75

Species:	Ling <i>Molva molva</i>	Zone:	Norwegian waters of 4 (LIN/04-N.)
Belgium	9	Precautionary TAC	
Denmark	1 187	Article 3 of Regulation (EC) No 847/96 shall not apply	
Germany	33	Article 4 of Regulation (EC) No 847/96 shall not apply	
France	13		
The Netherlands	2		
United Kingdom	106		
Union	1 350		
TAC	Not relevant		

Species:	Norway lobster <i>Nephrops norvegicus</i>	Zone:	3a (NEP/03A.)
Denmark	10 093	Analytical TAC	
Germany	29		
Sweden	3 611		
Union	13 733		
TAC	13 733		

Species:	Norway lobster <i>Nephrops norvegicus</i>	Zone:	Union waters of 2a and 4 (NEP/2AC4-C)
Belgium	1 203	Analytical TAC	
Denmark	1 203	Article 7(2) of this Regulation applies	
Germany	18		
France	35		
The Netherlands	619		
United Kingdom	19 924		
Union	23 002		
TAC	23 002		

Species:	Norway lobster <i>Nephrops norvegicus</i>	Zone:	Norwegian waters of 4 (NEP/04-N.)
Denmark	568	Analytical TAC	
Germany	0	Article 3 of Regulation (EC) No 847/96 shall not apply	
United Kingdom	32	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	600		
TAC	Not relevant		

Species:	Norway lobster <i>Nephrops norvegicus</i>	Zone:	6; Union and international waters of 5b (NEP/5BC6.)
Spain	32	Analytical TAC	
France	129		
Ireland	215		
United Kingdom	15 523		
Union	15 899		
TAC	15 899		

Species:	Norway lobster <i>Nephrops norvegicus</i>	Zone:	7 (NEP/07.)
Spain	1 009 ⁽¹⁾	Analytical TAC	
France	4 089 ⁽¹⁾		
Ireland	6 201 ⁽¹⁾		
United Kingdom	5 516 ⁽¹⁾		
Union	16 815 ⁽¹⁾		
TAC	16 815 ⁽¹⁾		

⁽¹⁾ Special condition: within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zone:

Functional Unit 16 of ICES
Subarea 7 (NEP/*07U16):

Spain	795
France	498
Ireland	957
United Kingdom	387
Union	2 637

Species:	Norway lobster <i>Nephrops norvegicus</i>	Zone:	8a, 8b, 8d and 8e (NEP/8ABDE.)
Spain	233	Analytical TAC	
France	3 653		
Union	3 886		
TAC	3 886		

Species:	Norway lobster <i>Nephrops norvegicus</i>	Zone:	8c (NEP/08C.)
Spain	2,7 ⁽¹⁾	Precautionary TAC	
France	0,0 ⁽¹⁾		
Union	2,7 ⁽¹⁾		
TAC	2,7 ⁽¹⁾		

⁽¹⁾ Exclusively for catches taken as part of a sentinel fishery to collect catch per unit effort (CPUE) data with vessels carrying observers on board:

- 2 tonnes in functional unit 25 during five trips per month in August and September;
- 0,7 tonnes in functional unit 31 during 7 days in July.

Species:	Norway lobster <i>Nephrops norvegicus</i>	Zone:	9 and 10; Union waters of CECAF 34.1.1 (NEP/9/3411)
Spain	97 ⁽¹⁾	Precautionary TAC	
Portugal	289 ⁽¹⁾		
Union	386 ⁽¹⁾ ⁽²⁾		
TAC	386 ⁽¹⁾ ⁽²⁾		

⁽¹⁾ Of which no more than 6 % may be taken in Functional Units 26 and 27 of ICES division 9a (NEP/*9U267).

⁽²⁾ Within the limits of the abovementioned TAC, no more than the following amount may be taken in Functional Unit 30 of ICES division 9a (NEP/*9U30):

77

Species:	Northern prawn <i>Pandalus borealis</i>	Zone:	3a (PRA/03A.)
Denmark	1 537	Analytical TAC	
Sweden	828		
Union	2 365		
TAC	4 430		

Species:	Northern prawn <i>Pandalus borealis</i>	Zone:	Union waters of 2a and 4 (PRA/2AC4-C)
Denmark	892	Precautionary TAC	
The Netherlands	8		
Sweden	36		
United Kingdom	264		
Union	1 200		
TAC	1 200		

Species:	Northern prawn <i>Pandalus borealis</i>	Zone:	Norwegian waters south of 62° N (PRA/04-N.)
Denmark	200	Analytical TAC	
Sweden	123 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Union	323	Article 4 of Regulation (EC) No 847/96 shall not apply	
TAC	Not relevant		

⁽¹⁾ By-catches of cod, haddock, pollack, whiting and saithe are to be counted against the quotas for these species.

Species:	'Penaeus' shrimps <i>Penaeus</i> spp.	Zone:	French Guiana waters (PEN/FGU.)
France	to be established ⁽¹⁾	Precautionary TAC	
Union	to be established ⁽¹⁾ ⁽²⁾	Article 6 of this Regulation applies	
TAC	to be established ⁽¹⁾ ⁽²⁾		

⁽¹⁾ Fishing for shrimps *Penaeus subtilis* and *Penaeus brasiliensis* is prohibited in waters less than 30 metres deep.
⁽²⁾ Fixed at the same quantity as the quota of France.

Species:	Plaice <i>Pleuronectes platessa</i>	Zone:	Skagerrak (PLE/03AN.)
Belgium	102	Analytical TAC	
Denmark	13 231	Article 7(2) of this Regulation applies	
Germany	68		
The Netherlands	2 545		
Sweden	709		
Union	16 655		
TAC	19 647		

Species:	Plaice <i>Pleuronectes platessa</i>	Zone:	Kattegat (PLE/03AS.)
Denmark	1 016	Analytical TAC	
Germany	11	Article 7(2) of this Regulation applies	
Sweden	114		
Union	1 141		
TAC	1 141		

Species:	Plaice <i>Pleuronectes platessa</i>	Zone:	4; Union waters of 2a; that part of 3a not covered by the Skagerrak and the Kattegat (PLE/2A3AX4)
Belgium	5 522	Analytical TAC	
Denmark	17 946	Article 7(2) of this Regulation applies	
Germany	5 177		
France	1 035		
The Netherlands	34 510		
United Kingdom	25 538		
Union	89 728		
Norway	10 280 ⁽¹⁾		
TAC	146 852		

(1) Of which no more than 300 tonnes may be fished in the Skagerrak (PLE/*03AN).

Special condition: within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zone:

Norwegian waters of 4 (PLE/*04N-)	
Union	56 041

Species:	Plaice <i>Pleuronectes platessa</i>	Zone:	6; Union and international waters of 5b; international waters of 12 and 14 (PLE/56-14)
France	9	Precautionary TAC	
Ireland	261		
United Kingdom	388		
Union	658		
TAC	658		

Species:	Plaice <i>Pleuronectes platessa</i>	Zone:	7a (PLE/07A.)
Belgium	115	Analytical TAC	
France	50	Article 7(2) of this Regulation applies	
Ireland	1 442		
The Netherlands	35		
United Kingdom	1 148		
Union	2 790		
TAC	2 790		

Species:	Plaice <i>Pleuronectes platessa</i>	Zone:	7b and 7c (PLE/7BC.)
France	11	Precautionary TAC	
Ireland	63		
Union	74		
TAC	74		
Species:	Plaice <i>Pleuronectes platessa</i>	Zone:	7d and 7e (PLE/7DE.)
Belgium	1 498	Analytical TAC	
France	4 993	Article 7(2) of this Regulation applies	
United Kingdom	2 663		
Union	9 154		
TAC	9 154		
Species:	Plaice <i>Pleuronectes platessa</i>	Zone:	7f and 7g (PLE/7FG.)
Belgium	466	Precautionary TAC	
France	842	Article 7(2) of this Regulation applies	
Ireland	255		
United Kingdom	440		
Union	2 003		
TAC	2 003		
Species:	Plaice <i>Pleuronectes platessa</i>	Zone:	7h, 7j and 7k (PLE/7HJK.)
Belgium	4 ⁽¹⁾	Precautionary TAC	
France	8 ⁽¹⁾	Article 8 of this Regulation applies	
Ireland	30 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
The Netherlands	17 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
United Kingdom	8 ⁽¹⁾		
Union	67 ⁽¹⁾		
TAC	67 ⁽¹⁾		

⁽¹⁾ Exclusively for by-catches of plaice in fisheries for other species. No directed fisheries for plaice are permitted under this quota.

Species:	Plaice <i>Pleuronectes platessa</i>	Zone:	8, 9 and 10; Union waters of CECAF 34.1.1 (PLE/8/3411)
Spain	59	Precautionary TAC	
France	237		
Portugal	59		
Union	355		
TAC	355		

Species:	Pollack <i>Pollachius pollachius</i>	Zone:	6; Union and international waters of 5b; international waters of 12 and 14 (POL/56-14)
Spain	3	Precautionary TAC	
France	114		
Ireland	34		
United Kingdom	87		
Union	238		
TAC	238		

Species:	Pollack <i>Pollachius pollachius</i>	Zone:	7 (POL/07.)
Belgium	378 ⁽¹⁾	Precautionary TAC	
Spain	23 ⁽¹⁾		
France	8 712 ⁽¹⁾		
Ireland	929 ⁽¹⁾		
United Kingdom	2 121 ⁽¹⁾		
Union	12 163 ⁽¹⁾		
TAC	12 163		

⁽¹⁾ Special condition: of which up to 2 % may be fished in: 8a, 8b, 8d and 8e (POL/*8ABDE).

Species:	Pollack <i>Pollachius pollachius</i>	Zone:	8a, 8b, 8d and 8e (POL/8ABDE.)
Spain	252	Precautionary TAC	
France	1 230		
Union	1 482		
TAC	1 482		

Species:	Pollack <i>Pollachius pollachius</i>	Zone:	8c (POL/08C.)
Spain	187	Precautionary TAC	
France	21		
Union	208		
TAC	208		

Species:	Pollack <i>Pollachius pollachius</i>	Zone:	9 and 10; Union waters of CECAF 34.1.1 (POL/9/3411)
Spain	246 ⁽¹⁾	Precautionary TAC	
Portugal	8 ⁽¹⁾ ⁽²⁾		
Union	254 ⁽¹⁾		
TAC	254 ⁽¹⁾		

⁽¹⁾ Special condition: of which up to 5 % may be fished in Union waters of 8c (POL/*08C.).

⁽²⁾ In addition to this TAC, Portugal may fish quantities of pollack not exceeding 98 tonnes (POL/93411P).

Species:	Saithe <i>Pollachius virens</i>	Zone:	3a and 4; Union waters of 2a (POK/2C3A4)
Belgium	28	Analytical TAC	
Denmark	3 292	Article 7(2) of this Regulation applies	
Germany	8 314		
France	19 567		
The Netherlands	83		
Sweden	452		
United Kingdom	6 374		
Union	38 110		
Norway	41 703 ⁽¹⁾		
TAC	79 813		

⁽¹⁾ May only be taken in Union waters of 4 and in 3a (POK/*3A4-C). Catches taken within this quota are to be deducted from Norway's share of the TAC.

Species:	Saithe <i>Pollachius virens</i>	Zone:	6; Union and international waters of 5b, 12 and 14 (POK/56-14)
Germany	350	Analytical TAC	
France	3 479	Article 7(2) of this Regulation applies	
Ireland	401		
United Kingdom	3 110		
Union	7 340		
Norway	940 ⁽¹⁾		
TAC	8 280		

⁽¹⁾ To be fished north of 56°30' N (POK/*5614N).

Species:	Saithe <i>Pollachius virens</i>	Zone:	Norwegian waters south of 62° N (POK/04-N.)
Sweden	880 ⁽¹⁾	Analytical TAC	
Union	880	Article 3 of Regulation (EC) No 847/96 shall not apply	
TAC	Not relevant		

⁽¹⁾ By-catches of cod, haddock, pollack and whiting are to be counted against the quota for these species.

Species:	Saithe <i>Pollachius virens</i>	Zone:	7, 8, 9 and 10; Union waters of CECAF 34.1.1 (POK/7/3411)
Belgium	6	Precautionary TAC	
France	1 245		
Ireland	1 491		
United Kingdom	434		
Union	3 176		
TAC	3 176		

Species:	Turbot and brill <i>Psetta maxima</i> and <i>Scophthalmus rhombus</i>	Zone:	Union waters of 2a and 4 (T/B/2AC4-C)
Belgium	477	Precautionary TAC	
Denmark	1 018	Article 7(2) of this Regulation applies	
Germany	260		
France	123		
The Netherlands	3 609		
Sweden	7		
United Kingdom	1 004		
Union	6 498		
TAC	6 498		

Species:	Skates and rays <i>Rajiformes</i>	Zone:	Union waters of 2a and 4 (SRX/2AC4-C)
Belgium	292 ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾	Precautionary TAC	
Denmark	11 ⁽¹⁾ ⁽²⁾ ⁽³⁾		
Germany	14 ⁽¹⁾ ⁽²⁾ ⁽³⁾		
France	46 ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾		
The Netherlands	249 ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾		
United Kingdom	1 125 ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾		
Union	1 737 ⁽¹⁾ ⁽³⁾		
TAC	1 737 ⁽³⁾		

⁽¹⁾ Catches of blonde ray (*Raja brachyura*) in Union waters of 4 (RJH/04-C.), cuckoo ray (*Leucoraja naevus*) (RJN/2AC4-C), thornback ray (*Raja clavata*) (RJC/2AC4-C) and spotted ray (*Raja montagui*) (RJM/2AC4-C) shall be reported separately.

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

⁽³⁾ Shall not apply to blonde ray (*Raja brachyura*) in Union waters of 2a and small-eyed ray (*Raja microocellata*) in Union waters of 2a and 4. When accidentally caught, these species shall not be harmed. Specimens shall be promptly released. Fishermen shall be encouraged to develop and use techniques and equipment to facilitate the rapid and safe release of the species.

⁽⁴⁾ Special condition: of which up to 10 % may be fished in Union waters of 7d (SRX/*07D2.), without prejudice to the prohibitions set out in Articles 16 and 52 for the areas specified therein. Catches of blonde ray (*Raja brachyura*) (RJH/*07D2.), cuckoo ray (*Leucoraja naevus*) (RJN/*07D2.), thornback ray (*Raja clavata*) (RJC/*07D2.) and spotted ray (*Raja montagui*) (RJM/*07D2.) shall be reported separately. This special condition shall not apply to small-eyed ray (*Raja microocellata*) and undulate ray (*Raja undulata*).

Species:	Skates and rays <i>Rajiformes</i>	Zone:	Union waters of 3a (SRX/03A-C.)
Denmark	37 ⁽¹⁾	Precautionary TAC	
Sweden	10 ⁽¹⁾		
Union	47 ⁽¹⁾		
TAC	47		

⁽¹⁾ Catches of cuckoo ray (*Leucoraja naevus*) (RJN/03A-C.), blonde ray (*Raja brachyura*) (RJH/03A-C.) and spotted ray (*Raja montagui*) (RJM/03A-C.) shall be reported separately.

Species:	Skates and rays <i>Rajiformes</i>	Zone:	Union waters of 6a, 6b, 7a-c and 7e-k (SRX/67AKXD)
Belgium	920 ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾	Precautionary TAC	
Estonia	5 ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾		
France	4 127 ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾		
Germany	12 ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾		
Ireland	1 329 ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾		
Lithuania	21 ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾		
The Netherlands	4 ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾		
Portugal	23 ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾		
Spain	1 111 ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾		
United Kingdom	2 632 ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾		
Union	10 184 ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾		
TAC	10 184 ⁽³⁾ ⁽⁴⁾		

⁽¹⁾ Catches of cuckoo ray (*Leucoraja naevus*) (RJN/67AKXD), thornback ray (*Raja clavata*) (RJC/67AKXD), blonde ray (*Raja brachyura*) (RJH/67AKXD), spotted ray (*Raja montagui*) (RJM/67AKXD), sandy ray (*Raja circularis*) (RJI/67AKXD) and shagreen ray (*Raja fullonica*) (RJF/67AKXD) shall be reported separately.

⁽²⁾ Special condition: of which up to 5 % may be fished in Union waters of 7d (SRX/*07D.), without prejudice to the prohibitions set out in Articles 16 and 52 for the areas specified therein. Catches of cuckoo ray (*Leucoraja naevus*) (RJN/*07D.), thornback ray (*Raja clavata*) (RJC/*07D.), blonde ray (*Raja brachyura*) (RJH/*07D.), spotted ray (*Raja montagui*) (RJM/*07D.), sandy ray (*Raja circularis*) (RJI/*07D.) and shagreen ray (*Raja fullonica*) (RJF/*07D.) shall be reported separately. This special condition shall not apply to small-eyed ray (*Raja microocellata*) and undulate ray (*Raja undulata*).

⁽³⁾ Shall not apply to small-eyed ray (*Raja microocellata*), except in Union waters of 7f and 7g. When accidentally caught, this species shall not be harmed. Specimens shall be promptly released. Fishermen shall be encouraged to develop and use techniques and equipment to facilitate the rapid and safe release of the species. Within the limits of the abovementioned quotas, no more than the quantities of small-eyed ray in Union waters of 7f and 7g (RJE/7FG.) provided below may be taken:

Species:	Small-eyed ray <i>Raja microocellata</i>	Zone:	Union waters of 7f and 7g (RJE/7FG.)
Belgium	17	Precautionary TAC	
Estonia	0		
France	79		
Germany	0		
Ireland	25		
Lithuania	0		
The Netherlands	0		
Portugal	0		
Spain	21		
United Kingdom	50		
Union	192		
TAC	192		

Special condition: of which up to 5 % may be fished in Union waters of 7d and reported under the following code: (RJE/*07D.). This special condition is without prejudice to the prohibitions set out in Articles 16 and 52 for the areas specified therein.

⁽⁴⁾ Shall not apply to undulate ray (*Raja undulata*).

Species:	Skates and rays <i>Rajiformes</i>	Zone:	Union waters of 7d (SRX/07D.)
Belgium	133 ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾	Precautionary TAC	
France	1 112 ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾		
The Netherlands	7 ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾		
United Kingdom	222 ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾		
Union	1 474 ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁴⁾		
TAC	1 474 ⁽⁴⁾		

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

⁽²⁾ Special condition: of which up to 5 % may be fished in Union waters of 6a, 6b, 7a-c and 7e-k (SRX/*67AKD). Catches of cuckoo ray (*Leucoraja naevus*) (RJN/*67AKD), thornback ray (*Raja clavata*) (RJC/*67AKD), blonde ray (*Raja brachyura*) (RJH/*67AKD) and spotted ray (*Raja montagui*) (RJM/*67AKD) shall be reported separately. This special condition shall not apply to small-eyed ray (*Raja microcellata*) and to undulate ray (*Raja undulata*).

⁽³⁾ Special condition: of which up to 10 % may be fished in Union waters of 2a and 4 (SRX/*2AC4C). Catches of blonde ray (*Raja brachyura*) in Union waters of 4 (RJH/*04-C.), cuckoo ray (*Leucoraja naevus*) (RJN/*2AC4C), thornback ray (*Raja clavata*) (RJC/*2AC4C) and spotted ray (*Raja montagui*) (RJM/*2AC4C) shall be reported separately. This special condition shall not apply to small-eyed ray (*Raja microcellata*).

⁽⁴⁾ Shall not apply to undulate ray (*Raja undulata*).

Species:	Undulate ray <i>Raja undulata</i>	Zone:	Union waters of 7d and 7e (RJU/7DE.)
Belgium	21 ⁽¹⁾	Precautionary TAC	
Estonia	0 ⁽¹⁾		
France	105 ⁽¹⁾		
Germany	0 ⁽¹⁾		
Ireland	27 ⁽¹⁾		
Lithuania	0 ⁽¹⁾		
The Netherlands	0 ⁽¹⁾		
Portugal	0 ⁽¹⁾		
Spain	23 ⁽¹⁾		
United Kingdom	58 ⁽¹⁾		
Union	234 ⁽¹⁾		
TAC	234 ⁽¹⁾		

⁽¹⁾ This species shall not be targeted in the areas covered by this TAC. This species may only be landed whole or gutted. This provision is without prejudice to the prohibitions set out in Articles 16 and 52 for the areas specified therein.

Species:	Skates and rays <i>Rajiformes</i>	Zone:	Union waters of 8 and 9 (SRX/89-C.)
Belgium	10 ⁽¹⁾ ⁽²⁾	Precautionary TAC	
France	1 805 ⁽¹⁾ ⁽²⁾		
Portugal	1 463 ⁽¹⁾ ⁽²⁾		
Spain	1 471 ⁽¹⁾ ⁽²⁾		
United Kingdom	10 ⁽¹⁾ ⁽²⁾		
Union	4 759 ⁽¹⁾ ⁽²⁾		
TAC	4 759 ⁽²⁾		

⁽¹⁾ Catches of cuckoo ray (*Leucoraja naevus*) (RJN/89-C.), blonde ray (*Raja brachyura*) (RJH/89-C.) and thornback ray (*Raja clavata*) (RJC/89-C.) shall be reported separately.

⁽²⁾ Shall not apply to undulate ray (*Raja undulata*). This species shall not be targeted in the areas covered by this TAC. In cases where it is not subject to the landing obligation, by-catch of undulate ray in subareas 8 and 9 may only be landed whole or gutted. The catches shall remain under the quotas shown in the table below. The above provisions are without prejudice to the prohibitions set out in Articles 16 and 52 for the areas specified therein. By-catches of undulate ray shall be reported separately under the codes indicated in the tables below. Within the limits of the abovementioned quotas, no more than the quantities of undulate ray given below may be taken:

Species:	Undulate ray <i>Raja undulata</i>	Zone:	Union waters of 8 (RJU/8-C.)
Belgium	0	Precautionary TAC	
France	13		
Portugal	10		
Spain	10		
United Kingdom	0		
Union	33		
TAC	33		

Species:	Undulate ray <i>Raja undulata</i>	Zone:	Union waters of 9 (RJU/9-C.)
Belgium	0	Precautionary TAC	
France	20		
Portugal	15		
Spain	15		
United Kingdom	0		
Union	50		
TAC	50		

Species:	Greenland halibut <i>Reinhardtius hippoglossoides</i>	Zone:	Union waters of 2a and 4; Union and international waters of 5b and 6 (GHL/2A-C46)
Denmark	14	Analytical TAC	
Germany	25		
Estonia	14		
Spain	14		
France	231		
Ireland	14		
Lithuania	14		
Poland	14		
United Kingdom	910		
Union	1 250		
Norway	1 250 ⁽¹⁾		
TAC	2 500		

⁽¹⁾ To be taken in Union waters of 2a and 6. In 6 this quantity may only be fished with long-lines (GHL/*2A6-C).

Species:	Mackerel <i>Scomber scombrus</i>	Zone:	3a and 4; Union waters of 2a, 3b, 3c and Subdivisions 22-32 (MAC/2A34.)
Belgium	581 ⁽¹⁾ ⁽²⁾	Analytical TAC	
Denmark	19 998 ⁽¹⁾ ⁽²⁾	Article 7(2) of this Regulation applies	
Germany	606 ⁽¹⁾ ⁽²⁾		
France	1 830 ⁽¹⁾ ⁽²⁾		
The Netherlands	1 842 ⁽¹⁾ ⁽²⁾		
Sweden	5 459 ⁽¹⁾ ⁽²⁾ ⁽³⁾		
United Kingdom	1 706 ⁽¹⁾ ⁽²⁾		
Union	32 022 ⁽¹⁾ ⁽²⁾		
Norway	191 059 ⁽⁴⁾		
TAC	922 064		

(1) Within the limits of the abovementioned quotas, no more than the quantities given below may also be taken in the two following zones:

	Norwegian waters of 2a (MAC/*02AN-)	Faroese waters (MAC/*FRO1)
Belgium	78	80
Denmark	2 695	2 756
Germany	82	84
France	247	252
The Netherlands	248	254
Sweden	736	753
United Kingdom	230	235
Union	4 316	4 414

(2) May also be taken in Norwegian waters of 4a (MAC/*4AN.).

(3) Special condition: including the following tonnage to be taken in Norwegian waters of 2a and 4a (MAC/*2A4AN):
271

When fishing under this special condition, by-catches of cod, haddock, pollack and whiting and saithe are to be counted against the quotas for those species.

(4) To be deducted from Norway's share of the TAC (access quota). This amount includes the following Norwegian share in the North Sea TAC:

55 397

This quota may be fished in 4a only (MAC/*04A.), except for the following amount, in tonnes, which may be fished in 3a (MAC/*03A.):
3 000

Special condition: within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zones:

	3a (MAC/*03A.)	3a and 4bc (MAC/*3A4BC)	4b (MAC/*04B.)	4c (MAC/*04C.)	6, international waters of 2a, from 1 January to 15 February and from 1 September to 31 December (MAC/*2A6.)
Denmark	0	4 130	0	0	11 999
France	0	490	0	0	0
The Netherlands	0	490	0	0	0
Sweden	0	0	390	10	3 113
United Kingdom	0	490	0	0	0
Norway	3 000	0	0	0	0

Species:	Mackerel <i>Scomber scombrus</i>	Zone:	6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14 (MAC/2CX14-)
Germany	23 416 ⁽¹⁾	Analytical TAC	
Spain	25 ⁽¹⁾	Article 7(2) of this Regulation applies	
Estonia	195 ⁽¹⁾		
France	15 612 ⁽¹⁾		
Ireland	78 052 ⁽¹⁾		
Latvia	144 ⁽¹⁾		
Lithuania	144 ⁽¹⁾		
The Netherlands	34 147 ⁽¹⁾		
Poland	1 649 ⁽¹⁾		
United Kingdom	214 647 ⁽¹⁾		
Union	368 031 ⁽¹⁾		
Norway	16 492 ⁽²⁾ ⁽³⁾		
Faroe Islands	34 856 ⁽⁴⁾		
TAC	922 064		

⁽¹⁾ Special condition: of which up to 25 % can be made available for exchanges to be fished by Spain, France and Portugal in 8c, 9 and 10 and Union waters of CECAF 34.1.1 (MAC/*8C910).

⁽²⁾ May be fished in 2a, 6a north of 56° 30' N, 4a, 7d, 7e, 7f and 7h (MAC/*AX7H).

⁽³⁾ The following additional amount of access quota, in tonnes, may be fished by Norway North of 56°30' N and counted against its catch limit (MAC/*N5630):
38 212

⁽⁴⁾ This amount shall be deducted from the Faroe Islands' catch limit (access quota). It may be fished only in 6a north of 56° 30' N (MAC/*6AN56). However, from 1 January to 15 February and from 1 October to 31 December this quota may also be fished in 2a, 4a north of 59° (EU zone) (MAC/*24N59).

Special condition: within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zones and periods:

	Union waters of 2a; Union and Norwegian waters of 4a. During the periods from 1 January to 15 February and from 1 September to 31 December	Norwegian waters of 2a	Faroese waters
	(MAC/*4A-EN)	(MAC/*2AN-)	(MAC/*FRO2)
Germany	14 132	1 904	1 948
France	9 422	1 268	1 299
Ireland	47 107	6 349	6 494
The Netherlands	20 609	2 776	2 841
United Kingdom	129 549	17 463	17 860
Union	220 819	29 760	30 442

Species:	Mackerel <i>Scomber scombrus</i>	Zone:	8c, 9 and 10; Union waters of CECAF 34.1.1 (MAC/8C3411)
Spain	34 708 ⁽¹⁾	Analytical TAC	
France	230 ⁽¹⁾	Article 7(2) of this Regulation applies	
Portugal	7 174 ⁽¹⁾		
Union	42 112		
TAC	922 064		

⁽¹⁾ Special condition: quantities subject to exchanges with other Member States may be taken in 8a, 8b and 8d (MAC/*8ABD.). However, the quantities provided by Spain, Portugal or France for exchange purposes and to be taken in 8a, 8b and 8d shall not exceed 25 % of the quotas of the donor Member State.

Special condition: within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zone:

	8b (MAC/*08B.)
Spain	2 915
France	19
Portugal	602

Species:	Mackerel <i>Scomber scombrus</i>	Zone:	Norwegian waters of 2a and 4a (MAC/2A4A-N)
Denmark	14 453	Analytical TAC	
Union	14 453		
TAC	Not relevant		

Species:	Common sole <i>Solea solea</i>	Zone:	3a; Union waters of Subdivisions 22-24 (SOL/3ABC24)
Denmark	447	Analytical TAC	
Germany	26 ⁽¹⁾	Article 7(2) of this Regulation applies	
The Netherlands	43 ⁽¹⁾		
Sweden	17		
Union	533		
TAC	533		

⁽¹⁾ Quota may be fished in Union waters of 3a, Subdivisions 22-24 only.

Species:	Common sole <i>Solea solea</i>	Zone:	Union waters of 2a and 4 (SOL/24-C.)
Belgium	1 461	Analytical TAC Article 7(2) of this Regulation applies	
Denmark	668		
Germany	1 169		
France	292		
The Netherlands	13 194		
United Kingdom	751		
Union	17 535		
Norway	10 ⁽¹⁾		
TAC	17 545		

⁽¹⁾ May be fished only in Union waters of 4 (SOL/*04-C.).

Species:	Common sole <i>Solea solea</i>	Zone:	6; Union and international waters of 5b; international waters of 12 and 14 (SOL/56-14)
Ireland	46	Precautionary TAC	
United Kingdom	11		
Union	57		
TAC	57		

Species:	Common sole <i>Solea solea</i>	Zone:	7a (SOL/07A.)
Belgium	213	Analytical TAC Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply	
France	3		
Ireland	77		
The Netherlands	68		
United Kingdom	96		
Union	457		
TAC	457		

Species:	Common sole <i>Solea solea</i>	Zone:	7b and 7c (SOL/7BC.)
France	6	Precautionary TAC	
Ireland	36		
Union	42		
TAC	42		
Species:	Common sole <i>Solea solea</i>	Zone:	7d (SOL/07D.)
Belgium	753	Precautionary TAC	
France	1 506	Article 7(2) of this Regulation applies	
United Kingdom	538		
Union	2 797		
TAC	2 797		
Species:	Common sole <i>Solea solea</i>	Zone:	7e (SOL/07E.)
Belgium	52	Analytical TAC	
France	556	Article 7(2) of this Regulation applies	
United Kingdom	870		
Union	1 478		
TAC	1 478		
Species:	Common sole <i>Solea solea</i>	Zone:	7f and 7g (SOL/7FG.)
Belgium	1 032	Analytical TAC	
France	103	Article 7(2) of this Regulation applies	
Ireland	52		
United Kingdom	465		
Union	1 652		
TAC	1 652		

Species:	Common sole <i>Solea solea</i>	Zone:	7h, 7j and 7k (SOL/7HJK.)
Belgium	27	Precautionary TAC	
France	55	Article 7(2) of this Regulation applies	
Ireland	148		
The Netherlands	44		
United Kingdom	55		
Union	329		
TAC	329		

Species:	Common sole <i>Solea solea</i>	Zone:	8a and 8b (SOL/8AB.)
Belgium	45	Analytical TAC	
Spain	8	Article 7(2) of this Regulation applies	
France	3 361		
The Netherlands	252		
Union	3 666		
TAC	3 666		

Species:	Sole <i>Solea</i> spp.	Zone:	8c, 8d, 8e, 9 and 10; Union waters of CECAF 34.1.1 (SOO/8CDE34)
Spain	323	Precautionary TAC	
Portugal	535		
Union	858		
TAC	858		

Species:	Sprat and associated by-catches <i>Sprattus sprattus</i>	Zone:	3a (SPR/03A.)
Denmark	8 920 ⁽¹⁾ ⁽²⁾	Analytical TAC	
Germany	19 ⁽¹⁾ ⁽²⁾		
Sweden	3 375 ⁽¹⁾ ⁽²⁾		
Union	12 314 ⁽¹⁾ ⁽²⁾		
TAC	13 312 ⁽²⁾		

⁽¹⁾ Up to 5 % of the quota may consist of by-catches of whiting and haddock (OTH/*03A.). By-catches of whiting and haddock counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9 % of the quota.

⁽²⁾ This quota may only be fished from 1 January 2020 to 30 June 2020. Transfers of this quota may be effected to Union waters of 2a and 4. However, such transfers shall be notified in advance to the Commission.

Species:	Sprat and associated by-catches <i>Sprattus sprattus</i>	Zone:	Union waters of 2a and 4 (SPR/2AC4-C)
Belgium	0 ⁽¹⁾ ⁽²⁾	Analytical TAC	
Denmark	0 ⁽¹⁾ ⁽²⁾		
Germany	0 ⁽¹⁾ ⁽²⁾		
France	0 ⁽¹⁾ ⁽²⁾		
The Netherlands	0 ⁽¹⁾ ⁽²⁾		
Sweden	0 ⁽¹⁾ ⁽²⁾ ⁽³⁾		
United Kingdom	0 ⁽¹⁾ ⁽²⁾		
Union	0 ⁽¹⁾ ⁽²⁾		
Norway	0 ⁽¹⁾		
Faroe Islands	0 ⁽¹⁾ ⁽⁴⁾		
TAC	0 ⁽¹⁾		

⁽¹⁾ The quota may only be fished from 1 July 2020 to 30 June 2021.

⁽²⁾ Up to 2 % of the quota may consist of by-catches of whiting (OTH/*2AC4C). By-catches of whiting counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9 % of the quota.

⁽³⁾ Including sandeel.

⁽⁴⁾ May contain up to 4 % of by-catch of herring.

Species:	Sprat <i>Sprattus sprattus</i>	Zone:	7d and 7e (SPR/7DE.)
Belgium	8	Precautionary TAC	
Denmark	489		
Germany	8		
France	105		
The Netherlands	105		
United Kingdom	791		
Union	1 506		
TAC	1 506		

Species:	Picked dogfish <i>Squalus acanthias</i>	Zone:	Union and international waters of 1, 5, 6, 7, 8, 12 and 14 (DGS/15X14)
Belgium	20 ⁽¹⁾	Precautionary TAC	
Germany	4 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Spain	10 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
France	83 ⁽¹⁾		
Ireland	53 ⁽¹⁾		
The Netherlands	0 ⁽¹⁾		
Portugal	0 ⁽¹⁾		
United Kingdom	100 ⁽¹⁾		
Union	270 ⁽¹⁾		
TAC	270 ⁽¹⁾		

⁽¹⁾ Picked dogfish shall not be targeted in the areas covered by this TAC. When accidentally caught in fisheries where picked dogfish is not subject to the landing obligation, specimens shall not be harmed and shall be released immediately, as required by Articles 16 and 52. By way of derogation from Article 16, a vessel engaged in the by-catch avoidance programme that has been positively assessed by the STECF may land not more than 2 tonnes per month of picked dogfish that is dead at the moment when the fishing gear is hauled on board. Member States participating in the by-catch avoidance programme shall ensure that the total annual landing of picked dogfish on the basis of this derogation does not exceed the above amounts. They shall communicate the list of participating vessels to the Commission before allowing any landings. Member States shall exchange information about avoidance areas.

Species:	Horse mackerel and associated by-catches <i>Trachurus</i> spp.	Zone:	Union waters of 4b, 4c and 7d (JAX/4BC7D)
		Precautionary TAC	
Belgium	12 ⁽¹⁾		
Denmark	5 311 ⁽¹⁾		
Germany	469 ⁽¹⁾ ⁽²⁾		
Spain	99 ⁽¹⁾		
France	441 ⁽¹⁾ ⁽²⁾		
Ireland	334 ⁽¹⁾		
The Netherlands	3 197 ⁽¹⁾ ⁽²⁾		
Portugal	11 ⁽¹⁾		
Sweden	75 ⁽¹⁾		
United Kingdom	1 264 ⁽¹⁾ ⁽²⁾		
Union	11 213		
Norway	2 550 ⁽³⁾		
TAC	13 763		

⁽¹⁾ Up to 5 % of the quota may consist of by-catches of boarfish, haddock, whiting and mackerel (OTH/*4BC7D). By-catches of boarfish, haddock, whiting and mackerel counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9 % of the quota.

⁽²⁾ Special condition: up to 5 % of this quota fished in division 7d may be accounted for as fished under the quota concerning the following zone: Union waters of 2a, 4a, 6, 7a-c, 7e-k, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 12 and 14 (JAX/*2A-14).

⁽³⁾ May be fished in Union waters of 4a but may not be fished in Union waters of 7d (JAX/*04-C.).

Species:	Horse mackerel and associated by-catches <i>Trachurus</i> spp.	Zone:	Union waters of 2a, 4a; 6, 7a-c, 7e-k, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 12 and 14 (JAX/2A-14)
Denmark	6 821 ⁽¹⁾ ⁽³⁾	Analytical TAC	
Germany	5 322 ⁽¹⁾ ⁽²⁾ ⁽³⁾		
Spain	7 260 ⁽³⁾ ⁽⁵⁾		
France	2 739 ⁽¹⁾ ⁽²⁾ ⁽³⁾ ⁽⁵⁾		
Ireland	17 726 ⁽¹⁾ ⁽³⁾		
The Netherlands	21 356 ⁽¹⁾ ⁽²⁾ ⁽³⁾		
Portugal	699 ⁽³⁾ ⁽⁵⁾		
Sweden	675 ⁽¹⁾ ⁽³⁾		
United Kingdom	6 419 ⁽¹⁾ ⁽²⁾ ⁽³⁾		
Union	69 017 ⁽³⁾		
Faroe Islands	1 600 ⁽⁴⁾		
TAC	70 617		

⁽¹⁾ Special condition: up to 5 % of this quota fished in Union waters of 2a or 4a before 30 June may be accounted for as fished under the quota concerning the zone of Union waters of 4b, 4c and 7d (JAX/*4BC7D).

⁽²⁾ Special condition: up to 5 % of this quota may be fished in 7d (JAX/*07D). Under this special condition, and in accordance with footnote (3), by-catches of boarfish and whiting shall be reported separately under the following code: (OTH/*07D).

⁽³⁾ Up to 5 % of the quota may consist of by-catches of boarfish, haddock, whiting and mackerel (OTH/*2A-14). By-catches of boarfish, haddock, whiting and mackerel counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9 % of the quota.

⁽⁴⁾ Limited to 4a, 6a (north of 56° 30' N only), 7e, 7f, 7h.

⁽⁵⁾ Special condition: up to 80 % of this quota may be fished in 8c (JAX/*08C2). Under this special condition, and in accordance with footnote (3), by-catches of boarfish and whiting shall be reported separately under the following code: (OTH/*08C2).

Species:	Horse mackerel <i>Trachurus</i> spp.	Zone:	8c (JAX/08C.)
Spain	10 015 ⁽¹⁾	Analytical TAC	
France	174		
Portugal	990 ⁽¹⁾		
Union	11 179		
TAC	11 179		

⁽¹⁾ Special condition: up to 10 % of this quota may be fished in 9 (JAX/*09.).

Species:	Horse mackerel <i>Trachurus</i> spp.	Zone:	9 (JAX/09.)
Spain	30 237 ⁽¹⁾	Analytical TAC	
Portugal	86 634 ⁽¹⁾	Article 7(2) of this Regulation applies	
Union	116 871		
TAC	116 871		

⁽¹⁾ Special condition: up to 10 % of this quota may be fished in 8c (JAX/*08C).

Species:	Horse mackerel <i>Trachurus</i> spp.	Zone:	10; Union waters of CECAF ⁽¹⁾ (JAX/X34PRT)
Portugal	To be established	Precautionary TAC	
Union	To be established ⁽²⁾	Article 6 of this Regulation applies	
TAC	To be established ⁽²⁾		

⁽¹⁾ Waters adjacent to the Azores.

⁽²⁾ Fixed at the same quantity as the quota of Portugal.

Species:	Horse mackerel <i>Trachurus</i> spp.	Zone:	Union waters of CECAF ⁽¹⁾ (JAX/341PRT)
Portugal	To be established	Precautionary TAC	
Union	To be established ⁽²⁾	Article 6 of this Regulation applies	
TAC	To be established ⁽²⁾		

⁽¹⁾ Waters adjacent to Madeira.

⁽²⁾ Fixed at the same quantity as the quota of Portugal.

Species:	Horse mackerel <i>Trachurus</i> spp.	Zone:	Union waters of CECAF ⁽¹⁾ (JAX/341SPN)
Spain	To be established	Precautionary TAC	
Union	To be established ⁽²⁾	Article 6 of this Regulation applies	
TAC	To be established ⁽²⁾		

⁽¹⁾ Waters adjacent to the Canary Islands.

⁽²⁾ Fixed at the same quantity as the quota of Spain.

Species:	Norway pout and associated by-catches <i>Trisopterus esmarkii</i>		Zone:	3a; Union waters of 2a and 4 (NOP/2A3A4.)
Year	2019	2020		
Denmark	54 949 ⁽¹⁾ ⁽³⁾	64 940 ⁽¹⁾ ⁽⁶⁾		Analytical TAC
Germany	11 ⁽¹⁾ ⁽²⁾ ⁽³⁾	12 ⁽¹⁾ ⁽²⁾ ⁽⁶⁾		Article 3 of Regulation (EC) No 847/96 shall not apply
The Netherlands	40 ⁽¹⁾ ⁽²⁾ ⁽³⁾	48 ⁽¹⁾ ⁽²⁾ ⁽⁶⁾		Article 4 of Regulation (EC) No 847/96 shall not apply
Union	55 000 ⁽¹⁾ ⁽³⁾	65 000 ⁽¹⁾ ⁽⁶⁾		
Norway	14 500 ⁽⁴⁾	14 500 ⁽⁴⁾		
Faroe Islands	5 000 ⁽⁵⁾	5 000 ⁽⁵⁾		
TAC	Not relevant	Not relevant		

⁽¹⁾ Up to 5 % of the quota may consist of by-catches of haddock and whiting (OT2/*2A3A4). By-catches of haddock and whiting counted against the quota pursuant to this provision and by-catches of species counted against the quota pursuant to Article 15(8) of Regulation (EU) No 1380/2013 shall, together, not exceed 9 % of the quota.

⁽²⁾ Quota may be fished in Union waters of ICES zones 2a, 3a and 4 only.

⁽³⁾ Union quota may only be fished from 1 November 2018 to 31 October 2019.

⁽⁴⁾ A sorting grid shall be used.

⁽⁵⁾ A sorting grid shall be used. Includes a maximum of 15 % of unavoidable by-catches (NOP/*2A3A4), to be counted against this quota.

⁽⁶⁾ Union quota may only be fished from 1 November 2019 to 31 October 2020.

Species:	Industrial fish		Zone:	Norwegian waters of 4 (I/F/04-N.)
Sweden	800 ⁽¹⁾ ⁽²⁾			Precautionary TAC
Union	800			
TAC	Not relevant			

⁽¹⁾ By-catches of cod, haddock, pollack, whiting and saithe to be counted against the quotas for these species.

⁽²⁾ Special condition: of which no more than the following amount of horse mackerel (JAX/*04-N.):
400

Species:	Other species		Zone:	Union waters of 5b, 6 and 7 (OTH/5B67-C)
Union	Not relevant			Precautionary TAC
Norway	280 ⁽¹⁾			
TAC	Not relevant			

⁽¹⁾ Taken with long-lines only.

Species:	Other species	Zone:	Norwegian waters of 4 (OTH/04-N.)
		Precautionary TAC	
Belgium	60		
Denmark	5 500		
Germany	620		
France	255		
The Netherlands	440		
Sweden	Not relevant ⁽¹⁾		
United Kingdom	4 125		
Union	11 000 ⁽²⁾		
TAC	Not relevant		

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

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

Species:	Other species	Zone:	Union waters of 2a, 4 and 6a north of 56° 30' N (OTH/2A46AN)
		Precautionary TAC	
Union	Not relevant		
Norway	6 750 ⁽¹⁾ ⁽²⁾		
Faroe Islands	150 ⁽³⁾		
TAC	Not relevant		

⁽¹⁾ Limited to 2a and 4 (OTH/*2A4-C).

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

⁽³⁾ To be fished in 4 and 6a north of 56°30' N (OTH/*46AN).

Appendix

The TACs referred to in Article 8(4) are the following:

For Belgium: common sole in 7a; common sole in 7f and 7g; common sole in 7e; common sole in 8a and 8b; megrims in 7, haddock in 7b-k, 8, 9 and 10; Union waters of CECAF 34.1.1; Norway lobster in 7; cod in 7a; plaice in 7f and 7g; plaice in 7h, 7j and 7k; Skates and Rays in 6a, 6b, 7a-c and 7e-k.

For France: mackerel in 3a and 4; Union waters of 2a, 3b, 3c and Subdivisions 22-32; herring in 4, 7d and Union waters of 2a; horse mackerel in Union waters of 4b, 4c and 7d; whiting in 7b-k; haddock in 7b-k, 8, 9 and 10; Union waters of CECAF 34.1.1; common sole in 7f and 7g; whiting in 8; red seabream in Union and international waters of 6, 7 and 8; boarfish in Union and international waters of 6, 7 and 8; mackerel in 6, 7, 8a, 8b, 8d and 8e; Union and international waters of 5b; international waters of 2a, 12 and 14; skates and rays in Union waters of 6a, 6b, 7a-c and 7e-k, skates and rays in Union waters of 7d, skates and rays in Union waters of 8 and 9; undulate ray in Union waters of 7d and 7e.

For Ireland: anglerfish in 6; Union and international waters of 5b; international waters of 12 and 14; anglerfish in 7; Norway lobster in Functional Unit 16 of ICES Subarea 7.

For the United Kingdom: in exchange for the West of Scotland cod and whiting: cod in 6b; Union and international waters of 5b west of 12° 00' W and of 12 and 14; whiting in 6; Union and international waters of 5b; international waters of 12 and 14; and in exchange for the Celtic Sea cod, Irish Sea whiting and plaice in 7h, 7j and 7k: cod in 7b, 7c, 7e-k, 8, 9 and 10; Union waters; haddock in 7b-k, 8, 9 and 10; Union waters of CECAF 34.1.1; sole in 7h, 7j and 7k; sole in 7e; plaice in 7h, 7j and 7k.

ANNEX IB

NORTH EAST ATLANTIC AND GREENLAND, ICES SUBAREAS 1, 2, 5, 12 AND 14 AND GREENLAND
WATERS OF NAFO 1

Species:	Herring <i>Clupea harengus</i>	Zone:	Union, Faroese, Norwegian and international waters of 1 and 2 (HER/1/2-)
Belgium	12 ⁽¹⁾	Analytical TAC	
Denmark	11 724 ⁽¹⁾		
Germany	2 053 ⁽¹⁾		
Spain	39 ⁽¹⁾		
France	506 ⁽¹⁾		
Ireland	3 035 ⁽¹⁾		
The Netherlands	4 195 ⁽¹⁾		
Poland	593 ⁽¹⁾		
Portugal	39 ⁽¹⁾		
Finland	181 ⁽¹⁾		
Sweden	4 344 ⁽¹⁾		
United Kingdom	7 495 ⁽¹⁾		
Union	34 216 ⁽¹⁾		
Faroe Islands	7 000 ⁽²⁾ ⁽³⁾		
Norway	30 794 ⁽²⁾ ⁽⁴⁾		
TAC	525 594		

⁽¹⁾ When reporting catches to the Commission, the quantities fished in each of the following areas shall also be reported: NEAFC Regulatory Area and Union waters.

⁽²⁾ May be fished in Union waters north of 62° N.

⁽³⁾ To be counted against the catch limits of the Faroe Islands.

⁽⁴⁾ To be counted against the catch limits of Norway.

Special condition: within the limits of the abovementioned quotas, no more than the quantities given below may be taken in the following zones:

Norwegian waters north of 62° N and
the fishery zone around Jan Mayen
(HER/*2AJMN)

30 794

2, 5b north of 62° N (Faroese waters)
(HER/*25B-F)

Belgium	2
Denmark	2 400
Germany	420
Spain	8
France	103
Ireland	621
The Netherlands	858
Poland	121
Portugal	8
Finland	37
Sweden	889
United Kingdom	1 533

Species:	Cod <i>Gadus morhua</i>	Zone:	Norwegian waters of 1 and 2 (COD/1N2AB.)
Germany	2 600	Analytical TAC	
Greece	322	Article 3 of Regulation (EC) No 847/96 shall not apply	
Spain	2 900	Article 4 of Regulation (EC) No 847/96 shall not apply	
Ireland	322		
France	2 387		
Portugal	2 900		
United Kingdom	10 087		
Union	21 518		
TAC	Not relevant		

Species:	Cod <i>Gadus morhua</i>	Zone:	Greenland waters of NAFO 1F and Greenland waters of 5, 12 and 14 (COD/N1GL14)
Germany	1 595 ⁽¹⁾	Analytical TAC	
United Kingdom	355 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Union	1 950 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
TAC	Not relevant		

⁽¹⁾ Except for by-catches, the following conditions shall apply to these quotas:

1. They may not be fished between 1 April and 31 May.
2. EU vessels may choose to fish in either or both of the following areas:

Reporting code	Geographical limits
COD/GRL1	The part of the Greenlandic fishing zone that lies within NAFO subarea 1F West of 44° 00' W and South of 60° 45' N, the portion of NAFO subarea 1 that lies south of the parallel of 60° 45' north latitude (Cape Desolation) and the part of the Greenlandic fishing zone within ICES division 14b that lies East of 44° 00' W and South of 62° 30' N.
COD/GRL2	The part of the Greenlandic fishing area that lies within ICES division 14b North of 62° 30' N.

Species:	Cod <i>Gadus morhua</i>	Zone:	1 and 2b (COD/1/2B.)
Germany	5 038 ⁽³⁾	Analytical TAC	
Spain	11 688 ⁽³⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
France	2 255 ⁽³⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
Poland	2 244 ⁽³⁾		
Portugal	2 418 ⁽³⁾		
United Kingdom	3 286 ⁽³⁾		
Other Member States	366 ⁽¹⁾ ⁽³⁾		
Union	27 295 ⁽²⁾ ⁽³⁾		
TAC	Not relevant		

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

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

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

Species:	Cod and haddock <i>Gadus morhua</i> and <i>Melanogrammus aeglefinus</i>	Zone:	Faroese waters of 5b (C/H/05B-F.)
Germany	18	Analytical TAC	
France	106	Article 3 of Regulation (EC) No 847/96 shall not apply	
United Kingdom	761	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	885		
TAC	Not relevant		

Species:	Grenadiers <i>Macrourus</i> spp.	Zone:	Greenland waters of 5 and 14 (GRV/514GRN)
Union	75 ⁽¹⁾	Analytical TAC	
TAC	Not relevant ⁽²⁾	Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply	

⁽¹⁾ Special condition: roundnose grenadier (*Coryphaenoides rupestris*) (RNG/514GRN) and roughhead grenadier (*Macrourus berglax*) (RHG/514GRN) shall not be targeted. They shall only be taken as by-catch and shall be reported separately.

⁽²⁾ The amount below, in tonnes, is allocated to Norway. Special condition for this amount: roundnose grenadier (*Coryphaenoides rupestris*) (RNG/514GRN) and roughhead grenadier (*Macrourus berglax*) (RHG/514GRN) shall not be targeted. They shall only be taken as by-catch and shall be reported separately.

25

Species:	Grenadiers <i>Macrourus</i> spp.	Zone:	Greenland waters of NAFO 1 (GRV/N1GRN.)
Union	60 ⁽¹⁾	Analytical TAC	
TAC	Not relevant ⁽²⁾	Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply	

⁽¹⁾ Special condition: roundnose grenadier (*Coryphaenoides rupestris*) (RNG/N1GRN.) and roughhead grenadier (*Macrourus berglax*) (RHG/N1GRN.) shall not be targeted. They shall only be taken as by-catch and shall be reported separately.

⁽²⁾ The amount below, in tonnes, is allocated to Norway. Special condition for this amount: roundnose grenadier (*Coryphaenoides rupestris*) (RNG/N1GRN.) and roughhead grenadier (*Macrourus berglax*) (RHG/N1GRN.) shall not be targeted. They shall only be taken as by-catch and shall be reported separately.

40

Species:	Capelin <i>Mallotus villosus</i>	Zone:	2b (CAP/02B.)
Union	0	Analytical TAC	
TAC	0		

Species:	Capelin <i>Mallotus villosus</i>	Zone:	Greenland waters of 5 and 14 (CAP/514GRN)
Denmark	0	Analytical TAC	
Germany	0	Article 3 of Regulation (EC) No 847/96 shall not apply	
Sweden	0	Article 4 of Regulation (EC) No 847/96 shall not apply	
United Kingdom	0		
All Member States	0 ⁽¹⁾		
Union	0 ⁽²⁾		
Norway	0 ⁽²⁾		
TAC	Not relevant		

⁽¹⁾ Denmark, Germany, Sweden and the United Kingdom may access the 'All Member States' quota only once they have exhausted their own quota. However, Member States with more than 10 % of the Union quota shall not access the 'All Member States' quota at all.

⁽²⁾ For a fishing period from 20 June 2019 to 30 April 2020.

Species:	Haddock <i>Melanogrammus aeglefinus</i>	Zone:	Norwegian waters of 1 and 2 (HAD/1N2AB.)
Germany	236	Analytical TAC	
France	142	Article 3 of Regulation (EC) No 847/96 shall not apply	
United Kingdom	722	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	1 100		
TAC	Not relevant		

Species:	Blue whiting <i>Micromesistius poutassou</i>	Zone:	Faroese waters (WHB/2A4AXF)
Denmark	1 100	Analytical TAC	
Germany	75	Article 3 of Regulation (EC) No 847/96 shall not apply	
France	120	Article 4 of Regulation (EC) No 847/96 shall not apply	
The Netherlands	105		
United Kingdom	1 100		
Union	2 500 ⁽¹⁾		
TAC	Not relevant		

⁽¹⁾ Catches of blue whiting may include unavoidable by-catches of greater silver smelt.

Species:	Ling and blue ling <i>Molva molva</i> and <i>molva dypterygia</i>	Zone:	Faroese waters of 5b (B/L/05B-F.)
Germany	552	Analytical TAC	
France	1 225	Article 3 of Regulation (EC) No 847/96 shall not apply	
United Kingdom	108	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	1 885 ⁽¹⁾		
TAC	Not relevant		

⁽¹⁾ By-catches of roundnose grenadier and black scabbardfish may be counted against this quota, up to the following limit (OTH/*05B-F):
665

Species:	Northern prawn <i>Pandalus borealis</i>	Zone:	Greenland waters of 5 and 14 (PRA/514GRN)
Denmark	1 000	Analytical TAC	
France	1 000	Article 3 of Regulation (EC) No 847/96 shall not apply	
Union	2 000	Article 4 of Regulation (EC) No 847/96 shall not apply	
Norway	1 200		
Faroe Islands	1 200		
TAC	Not relevant		

Species:	Northern prawn <i>Pandalus borealis</i>	Zone:	Greenland waters of NAFO 1 (PRA/N1GRN.)
Denmark	1 400	Analytical TAC	
France	1 400	Article 3 of Regulation (EC) No 847/96 shall not apply	
Union	2 800	Article 4 of Regulation (EC) No 847/96 shall not apply	
TAC	Not relevant		

Species:	Saithe <i>Pollachius virens</i>	Zone:	Norwegian waters of 1 and 2 (POK/1N2AB.)
Germany	2 040	Analytical TAC	
France	328	Article 3 of Regulation (EC) No 847/96 shall not apply	
United Kingdom	182	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	2 550		
TAC	Not relevant		

Species:	Saithe <i>Pollachius virens</i>	Zone:	International waters of 1 and 2 (POK/1/2INT)
Union	0	Analytical TAC	
TAC	Not relevant		

Species:	Saithe <i>Pollachius virens</i>	Zone:	Faroese waters of 5b (POK/05B-F.)
Belgium	52	Analytical TAC	
Germany	322	Article 3 of Regulation (EC) No 847/96 shall not apply	
France	1 571	Article 4 of Regulation (EC) No 847/96 shall not apply	
The Netherlands	52		
United Kingdom	603		
Union	2 600		
TAC	Not relevant		

Species:	Greenland halibut <i>Reinhardtius hippoglossoides</i>	Zone:	Norwegian waters of 1 and 2 (GHL/1N2AB.)
Germany	25 ⁽¹⁾	Analytical TAC	
United Kingdom	25 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Union	50 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
TAC	Not relevant		

⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.

Species:	Greenland halibut <i>Reinhardtius hippoglossoides</i>	Zone:	International waters of 1 and 2 (GHL/1/2INT)
Union	1 800 ⁽¹⁾	Precautionary TAC	
TAC	Not relevant		

⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.

Species:	Greenland halibut <i>Reinhardtius hippoglossoides</i>	Zone:	Greenland waters of NAFO 1 (GHL/N1GRN.)
Germany	1 925 ⁽¹⁾	Analytical TAC	
Union	1 925 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Norway	575 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
TAC	Not relevant		

⁽¹⁾ To be fished south of 68° N.

Species:	Greenland halibut <i>Reinhardtius hippoglossoides</i>	Zone:	Greenland waters of 5, 12 and 14 (GHL/5-14GL)
Germany	4 289	Analytical TAC	
United Kingdom	226	Article 3 of Regulation (EC) No 847/96 shall not apply	
Union	4 515 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
Norway	575		
Faroe Islands	110		
TAC	Not relevant		

(¹) To be fished by no more than 6 vessels at the same time.

Species:	Redfish (shallow pelagic) <i>Sebastes</i> spp.	Zone:	Union and international waters of 5; international waters of 12 and 14 (RED/51214S)
Estonia	0	Analytical TAC	
Germany	0	Article 3 of Regulation (EC) No 847/96 shall not apply	
Spain	0	Article 4 of Regulation (EC) No 847/96 shall not apply	
France	0		
Ireland	0		
Latvia	0		
The Netherlands	0		
Poland	0		
Portugal	0		
United Kingdom	0		
Union	0		
TAC	0		

Species:	Redfish (deep pelagic) <i>Sebastes</i> spp.	Zone:	Union and international waters of 5; international waters of 12 and 14 (RED/51214D)
Estonia	26 ⁽¹⁾ ⁽²⁾	Analytical TAC	
Germany	519 ⁽¹⁾ ⁽²⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Spain	91 ⁽¹⁾ ⁽²⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
France	48 ⁽¹⁾ ⁽²⁾		
Ireland	0 ⁽¹⁾ ⁽²⁾		
Latvia	9 ⁽¹⁾ ⁽²⁾		
The Netherlands	0 ⁽¹⁾ ⁽²⁾		
Poland	47 ⁽¹⁾ ⁽²⁾		
Portugal	109 ⁽¹⁾ ⁽²⁾		
United Kingdom	1 ⁽¹⁾ ⁽²⁾		
Union	850 ⁽¹⁾ ⁽²⁾		
TAC	5 500 ⁽¹⁾ ⁽²⁾		

⁽¹⁾ May only be taken within the area bounded by the lines joining the following coordinates:

Point	Latitude	Longitude
1	64° 45' N	28° 30' W
2	62° 50' N	25° 45' W
3	61° 55' N	26° 45' W
4	61° 00' N	26° 30' W
5	59° 00' N	30° 00' W
6	59° 00' N	34° 00' W
7	61° 30' N	34° 00' W
8	62° 50' N	36° 00' W
9	64° 45' N	28° 30' W

⁽²⁾ May only be taken from 10 May to 31 December.

Species:	Redfish <i>Sebastes mentella</i>	Zone:	Norwegian waters of 1 and 2 (REB/1N2AB.)
Germany	766	Analytical TAC	
Spain	95	Article 3 of Regulation (EC) No 847/96 shall not apply	
France	84	Article 4 of Regulation (EC) No 847/96 shall not apply	
Portugal	405		
United Kingdom	150		
Union	1 500		
TAC	Not relevant		

Species:	Redfish <i>Sebastes</i> spp.	Zone:	International waters of 1 and 2 (RED/1/2INT)
Union	to be established ⁽¹⁾ ⁽²⁾	Analytical TAC	Article 3 of Regulation (EC) No 847/96 shall not apply
TAC	13 686 ⁽³⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	

⁽¹⁾ The fishery will be closed when the TAC is fully used by NEAFC Contracting Parties. From the closure date, Member States shall prohibit directed fishery for redfish by vessels flying their flag.

⁽²⁾ Vessels shall limit their by-catches of redfish in other fisheries to a maximum of 1 % of the total catch retained on board.

⁽³⁾ Provisional catch limit to cover catches of all NEAFC contracting parties.

Species:	Redfish (pelagic) <i>Sebastes</i> spp.	Zone:	Greenland waters of NAFO 1F and Greenland waters of 5, 12 and 14 (RED/N1G14P)
Germany	655 ⁽¹⁾ ⁽²⁾ ⁽³⁾	Analytical TAC	
France	3 ⁽¹⁾ ⁽²⁾ ⁽³⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
United Kingdom	5 ⁽¹⁾ ⁽²⁾ ⁽³⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	663 ⁽¹⁾ ⁽²⁾ ⁽³⁾		
Norway	561 ⁽¹⁾ ⁽²⁾		
Faroe Islands	0 ⁽¹⁾ ⁽²⁾ ⁽⁴⁾		
TAC	Not relevant		

⁽¹⁾ May only be fished from 10 May to 31 December.

⁽²⁾ May only be fished in Greenland waters within the Redfish Conservation Area bounded by the lines joining the following coordinates:

Point	Latitude	Longitude
1	64° 45' N	28° 30' W
2	62° 50' N	25° 45' W
3	61° 55' N	26° 45' W
4	61° 00' N	26° 30' W
5	59° 00' N	30° 00' W
6	59° 00' N	34° 00' W
7	61° 30' N	34° 00' W
8	62° 50' N	36° 00' W
9	64° 45' N	28° 30' W

⁽³⁾ Special condition: this quota may also be fished in international waters of the Redfish Conservation Area mentioned above (RED/*5-14P).

⁽⁴⁾ May only be fished in Greenland Waters of 5 and 14 (RED/*514GN).

Species:	Redfish (demersal) <i>Sebastes</i> spp.	Zone:	Greenland waters of NAFO 1F and Greenland waters of 5 and 14 (RED/N1G14D)
Germany	1 976 ⁽¹⁾	Analytical TAC	
France	10 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
United Kingdom	14 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	2 000 ⁽¹⁾		
TAC	Not relevant		

⁽¹⁾ May only be fished by trawl, and only North and West of the line defined by the following coordinates:

Point	Latitude	Longitude
1	59° 15' N	54° 26' W
2	59° 15' N	44° 00' W
3	59° 30' N	42° 45' W
4	60° 00' N	42° 00' W
5	62° 00' N	40° 30' W
6	62° 00' N	40° 00' W
7	62° 40' N	40° 15' W
8	63° 09' N	39° 40' W
9	63° 30' N	37° 15' W
10	64° 20' N	35° 00' W
11	65° 15' N	32° 30' W
12	65° 15' N	29° 50' W

Species:	Redfish <i>Sebastes</i> spp.	Zone:	Faroese waters of 5b (RED/05B-F.)
Belgium	1	Analytical TAC	
Germany	92	Article 3 of Regulation (EC) No 847/96 shall not apply	
France	6	Article 4 of Regulation (EC) No 847/96 shall not apply	
United Kingdom	1		
Union	100		
TAC	Not relevant		

Species:	Other species	Zone:	Norwegian waters of 1 and 2 (OTH/1N2AB.)
Germany	117 ⁽¹⁾	Analytical TAC	
France	47 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
United Kingdom	186 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	350 ⁽¹⁾		
TAC	Not relevant		

⁽¹⁾ Exclusively for by-catches. No directed fisheries are permitted under this quota.

Species:	Other species ⁽¹⁾	Zone:	Faroese waters of 5b (OTH/05B-F.)
Germany	281	Analytical TAC	
France	253	Article 3 of Regulation (EC) No 847/96 shall not apply	
United Kingdom	166	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	700		
TAC	Not relevant		

⁽¹⁾ Excluding fish species of no commercial value.

Species:	Flatfish	Zone:	Faroese waters of 5b (FLX/05B-F.)
Germany	9	Analytical TAC	
France	7	Article 3 of Regulation (EC) No 847/96 shall not apply	
United Kingdom	34	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	50		
TAC	Not relevant		

Species:	By-catches ⁽¹⁾	Zone:	Greenland waters (B-C/GRL)
Union	800	Precautionary TAC	
		Article 3 of Regulation (EC) No 847/96 shall not apply	
TAC	Not relevant	Article 4 of Regulation (EC) No 847/96 shall not apply	

⁽¹⁾ By-catches of grenadiers (*Macrourus* spp.) shall be reported in line with the following fishing opportunities tables: grenadiers in Greenland waters of 5 and 14 (GRV/514GRN) and grenadiers in Greenland waters of NAFO 1 (GRV/N1GRN.)

ANNEX IC

NORTH WEST ATLANTIC – NAFO CONVENTION AREA

Species:	Cod <i>Gadus morhua</i>	Zone:	NAFO 2J3KL (COD/N2J3KL)
Union	0 ⁽¹⁾	Analytical TAC	
TAC	0 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply	

⁽¹⁾ No directed fisheries are permitted under this quota. This species shall only be taken as by-catch within the following limits: a maximum of 1 250 kg or 5 %, whichever is greater.

Species:	Cod <i>Gadus morhua</i>	Zone:	NAFO 3NO (COD/N3NO.)
Union	0 ⁽¹⁾	Analytical TAC	
TAC	0 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply	

⁽¹⁾ No directed fisheries are permitted under this quota. This species shall only be taken as by-catch within the limits of a maximum of 1 000 kg or 4 %, whichever is greater.

Species:	Cod <i>Gadus morhua</i>	Zone:	NAFO 3M (COD/N3M.)
Estonia	95	Analytical TAC	
Germany	397	Article 3 of Regulation (EC) No 847/96 shall not apply	
Latvia	95	Article 4 of Regulation (EC) No 847/96 shall not apply	
Lithuania	95		
Poland	324		
Spain	1 221		
France	170		
Portugal	1 673		
United Kingdom	795		
Union	4 865		
TAC	8 531		

Species:	Witch flounder <i>Glyptocephalus cynoglossus</i>	Zone:	NAFO 3L (WIT/N3L.)
Union	0 ⁽¹⁾	Analytical TAC	
TAC	0 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply	

⁽¹⁾ No directed fisheries are permitted under this quota. This species shall only be taken as by-catch within the following limits: a maximum of 1 250 kg or 5 %, whichever is greater.

Species:	Witch flounder <i>Glyptocephalus cynoglossus</i>	Zone:	NAFO 3NO (WIT/N3NO.)
Estonia	52	Analytical TAC	
Latvia	52	Article 3 of Regulation (EC) No 847/96 shall not apply	
Lithuania	52	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	156		
TAC	1 175		

Species:	American plaice <i>Hippoglossoides platessoides</i>	Zone:	NAFO 3M (PLA/N3M.)
Union	0 ⁽¹⁾	Analytical TAC	
TAC	0 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply	

⁽¹⁾ No directed fisheries are permitted under this quota. This species shall only be taken as by-catch within the following limits: a maximum of 1 250 kg or 5 %, whichever is greater.

Species:	American plaice <i>Hippoglossoides platessoides</i>	Zone:	NAFO 3LNO (PLA/N3LNO.)
Union	0 ⁽¹⁾	Analytical TAC	
TAC	0 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply	

⁽¹⁾ No directed fisheries are permitted under this quota. This species shall only be taken as by-catch within the following limits: a maximum of 1 250 kg or 5 %, whichever is greater.

Species:	Shortfin squid <i>Illex illecebrosus</i>	Zone:	NAFO Subareas 3 and 4 (SQI/N34.)
Estonia	128 ⁽¹⁾	Analytical TAC	
Latvia	128 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Lithuania	128 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
Poland	227 ⁽¹⁾		
Union	Not relevant ⁽¹⁾ ⁽²⁾		
TAC	34 000		

⁽¹⁾ To be fished between 1 July and 31 December 2020.

⁽²⁾ No specified Union's share. The amount specified below, in tonnes, is available to Canada and the Member States of the Union except Estonia, Latvia, Lithuania and Poland:
29 467

Species:	Yellowtail flounder <i>Limanda ferruginea</i>	Zone:	NAFO 3LNO (YEL/N3LNO.)
Union	0 ⁽¹⁾	Analytical TAC	
TAC	17 000	Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply	

⁽¹⁾ No directed fisheries are permitted under this quota. This species shall only be taken as by-catch within the following limits: a maximum of 2 500 kg or 10 %, whichever is greater. However, when the yellowtail flounder quota assigned by NAFO to Contracting Parties without a specific share of the stock is exhausted, by-catch limits shall be: a maximum of 1 250 kg or 5 %, whichever is greater.

Species:	Capelin <i>Mallotus villosus</i>	Zone:	NAFO 3NO (CAP/N3NO.)
Union	0 ⁽¹⁾	Analytical TAC	
TAC	0 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply	

⁽¹⁾ No directed fisheries are permitted under this quota. This species shall only be taken as by-catch within the following limits: a maximum of 1 250 kg or 5 %, whichever is greater.

Species:	Northern prawn <i>Pandalus borealis</i>	Zone:	NAFO 3LNO ⁽¹⁾ ⁽²⁾ (PRA/N3LNO.)
Estonia	0 ⁽³⁾	Analytical TAC	
Latvia	0 ⁽³⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Lithuania	0 ⁽³⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
Poland	0 ⁽³⁾		
Spain	0 ⁽³⁾		
Portugal	0 ⁽³⁾		
Union	0 ⁽³⁾		
TAC	0 ⁽³⁾		

⁽¹⁾ Not including the box bounded by the following coordinates:

Point No	Latitude N	Longitude W
1	47° 20' 0	46° 40' 0
2	47° 20' 0	46° 30' 0
3	46° 00' 0	46° 30' 0
4	46° 00' 0	46° 40' 0

⁽²⁾ Fishing is prohibited at a depth less than 200 metres in the area West of a line bound by the following coordinates:

Point No	Latitude N	Longitude W
1	46° 00' 0	47° 49' 0
2	46° 25' 0	47° 27' 0
3	46 °42' 0	47° 25' 0
4	46° 48' 0	47° 25' 50
5	47° 16' 50	47° 43' 50

⁽³⁾ No directed fisheries are permitted under this quota. This species shall only be taken as by-catch within the following limits: a maximum of 1 250 kg or 5 %, whichever is greater.

Species:	Northern prawn <i>Pandalus borealis</i>	Zone:	NAFO 3M ⁽¹⁾ (PRA/*N3M.)
TAC	Not relevant ⁽²⁾	Analytical TAC	

⁽¹⁾ Vessels may also fish this stock in Division 3L in the box bounded by the following coordinates:

Point No	Latitude N	Longitude W
1	47° 20' 0	46° 40' 0
2	47° 20' 0	46° 30' 0
3	46° 00' 0	46° 30' 0
4	46° 00' 0	46° 40' 0

Moreover, fishing for shrimp is prohibited from 1 June to 31 December in the area bounded by the following coordinates:

Point No	Latitude N	Longitude W
1	47° 55' 0	45° 00' 0
2	47° 30' 0	44° 15' 0
3	46° 55' 0	44° 15' 0
4	46° 35' 0	44° 30' 0
5	46° 35' 0	45° 40' 0
6	47° 30' 0	45° 40' 0
7	47° 55' 0	45° 00' 0

⁽²⁾ Not relevant. Fishery managed by limitations in fishing effort (EFF/*N3M.). The Member States concerned shall issue fishing authorisations for their fishing vessels engaging in this fishery and shall notify those authorisations to the Commission prior to the commencement of the vessel's activity, in accordance with Regulation (EC) No 1224/2009.

Member State	Maximum number of fishing days
Denmark	33
Estonia	391 ^(*)
Spain	64
Latvia	123
Lithuania	145
Poland	25
Portugal	17

^(*) The NAFO Commission agreed at its 2019 Annual Meeting that the European Union (Estonia) will transfer 25 fishing days of its fishing days allocation for 2020 to France, in respect of St Pierre et Miquelon. Those 25 fishing days have been deducted from Estonia's number of fishing days, which would otherwise have been 416 days, under this interim regime for 2020 that will not create any catch history.

Species:	Greenland halibut <i>Reinhardtius hippoglossoides</i>	Zone:	NAFO 3LMNO (GHL/N3LMNO)
Estonia	340	Analytical TAC	
Germany	347	Article 3 of Regulation (EC) No 847/96 shall not apply	
Latvia	48	Article 4 of Regulation (EC) No 847/96 shall not apply	
Lithuania	24		
Spain	4 650		
Portugal	1 944		
Union	7 353		
TAC	12 542		

Species:	Skate <i>Rajidae</i>	Zone:	NAFO 3LNO (SKA/N3LNO.)
Estonia	283	Analytical TAC	
Lithuania	62	Article 3 of Regulation (EC) No 847/96 shall not apply	
Spain	3 403	Article 4 of Regulation (EC) No 847/96 shall not apply	
Portugal	660		
Union	4 408		
TAC	7 000		

Species:	Redfish <i>Sebastes spp.</i>	Zone:	NAFO 3LN (RED/N3LN.)
Estonia	895	Analytical TAC	
Germany	615	Article 3 of Regulation (EC) No 847/96 shall not apply	
Latvia	895	Article 4 of Regulation (EC) No 847/96 shall not apply	
Lithuania	895		
Union	3 300		
TAC	18 100		

Species:	Redfish <i>Sebastes</i> spp.	Zone:	NAFO 3M (RED/N3M.)
Estonia	1 571 ⁽¹⁾	Analytical TAC	
Germany	513 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Latvia	1 571 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
Lithuania	1 571 ⁽¹⁾		
Spain	233 ⁽¹⁾		
Portugal	2 354 ⁽¹⁾		
Union	7 813 ⁽¹⁾		
TAC	8 590 ⁽¹⁾		

⁽¹⁾ This quota is subject to compliance with the TAC as shown, which is established for this stock for all NAFO Contracting Parties. Within that TAC, no more than the following mid-term limit may be fished before 1 July 2020: 4 295

Species:	Redfish <i>Sebastes</i> spp.	Zone:	NAFO 3O (RED/N3O.)
Spain	1 771	Analytical TAC	
Portugal	5 229	Article 3 of Regulation (EC) No 847/96 shall not apply	
Union	7 000	Article 4 of Regulation (EC) No 847/96 shall not apply	
TAC	20 000		

Species:	Redfish <i>Sebastes</i> spp.	Zone:	NAFO Subarea 2, Divisions 1F and 3K (RED/N1F3K.)
Latvia	0 ⁽¹⁾	Analytical TAC	
Lithuania	0 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Union	0 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
TAC	0 ⁽¹⁾		

⁽¹⁾ No directed fisheries are permitted under this quota. This species shall only be taken as by-catch within the following limits: a maximum of 1 250 kg or 5 %, whichever is greater.

Species:	White hake <i>Urophycis tenuis</i>	Zone:	NAFO 3NO (HKW/N3NO.)
Spain	255	Analytical TAC	
Portugal	333	Article 3 of Regulation (EC) No 847/96 shall not apply	
Union	588 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
TAC	1 000		

⁽¹⁾ Where, in accordance with Annex IA of the NAFO Conservation and Enforcement Measures, a positive vote by the Contracting Parties confirms the TAC to be 2 000 tonnes, the corresponding Union and Member State quotas shall be deemed to be as below:

Spain	509
Portugal	667
Union	1 176

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ICCAT CONVENTION AREA

Species:	Bluefin tuna <i>Thunnus thynnus</i>	Zone:	Atlantic Ocean, east of 45° W, and Mediterranean (BFT/AE45WM)
Cyprus	169,35 ⁽⁴⁾	Analytical TAC	
Greece	314,77 ⁽⁷⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Spain	6 107,60 ⁽²⁾ ⁽⁴⁾ ⁽⁷⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
France	6 026,60 ⁽²⁾ ⁽³⁾ ⁽⁴⁾		
Croatia	952,53 ⁽⁶⁾		
Italy	4 756,49 ⁽⁴⁾ ⁽⁵⁾		
Malta	390,24 ⁽⁴⁾		
Portugal	574,31 ⁽⁷⁾		
Other Member States	68,11 ⁽¹⁾		
Union	19 360 ⁽²⁾ ⁽³⁾ ⁽⁴⁾ ⁽⁵⁾		
Special additional allocation	100 ⁽⁷⁾		
TAC	36 000		

⁽¹⁾ Except Cyprus, Greece, Spain, France, Croatia, Italy, Malta and Portugal, and exclusively as by-catch.

⁽²⁾ Special condition: within this TAC, the following catch limits and allocation between Member States shall apply to catches of bluefin tuna between 8 kg/75 cm and 30 kg/115 cm by the vessels referred to in point 1 of Annex VI (BFT/*8301):

Spain 925,33
France 429,87
Union 1 355,20

⁽³⁾ Special condition: within this TAC, the following catch limits and allocation between Member States shall apply to catches of bluefin tuna weighing no less than 6,4 kg or measuring no less than 70 cm by the vessels referred to in point 1 of Annex VI (BFT/*641):

France 100
Union 100

⁽⁴⁾ Special condition: within this TAC, the following catch limits and allocations between Member States shall apply to catches of bluefin tuna between 8 kg/75 cm and 30 kg/115 cm by the vessels referred to in point 2 of Annex VI (BFT/*8302):

Spain 122,15
France 120,53
Italy 95,13
Cyprus 3,39
Malta 7,80
Union 349,01

⁽⁵⁾ Special condition: within this TAC, the following catch limits and allocations between Member States shall apply to catches of bluefin tuna between 8 kg/75 cm and 30 kg/115 cm by the vessels referred to in point 3 of Annex VI (BFT/*643):

Italy 95,13
Union 95,13

⁽⁶⁾ Special Condition: within this TAC, the following catch limits and allocations between Member States shall apply to catches of bluefin tuna between 8 kg/75 cm and 30 kg/115 cm by the vessels referred to in point 3 of Annex VI for farming purposes (BFT/*8303F):

Croatia 857,28
Union 857,28

⁽⁷⁾ As agreed during the 2018 ICCAT Annual Meeting, in 2020 the European Union will receive, in addition to the allocated quota of 19 360 tonnes, an extra allocation of 100 tonnes, exclusively for artisanal vessels from specific archipelagos in Greece (Ionian Islands), Spain (Canary Islands) and Portugal (Azores and Madeira). The specific allocation of this additional quantity to the Member States concerned shall be as follows (BFT/AVARCH):

Greece 4,5
Spain 87,3
Portugal 8,2
Union 100

Species:	Swordfish <i>Xiphias gladius</i>	Zone:	Atlantic Ocean, North of 5° N (SWO/AN05N)
Spain	6 509,07 ⁽²⁾	Analytical TAC	
Portugal	1 047,82 ⁽²⁾ ⁽³⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Other Member States	128,81 ⁽¹⁾ ⁽²⁾	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	7 685,70 ⁽⁴⁾		
TAC	13 200		

⁽¹⁾ Except Spain and Portugal, and exclusively as by-catch.

⁽²⁾ Special condition: up to 2,39 % of this amount may be fished in the Atlantic Ocean, South of 5° N (SWO/*AS05N).

⁽³⁾ 36,34 tonnes have been allocated to Portugal to compensate a double deduction in 2018.

⁽⁴⁾ After transfer of 40 tonnes to Saint-Pierre et Miquelon (ICCAT Rec. 17-02).

Species:	Swordfish <i>Xiphias gladius</i>	Zone:	Atlantic Ocean, South of 5° N (SWO/AS05N)
Spain	4 712,18 ⁽¹⁾	Analytical TAC	
Portugal	299,03 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply	
Union	5 011,21	Article 4 of Regulation (EC) No 847/96 shall not apply	
TAC	14 000		

⁽¹⁾ Special condition: up to 3,51 % of this amount may be fished in the Atlantic Ocean, North of 5° N (SWO/*AN05N).

Species:	Swordfish <i>Xiphias gladius</i>	Zone:	Mediterranean Sea (SWO/MED)
Croatia	14,64 ⁽¹⁾	Analytical TAC	
Cyprus	53,99 ⁽¹⁾	Article 3 of Regulation (EC) No 847/96 shall not apply.	
Spain	1 667,58 ⁽¹⁾	Article 4 of Regulation (EC) No 847/96 shall not apply.	
France	123,77 ⁽¹⁾		
Greece	1 103,91 ⁽¹⁾		
Italy	3 418,68 ⁽¹⁾		
Malta	405,58 ⁽¹⁾		
Union	6 780,60 ⁽¹⁾		
TAC	9 583,07		

⁽¹⁾ This quota may only be fished from 1 April to 31 December.

Species:	Northern albacore <i>Thunnus alalunga</i>	Zone:	Atlantic Ocean, north of 5° N (ALB/AN05N)
Ireland	2 891,01	Analytical TAC	
Spain	16 312,85	Article 3 of Regulation (EC) No 847/96 shall not apply	
France	5 203,15	Article 4 of Regulation (EC) No 847/96 shall not apply	
United Kingdom	188,45		
Portugal	2 273,97		
Union	26 869,43 ⁽¹⁾		
TAC	33 600		

⁽¹⁾ The number of Union fishing vessels fishing for northern albacore as a target species, in accordance with Article 12 of Regulation (EC) No 520/2007, shall be as follows:
1 253.

Species:	Southern albacore <i>Thunnus alalunga</i>	Zone:	Atlantic Ocean, south of 5° N (ALB/AS05N)
Spain	905,86	Analytical TAC	
France	297,70	Article 3 of Regulation (EC) No 847/96 shall not apply	
Portugal	633,94	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	1 837,50		
TAC	24 000		

Species:	Bigeye tuna <i>Thunnus obesus</i>	Zone:	Atlantic Ocean (BET/ATLANT)
Spain	8 055,73	Analytical TAC	
France	4 428,60	Article 3 of Regulation (EC) No 847/96 shall not apply	
Portugal	3 058,33	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	15 542,66		
TAC	62 500		

Species:	Blue marlin <i>Makaira nigricans</i>	Zone:	Atlantic Ocean (BUM/ATLANT)
Spain	22,88	Analytical TAC	
France	380,48	Article 3 of Regulation (EC) No 847/96 shall not apply	
Portugal	46,44	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	449,80 ⁽¹⁾		
TAC	1 670		

(¹) After transfer of 2 tonnes to Trinidad & Tobago (ICCAT Rec. 19-05).

Species:	White marlin <i>Tetrapturus albidus</i>	Zone:	Atlantic Ocean (WHM/ATLANT)
Spain	0	Analytical TAC	
Portugal	0	Article 3 of Regulation (EC) No 847/96 shall not apply	
Union	0	Article 4 of Regulation (EC) No 847/96 shall not apply	
TAC	355	Article 4 of Regulation (EC) No 847/96 shall not apply	

Species:	Yellowfin tuna <i>Thunnus albacares</i>	Zone:	Atlantic Ocean (YFT/ATLANT)
TAC	110 000	Analytical TAC	
		Article 3 of Regulation (EC) No 847/96 shall not apply	
		Article 4 of Regulation (EC) No 847/96 shall not apply	

Species:	Sailfish <i>Istiophorus albicans</i>	Zone:	Atlantic Ocean, east of 45° W (SAI/AE45W)
TAC	1 271	Analytical TAC	
		Article 3 of Regulation (EC) No 847/96 shall not apply	
		Article 4 of Regulation (EC) No 847/96 shall not apply	

Species:	Sailfish <i>Istiophorus albicans</i>	Zone:	Atlantic Ocean, west of 45° W (SAI/AW45W)
TAC	1 030	Analytical TAC	
		Article 3 of Regulation (EC) No 847/96 shall not apply	
		Article 4 of Regulation (EC) No 847/96 shall not apply	

Species:	Blue shark <i>Prionace glauca</i>	Zone:	Atlantic Ocean, north of 5° N (BSH/AN05N)
Ireland	1	Analytical TAC	
Spain	27 062	Article 3 of Regulation (EC) No 847/96 shall not apply	
France	152	Article 4 of Regulation (EC) No 847/96 shall not apply	
Portugal	5 363 ⁽¹⁾		
Union	32 578		
TAC	39 102		

⁽¹⁾ The time period and the calculation method used by ICCAT to set the catch limit for North Atlantic blue shark shall not prejudice the time period and the calculation method used to define any future allocation key at Union level.

Species:	Blue shark <i>Prionace glauca</i>	Zone:	Atlantic Ocean, south of 5° N (BSH/AS05N)
TAC	28 923 ⁽¹⁾	Analytical TAC	Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply

⁽¹⁾ The time period and the calculation method used by ICCAT to set the catch limit for North Atlantic blue shark shall not prejudice the time period and the calculation method used to define any future allocation key at Union level.

ANNEX IE

SOUTH-EAST ATLANTIC OCEAN – SEAFO CONVENTION AREA

The TACs set out below are not allocated to the members of SEAFO and hence the Union's share is undetermined. Catches are monitored by the SEAFO Secretariat which will communicate to the Contracting Parties when fishing is to be ceased due to a TAC exhaustion

Species:	Alfonsinos <i>Beryx</i> spp.	Zone:	SEAFO (ALF/SEAFO)
TAC	pm ⁽¹⁾	Precautionary TAC	

⁽¹⁾ No more than 132 tonnes may be taken in Division B1 (ALF/*F47NA).

Species:	Deep-sea red crab <i>Chaceon</i> spp.	Zone:	SEAFO Subdivision B1 ⁽¹⁾ (GER/F47NAM)
TAC	pm ⁽¹⁾	Precautionary TAC	

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

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

Species:	Deep-sea red crab <i>Chaceon</i> spp.	Zone:	SEAFO, excluding Subdivision B1 (GER/F47X)
TAC	pm	Precautionary TAC	

Species:	Patagonian toothfish <i>Dissostichus eleginoides</i>	Zone:	SEAFO Subarea D (TOP/F47D)
TAC	pm	Precautionary TAC	

Species:	Patagonian toothfish <i>Dissostichus eleginoides</i>	Zone:	SEAFO, excluding Suarea D (TOP/F47-D)
TAC	pm	Precautionary TAC	

Species:	Orange roughy <i>Hoplostethus atlanticus</i>	Zone:	SEAFO Subdivision B1 ⁽¹⁾ (ORY/F47NAM)
TAC	pm ⁽¹⁾	Precautionary TAC	

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

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

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

Species:	Orange roughy <i>Hoplostethus atlanticus</i>	Zone:	SEAFO, excluding Subdivision B1 (ORY/F47X)
TAC	pm	Precautionary TAC	

Species:	Pelagic armourhead <i>Pseudopentaceros</i> spp.	Zone:	SEAFO (EDW/SEAFO)
TAC	pm	Precautionary TAC	

ANNEX IF

SOUTHERN BLUEFIN TUNA – AREAS OF DISTRIBUTION

Species:	Southern bluefin tuna <i>Thunnus maccoyii</i>	Zone:	All areas of distribution (SBF/F41-81)
Union	11 ⁽¹⁾	Analytical TAC	Article 3 of Regulation (EC) No 847/96 shall not apply Article 4 of Regulation (EC) No 847/96 shall not apply
TAC	17 647		

(1) Exclusively for by-catches. No directed fisheries are permitted under this quota.

ANNEX IG

WCPFC CONVENTION AREA

Species:	Bigeye tuna <i>Thunnus obesus</i>	Zone:	WCPFC Convention Area south of 20° S (BET/F7120S)
Union	2 000 ⁽¹⁾	Precautionary TAC	
TAC	Not relevant ⁽¹⁾		

⁽¹⁾ This quota may only be fished by vessels using longlines

Species:	Swordfish <i>Xiphias gladius</i>	Zone:	WCPFC Convention Area south of 20° S (SWO/F7120S)
Union	3 170,36	Precautionary TAC	
TAC	Not relevant		

ANNEX IH

SPRFMO CONVENTION AREA

Species:	Jack mackerel <i>Trachurus murphyi</i>	Zone:	SPRFMO Convention Area (CJM/SPRFMO)
Germany	to be established	Analytical TAC	
The Netherlands	to be established	Article 3 of Regulation (EC) No 847/96 shall not apply	
Lithuania	to be established	Article 4 of Regulation (EC) No 847/96 shall not apply	
Poland	to be established		
Union	to be established		
TAC	Not relevant		

Species:	Toothfish <i>Dissostichus</i> spp.	Zone:	SPRFMO Convention Area (TOT/SPR-AE)
TAC	to be established ⁽¹⁾	Precautionary TAC	

⁽¹⁾ This TAC is for exploratory fisheries only. Fishing shall only take place within the following research blocks (A-E):

- Research block A: area bounded by latitudes 47° 15' S and 48° 15' S and by longitudes 146° 30' E and 147° 30' E,
- Research block B: area bounded by latitudes 47° 15' S and 48° 15' S and by longitudes 147° 30' E and 148° 30' E,
- Research block C: area bounded by latitudes 47° 15' S and 48° 15' S and by longitudes 148° 30' E and 150° 00' E,
- Research block D: area bounded by latitudes 48° 15' S and 49° 15' S and by longitudes 149° 00' E and 150° 00' E,
- Research block E: area bounded by latitudes 48° 15' S and 49° 30' S and by longitudes 150° 00' E and 151° 00' E.

ANNEX II

IOTC AREA OF COMPETENCE

Catches of yellowfin tuna by Union purse seiners shall not exceed the catch limits set out in this Annex.

Species:	Yellowfin tuna <i>Thunnus albacares</i>	Zone:	IOTC Area of Competence (YFT/IOTC)
France	29 501	Analytical TAC	
Italy	2 515	Article 3 of Regulation (EC) No 847/96 shall not apply	
Spain	45 682	Article 4 of Regulation (EC) No 847/96 shall not apply	
Union	77 698		
TAC	Not relevant		

ANNEX IK

SIOFA AGREEMENT AREA

Species:	Toothfish <i>Dissostichus</i> spp.	Zone:	Del Cano Area ⁽¹⁾ (TOT/F517DC)
Union	18,33 ⁽²⁾	Precautionary TAC	
TAC	55 ⁽²⁾		

⁽¹⁾ International waters in FAO Subarea 51.7 bounded between -44° S and -45° S latitude, and the adjacent exclusive economic zones to the east and west.

⁽²⁾ May only be fished by vessels with observers on board and using longlines during the fishing season from 1 December 2019 to 30 November 2020. Longlines shall not exceed 3 000 hooks per line and shall be set at minimum 3 nautical miles from each other. Catches of vessels not targeting this species may not exceed 0,5 tonnes per fishing season. When a vessel reaches this limit, it may no longer fish in Del Cano Area.

Species:	Toothfish <i>Dissostichus</i> spp.	Zone:	Williams Ridge ⁽¹⁾ (TOT/F574WR)
Union	to be established ⁽²⁾	Precautionary TAC	
TAC	140 ⁽²⁾		

⁽¹⁾ Area of FAO Subarea 57.4 bounded by the following coordinates:

Point	Latitude	Longitude
1	52° 30' 00" S	80° 00' 00" E
2	55° 00' 00" S	80° 00' 00" E
3	55° 00' 00" S	85° 00' 00" E
4	52° 30' 00" S	85° 00' 00" E

⁽²⁾ May only be fished by vessels with observers on board during the fishing season from 1 December 2019 to 30 November 2020. No more than two longlines not exceeding 6 250 hooks are set per grid cell established by SIOFA and an interval of at least 30 days is applied between fishing trips according to the access conditions established by SIOFA.

Catches of vessels not targeting this species may not exceed 0,5 tonnes per fishing season. When a vessel reaches this limit, it may no longer fish in Williams Ridge.

ANNEX II

IATTC CONVENTION AREA

Species:	Bigeye tuna <i>Thunnus obesus</i>	Zone:	IATTC Convention Area (BET/IATTC)
Union	500	(¹)	Precautionary TAC
TAC	Not relevant		

(¹) This quota may only be fished by vessels using longlines.

ANNEX II

FISHING EFFORT FOR VESSELS IN THE CONTEXT OF THE MANAGEMENT OF WESTERN CHANNEL SOLE STOCKS IN ICES DIVISION 7e

CHAPTER I

General provisions

1. SCOPE

- 1.1. This Annex shall apply to Union fishing vessels of 10 metres length overall or more carrying on board or deploying beam trawls of mesh size equal to or greater than 80 mm and static nets, including gillnets, trammel-nets and tangle-nets, with mesh size equal to or less than 220 mm in accordance with Regulation (EC) No 509/2007, and present in ICES division 7e.
- 1.2. Vessels fishing with static nets with mesh size equal to or larger than 120 mm and with track records of less than 300 kg live weight of sole per year during the three previous years, according to their fishing records, shall be exempt from the application of this Annex subject to the following conditions:
 - (a) such vessels caught less than 300 kg live weight of sole during the 2018 management period;
 - (b) such vessels do not tranship any fish at sea to another vessel;
 - (c) by 31 July 2020 and 31 January 2021 each Member State concerned makes a report to the Commission on those vessels' catch records for sole in the three previous years as well as on catches of sole in 2020.

Where any of those conditions is not met, the vessels concerned shall cease to be exempt from the application of this Annex, with immediate effect.

2. DEFINITIONS

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

- (a) 'gear grouping' means the grouping consisting of the following two gear categories:
 - (i) beam trawls of mesh size equal to or greater than 80 mm, and
 - (ii) static nets, including gillnets, trammel nets and tangle-nets, with mesh size equal to or less than 220 mm;
 - (b) 'regulated gear' means any of the two gear categories belonging to the gear grouping;
 - (c) 'area' means ICES division 7e;
 - (d) 'current management period' means the period from 1 February 2020 to 31 January 2021.
3. LIMITATION IN ACTIVITY

Without prejudice to Article 29 of Regulation (EC) No 1224/2009, each Member State shall ensure that, when carrying on board any regulated gear, Union fishing vessels flying its flag and registered in the Union shall be present within the area for no more than the number of days set out in Chapter III of this Annex.

CHAPTER II

Authorisations

4. AUTHORISED VESSELS

- 4.1 A Member State shall not authorise fishing with regulated gear in the area by any vessel flying its flag which has no record of such fishing activity in the area in the period from 2002 to 2018, excluding the record of fishing activities as a result of transfer of days between fishing vessels, unless it ensures that equivalent capacity, measured in kilowatts, is prevented from fishing in the area.
- 4.2 However, a vessel with a track record of using a regulated gear may be authorised to use a different fishing gear, provided that the number of days allocated to this latter gear is greater than or equal to the number of days allocated to the regulated gear.

- 4.3 A vessel flying the flag of a Member State having no quotas in the area shall not be authorised to fish in the area with regulated gear, unless the vessel is allocated a quota after a transfer as permitted in accordance with Article 16(8) of Regulation (EU) No 1380/2013 and is allocated days at sea in accordance with point 10 or 11 of this Annex.

CHAPTER III

Number of days present within the area allocated to Union fishing vessels

5. MAXIMUM NUMBER OF DAYS

During the current management period, the maximum number of days at sea for which a Member State may authorise a vessel flying its flag to be present within the area carrying on board any regulated gear is shown in Table I.

Table I

Maximum number of days a vessel may be present within the area by category of regulated gear per year

Regulated gear	Maximum number of days	
	Beam trawls of mesh size \geq 80 mm	Belgium
France		188
United Kingdom		222
Static nets with mesh size \leq 220 mm	Belgium	176
	France	191
	United Kingdom	176

6. KILOWATT DAY SYSTEM

- 6.1. During the current management period, a Member State may manage its fishing effort allocations in accordance with a kilowatt days system. Through that system it may authorise any vessel concerned by any regulated gear as set out in Table I to be present within the area for a maximum number of days which is different from that set out in that Table, provided that the overall amount of kilowatt days corresponding to the regulated gear is respected.
- 6.2. This overall amount of kilowatt days shall be the sum of all individual fishing efforts allocated to the vessels flying the flag of that Member State and qualified for the regulated gear. Such individual fishing efforts shall be calculated in kilowatt days by multiplying the engine power of each vessel by the number of days at sea it would benefit from, according to Table I, if point 6.1 were not applied.
- 6.3. A Member State wishing to benefit from the system referred to in point 6.1 shall submit a request to the Commission, for the regulated gear as laid down in Table I, with reports in electronic format containing the details of the calculation based on:
- the list of vessels authorised to fish by indicating their Union fishing fleet register number (CFR) and their engine power;
 - the number of days at sea for which each vessel would have initially been authorised to fish according to Table I and the number of days at sea which each vessel would benefit from in application of point 6.1.
- 6.4. On the basis of that request, the Commission shall assess whether the conditions referred to in point 6 are complied with and, where applicable, may authorise that Member State to benefit from the system referred to in point 6.1.
7. ALLOCATION OF ADDITIONAL DAYS FOR PERMANENT CESSATION OF FISHING ACTIVITIES
- 7.1. An additional number of days at sea on which a vessel may be authorised by its flag Member State to be present within the area when carrying on board any regulated gear may be allocated to a Member State by the Commission on the basis of permanent cessations of fishing activities that have taken place during the preceding management period either in accordance with Article 23 of Regulation (EC) No 1198/2006 or with Regulation (EC) No 744/2008. Permanent cessations resulting from any other circumstances may be considered by the Commission on a case-by-case basis, following a written and duly motivated request from the Member State concerned. Such written request shall identify the vessels concerned and confirm, for each of them, that they shall never return to fishing activities.

- 7.2. The effort expended in 2003 measured in kilowatt days of the withdrawn vessels using a given gear grouping shall be divided by the effort expended by all vessels using that gear grouping during 2003. The additional number of days at sea shall be then calculated by multiplying the ratio so obtained by the number of days that would have been allocated according to Table I. Any part of a day resulting from that calculation shall be rounded to the nearest whole day.
- 7.3. Points 7.1 and 7.2 shall not apply where a vessel has been replaced in accordance with point 4.2, or when the withdrawal has already been used in previous years to obtain additional days at sea.
- 7.4. A Member State wishing to benefit from the allocations referred to in point 7.1 shall submit a request to the Commission, by 15 June of the current management period, with reports in electronic format containing for the gear grouping as laid down in Table I, the details of the calculation based on:
- (a) lists of withdrawn vessels with their Union fishing fleet register number (CFR) and their engine power;
 - (b) the fishing activity deployed by such vessels in 2003 calculated in days at sea according to the grouping of fishing gear.
- 7.5. During the current management period, a Member State may re-allocate any additionally granted days at sea to all or part of the vessels remaining in fleet and qualified for the regulated gear.
- 7.6. When the Commission allocates additional days at sea due to a permanent cessation of fishing activities during the preceding management period the maximum number of days per Member State and gear shown in Table I shall be adjusted accordingly for the current management period.
8. ALLOCATION OF ADDITIONAL DAYS FOR ENHANCED SCIENTIFIC OBSERVER COVERAGE
- 8.1. Three additional days on which a vessel may be present within the area when carrying on board any regulated gear may be allocated between 1 February 2020 and 31 January 2021 to a Member State by the Commission on the basis of an enhanced programme of scientific observer coverage in partnership between scientists and the fishing industry. Such a programme shall focus in particular on levels of discarding and on catch composition and go beyond the requirements on data collection, as laid down in Regulation (EC) No 199/2008 and its implementing rules for national programmes.
- 8.2. Scientific observers shall be independent from the owner, the master of the fishing vessel and any crew member.
- 8.3. A Member State wishing to benefit from the allocations referred to in point 8.1 shall submit a description of its enhanced scientific observer coverage programme to the Commission for approval.
- 8.4. If an enhanced scientific observer coverage programme submitted by a Member State has been approved by the Commission in the past and the Member State concerned wishes to continue its application without changes, it shall inform the Commission of the continuation of that programme four weeks before the beginning of the period for which the programme applies.

CHAPTER IV

Management

9. GENERAL OBLIGATION
- Member States shall manage the maximum allowable effort in accordance with Articles 26 to 35 of Regulation (EC) No 1224/2009.
10. MANAGEMENT PERIODS
- 10.1. A Member State may divide the days present within the area set out in Table I into management periods of durations of one or more calendar months.
- 10.2. The number of days or hours for which a vessel may be present within the area during a management period shall be fixed by the Member State concerned.

- 10.3. Where a Member State authorises vessels flying its flag to be present within the area by hours, the Member State shall continue measuring the consumption of days as specified in point 9. Upon request by the Commission, the Member State shall demonstrate its precautionary measures taken to avoid an excessive consumption of days within the area due to a vessel terminating presences in the area before the end of a 24-hour period.

CHAPTER V

Exchanges of fishing effort allocations

11. TRANSFER OF DAYS BETWEEN FISHING VESSELS FLYING THE FLAG OF A MEMBER STATE

- 11.1. A Member State may permit any fishing vessel flying its flag to transfer days present within the area for which it has been authorised to another vessel flying its flag within the area, provided that the product of the number of days received by a vessel and its engine power in kilowatts (kilowatt days) is equal to or less than the product of the number of days transferred by the donor vessel and its engine power in kilowatts. The engine power in kilowatts of the vessels shall be that recorded for each vessel in the Union fishing fleet register.
- 11.2. The total number of days present within the area transferred in accordance with point 11.1, multiplied by the engine power in kilowatts of the donor vessel, shall not be higher than the donor vessel's average annual days track record in the area as verified by the fishing logbook in the years 2001, 2002, 2003, 2004 and 2005 multiplied by the engine power in kilowatts of that vessel.
- 11.3. The transfer of days in accordance with point 11.1 shall be permitted between vessels operating with any regulated gear and during the same management period.
- 11.4. On request from the Commission, Member States shall provide information on the transfers that have taken place. Formats of spreadsheet for the collection and transmission of that information may be established by the Commission, by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 53(2).

12. TRANSFER OF DAYS BETWEEN FISHING VESSELS FLYING THE FLAG OF DIFFERENT MEMBER STATES

Member States may permit transfer of days present within the area for the same management period and within the area between any fishing vessels flying their flags provided that points 4.2, 4.4, 5, 6 and 10 apply *mutatis mutandis*. Where Member States decide to authorise such a transfer, they shall notify, before the transfer takes place, the Commission of the details of the transfer, including the number of days to be transferred, the fishing effort and, where applicable, the fishing quotas relating thereto.

CHAPTER VI

Reporting obligations

13. FISHING EFFORT REPORT

Article 28 of Regulation (EC) No 1224/2009 shall apply to vessels falling under the scope of this Annex. The geographical area referred to in that Article shall be understood as the area specified in point 2 of this Annex.

14. COLLECTION OF RELEVANT DATA

Member States shall collect on a quarterly basis the information about total fishing effort deployed within the area for towed gear and static gear, effort deployed by vessels using different types of gear in the area, and the engine power of those vessels in kilowatt days, on the basis of information used for the management of fishing days present within the area as set out in this Annex.

15. COMMUNICATION OF RELEVANT DATA

Upon request from the Commission, Member States shall make available to the Commission a spreadsheet with data specified in point 14 in the format specified in Tables II and III by sending it to the appropriate electronic mailbox address, which shall be communicated to the Member States by the Commission. Member States shall, upon the Commission's request, send detailed information to the Commission on effort allocated and consumed covering all or parts of the 2018 and 2019 management periods, using the data format specified in Tables IV and V.

Table II

Reporting format kW-day information by management period

Member State	Gear	Management period	Cumulative effort declaration
(1)	(2)	(3)	(4)

Table III

Data format kW-day information by management period

Name of field	Maximum number of characters/digits	Alignment ⁽¹⁾ L(ef)/R(ight)	Definition and comments
(1) Member State	3		Member State (Alpha-3 ISO code) in which the vessel is registered
(2) Gear	2		One of the following gear types: BT = beam trawls \geq 80 mm GN = gillnet < 220 mm TN = trammel net or entangling net < 220 mm
(3) Management period	4		One year in the period from the 2006 management period to the current management period
(4) Cumulative effort declaration	7	R	Cumulative amount of fishing effort expressed in kilowatt days deployed from 1 February until 31 January of the relevant management period

⁽¹⁾ Information relevant for transmission of data by fixed-length formatting.

Table IV

Reporting format for vessel-related information

Member State	CFR	External marking	Length of management period	Gear notified				Days eligible using notified gear(s)				Days spent with notified gear(s)				Transfer of days
				No 1	No 2	No 3	...	No 1	No 2	No 3	...	No 1	No 2	No 3	...	
(1)	(2)	(3)	(4)	(5)	(5)	(5)	(5)	(6)	(6)	(6)	(6)	(7)	(7)	(7)	(7)	(8)

Table V

Data format for vessel-related information

Name of field	Maximum number of characters/digits	Alignment ⁽¹⁾ L(ef)/R(ight)	Definition and comments
(1) Member State	3		Member State (Alpha-3 ISO code) in which vessel is registered
(2) CFR	12		Union fishing fleet register number (CFR) Unique identification number of a fishing vessel Member State (Alpha-3 ISO code) followed by an identifying series (9 characters). Where a series has fewer than 9 characters, additional zeros shall be inserted on the left hand side

Name of field	Maximum number of characters/digits	Alignment ⁽¹⁾ L(ef)/R(ight)	Definition and comments
(3) External marking	14	L	Under Implementing Regulation (EU) No 404/2011
(4) Length of management period	2	L	Length of the management period measured in months
(5) Gear notified	2	L	One of the following gear types: BT = beam trawls \geq 80 mm GN = gillnet < 220 mm TN = trammel net or entangling net < 220 mm
(6) Special condition applying to notified gear(s)	3	L	Number of days for which the vessel is eligible under Annex II for the choice of gear and length of management period notified
(7) Days spent with notified gear(s)	3	L	Number of days the vessel actually spent present within the area and using a gear corresponding to gear notified during the notified management period
(8) Transfers of days	4	L	For days transferred indicate '- number of days transferred' and for days received indicate '+ number of days transferred'

⁽¹⁾ Information relevant for transmission of data by fixed-length formatting.

ANNEX III

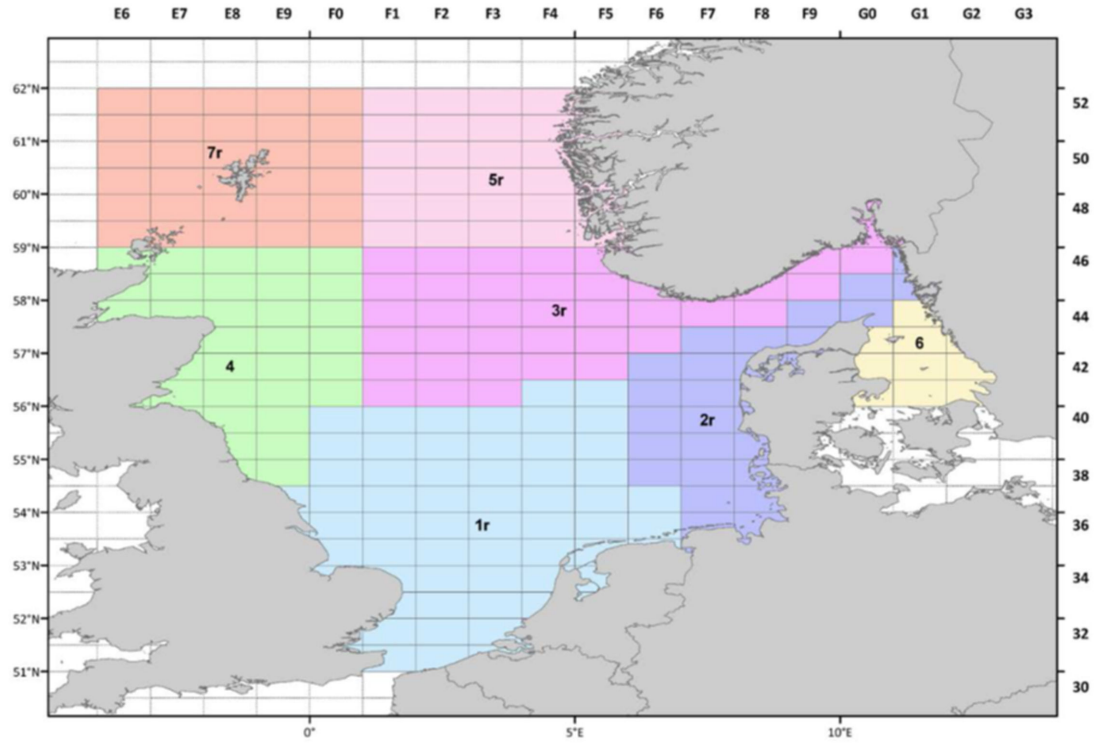
MANAGEMENT AREAS FOR SANDEEL IN ICES DIVISIONS 2a, 3a AND ICES SUBAREA 4

For the purposes of the management of the fishing opportunities of sandeel in ICES divisions 2a, 3a and ICES subarea 4 fixed in Annex IA, the management areas within which specific catch limits apply are defined as shown below and in the Appendix to this Annex:

Sandeel management area	ICES statistical rectangles
1r	31-33 E9-F4; 33 F5; 34-37 E9-F6; 38-40 F0-F5; 41 F4-F5
2r	35 F7-F8; 36 F7-F9; 37 F7-F8; 38-41 F6-F8; 42 F6-F9; 43 F7-F9; 44 F9-G0; 45 G0-G1; 46 G1
3r	41-46 F1-F3; 42-46 F4-F5; 43-46 F6; 44-46 F7-F8; 45-46 F9; 46-47 G0; 47 G1 and 48 G0
4	38-40 E7-E9 and 41-46 E6-F0
5r	47-52 F1-F5
6	41-43 G0-G3; 44 G1
7r	47-52 E6-F0

Appendix

Sandeel management areas



ANNEX IV

SEASONAL CLOSURES TO PROTECT SPAWNING COD

The areas set out in the table below shall be closed for all gear, except pelagic gear (purse seines and trawls), during the identified period:

Time-limited closures				
No	Area name	Coordinates	Period	Additional comment
1	Stanhope ground	60° 10' N - 01° 45' E 60° 10' N - 02° 00' E 60° 25' N - 01° 45' E 60° 25' N - 02° 00' E	1 January to 30 April	
2	Long Hole	59° 07,35' N - 0° 31,04' W 59° 03,60' N - 0° 22,25' W 58° 59,35' N - 0° 17,85' W 58° 56,00' N - 0° 11,01' W 58° 56,60' N - 0° 08,85' W 58° 59,86' N - 0° 15,65' W 59° 03,50' N - 0° 20,00' W 59° 08,15' N - 0° 29,07' W	1 January to 31 March	
3	Coral edge	58° 51,70' N - 03° 26,70' E 58° 40,66' N - 03° 34,60' E 58° 24,00' N - 03° 12,40' E 58° 24,00' N - 02° 55,00' E 58° 35,65' N - 02° 56,30' E	1 January to 28 February	
4	Papa Bank	59° 56' N - 03° 08' W 59° 56' N - 02° 45' W 59° 35' N - 03° 15' W 59° 35' N - 03° 35' W	1 January to 15 March	
5	Foula Deepes	60° 17,50' N - 01° 45' W 60° 11,00' N - 01° 45' W 60° 11,00' N - 02° 10' W 60° 20,00' N - 02° 00' W 60° 20,00' N - 01° 50' W	1 November to 31 December	
6	Egersund Bank	58° 07,40' N - 04° 33,00' E 57° 53,00' N - 05° 12,00' E 57° 40,00' N - 05° 10,90' E 57° 57,90' N - 04° 31,90' E	1 January to 31 March	(10 × 25 nautical miles)

Time-limited closures

No	Area name	Coordinates	Period	Additional comment
7	East of Fair Isle	59° 40' N - 01° 23' W 59° 40' N - 01° 13' W 59° 30' N - 01° 20' W 59° 10' N - 01° 20' W 59° 30' N - 01° 28' W 59° 10' N - 01° 28' W	1 January to 15 March	
8	West Bank	57° 15' N - 05° 01' E 56° 56' N - 05° 00' E 56° 56' N - 06° 20' E 57° 15' N - 06° 20' E	1 February to 15 March	(18 × 4 nautical miles)
9	Revet	57° 28,43' N - 08° 05,66' E 57° 27,44' N - 08° 07,20' E 57° 51,77' N - 09° 26,33' E 57° 52,88' N - 09° 25,00' E	1 February 15 March	(1,5 × 49 nautical miles)
10	Rabarberen	57° 47,00' N - 11° 04,00' E 57° 43,00' N - 11° 04,00' E 57° 43,00' N - 11° 09,00' E 57° 47,00' N - 11° 09,00' E	1 February – 15 March	East of Skagen (2,7 × 4 nautical miles)

ANNEX V

FISHING AUTHORISATIONS

PART A

MAXIMUM NUMBER OF FISHING AUTHORISATIONS FOR UNION FISHING VESSELS FISHING IN THIRD-COUNTRY WATERS

Area of fishing	Fishery	Number of fishing authorisations	Allocation of fishing authorisations amongst Member States		Maximum number of vessels present at any time	
Norwegian waters and fishery zone around Jan Mayen	Herring, north of 62° 00' N	77	DK	25	57	
			DE	5		
			FR	1		
			IE	8		
			NL	9		
			PL	1		
			SV	10		
			UK	18		
	Demersal species, north of 62° 00' N	80	DE	16	50	
			IE	1		
			ES	20		
			FR	18		
			PT	9		
			UK	14		
			Unallocated	2		
	Mackerel ⁽¹⁾	Not relevant	Not relevant		70	
		Industrial species, south of 62° 00' N	480	DK	450	150
				UK	30	
Faroese waters	All trawl fisheries with vessels of not more than 180 feet in the zone between 12 and 21 miles from the Faroese baselines	26	BE	0	13	
			DE	4		
			FR	4		
			UK	18		
	Directed fisheries for cod and haddock with a minimum mesh of 135 mm, restricted to the area south of 62° 28' N and east of 6° 30' W	8 ⁽²⁾	Not relevant		4	

Area of fishing	Fishery	Number of fishing authorisations	Allocation of fishing authorisations amongst Member States		Maximum number of vessels present at any time	
	Trawl fisheries outside 21 miles from the Faroese baseline. In the periods from 1 March to 31 May and from 1 October to 31 December, those vessels may operate in the area between 61° 20' N and 62° 00' N and between 12 and 21 miles from the baselines	70	BE	0	26	
			DE	10		
			FR	40		
			UK	20		
	Trawl fisheries for blue ling with a minimum mesh of 100 mm in the area south of 61° 30' N and west of 9° 00' W and in the area between 7° 00' W and 9° 00' W south of 60° 30' N and in the area south-west of a line between 60° 30' N, 7° 00' W and 60° 00' N, 6° 00' W	70	DE ⁽³⁾	8	20 ⁽⁴⁾	
			FR ⁽³⁾	12		
	Directed trawl fisheries for saithe with a minimum mesh size of 120 mm and with the possibility to use roundstraps around the cod-end	70	Not relevant		22 ⁽⁴⁾	
	Fisheries for blue whiting. The total number of fishing authorisations may be increased by four vessels to form pairs, should the Faroese authorities introduce special rules of access to an area called 'main fishing area of blue whiting'	34	DE	2	20	
			DK	5		
			FR	4		
			NL	6		
			UK	7		
			SE	1		
			ES	4		
			IE	4		
			PT	1		
	Line fisheries	10	UK	10	6	
	Mackerel	20	DK	2	12	
			BE	1		
			DE	2		
			FR	2		
			IE	3		
			NL	2		
			SE	2		
			UK	6		

Area of fishing	Fishery	Number of fishing authorisations	Allocation of fishing authorisations amongst Member States		Maximum number of vessels present at any time
	Herring, north of 62° 00' N	20	DK	5	20
			DE	2	
			IE	2	
			FR	1	
			NL	2	
			PL	1	
			SE	3	
			UK	4	
1, 2b ⁽⁵⁾	Fishery for snow crab with pots	20	EE	1	Not applicable
			ES	1	
			LV	11	
			LT	4	
			PL	3	

⁽¹⁾ Without prejudice to additional licences granted to Sweden by Norway in accordance with established practice.

⁽²⁾ Those figures are included in the figures for all trawl fisheries with vessels of not more than 180 feet in the zone between 12 and 21 miles from the Faroese baselines.

⁽³⁾ Those figures refer to the maximum number of vessels present at any time.

⁽⁴⁾ Those figures are included in the figures for 'Trawl fisheries outside 21 miles from the Faroese baselines'.

⁽⁵⁾ The allocation of fishing opportunities available to the Union in the zone of Svalbard is without prejudice to the rights and obligations deriving from the Treaty of Paris of 1920.

PART B

MAXIMUM NUMBER OF FISHING AUTHORISATIONS FOR THIRD-COUNTRY VESSELS FISHING IN UNION WATERS

Flag State	Fishery	Number of fishing authorisations	Maximum number of vessels present at any time
Norway	Herring, north of 62° 00' N	To be established	To be established
Faroe Islands	Mackerel, 6a (north of 56° 30' N), 2a, 4a (north of 59° N) Horse mackerel, 4, 6a (north of 56° 30' N), 7e, 7f, 7h	20	14
	Herring, north of 62° 00' N	20	To be established
	Herring, 3a	4	4
	Industrial fishing for Norway pout, 4, 6a (north of 56° 30' N) (including unavoidable by-catches of blue whiting)	14	14
	Ling and tusk	20	10
	Blue whiting, 2, 4a, 5, 6a (north of 56° 30' N), 6b, 7 (west of 12° 00' W)	20	20
	Blue ling	16	16

Flag State	Fishery	Number of fishing authorisations	Maximum number of vessels present at any time
Venezuela ⁽¹⁾	Snappers (French Guiana waters)	45	45

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

ANNEX VI

ICCAT CONVENTION AREA ⁽¹⁾

1. Maximum number of Union bait boats and trolling boats authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Eastern Atlantic

Spain	60
France	37
Union	97

2. Maximum number of Union coastal artisanal fishing vessels authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Mediterranean

Spain	364
France	130
Italy	30
Cyprus	20 ⁽¹⁾
Malta	54 ⁽¹⁾
Union	598

⁽¹⁾ This number may increase if a purse seiner is replaced by 10 longline vessels in accordance with footnote 4 or footnote 6 of table A in point 4 of this Annex.

3. Maximum number of Union fishing vessels authorised to fish actively for bluefin tuna between 8 kg/75 cm and 30 kg/115 cm in the Adriatic Sea for farming purposes

Croatia	16
Italy	12
Union	28

4. Maximum number of fishing vessels of each Member State that may be authorised to fish for, retain on board, tranship, transport, or land bluefin tuna in the eastern Atlantic and Mediterranean

Table A ⁽¹⁾

	Number of fishing vessels ⁽²⁾							
	Cyprus ⁽³⁾	Greece ⁽⁴⁾	Croatia	Italy	France	Spain	Malta ⁽⁵⁾	Portugal
Purse seiners	1	1	16	19	22	6	1	0
Longliners	23 ⁽⁶⁾	0	0	35	8	49	61	0

⁽¹⁾ The numbers shown in sections 1, 2 and 3 may decrease in order to comply with international obligations of the Union.

	Number of fishing vessels ⁽²⁾							
	Cyprus ⁽³⁾	Greece ⁽⁴⁾	Croatia	Italy	France	Spain	Malta ⁽⁵⁾	Portugal
Baitboat	0	0	0	0	37	69	0	76 ⁽⁷⁾
Handline	0	0	12	0	33 ⁽⁸⁾	1	0	0
Trawler	0	0	0	0	57	0	0	0
Small-scale	0	13	0	0	130	599	52	0
Other artisanal ⁽⁹⁾	0	42	0	0	0	0	0	0

⁽¹⁾ The numbers in table A should be adapted in light of fishing plans submitted by Member states by 31 January 2020.

⁽²⁾ The numbers in this Table A of section 4 may be further increased, provided that the international obligations of the Union are complied with.

⁽³⁾ One medium-size purse seiner may be replaced by no more than 10 longline vessels or one small purse seiner and no more than three longline vessels.

⁽⁴⁾ One medium-size purse seiner may be replaced by no more than 10 longline vessels or one small-size purse seiner and three other artisanal vessels.

⁽⁵⁾ One medium-size purse seiner may be replaced by no more than 10 longline vessels.

⁽⁶⁾ Polyvalent vessels, using multi-gear equipment.

⁽⁷⁾ Baitboats of the outermost regions of Azores and Madeira.

⁽⁸⁾ Line vessels operating in the Atlantic.

⁽⁹⁾ Polyvalent vessels, using multi-gear equipment (longline, handline, trolling line).

5. Maximum number of traps engaged in the eastern Atlantic and Mediterranean bluefin tuna fishery authorised by each Member State ⁽¹⁾

Member State	Number of traps ⁽¹⁾
Spain	5
Italy	6
Portugal	3

⁽¹⁾ This number may be further increased, provided that the international obligations of the Union are complied with.

6. Maximum bluefin tuna farming capacity and fattening capacity for each Member State and maximum input of wild caught bluefin tuna that each Member State may allocate to its farms in the eastern Atlantic and Mediterranean

Table A

Maximum tuna farming capacity and fattening capacity		
	Number of farms	Capacity (in tonnes)
Spain	10	11 852
Italy	13	12 600
Greece	2	2 100
Cyprus	3	3 000
Croatia	7	7 880
Malta	6	12 300

⁽¹⁾ The numbers in section 5 must be adapted in light of fishing plans submitted by Member states by 31 January 2020 for endorsement by Panel 2 of ICCAT on 6 March 2020.

Table B ⁽¹⁾

Maximum input of wild caught bluefin tuna (in tonnes) ⁽²⁾	
Spain	6 300
Italy	3 764
Greece	785
Cyprus	2 195
Croatia	2 947
Malta	8 786
Portugal	350

⁽¹⁾ The total farming capacity of Portugal of 500 tonnes (corresponding to 350 tonnes of input farming capacity) is covered by the unused capacity of the Union set out in table A.

⁽²⁾ The figures in table B in section 6 must be adapted in light of the farming plans submitted by Member states by 31 January 2020.

7. The distribution between the Member States of the maximum number of fishing vessels flying the flag of a Member State authorised to fish for northern albacore as a target species in accordance with Article 12 of Regulation (EC) No 520/2007 shall be as follows:

Member State	Maximum number of vessels
Ireland	50
Spain	730
France	151
United Kingdom	12
Portugal	310

8. Maximum number of Union fishing vessels of at least 20 meters length that fish for bigeye tuna in the ICCAT Convention Area shall be as follows:

Member State	Maximum number of vessels with purse seines	Maximum number of vessels with long-lines
Spain	23	190
France	11	—
Portugal	—	79
Union	34	269

ANNEX VII

CCAMLR CONVENTION AREA

Exploratory fishing for toothfish in the CCAMLR Convention Area in 2019/2020 shall be limited to the following:

Table A

Authorised Member States, subareas and maximum number of vessels

Member State	Area	Maximum number of vessels
Spain	48.6	1
Spain	88.1	1

Table B

TACs and by-catch limits

The TACs set out below, which are adopted by CCAMLR, are not allocated to CCAMLR members and hence the Union's share is undetermined. Catches are monitored by the CCAMLR Secretariat which will communicate to the Contracting Parties when fishing is to be ceased due to TAC exhaustion

Subarea	Region	Season	SSRUs (48.6) or research blocks (88.1)	<i>Dissostichus mawsoni</i> catch limit (in tonnes)/SSRUs (48.6) or research blocks (88.1)	<i>Dissostichus mawsoni</i> catch limit (in tonnes)/whole subarea	By-catch limit (in tonnes)/SSRUs (48.6) or research blocks (88.1)		
						Skates and rays	<i>Macrourus</i> spp. ⁽¹⁾	Other species
48.6	Whole subarea	1 December 2019 to 30 November 2020	48.6_2	140	670	7	22	22
			48.6_3	38		2	6	6
			48.6_4	163		8	26	26
			48.6_5	329		16	53	23
88.1.	Whole subarea	1 December 2019 to 31 August 2020	A, B, C, G ⁽²⁾	597	3 140 ⁽³⁾	30	96	30
			G, H, I, J, K ⁽⁴⁾	2 072		104	317	104
			Special Research Zone of the Ross Sea Region marine protected area	426		23	72	23

⁽¹⁾ In area 88.1, where the catch of *Macrourus* spp. taken by a single vessel in any two 10-day periods (i.e. from day 1 to day 10, day 11 to day 20, or day 21 to the last day of the month) in any SSRU exceeds 1 500 kg in each 10-day period and exceeds 16 % of the catch of *Dissostichus* spp. by that vessel in that SSRU, the vessel shall cease fishing in that SSRU for the remainder of the season.

⁽²⁾ All areas outside the Ross Sea region marine protected area and north of 70° S.

⁽³⁾ The target species is *Dissostichus mawsoni*. Any *Dissostichus eleginoides* caught shall be counted towards the overall catch limit for *Dissostichus mawsoni*.

⁽⁴⁾ All areas outside the Ross Sea region marine protected area and south of 70° S.

Appendix

PART A

Research blocks 48.6 coordinates

Research block 48.6_2 coordinates

54° 00' S 01° 00' E

55° 00' S 01° 00' E

55° 00' S 02° 00' E

55° 30' S 02° 00' E

55° 30' S 04° 00' E

56° 30' S 04° 00' E

56° 30' S 07° 00' E

56° 00' S 07° 00' E

56° 00' S 08° 00' E

54° 00' S 08° 00' E

54° 00' S 09° 00' E

53° 00' S 09° 00' E

53° 00' S 03° 00' E

53° 30' S 03° 00' E

53° 30' S 02° 00' E

54° 00' S 02° 00' E

Research block 48.6_3 coordinates

64° 30' S 01° 00' E

66° 00' S 01° 00' E

66° 00' S 04° 00' E

65° 00' S 04° 00' E

65° 00' S 07° 00' E

64° 30' S 07° 00' E

Research block 48.6_4 coordinates

68° 20' S 10° 00' E

68° 20' S 13° 00' E

69° 30' S 13° 00' E

69° 30' S 10° 00' E

69° 45' S 10° 00' E

69° 45' S 06° 00' E

69° 00' S 06° 00' E

69° 00' S 10° 00' E

Research block 48.6_5 coordinates

71° 00' S 15° 00' W

71° 00' S 13° 00' W

70° 30' S 13° 00' W

70° 30' S 11° 00' W

70° 30' S 10° 00' W

69° 30' S 10° 00' W

69° 30' S 09° 00' W

70° 00' S 09° 00' W

70° 00' S 08° 00' W

69° 30' S 08° 00' W

69° 30' S 07° 00' W

70° 30' S 07° 00' W

70° 30' S 10° 00' W

71° 00' S 10° 00' W

71° 00' S 11° 00' W

71° 30' S 11° 00' W

71° 30' S 15° 00' W

List of small-scale research units (SSRUs)

Region	SSRU	Boundary line
88.1	A	From 60° S 150° E, due east to 170° E, due south to 65° S, due west to 150° E, due north to 60° S.
	B	From 60° S 170° E, due east to 179° E, due south to 66°40' S, due west to 170° E, due north to 60° S.
	C	From 60° S 179° E, due east to 170° W, due south to 70° S, due west to 178° W, due north to 66°40' S, due west to 179° E, due north to 60° S.
	D	From 65° S 150° E, due east to 160° E, due south to coast, westward along coast to 150° E, due north to 65° S.
	E	From 65° S 160° E, due east to 170° E, due south to 68° 30' S, due west to 160° E, due north to 65° S.
	F	From 68° 30' S 160° E, due east to 170° E, due south to coast, westward along coast to 160° E, due north to 68° 30' S.
	G	From 66° 40' S 170° E, due east to 178° W, due south to 70° S, due west to 178° 50' E, due south to 70° 50' S, due west to 170° E, due north to 66°40' S.

Region	SSRU	Boundary line
	H	From 70° 50' S 170° E, due east to 178° 50' E, due south to 73° S, due west to coast, northward along coast to 170° E, due north to 70° 50' S.
	I	From 70° S 178° 50' E, due east to 170° W, due south to 73° S, due west to 178° 50' E, due north to 70° S.
	J	From 73° S at coast near 170° E, due east to 178° 50' E, due south to 80° S, due west to 170° E, northward along coast to 73° S.
	K	From 73° S 178° 50' E, due east to 170° W, due south to 76° S, due west to 178° 50' E, due north to 73° S.
	L	From 76° S 178° 50' E, due east to 170° W, due south to 80° S, due west to 178° 50' E, due north to 76° S.
	M	From 73° S at coast near 169° 30' E, due east to 170° E, due south to 80° S, due west to coast, northward along coast to 73° S.

PART B

NOTIFICATION OF INTENT TO PARTICIPATE IN A FISHERY FOR EUPHAUSIA SUPERBA

General information

Member:

Fishing season:

Name of vessel:

Expected level of catch (tonnes):

Vessel's daily processing capacity (tonnes in green weight):

Intended fishing subareas and divisions

This conservation measure applies to notifications of intentions to fish for krill in Subareas 48.1, 48.2, 48.3 and 48.4 and Divisions 58.4.1 and 58.4.2. Intentions to fish for krill in other subareas and divisions must be notified under Conservation Measure 21-02.

Subarea/division	Tick the appropriate boxes
48.1	<input type="checkbox"/>
48.2	<input type="checkbox"/>
48.3	<input type="checkbox"/>
48.4	<input type="checkbox"/>
58.4.1	<input type="checkbox"/>
58.4.2	<input type="checkbox"/>

Fishing technique: Tick the appropriate boxes

- Conventional trawl
- Continuous fishing system
- Pumping to clear cod-end
- Other method (please specify)

Product types and methods for direct estimation of green weight of krill caught

Product type	Method for direct estimation of green weight of krill caught, where relevant (refer to Annex 21-03/B) ⁽¹⁾
Whole frozen	
Boiled	
Meal	
Oil	
Other product (please specify)	

⁽¹⁾ If the method is not listed in Annex 21-03/B, then please describe in detail.

Net configuration

Net measurements	Net 1		Net 2		Other net(s)	
Net opening (mouth)						
Maximum vertical opening (m)						
Maximum horizontal opening (m)						
Net circumference at mouth ⁽¹⁾ (m)						
Mouth area (m ²)						
Panel average mesh size ⁽³⁾ (mm)	Outer ⁽²⁾	Inner ⁽²⁾	Outer ⁽²⁾	Inner ⁽²⁾	Outer ⁽²⁾	Inner ⁽²⁾
1st panel						
2nd panel						
3rd panel						
...						
Final panel (cod-end)						

⁽¹⁾ Expected in operational conditions.

⁽²⁾ Size of outer mesh, and inner mesh where a liner is used.

⁽³⁾ Inside measurement of stretched mesh based on the procedure in Conservation Measure 22-01.

Net diagram(s):

For each net used, or any change in net configuration, refer to the relevant net diagram in the CCAMLR fishing gear library if available (www.ccamlr.org/node/74407), or submit a detailed diagram and description to the forthcoming meeting of WG-EMM. Net diagram(s) must include:

1. Length and width of each trawl panel (in sufficient detail to allow calculation of the angle of each panel with respect to water flow).
2. Mesh size (inside measurement of stretched mesh based on the procedure in Conservation Measure 22-01), shape (e.g. diamond shape) and material (e.g. polypropylene).

3. Mesh construction (e.g. knotted, fused).
4. Details of streamers used inside the trawl (design, location on panels, indicate 'nil' if streamers are not in use); streamers prevent krill fouling the mesh or escaping.

Marine mammal exclusion device

Device diagram(s):

For each type of device used, or any change in device configuration, refer to the relevant diagram in the CCAMLR fishing gear library if available (www.ccamlr.org/node/74407), or submit a detailed diagram and description to the forthcoming meeting of WG-EMM.

Collection of acoustic data

Provide information on the echosounders and sonars used by the vessel

Type (e.g. echosounder, sonar)			
Manufacturer			
Model			
Transducer frequencies (kHz)			

Collection of acoustic data (detailed description):

Outline steps which will be taken to collect acoustic data to provide information on the distribution and abundance of *Euphausia superba* and other pelagic species such as myctophids and salps (SC-CAMLR-XXX, paragraph 2.10).

GUIDELINES FOR ESTIMATING THE GREEN WEIGHT OF KRILL CAUGHT

Method	Equation (kg)	Parameter			
		Description	Type	Estimation method	Unit
Holding tank volume	$W * L * H * \rho * 1\ 000$	W = tank width	Constant	Measure at the start of fishing	m
		L = tank length	Constant	Measure at the start of fishing	m
		ρ = volume-to-mass conversion factor	Variable	Volume-to-mass conversion	kg/litre
		H = depth of krill in tank	Haul-specific	Direct observation	m
Flow meter (l)	$V * F_{krill} * \rho$	V = volume of krill and water combined	Haul (l)-specific	Direct observation	litre
		F_{krill} = fraction of krill in the sample	Haul (l)-specific	Flow meter volume correction	—
		ρ = volume-to-mass conversion factor	Variable	Volume-to-mass conversion	kg/litre

Method	Equation (kg)	Parameter			
		Description	Type	Estimation method	Unit
Flow meter ⁽²⁾	$(V \cdot \rho) - M$	V = volume of krill paste	Haul ⁽¹⁾ -specific	Direct observation	litre
		M = amount of water added to the process, converted to mass	Haul ⁽¹⁾ -specific	Direct observation	kg
		ρ = density of krill paste	Variable	Direct observation	kg/litre
Flow scale	$M \cdot (1 - F)$	M = mass of krill and water combined	Haul ⁽²⁾ -specific	Direct observation	kg
		F = fraction of water in the sample	Variable	Flow scale mass correction	—
Plate tray	$(M - M_{\text{tray}}) \cdot N$	M_{tray} = mass of empty tray	Constant	Direct observation prior to fishing	kg
		M = mean mass of krill and tray combined	Variable	Direct observation, prior to freezing with water drained	kg
		N = number of trays	Haul-specific	Direct observation	—
Meal conversion	$M_{\text{meal}} \cdot \text{MCF}$	M_{meal} = mass of meal produced	Haul-specific	Direct observation	kg
		MCF = meal conversion factor	Variable	Meal to whole krill conversion	—
Cod-end volume	$\frac{W \cdot H \cdot L \cdot \rho \cdot \pi}{4 \cdot 1\,000}$	W = cod-end width	Constant	Measure at the start of fishing	m
		H = cod-end height	Constant	Measure at the start of fishing	m
		ρ = volume-to-mass conversion factor	Variable	Volume-to-mass conversion	kg/litre
		L = cod-end length	Haul-specific	Direct observation	m
Other	Please specify				

⁽¹⁾ Individual haul when using a conventional trawl, or integrated over a six-hour period when using the continuous fishing system.

⁽²⁾ Individual haul when using a conventional trawl, or a two-hour period when using the continuous fishing system.

Observation steps and frequency

Holding tank volume

At the start of fishing Measure the width and length of the holding tank (if the tank is not rectangular in shape, then additional measurements may be required; precision $\pm 0,05$ m)

Every month ⁽¹⁾ Estimate the volume-to-mass conversion derived from the drained mass of krill in a known volume (e.g. 10 litres) taken from the holding tank

Every haul Measure the depth of krill in the tank (if krill are held in the tank between hauls, then measure the difference in depth; precision $\pm 0,1$ m)

Estimate the green weight of krill caught (using equation)

Flow meter ⁽¹⁾	
Prior to fishing	Ensure that the flow meter is measuring whole krill (i.e. prior to processing)
More than once per month ⁽¹⁾	Estimate the volume-to-mass conversion (ρ) derived from the drained mass of krill in a known volume (e.g. 10 litres) taken from the flow meter
Every haul ⁽²⁾	Obtain a sample from the flow meter and: measure the volume (e.g. 10 litres) of krill and water combined estimate the flow meter volume correction derived from the drained volume of krill Estimate the green weight of krill caught (using equation)
Flow meter ⁽²⁾	
Prior to fishing	Ensure that both flow meters (one for the krill product and one for the water added) are calibrated (i.e. show the same, correct reading)
Every week ⁽¹⁾	Estimate the density (ρ) of the krill product (ground krill paste) by measuring the mass of a known volume of krill product (e.g. 10 litres) taken from the corresponding flow meter
Every haul ⁽²⁾	Read both flow meters, and calculate the total volumes of the krill product (ground krill paste) and that of the water added; density of the water is assumed to be 1 kg/litre Estimate the green weight of krill caught (using equation)
Flow scale	
Prior to fishing	Ensure that the flow scale is measuring whole krill (i.e. prior to processing)
Every haul ⁽²⁾	Obtain a sample from the flow scale and: measure the mass of krill and water combined estimate the flow scale mass correction derived from the drained mass of krill Estimate the green weight of krill caught (using equation)
Plate tray	
Prior to fishing	Measure the mass of the tray (if trays vary in design, then measure the mass of each type; precision $\pm 0,1$ kg)
Every haul	Measure the mass of krill and tray combined (precision $\pm 0,1$ kg) Count the number of trays used (if trays vary in design, then count the number of trays of each type) Estimate the green weight of krill caught (using equation)
Meal conversion	
Every month ⁽¹⁾	Estimate the meal to whole krill conversion by processing 1 000 to 5 000 kg (drained mass) of whole krill
Every haul	Measure the mass of meal produced Estimate the green weight of krill caught (using equation)
Cod-end volume	
At the start of fishing	Measure the width and height of the cod-end (precision $\pm 0,1$ m)
Every month ⁽¹⁾	Estimate the volume-to-mass conversion derived from the drained mass of krill in a known volume (e.g. 10 litres) taken from the cod-end

Every haul

Measure the length of cod-end containing krill (precision $\pm 0,1$ m)

Estimate the green weight of krill caught (using equation)

(¹) A new period will commence when the vessel moves to a new subarea or division.

(²) Individual haul when using a conventional trawl, or integrated over a six-hour period when using the continuous fishing system.

ANNEX VIII

IOTC AREA OF COMPETENCE

1. Maximum number of Union fishing vessels authorised to fish for tropical tunas in the IOTC Area of Competence

Member State	Maximum number of vessels	Capacity (gross tonnage)
Spain	22	61 364
France	27	45 383
Portugal	5	1 627
Italy	1	2 137
Union	55	110 511

2. Maximum number of Union fishing vessels authorised to fish for swordfish and albacore in the IOTC Area of Competence

Member State	Maximum number of vessels	Capacity (gross tonnage)
Spain	27	11 590
France	41 ⁽¹⁾	7 882
Portugal	15	6 925
United Kingdom	4	1 400
Union	87	27 797

⁽¹⁾ This figure does not include vessels registered in Mayotte; it may be increased in the future in accordance with Mayotte's fleet development plan.

3. The vessels referred to in point 1 shall also be authorised to fish for swordfish and albacore in the IOTC Area of Competence.
4. The vessels referred to in point 2 shall also be authorised to fish for tropical tunas in the IOTC Area of Competence.

ANNEX IX

WCPFC CONVENTION AREA

Maximum number of Union fishing vessels authorised to fish for swordfish in areas south of 20°S of the WCPFC Convention Area

Spain	14
Union	14

Maximum number of Union purse seiners authorised to fish for tropical tuna in areas south of 20°S of the WCPFC Convention Area

Spain	4
Union	4

CONSOLIDATED VERSION

OF

THE TREATY ON THE FUNCTIONING OF THE

EUROPEAN UNION

PREAMBLE

HIS MAJESTY THE KING OF THE BELGIANS, THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY, THE PRESIDENT OF THE FRENCH REPUBLIC, THE PRESIDENT OF THE ITALIAN REPUBLIC, HER ROYAL HIGHNESS THE GRAND DUCHESS OF LUXEMBOURG, HER MAJESTY THE QUEEN OF THE NETHERLANDS, ⁽¹⁾

DETERMINED to lay the foundations of an ever closer union among the peoples of Europe,

RESOLVED to ensure the economic and social progress of their States by common action to eliminate the barriers which divide Europe,

AFFIRMING as the essential objective of their efforts the constant improvements of the living and working conditions of their peoples,

RECOGNISING that the removal of existing obstacles calls for concerted action in order to guarantee steady expansion, balanced trade and fair competition,

ANXIOUS to strengthen the unity of their economies and to ensure their harmonious development by reducing the differences existing between the various regions and the backwardness of the less favoured regions,

DESIRING to contribute, by means of a common commercial policy, to the progressive abolition of restrictions on international trade,

INTENDING to confirm the solidarity which binds Europe and the overseas countries and desiring to ensure the development of their prosperity, in accordance with the principles of the Charter of the United Nations,

RESOLVED by thus pooling their resources to preserve and strengthen peace and liberty, and calling upon the other peoples of Europe who share their ideal to join in their efforts,

DETERMINED to promote the development of the highest possible level of knowledge for their peoples through a wide access to education and through its continuous updating,

and to this end HAVE DESIGNATED as their Plenipotentiaries:

(List of plenipotentiaries not reproduced)

WHO, having exchanged their full powers, found in good and due form, have agreed as follows.

⁽¹⁾ The Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland have since become members of the European Union.

PART ONE

PRINCIPLES

Article 1

1. This Treaty organises the functioning of the Union and determines the areas of, delimitation of, and arrangements for exercising its competences.
2. This Treaty and the Treaty on European Union constitute the Treaties on which the Union is founded. These two Treaties, which have the same legal value, shall be referred to as 'the Treaties'.

TITLE I

CATEGORIES AND AREAS OF UNION COMPETENCE

Article 2

1. When the Treaties confer on the Union exclusive competence in a specific area, only the Union may legislate and adopt legally binding acts, the Member States being able to do so themselves only if so empowered by the Union or for the implementation of Union acts.
2. When the Treaties confer on the Union a competence shared with the Member States in a specific area, the Union and the Member States may legislate and adopt legally binding acts in that area. The Member States shall exercise their competence to the extent that the Union has not exercised its competence. The Member States shall again exercise their competence to the extent that the Union has decided to cease exercising its competence.
3. The Member States shall coordinate their economic and employment policies within arrangements as determined by this Treaty, which the Union shall have competence to provide.
4. The Union shall have competence, in accordance with the provisions of the Treaty on European Union, to define and implement a common foreign and security policy, including the progressive framing of a common defence policy.
5. In certain areas and under the conditions laid down in the Treaties, the Union shall have competence to carry out actions to support, coordinate or supplement the actions of the Member States, without thereby superseding their competence in these areas.

Legally binding acts of the Union adopted on the basis of the provisions of the Treaties relating to these areas shall not entail harmonisation of Member States' laws or regulations.

6. The scope of and arrangements for exercising the Union's competences shall be determined by the provisions of the Treaties relating to each area.

Article 3

1. The Union shall have exclusive competence in the following areas:
 - (a) customs union;
 - (b) the establishing of the competition rules necessary for the functioning of the internal market;
 - (c) monetary policy for the Member States whose currency is the euro;
 - (d) the conservation of marine biological resources under the common fisheries policy;
 - (e) common commercial policy.
2. The Union shall also have exclusive competence for the conclusion of an international agreement when its conclusion is provided for in a legislative act of the Union or is necessary to enable the Union to exercise its internal competence, or in so far as its conclusion may affect common rules or alter their scope.

Article 4

1. The Union shall share competence with the Member States where the Treaties confer on it a competence which does not relate to the areas referred to in Articles 3 and 6.
2. Shared competence between the Union and the Member States applies in the following principal areas:
 - (a) internal market;
 - (b) social policy, for the aspects defined in this Treaty;
 - (c) economic, social and territorial cohesion;
 - (d) agriculture and fisheries, excluding the conservation of marine biological resources;
 - (e) environment;
 - (f) consumer protection;
 - (g) transport;
 - (h) trans-European networks;
 - (i) energy;

(j) area of freedom, security and justice;

(k) common safety concerns in public health matters, for the aspects defined in this Treaty.

3. In the areas of research, technological development and space, the Union shall have competence to carry out activities, in particular to define and implement programmes; however, the exercise of that competence shall not result in Member States being prevented from exercising theirs.

4. In the areas of development cooperation and humanitarian aid, the Union shall have competence to carry out activities and conduct a common policy; however, the exercise of that competence shall not result in Member States being prevented from exercising theirs.

Article 5

1. The Member States shall coordinate their economic policies within the Union. To this end, the Council shall adopt measures, in particular broad guidelines for these policies.

Specific provisions shall apply to those Member States whose currency is the euro.

2. The Union shall take measures to ensure coordination of the employment policies of the Member States, in particular by defining guidelines for these policies.

3. The Union may take initiatives to ensure coordination of Member States' social policies.

Article 6

The Union shall have competence to carry out actions to support, coordinate or supplement the actions of the Member States. The areas of such action shall, at European level, be:

(a) protection and improvement of human health;

(b) industry;

(c) culture;

(d) tourism;

(e) education, vocational training, youth and sport;

(f) civil protection;

(g) administrative cooperation.

TITLE II

PROVISIONS HAVING GENERAL APPLICATION

Article 7

The Union shall ensure consistency between its policies and activities, taking all of its objectives into account and in accordance with the principle of conferral of powers.

Article 8

(ex Article 3(2) TEC) ⁽¹⁾

In all its activities, the Union shall aim to eliminate inequalities, and to promote equality, between men and women.

Article 9

In defining and implementing its policies and activities, the Union shall take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion, and a high level of education, training and protection of human health.

Article 10

In defining and implementing its policies and activities, the Union shall aim to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

Article 11

(ex Article 6 TEC)

Environmental protection requirements must be integrated into the definition and implementation of the Union's policies and activities, in particular with a view to promoting sustainable development.

⁽¹⁾ These references are merely indicative. For more ample information, please refer to the tables of equivalences between the old and the new numbering of the Treaties.

Article 12

(ex Article 153(2) TEC)

Consumer protection requirements shall be taken into account in defining and implementing other Union policies and activities.

Article 13

In formulating and implementing the Union's agriculture, fisheries, transport, internal market, research and technological development and space policies, the Union and the Member States shall, since animals are sentient beings, pay full regard to the welfare requirements of animals, while respecting the legislative or administrative provisions and customs of the Member States relating in particular to religious rites, cultural traditions and regional heritage.

Article 14

(ex Article 16 TEC)

Without prejudice to Article 4 of the Treaty on European Union or to Articles 93, 106 and 107 of this Treaty, and given the place occupied by services of general economic interest in the shared values of the Union as well as their role in promoting social and territorial cohesion, the Union and the Member States, each within their respective powers and within the scope of application of the Treaties, shall take care that such services operate on the basis of principles and conditions, particularly economic and financial conditions, which enable them to fulfil their missions. The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, shall establish these principles and set these conditions without prejudice to the competence of Member States, in compliance with the Treaties, to provide, to commission and to fund such services.

Article 15

(ex Article 255 TEC)

1. In order to promote good governance and ensure the participation of civil society, the Union's institutions, bodies, offices and agencies shall conduct their work as openly as possible.

2. The European Parliament shall meet in public, as shall the Council when considering and voting on a draft legislative act.

3. Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have a right of access to documents of the Union's institutions, bodies, offices and agencies, whatever their medium, subject to the principles and the conditions to be defined in accordance with this paragraph.

General principles and limits on grounds of public or private interest governing this right of access to documents shall be determined by the European Parliament and the Council, by means of regulations, acting in accordance with the ordinary legislative procedure.

Each institution, body, office or agency shall ensure that its proceedings are transparent and shall elaborate in its own Rules of Procedure specific provisions regarding access to its documents, in accordance with the regulations referred to in the second subparagraph.

The Court of Justice of the European Union, the European Central Bank and the European Investment Bank shall be subject to this paragraph only when exercising their administrative tasks.

The European Parliament and the Council shall ensure publication of the documents relating to the legislative procedures under the terms laid down by the regulations referred to in the second subparagraph.

Article 16

(ex Article 286 TEC)

1. Everyone has the right to the protection of personal data concerning them.
2. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall lay down the rules relating to the protection of individuals with regard to the processing of personal data by Union institutions, bodies, offices and agencies, and by the Member States when carrying out activities which fall within the scope of Union law, and the rules relating to the free movement of such data. Compliance with these rules shall be subject to the control of independent authorities.

The rules adopted on the basis of this Article shall be without prejudice to the specific rules laid down in Article 39 of the Treaty on European Union.

Article 17

1. The Union respects and does not prejudice the status under national law of churches and religious associations or communities in the Member States.
2. The Union equally respects the status under national law of philosophical and non-confessional organisations.
3. Recognising their identity and their specific contribution, the Union shall maintain an open, transparent and regular dialogue with these churches and organisations.

PART TWO

NON-DISCRIMINATION AND CITIZENSHIP OF THE UNION

Article 18

(ex Article 12 TEC)

Within the scope of application of the Treaties, and without prejudice to any special provisions contained therein, any discrimination on grounds of nationality shall be prohibited.

The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may adopt rules designed to prohibit such discrimination.

Article 19

(ex Article 13 TEC)

1. Without prejudice to the other provisions of the Treaties and within the limits of the powers conferred by them upon the Union, the Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation.

2. By way of derogation from paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may adopt the basic principles of Union incentive measures, excluding any harmonisation of the laws and regulations of the Member States, to support action taken by the Member States in order to contribute to the achievement of the objectives referred to in paragraph 1.

Article 20

(ex Article 17 TEC)

1. Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship.

2. Citizens of the Union shall enjoy the rights and be subject to the duties provided for in the Treaties. They shall have, inter alia:

- (a) the right to move and reside freely within the territory of the Member States;
- (b) the right to vote and to stand as candidates in elections to the European Parliament and in municipal elections in their Member State of residence, under the same conditions as nationals of that State;

- (c) the right to enjoy, in the territory of a third country in which the Member State of which they are nationals is not represented, the protection of the diplomatic and consular authorities of any Member State on the same conditions as the nationals of that State;
- (d) the right to petition the European Parliament, to apply to the European Ombudsman, and to address the institutions and advisory bodies of the Union in any of the Treaty languages and to obtain a reply in the same language.

These rights shall be exercised in accordance with the conditions and limits defined by the Treaties and by the measures adopted thereunder.

Article 21

(ex Article 18 TEC)

1. Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give them effect.
2. If action by the Union should prove necessary to attain this objective and the Treaties have not provided the necessary powers, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may adopt provisions with a view to facilitating the exercise of the rights referred to in paragraph 1.
3. For the same purposes as those referred to in paragraph 1 and if the Treaties have not provided the necessary powers, the Council, acting in accordance with a special legislative procedure, may adopt measures concerning social security or social protection. The Council shall act unanimously after consulting the European Parliament.

Article 22

(ex Article 19 TEC)

1. Every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate at municipal elections in the Member State in which he resides, under the same conditions as nationals of that State. This right shall be exercised subject to detailed arrangements adopted by the Council, acting unanimously in accordance with a special legislative procedure and after consulting the European Parliament; these arrangements may provide for derogations where warranted by problems specific to a Member State.
2. Without prejudice to Article 223(1) and to the provisions adopted for its implementation, every citizen of the Union residing in a Member State of which he is not a national shall have the right to vote and to stand as a candidate in elections to the European Parliament in the Member State in which he resides, under the same conditions as nationals of that State. This right shall be exercised subject to detailed arrangements adopted by the Council, acting unanimously in accordance with a special legislative procedure and after consulting the European Parliament; these arrangements may provide for derogations where warranted by problems specific to a Member State.

Article 23

(ex Article 20 TEC)

Every citizen of the Union shall, in the territory of a third country in which the Member State of which he is a national is not represented, be entitled to protection by the diplomatic or consular authorities of any Member State, on the same conditions as the nationals of that State. Member States shall adopt the necessary provisions and start the international negotiations required to secure this protection.

The Council, acting in accordance with a special legislative procedure and after consulting the European Parliament, may adopt directives establishing the coordination and cooperation measures necessary to facilitate such protection.

Article 24

(ex Article 21 TEC)

The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, shall adopt the provisions for the procedures and conditions required for a citizens' initiative within the meaning of Article 11 of the Treaty on European Union, including the minimum number of Member States from which such citizens must come.

Every citizen of the Union shall have the right to petition the European Parliament in accordance with Article 227.

Every citizen of the Union may apply to the Ombudsman established in accordance with Article 228.

Every citizen of the Union may write to any of the institutions or bodies referred to in this Article or in Article 13 of the Treaty on European Union in one of the languages mentioned in Article 55(1) of the Treaty on European Union and have an answer in the same language.

Article 25

(ex Article 22 TEC)

The Commission shall report to the European Parliament, to the Council and to the Economic and Social Committee every three years on the application of the provisions of this Part. This report shall take account of the development of the Union.

On this basis, and without prejudice to the other provisions of the Treaties, the Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, may adopt provisions to strengthen or to add to the rights listed in Article 20(2). These provisions shall enter into force after their approval by the Member States in accordance with their respective constitutional requirements.

PART THREE
UNION POLICIES AND INTERNAL ACTIONS

TITLE I
THE INTERNAL MARKET

Article 26
(ex Article 14 TEC)

1. The Union shall adopt measures with the aim of establishing or ensuring the functioning of the internal market, in accordance with the relevant provisions of the Treaties.
2. The internal market shall comprise an area without internal frontiers in which the free movement of goods, persons, services and capital is ensured in accordance with the provisions of the Treaties.
3. The Council, on a proposal from the Commission, shall determine the guidelines and conditions necessary to ensure balanced progress in all the sectors concerned.

Article 27
(ex Article 15 TEC)

When drawing up its proposals with a view to achieving the objectives set out in Article 26, the Commission shall take into account the extent of the effort that certain economies showing differences in development will have to sustain for the establishment of the internal market and it may propose appropriate provisions.

If these provisions take the form of derogations, they must be of a temporary nature and must cause the least possible disturbance to the functioning of the internal market.

TITLE II
FREE MOVEMENT OF GOODS

Article 28
(ex Article 23 TEC)

1. The Union shall comprise a customs union which shall cover all trade in goods and which shall involve the prohibition between Member States of customs duties on imports and exports and of all charges having equivalent effect, and the adoption of a common customs tariff in their relations with third countries.

2. The provisions of Article 30 and of Chapter 3 of this Title shall apply to products originating in Member States and to products coming from third countries which are in free circulation in Member States.

Article 29

(ex Article 24 TEC)

Products coming from a third country shall be considered to be in free circulation in a Member State if the import formalities have been complied with and any customs duties or charges having equivalent effect which are payable have been levied in that Member State, and if they have not benefited from a total or partial drawback of such duties or charges.

CHAPTER 1

THE CUSTOMS UNION

Article 30

(ex Article 25 TEC)

Customs duties on imports and exports and charges having equivalent effect shall be prohibited between Member States. This prohibition shall also apply to customs duties of a fiscal nature.

Article 31

(ex Article 26 TEC)

Common Customs Tariff duties shall be fixed by the Council on a proposal from the Commission.

Article 32

(ex Article 27 TEC)

In carrying out the tasks entrusted to it under this Chapter the Commission shall be guided by:

- (a) the need to promote trade between Member States and third countries;
- (b) developments in conditions of competition within the Union in so far as they lead to an improvement in the competitive capacity of undertakings;
- (c) the requirements of the Union as regards the supply of raw materials and semi-finished goods; in this connection the Commission shall take care to avoid distorting conditions of competition between Member States in respect of finished goods;
- (d) the need to avoid serious disturbances in the economies of Member States and to ensure rational development of production and an expansion of consumption within the Union.

CHAPTER 2
CUSTOMS COOPERATION

Article 33
(ex Article 135 TEC)

Within the scope of application of the Treaties, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall take measures in order to strengthen customs cooperation between Member States and between the latter and the Commission.

CHAPTER 3
PROHIBITION OF QUANTITATIVE RESTRICTIONS BETWEEN MEMBER STATES

Article 34
(ex Article 28 TEC)

Quantitative restrictions on imports and all measures having equivalent effect shall be prohibited between Member States.

Article 35
(ex Article 29 TEC)

Quantitative restrictions on exports, and all measures having equivalent effect, shall be prohibited between Member States.

Article 36
(ex Article 30 TEC)

The provisions of Articles 34 and 35 shall not preclude prohibitions or restrictions on imports, exports or goods in transit justified on grounds of public morality, public policy or public security; the protection of health and life of humans, animals or plants; the protection of national treasures possessing artistic, historic or archaeological value; or the protection of industrial and commercial property. Such prohibitions or restrictions shall not, however, constitute a means of arbitrary discrimination or a disguised restriction on trade between Member States.

Article 37
(ex Article 31 TEC)

1. Member States shall adjust any State monopolies of a commercial character so as to ensure that no discrimination regarding the conditions under which goods are procured and marketed exists between nationals of Member States.

The provisions of this Article shall apply to any body through which a Member State, in law or in fact, either directly or indirectly supervises, determines or appreciably influences imports or exports between Member States. These provisions shall likewise apply to monopolies delegated by the State to others.

2. Member States shall refrain from introducing any new measure which is contrary to the principles laid down in paragraph 1 or which restricts the scope of the articles dealing with the prohibition of customs duties and quantitative restrictions between Member States.

3. If a State monopoly of a commercial character has rules which are designed to make it easier to dispose of agricultural products or obtain for them the best return, steps should be taken in applying the rules contained in this Article to ensure equivalent safeguards for the employment and standard of living of the producers concerned.

TITLE III

AGRICULTURE AND FISHERIES

Article 38

(ex Article 32 TEC)

1. The Union shall define and implement a common agriculture and fisheries policy.

The internal market shall extend to agriculture, fisheries and trade in agricultural products. 'Agricultural products' means the products of the soil, of stockfarming and of fisheries and products of first-stage processing directly related to these products. References to the common agricultural policy or to agriculture, and the use of the term 'agricultural', shall be understood as also referring to fisheries, having regard to the specific characteristics of this sector.

2. Save as otherwise provided in Articles 39 to 44, the rules laid down for the establishment and functioning of the internal market shall apply to agricultural products.

3. The products subject to the provisions of Articles 39 to 44 are listed in Annex I.

4. The operation and development of the internal market for agricultural products must be accompanied by the establishment of a common agricultural policy.

Article 39

(ex Article 33 TEC)

1. The objectives of the common agricultural policy shall be:

(a) to increase agricultural productivity by promoting technical progress and by ensuring the rational development of agricultural production and the optimum utilisation of the factors of production, in particular labour;

- (b) thus to ensure a fair standard of living for the agricultural community, in particular by increasing the individual earnings of persons engaged in agriculture;
- (c) to stabilise markets;
- (d) to assure the availability of supplies;
- (e) to ensure that supplies reach consumers at reasonable prices.

2. In working out the common agricultural policy and the special methods for its application, account shall be taken of:

- (a) the particular nature of agricultural activity, which results from the social structure of agriculture and from structural and natural disparities between the various agricultural regions;
- (b) the need to effect the appropriate adjustments by degrees;
- (c) the fact that in the Member States agriculture constitutes a sector closely linked with the economy as a whole.

Article 40

(ex Article 34 TEC)

1. In order to attain the objectives set out in Article 39, a common organisation of agricultural markets shall be established.

This organisation shall take one of the following forms, depending on the product concerned:

- (a) common rules on competition;
- (b) compulsory coordination of the various national market organisations;
- (c) a European market organisation.

2. The common organisation established in accordance with paragraph 1 may include all measures required to attain the objectives set out in Article 39, in particular regulation of prices, aids for the production and marketing of the various products, storage and carryover arrangements and common machinery for stabilising imports or exports.

The common organisation shall be limited to pursuit of the objectives set out in Article 39 and shall exclude any discrimination between producers or consumers within the Union.

Any common price policy shall be based on common criteria and uniform methods of calculation.

3. In order to enable the common organisation referred to in paragraph 1 to attain its objectives, one or more agricultural guidance and guarantee funds may be set up.

Article 41

(ex Article 35 TEC)

To enable the objectives set out in Article 39 to be attained, provision may be made within the framework of the common agricultural policy for measures such as:

- (a) an effective coordination of efforts in the spheres of vocational training, of research and of the dissemination of agricultural knowledge; this may include joint financing of projects or institutions;
- (b) joint measures to promote consumption of certain products.

Article 42

(ex Article 36 TEC)

The provisions of the Chapter relating to rules on competition shall apply to production of and trade in agricultural products only to the extent determined by the European Parliament and the Council within the framework of Article 43(2) and in accordance with the procedure laid down therein, account being taken of the objectives set out in Article 39.

The Council, on a proposal from the Commission, may authorise the granting of aid:

- (a) for the protection of enterprises handicapped by structural or natural conditions;
- (b) within the framework of economic development programmes.

Article 43

(ex Article 37 TEC)

1. The Commission shall submit proposals for working out and implementing the common agricultural policy, including the replacement of the national organisations by one of the forms of common organisation provided for in Article 40(1), and for implementing the measures specified in this Title.

These proposals shall take account of the interdependence of the agricultural matters mentioned in this Title.

2. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee, shall establish the common organisation of agricultural markets provided for in Article 40(1) and the other provisions necessary for the pursuit of the objectives of the common agricultural policy and the common fisheries policy.

3. The Council, on a proposal from the Commission, shall adopt measures on fixing prices, levies, aid and quantitative limitations and on the fixing and allocation of fishing opportunities.

4. In accordance with paragraph 2, the national market organisations may be replaced by the common organisation provided for in Article 40(1) if:

- (a) the common organisation offers Member States which are opposed to this measure and which have an organisation of their own for the production in question equivalent safeguards for the employment and standard of living of the producers concerned, account being taken of the adjustments that will be possible and the specialisation that will be needed with the passage of time;
- (b) such an organisation ensures conditions for trade within the Union similar to those existing in a national market.

5. If a common organisation for certain raw materials is established before a common organisation exists for the corresponding processed products, such raw materials as are used for processed products intended for export to third countries may be imported from outside the Union.

Article 44

(ex Article 38 TEC)

Where in a Member State a product is subject to a national market organisation or to internal rules having equivalent effect which affect the competitive position of similar production in another Member State, a countervailing charge shall be applied by Member States to imports of this product coming from the Member State where such organisation or rules exist, unless that State applies a countervailing charge on export.

The Commission shall fix the amount of these charges at the level required to redress the balance; it may also authorise other measures, the conditions and details of which it shall determine.

TITLE IV

FREE MOVEMENT OF PERSONS, SERVICES AND CAPITAL

CHAPTER 1

WORKERS

Article 45

(ex Article 39 TEC)

1. Freedom of movement for workers shall be secured within the Union.

2. Such freedom of movement shall entail the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment.

3. It shall entail the right, subject to limitations justified on grounds of public policy, public security or public health:

- (a) to accept offers of employment actually made;
- (b) to move freely within the territory of Member States for this purpose;
- (c) to stay in a Member State for the purpose of employment in accordance with the provisions governing the employment of nationals of that State laid down by law, regulation or administrative action;
- (d) to remain in the territory of a Member State after having been employed in that State, subject to conditions which shall be embodied in regulations to be drawn up by the Commission.

4. The provisions of this Article shall not apply to employment in the public service.

Article 46

(ex Article 40 TEC)

The European Parliament and the Council shall, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee, issue directives or make regulations setting out the measures required to bring about freedom of movement for workers, as defined in Article 45, in particular:

- (a) by ensuring close cooperation between national employment services;
- (b) by abolishing those administrative procedures and practices and those qualifying periods in respect of eligibility for available employment, whether resulting from national legislation or from agreements previously concluded between Member States, the maintenance of which would form an obstacle to liberalisation of the movement of workers;
- (c) by abolishing all such qualifying periods and other restrictions provided for either under national legislation or under agreements previously concluded between Member States as imposed on workers of other Member States conditions regarding the free choice of employment other than those imposed on workers of the State concerned;
- (d) by setting up appropriate machinery to bring offers of employment into touch with applications for employment and to facilitate the achievement of a balance between supply and demand in the employment market in such a way as to avoid serious threats to the standard of living and level of employment in the various regions and industries.

Article 47

(ex Article 41 TEC)

Member States shall, within the framework of a joint programme, encourage the exchange of young workers.

Article 48

(ex Article 42 TEC)

The European Parliament and the Council shall, acting in accordance with the ordinary legislative procedure, adopt such measures in the field of social security as are necessary to provide freedom of movement for workers; to this end, they shall make arrangements to secure for employed and self-employed migrant workers and their dependants:

- (a) aggregation, for the purpose of acquiring and retaining the right to benefit and of calculating the amount of benefit, of all periods taken into account under the laws of the several countries;
- (b) payment of benefits to persons resident in the territories of Member States.

Where a member of the Council declares that a draft legislative act referred to in the first subparagraph would affect important aspects of its social security system, including its scope, cost or financial structure, or would affect the financial balance of that system, it may request that the matter be referred to the European Council. In that case, the ordinary legislative procedure shall be suspended. After discussion, the European Council shall, within four months of this suspension, either:

- (a) refer the draft back to the Council, which shall terminate the suspension of the ordinary legislative procedure; or
- (b) take no action or request the Commission to submit a new proposal; in that case, the act originally proposed shall be deemed not to have been adopted.

CHAPTER 2

RIGHT OF ESTABLISHMENT

Article 49

(ex Article 43 TEC)

Within the framework of the provisions set out below, restrictions on the freedom of establishment of nationals of a Member State in the territory of another Member State shall be prohibited. Such prohibition shall also apply to restrictions on the setting-up of agencies, branches or subsidiaries by nationals of any Member State established in the territory of any Member State.

Freedom of establishment shall include the right to take up and pursue activities as self-employed persons and to set up and manage undertakings, in particular companies or firms within the meaning of the second paragraph of Article 54, under the conditions laid down for its own nationals by the law of the country where such establishment is effected, subject to the provisions of the Chapter relating to capital.

Article 50

(ex Article 44 TEC)

1. In order to attain freedom of establishment as regards a particular activity, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee, shall act by means of directives.
2. The European Parliament, the Council and the Commission shall carry out the duties devolving upon them under the preceding provisions, in particular:
 - (a) by according, as a general rule, priority treatment to activities where freedom of establishment makes a particularly valuable contribution to the development of production and trade;
 - (b) by ensuring close cooperation between the competent authorities in the Member States in order to ascertain the particular situation within the Union of the various activities concerned;
 - (c) by abolishing those administrative procedures and practices, whether resulting from national legislation or from agreements previously concluded between Member States, the maintenance of which would form an obstacle to freedom of establishment;
 - (d) by ensuring that workers of one Member State employed in the territory of another Member State may remain in that territory for the purpose of taking up activities therein as self-employed persons, where they satisfy the conditions which they would be required to satisfy if they were entering that State at the time when they intended to take up such activities;
 - (e) by enabling a national of one Member State to acquire and use land and buildings situated in the territory of another Member State, in so far as this does not conflict with the principles laid down in Article 39(2);
 - (f) by effecting the progressive abolition of restrictions on freedom of establishment in every branch of activity under consideration, both as regards the conditions for setting up agencies, branches or subsidiaries in the territory of a Member State and as regards the subsidiaries in the territory of a Member State and as regards the conditions governing the entry of personnel belonging to the main establishment into managerial or supervisory posts in such agencies, branches or subsidiaries;
 - (g) by coordinating to the necessary extent the safeguards which, for the protection of the interests of members and others, are required by Member States of companies or firms within the meaning of the second paragraph of Article 54 with a view to making such safeguards equivalent throughout the Union;
 - (h) by satisfying themselves that the conditions of establishment are not distorted by aids granted by Member States.

Article 51

(ex Article 45 TEC)

The provisions of this Chapter shall not apply, so far as any given Member State is concerned, to activities which in that State are connected, even occasionally, with the exercise of official authority.

The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may rule that the provisions of this Chapter shall not apply to certain activities.

Article 52

(ex Article 46 TEC)

1. The provisions of this Chapter and measures taken in pursuance thereof shall not prejudice the applicability of provisions laid down by law, regulation or administrative action providing for special treatment for foreign nationals on grounds of public policy, public security or public health.
2. The European Parliament and the Council shall, acting in accordance with the ordinary legislative procedure, issue directives for the coordination of the abovementioned provisions.

Article 53

(ex Article 47 TEC)

1. In order to make it easier for persons to take up and pursue activities as self-employed persons, the European Parliament and the Council shall, acting in accordance with the ordinary legislative procedure, issue directives for the mutual recognition of diplomas, certificates and other evidence of formal qualifications and for the coordination of the provisions laid down by law, regulation or administrative action in Member States concerning the taking-up and pursuit of activities as self-employed persons.
2. In the case of the medical and allied and pharmaceutical professions, the progressive abolition of restrictions shall be dependent upon coordination of the conditions for their exercise in the various Member States.

Article 54

(ex Article 48 TEC)

Companies or firms formed in accordance with the law of a Member State and having their registered office, central administration or principal place of business within the Union shall, for the purposes of this Chapter, be treated in the same way as natural persons who are nationals of Member States.

‘Companies or firms’ means companies or firms constituted under civil or commercial law, including cooperative societies, and other legal persons governed by public or private law, save for those which are non-profit-making.

Article 55

(ex Article 294 TEC)

Member States shall accord nationals of the other Member States the same treatment as their own nationals as regards participation in the capital of companies or firms within the meaning of Article 54, without prejudice to the application of the other provisions of the Treaties.

CHAPTER 3
SERVICES

Article 56
(ex Article 49 TEC)

Within the framework of the provisions set out below, restrictions on freedom to provide services within the Union shall be prohibited in respect of nationals of Member States who are established in a Member State other than that of the person for whom the services are intended.

The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may extend the provisions of the Chapter to nationals of a third country who provide services and who are established within the Union.

Article 57
(ex Article 50 TEC)

Services shall be considered to be 'services' within the meaning of the Treaties where they are normally provided for remuneration, in so far as they are not governed by the provisions relating to freedom of movement for goods, capital and persons.

'Services' shall in particular include:

- (a) activities of an industrial character;
- (b) activities of a commercial character;
- (c) activities of craftsmen;
- (d) activities of the professions.

Without prejudice to the provisions of the Chapter relating to the right of establishment, the person providing a service may, in order to do so, temporarily pursue his activity in the Member State where the service is provided, under the same conditions as are imposed by that State on its own nationals.

Article 58
(ex Article 51 TEC)

1. Freedom to provide services in the field of transport shall be governed by the provisions of the Title relating to transport.
2. The liberalisation of banking and insurance services connected with movements of capital shall be effected in step with the liberalisation of movement of capital.

Article 59

(ex Article 52 TEC)

1. In order to achieve the liberalisation of a specific service, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee, shall issue directives.

2. As regards the directives referred to in paragraph 1, priority shall as a general rule be given to those services which directly affect production costs or the liberalisation of which helps to promote trade in goods.

Article 60

(ex Article 53 TEC)

The Member States shall endeavour to undertake the liberalisation of services beyond the extent required by the directives issued pursuant to Article 59(1), if their general economic situation and the situation of the economic sector concerned so permit.

To this end, the Commission shall make recommendations to the Member States concerned.

Article 61

(ex Article 54 TEC)

As long as restrictions on freedom to provide services have not been abolished, each Member State shall apply such restrictions without distinction on grounds of nationality or residence to all persons providing services within the meaning of the first paragraph of Article 56.

Article 62

(ex Article 55 TEC)

The provisions of Articles 51 to 54 shall apply to the matters covered by this Chapter.

CHAPTER 4

CAPITAL AND PAYMENTS

Article 63

(ex Article 56 TEC)

1. Within the framework of the provisions set out in this Chapter, all restrictions on the movement of capital between Member States and between Member States and third countries shall be prohibited.

2. Within the framework of the provisions set out in this Chapter, all restrictions on payments between Member States and between Member States and third countries shall be prohibited.

Article 64

(ex Article 57 TEC)

1. The provisions of Article 63 shall be without prejudice to the application to third countries of any restrictions which exist on 31 December 1993 under national or Union law adopted in respect of the movement of capital to or from third countries involving direct investment – including in real estate – establishment, the provision of financial services or the admission of securities to capital markets. In respect of restrictions existing under national law in Bulgaria, Estonia and Hungary, the relevant date shall be 31 December 1999.

2. Whilst endeavouring to achieve the objective of free movement of capital between Member States and third countries to the greatest extent possible and without prejudice to the other Chapters of the Treaties, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt the measures on the movement of capital to or from third countries involving direct investment – including investment in real estate – establishment, the provision of financial services or the admission of securities to capital markets.

3. Notwithstanding paragraph 2, only the Council, acting in accordance with a special legislative procedure, may unanimously, and after consulting the European Parliament, adopt measures which constitute a step backwards in Union law as regards the liberalisation of the movement of capital to or from third countries.

Article 65

(ex Article 58 TEC)

1. The provisions of Article 63 shall be without prejudice to the right of Member States:

- (a) to apply the relevant provisions of their tax law which distinguish between taxpayers who are not in the same situation with regard to their place of residence or with regard to the place where their capital is invested;
- (b) to take all requisite measures to prevent infringements of national law and regulations, in particular in the field of taxation and the prudential supervision of financial institutions, or to lay down procedures for the declaration of capital movements for purposes of administrative or statistical information, or to take measures which are justified on grounds of public policy or public security.

2. The provisions of this Chapter shall be without prejudice to the applicability of restrictions on the right of establishment which are compatible with the Treaties.

3. The measures and procedures referred to in paragraphs 1 and 2 shall not constitute a means of arbitrary discrimination or a disguised restriction on the free movement of capital and payments as defined in Article 63.

4. In the absence of measures pursuant to Article 64(3), the Commission or, in the absence of a Commission decision within three months from the request of the Member State concerned, the Council, may adopt a decision stating that restrictive tax measures adopted by a Member State concerning one or more third countries are to be considered compatible with the Treaties in so far as they are justified by one of the objectives of the Union and compatible with the proper functioning of the internal market. The Council shall act unanimously on application by a Member State.

Article 66

(ex Article 59 TEC)

Where, in exceptional circumstances, movements of capital to or from third countries cause, or threaten to cause, serious difficulties for the operation of economic and monetary union, the Council, on a proposal from the Commission and after consulting the European Central Bank, may take safeguard measures with regard to third countries for a period not exceeding six months if such measures are strictly necessary.

TITLE V

AREA OF FREEDOM, SECURITY AND JUSTICE

CHAPTER 1

GENERAL PROVISIONS

Article 67

(ex Article 61 TEC and ex Article 29 TEU)

1. The Union shall constitute an area of freedom, security and justice with respect for fundamental rights and the different legal systems and traditions of the Member States.
2. It shall ensure the absence of internal border controls for persons and shall frame a common policy on asylum, immigration and external border control, based on solidarity between Member States, which is fair towards third-country nationals. For the purpose of this Title, stateless persons shall be treated as third-country nationals.
3. The Union shall endeavour to ensure a high level of security through measures to prevent and combat crime, racism and xenophobia, and through measures for coordination and cooperation between police and judicial authorities and other competent authorities, as well as through the mutual recognition of judgments in criminal matters and, if necessary, through the approximation of criminal laws.
4. The Union shall facilitate access to justice, in particular through the principle of mutual recognition of judicial and extrajudicial decisions in civil matters.

Article 68

The European Council shall define the strategic guidelines for legislative and operational planning within the area of freedom, security and justice.

Article 69

National Parliaments ensure that the proposals and legislative initiatives submitted under Chapters 4 and 5 comply with the principle of subsidiarity, in accordance with the arrangements laid down by the Protocol on the application of the principles of subsidiarity and proportionality.

Article 70

Without prejudice to Articles 258, 259 and 260, the Council may, on a proposal from the Commission, adopt measures laying down the arrangements whereby Member States, in collaboration with the Commission, conduct objective and impartial evaluation of the implementation of the Union policies referred to in this Title by Member States' authorities, in particular in order to facilitate full application of the principle of mutual recognition. The European Parliament and national Parliaments shall be informed of the content and results of the evaluation.

Article 71

(ex Article 36 TEU)

A standing committee shall be set up within the Council in order to ensure that operational cooperation on internal security is promoted and strengthened within the Union. Without prejudice to Article 240, it shall facilitate coordination of the action of Member States' competent authorities. Representatives of the Union bodies, offices and agencies concerned may be involved in the proceedings of this committee. The European Parliament and national Parliaments shall be kept informed of the proceedings.

Article 72

(ex Article 64(1) TEC and ex Article 33 TEU)

This Title shall not affect the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security.

Article 73

It shall be open to Member States to organise between themselves and under their responsibility such forms of cooperation and coordination as they deem appropriate between the competent departments of their administrations responsible for safeguarding national security.

Article 74

(ex Article 66 TEC)

The Council shall adopt measures to ensure administrative cooperation between the relevant departments of the Member States in the areas covered by this Title, as well as between those departments and the Commission. It shall act on a Commission proposal, subject to Article 76, and after consulting the European Parliament.

Article 75

(ex Article 60 TEC)

Where necessary to achieve the objectives set out in Article 67, as regards preventing and combating terrorism and related activities, the European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, shall define a framework for administrative measures with regard to capital movements and payments, such as the freezing of funds, financial assets or economic gains belonging to, or owned or held by, natural or legal persons, groups or non-State entities.

The Council, on a proposal from the Commission, shall adopt measures to implement the framework referred to in the first paragraph.

The acts referred to in this Article shall include necessary provisions on legal safeguards.

Article 76

The acts referred to in Chapters 4 and 5, together with the measures referred to in Article 74 which ensure administrative cooperation in the areas covered by these Chapters, shall be adopted:

- (a) on a proposal from the Commission, or
- (b) on the initiative of a quarter of the Member States.

CHAPTER 2

POLICIES ON BORDER CHECKS, ASYLUM AND IMMIGRATION

Article 77

(ex Article 62 TEC)

1. The Union shall develop a policy with a view to:
 - (a) ensuring the absence of any controls on persons, whatever their nationality, when crossing internal borders;

(b) carrying out checks on persons and efficient monitoring of the crossing of external borders;

(c) the gradual introduction of an integrated management system for external borders.

2. For the purposes of paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures concerning:

(a) the common policy on visas and other short-stay residence permits;

(b) the checks to which persons crossing external borders are subject;

(c) the conditions under which nationals of third countries shall have the freedom to travel within the Union for a short period;

(d) any measure necessary for the gradual establishment of an integrated management system for external borders;

(e) the absence of any controls on persons, whatever their nationality, when crossing internal borders.

3. If action by the Union should prove necessary to facilitate the exercise of the right referred to in Article 20(2)(a), and if the Treaties have not provided the necessary powers, the Council, acting in accordance with a special legislative procedure, may adopt provisions concerning passports, identity cards, residence permits or any other such document. The Council shall act unanimously after consulting the European Parliament.

4. This Article shall not affect the competence of the Member States concerning the geographical demarcation of their borders, in accordance with international law.

Article 78

(ex Articles 63, points 1 and 2, and 64(2) TEC)

1. The Union shall develop a common policy on asylum, subsidiary protection and temporary protection with a view to offering appropriate status to any third-country national requiring international protection and ensuring compliance with the principle of *non-refoulement*. This policy must be in accordance with the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees, and other relevant treaties.

2. For the purposes of paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures for a common European asylum system comprising:

(a) a uniform status of asylum for nationals of third countries, valid throughout the Union;

(b) a uniform status of subsidiary protection for nationals of third countries who, without obtaining European asylum, are in need of international protection;

- (c) a common system of temporary protection for displaced persons in the event of a massive inflow;
- (d) common procedures for the granting and withdrawing of uniform asylum or subsidiary protection status;
- (e) criteria and mechanisms for determining which Member State is responsible for considering an application for asylum or subsidiary protection;
- (f) standards concerning the conditions for the reception of applicants for asylum or subsidiary protection;
- (g) partnership and cooperation with third countries for the purpose of managing inflows of people applying for asylum or subsidiary or temporary protection.

3. In the event of one or more Member States being confronted by an emergency situation characterised by a sudden inflow of nationals of third countries, the Council, on a proposal from the Commission, may adopt provisional measures for the benefit of the Member State(s) concerned. It shall act after consulting the European Parliament.

Article 79

(ex Article 63, points 3 and 4, TEC)

1. The Union shall develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows, fair treatment of third-country nationals residing legally in Member States, and the prevention of, and enhanced measures to combat, illegal immigration and trafficking in human beings.

2. For the purposes of paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures in the following areas:

- (a) the conditions of entry and residence, and standards on the issue by Member States of long-term visas and residence permits, including those for the purpose of family reunification;
- (b) the definition of the rights of third-country nationals residing legally in a Member State, including the conditions governing freedom of movement and of residence in other Member States;
- (c) illegal immigration and unauthorised residence, including removal and repatriation of persons residing without authorisation;
- (d) combating trafficking in persons, in particular women and children.

3. The Union may conclude agreements with third countries for the readmission to their countries of origin or provenance of third-country nationals who do not or who no longer fulfil the conditions for entry, presence or residence in the territory of one of the Member States.

4. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish measures to provide incentives and support for the action of Member States with a view to promoting the integration of third-country nationals residing legally in their territories, excluding any harmonisation of the laws and regulations of the Member States.

5. This Article shall not affect the right of Member States to determine volumes of admission of third-country nationals coming from third countries to their territory in order to seek work, whether employed or self-employed.

Article 80

The policies of the Union set out in this Chapter and their implementation shall be governed by the principle of solidarity and fair sharing of responsibility, including its financial implications, between the Member States. Whenever necessary, the Union acts adopted pursuant to this Chapter shall contain appropriate measures to give effect to this principle.

CHAPTER 3

JUDICIAL COOPERATION IN CIVIL MATTERS

Article 81

(ex Article 65 TEC)

1. The Union shall develop judicial cooperation in civil matters having cross-border implications, based on the principle of mutual recognition of judgments and of decisions in extrajudicial cases. Such cooperation may include the adoption of measures for the approximation of the laws and regulations of the Member States.

2. For the purposes of paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures, particularly when necessary for the proper functioning of the internal market, aimed at ensuring:

- (a) the mutual recognition and enforcement between Member States of judgments and of decisions in extrajudicial cases;
- (b) the cross-border service of judicial and extrajudicial documents;
- (c) the compatibility of the rules applicable in the Member States concerning conflict of laws and of jurisdiction;
- (d) cooperation in the taking of evidence;
- (e) effective access to justice;
- (f) the elimination of obstacles to the proper functioning of civil proceedings, if necessary by promoting the compatibility of the rules on civil procedure applicable in the Member States;

(g) the development of alternative methods of dispute settlement;

(h) support for the training of the judiciary and judicial staff.

3. Notwithstanding paragraph 2, measures concerning family law with cross-border implications shall be established by the Council, acting in accordance with a special legislative procedure. The Council shall act unanimously after consulting the European Parliament.

The Council, on a proposal from the Commission, may adopt a decision determining those aspects of family law with cross-border implications which may be the subject of acts adopted by the ordinary legislative procedure. The Council shall act unanimously after consulting the European Parliament.

The proposal referred to in the second subparagraph shall be notified to the national Parliaments. If a national Parliament makes known its opposition within six months of the date of such notification, the decision shall not be adopted. In the absence of opposition, the Council may adopt the decision.

CHAPTER 4

JUDICIAL COOPERATION IN CRIMINAL MATTERS

Article 82

(ex Article 31 TEU)

1. Judicial cooperation in criminal matters in the Union shall be based on the principle of mutual recognition of judgments and judicial decisions and shall include the approximation of the laws and regulations of the Member States in the areas referred to in paragraph 2 and in Article 83.

The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures to:

(a) lay down rules and procedures for ensuring recognition throughout the Union of all forms of judgments and judicial decisions;

(b) prevent and settle conflicts of jurisdiction between Member States;

(c) support the training of the judiciary and judicial staff;

(d) facilitate cooperation between judicial or equivalent authorities of the Member States in relation to proceedings in criminal matters and the enforcement of decisions.

2. To the extent necessary to facilitate mutual recognition of judgments and judicial decisions and police and judicial cooperation in criminal matters having a cross-border dimension, the European Parliament and the Council may, by means of directives adopted in accordance with the ordinary legislative procedure, establish minimum rules. Such rules shall take into account the differences between the legal traditions and systems of the Member States.

They shall concern:

- (a) mutual admissibility of evidence between Member States;
- (b) the rights of individuals in criminal procedure;
- (c) the rights of victims of crime;
- (d) any other specific aspects of criminal procedure which the Council has identified in advance by a decision; for the adoption of such a decision, the Council shall act unanimously after obtaining the consent of the European Parliament.

Adoption of the minimum rules referred to in this paragraph shall not prevent Member States from maintaining or introducing a higher level of protection for individuals.

3. Where a member of the Council considers that a draft directive as referred to in paragraph 2 would affect fundamental aspects of its criminal justice system, it may request that the draft directive be referred to the European Council. In that case, the ordinary legislative procedure shall be suspended. After discussion, and in case of a consensus, the European Council shall, within four months of this suspension, refer the draft back to the Council, which shall terminate the suspension of the ordinary legislative procedure.

Within the same timeframe, in case of disagreement, and if at least nine Member States wish to establish enhanced cooperation on the basis of the draft directive concerned, they shall notify the European Parliament, the Council and the Commission accordingly. In such a case, the authorisation to proceed with enhanced cooperation referred to in Article 20(2) of the Treaty on European Union and Article 329(1) of this Treaty shall be deemed to be granted and the provisions on enhanced cooperation shall apply.

Article 83

(ex Article 31 TEU)

1. The European Parliament and the Council may, by means of directives adopted in accordance with the ordinary legislative procedure, establish minimum rules concerning the definition of criminal offences and sanctions in the areas of particularly serious crime with a cross-border dimension resulting from the nature or impact of such offences or from a special need to combat them on a common basis.

These areas of crime are the following: terrorism, trafficking in human beings and sexual exploitation of women and children, illicit drug trafficking, illicit arms trafficking, money laundering, corruption, counterfeiting of means of payment, computer crime and organised crime.

On the basis of developments in crime, the Council may adopt a decision identifying other areas of crime that meet the criteria specified in this paragraph. It shall act unanimously after obtaining the consent of the European Parliament.

2. If the approximation of criminal laws and regulations of the Member States proves essential to ensure the effective implementation of a Union policy in an area which has been subject to harmonisation measures, directives may establish minimum rules with regard to the definition of criminal offences and sanctions in the area concerned. Such directives shall be adopted by the same ordinary or special legislative procedure as was followed for the adoption of the harmonisation measures in question, without prejudice to Article 76.

3. Where a member of the Council considers that a draft directive as referred to in paragraph 1 or 2 would affect fundamental aspects of its criminal justice system, it may request that the draft directive be referred to the European Council. In that case, the ordinary legislative procedure shall be suspended. After discussion, and in case of a consensus, the European Council shall, within four months of this suspension, refer the draft back to the Council, which shall terminate the suspension of the ordinary legislative procedure.

Within the same timeframe, in case of disagreement, and if at least nine Member States wish to establish enhanced cooperation on the basis of the draft directive concerned, they shall notify the European Parliament, the Council and the Commission accordingly. In such a case, the authorisation to proceed with enhanced cooperation referred to in Article 20(2) of the Treaty on European Union and Article 329(1) of this Treaty shall be deemed to be granted and the provisions on enhanced cooperation shall apply.

Article 84

The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish measures to promote and support the action of Member States in the field of crime prevention, excluding any harmonisation of the laws and regulations of the Member States.

Article 85

(ex Article 31 TEU)

1. Eurojust's mission shall be to support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime affecting two or more Member States or requiring a prosecution on common bases, on the basis of operations conducted and information supplied by the Member States' authorities and by Europol.

In this context, the European Parliament and the Council, by means of regulations adopted in accordance with the ordinary legislative procedure, shall determine Eurojust's structure, operation, field of action and tasks. These tasks may include:

- (a) the initiation of criminal investigations, as well as proposing the initiation of prosecutions conducted by competent national authorities, particularly those relating to offences against the financial interests of the Union;
- (b) the coordination of investigations and prosecutions referred to in point (a);
- (c) the strengthening of judicial cooperation, including by resolution of conflicts of jurisdiction and by close cooperation with the European Judicial Network.

These regulations shall also determine arrangements for involving the European Parliament and national Parliaments in the evaluation of Eurojust's activities.

2. In the prosecutions referred to in paragraph 1, and without prejudice to Article 86, formal acts of judicial procedure shall be carried out by the competent national officials.

Article 86

1. In order to combat crimes affecting the financial interests of the Union, the Council, by means of regulations adopted in accordance with a special legislative procedure, may establish a European Public Prosecutor's Office from Eurojust. The Council shall act unanimously after obtaining the consent of the European Parliament.

In the absence of unanimity in the Council, a group of at least nine Member States may request that the draft regulation be referred to the European Council. In that case, the procedure in the Council shall be suspended. After discussion, and in case of a consensus, the European Council shall, within four months of this suspension, refer the draft back to the Council for adoption.

Within the same timeframe, in case of disagreement, and if at least nine Member States wish to establish enhanced cooperation on the basis of the draft regulation concerned, they shall notify the European Parliament, the Council and the Commission accordingly. In such a case, the authorisation to proceed with enhanced cooperation referred to in Article 20(2) of the Treaty on European Union and Article 329(1) of this Treaty shall be deemed to be granted and the provisions on enhanced cooperation shall apply.

2. The European Public Prosecutor's Office shall be responsible for investigating, prosecuting and bringing to judgment, where appropriate in liaison with Europol, the perpetrators of, and accomplices in, offences against the Union's financial interests, as determined by the regulation provided for in paragraph 1. It shall exercise the functions of prosecutor in the competent courts of the Member States in relation to such offences.

3. The regulations referred to in paragraph 1 shall determine the general rules applicable to the European Public Prosecutor's Office, the conditions governing the performance of its functions, the rules of procedure applicable to its activities, as well as those governing the admissibility of evidence, and the rules applicable to the judicial review of procedural measures taken by it in the performance of its functions.

4. The European Council may, at the same time or subsequently, adopt a decision amending paragraph 1 in order to extend the powers of the European Public Prosecutor's Office to include serious crime having a cross-border dimension and amending accordingly paragraph 2 as regards the perpetrators of, and accomplices in, serious crimes affecting more than one Member State. The European Council shall act unanimously after obtaining the consent of the European Parliament and after consulting the Commission.

CHAPTER 5

POLICE COOPERATION

Article 87

(ex Article 30 TEU)

1. The Union shall establish police cooperation involving all the Member States' competent authorities, including police, customs and other specialised law enforcement services in relation to the prevention, detection and investigation of criminal offences.

2. For the purposes of paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish measures concerning:

- (a) the collection, storage, processing, analysis and exchange of relevant information;
- (b) support for the training of staff, and cooperation on the exchange of staff, on equipment and on research into crime-detection;
- (c) common investigative techniques in relation to the detection of serious forms of organised crime.

3. The Council, acting in accordance with a special legislative procedure, may establish measures concerning operational cooperation between the authorities referred to in this Article. The Council shall act unanimously after consulting the European Parliament.

In case of the absence of unanimity in the Council, a group of at least nine Member States may request that the draft measures be referred to the European Council. In that case, the procedure in the Council shall be suspended. After discussion, and in case of a consensus, the European Council shall, within four months of this suspension, refer the draft back to the Council for adoption.

Within the same timeframe, in case of disagreement, and if at least nine Member States wish to establish enhanced cooperation on the basis of the draft measures concerned, they shall notify the European Parliament, the Council and the Commission accordingly. In such a case, the authorisation to proceed with enhanced cooperation referred to in Article 20(2) of the Treaty on European Union and Article 329(1) of this Treaty shall be deemed to be granted and the provisions on enhanced cooperation shall apply.

The specific procedure provided for in the second and third subparagraphs shall not apply to acts which constitute a development of the Schengen *acquis*.

Article 88

(ex Article 30 TEU)

1. Europol's mission shall be to support and strengthen action by the Member States' police authorities and other law enforcement services and their mutual cooperation in preventing and combating serious crime affecting two or more Member States, terrorism and forms of crime which affect a common interest covered by a Union policy.

2. The European Parliament and the Council, by means of regulations adopted in accordance with the ordinary legislative procedure, shall determine Europol's structure, operation, field of action and tasks. These tasks may include:

- (a) the collection, storage, processing, analysis and exchange of information, in particular that forwarded by the authorities of the Member States or third countries or bodies;
- (b) the coordination, organisation and implementation of investigative and operational action carried out jointly with the Member States' competent authorities or in the context of joint investigative teams, where appropriate in liaison with Eurojust.

These regulations shall also lay down the procedures for scrutiny of Europol's activities by the European Parliament, together with national Parliaments.

3. Any operational action by Europol must be carried out in liaison and in agreement with the authorities of the Member State or States whose territory is concerned. The application of coercive measures shall be the exclusive responsibility of the competent national authorities.

Article 89

(ex Article 32 TEU)

The Council, acting in accordance with a special legislative procedure, shall lay down the conditions and limitations under which the competent authorities of the Member States referred to in Articles 82 and 87 may operate in the territory of another Member State in liaison and in agreement with the authorities of that State. The Council shall act unanimously after consulting the European Parliament.

TITLE VI

TRANSPORT

Article 90

(ex Article 70 TEC)

The objectives of the Treaties shall, in matters governed by this Title, be pursued within the framework of a common transport policy.

Article 91

(ex Article 71 TEC)

1. For the purpose of implementing Article 90, and taking into account the distinctive features of transport, the European Parliament and the Council shall, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions, lay down:

- (a) common rules applicable to international transport to or from the territory of a Member State or passing across the territory of one or more Member States;
- (b) the conditions under which non-resident carriers may operate transport services within a Member State;
- (c) measures to improve transport safety;
- (d) any other appropriate provisions.

2. When the measures referred to in paragraph 1 are adopted, account shall be taken of cases where their application might seriously affect the standard of living and level of employment in certain regions, and the operation of transport facilities.

Article 92

(ex Article 72 TEC)

Until the provisions referred to in Article 91(1) have been laid down, no Member State may, unless the Council has unanimously adopted a measure granting a derogation, make the various provisions governing the subject on 1 January 1958 or, for acceding States, the date of their accession less favourable in their direct or indirect effect on carriers of other Member States as compared with carriers who are nationals of that State.

Article 93

(ex Article 73 TEC)

Aids shall be compatible with the Treaties if they meet the needs of coordination of transport or if they represent reimbursement for the discharge of certain obligations inherent in the concept of a public service.

Article 94

(ex Article 74 TEC)

Any measures taken within the framework of the Treaties in respect of transport rates and conditions shall take account of the economic circumstances of carriers.

Article 95

(ex Article 75 TEC)

1. In the case of transport within the Union, discrimination which takes the form of carriers charging different rates and imposing different conditions for the carriage of the same goods over the same transport links on grounds of the country of origin or of destination of the goods in question shall be prohibited.

2. Paragraph 1 shall not prevent the European Parliament and the Council from adopting other measures pursuant to Article 91(1).

3. The Council shall, on a proposal from the Commission and after consulting the European Parliament and the Economic and Social Committee, lay down rules for implementing the provisions of paragraph 1.

The Council may in particular lay down the provisions needed to enable the institutions of the Union to secure compliance with the rule laid down in paragraph 1 and to ensure that users benefit from it to the full.

4. The Commission shall, acting on its own initiative or on application by a Member State, investigate any cases of discrimination falling within paragraph 1 and, after consulting any Member State concerned, shall take the necessary decisions within the framework of the rules laid down in accordance with the provisions of paragraph 3.

Article 96

(ex Article 76 TEC)

1. The imposition by a Member State, in respect of transport operations carried out within the Union, of rates and conditions involving any element of support or protection in the interest of one or more particular undertakings or industries shall be prohibited, unless authorised by the Commission.

2. The Commission shall, acting on its own initiative or on application by a Member State, examine the rates and conditions referred to in paragraph 1, taking account in particular of the requirements of an appropriate regional economic policy, the needs of underdeveloped areas and the problems of areas seriously affected by political circumstances on the one hand, and of the effects of such rates and conditions on competition between the different modes of transport on the other.

After consulting each Member State concerned, the Commission shall take the necessary decisions.

3. The prohibition provided for in paragraph 1 shall not apply to tariffs fixed to meet competition.

Article 97

(ex Article 77 TEC)

Charges or dues in respect of the crossing of frontiers which are charged by a carrier in addition to the transport rates shall not exceed a reasonable level after taking the costs actually incurred thereby into account.

Member States shall endeavour to reduce these costs progressively.

The Commission may make recommendations to Member States for the application of this Article.

Article 98

(ex Article 78 TEC)

The provisions of this Title shall not form an obstacle to the application of measures taken in the Federal Republic of Germany to the extent that such measures are required in order to compensate for the economic disadvantages caused by the division of Germany to the economy of certain areas of the Federal Republic affected by that division. Five years after the entry into force of the Treaty of Lisbon, the Council, acting on a proposal from the Commission, may adopt a decision repealing this Article.

Article 99

(ex Article 79 TEC)

An Advisory Committee consisting of experts designated by the governments of Member States shall be attached to the Commission. The Commission, whenever it considers it desirable, shall consult the Committee on transport matters.

Article 100

(ex Article 80 TEC)

1. The provisions of this Title shall apply to transport by rail, road and inland waterway.

2. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may lay down appropriate provisions for sea and air transport. They shall act after consulting the Economic and Social Committee and the Committee of the Regions.

TITLE VII

COMMON RULES ON COMPETITION, TAXATION AND APPROXIMATION OF LAWS

CHAPTER 1

RULES ON COMPETITION

SECTION 1

RULES APPLYING TO UNDERTAKINGS

Article 101

(ex Article 81 TEC)

1. The following shall be prohibited as incompatible with the internal market: all agreements between undertakings, decisions by associations of undertakings and concerted practices which may affect trade between Member States and which have as their object or effect the prevention, restriction or distortion of competition within the internal market, and in particular those which:

- (a) directly or indirectly fix purchase or selling prices or any other trading conditions;
- (b) limit or control production, markets, technical development, or investment;
- (c) share markets or sources of supply;
- (d) apply dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
- (e) make the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

2. Any agreements or decisions prohibited pursuant to this Article shall be automatically void.

3. The provisions of paragraph 1 may, however, be declared inapplicable in the case of:

- any agreement or category of agreements between undertakings,
- any decision or category of decisions by associations of undertakings,

— any concerted practice or category of concerted practices,

which contributes to improving the production or distribution of goods or to promoting technical or economic progress, while allowing consumers a fair share of the resulting benefit, and which does not:

- (a) impose on the undertakings concerned restrictions which are not indispensable to the attainment of these objectives;
- (b) afford such undertakings the possibility of eliminating competition in respect of a substantial part of the products in question.

Article 102

(ex Article 82 TEC)

Any abuse by one or more undertakings of a dominant position within the internal market or in a substantial part of it shall be prohibited as incompatible with the internal market in so far as it may affect trade between Member States.

Such abuse may, in particular, consist in:

- (a) directly or indirectly imposing unfair purchase or selling prices or other unfair trading conditions;
- (b) limiting production, markets or technical development to the prejudice of consumers;
- (c) applying dissimilar conditions to equivalent transactions with other trading parties, thereby placing them at a competitive disadvantage;
- (d) making the conclusion of contracts subject to acceptance by the other parties of supplementary obligations which, by their nature or according to commercial usage, have no connection with the subject of such contracts.

Article 103

(ex Article 83 TEC)

1. The appropriate regulations or directives to give effect to the principles set out in Articles 101 and 102 shall be laid down by the Council, on a proposal from the Commission and after consulting the European Parliament.

2. The regulations or directives referred to in paragraph 1 shall be designed in particular:

- (a) to ensure compliance with the prohibitions laid down in Article 101(1) and in Article 102 by making provision for fines and periodic penalty payments;

- (b) to lay down detailed rules for the application of Article 101(3), taking into account the need to ensure effective supervision on the one hand, and to simplify administration to the greatest possible extent on the other;
- (c) to define, if need be, in the various branches of the economy, the scope of the provisions of Articles 101 and 102;
- (d) to define the respective functions of the Commission and of the Court of Justice of the European Union in applying the provisions laid down in this paragraph;
- (e) to determine the relationship between national laws and the provisions contained in this Section or adopted pursuant to this Article.

Article 104

(ex Article 84 TEC)

Until the entry into force of the provisions adopted in pursuance of Article 103, the authorities in Member States shall rule on the admissibility of agreements, decisions and concerted practices and on abuse of a dominant position in the internal market in accordance with the law of their country and with the provisions of Article 101, in particular paragraph 3, and of Article 102.

Article 105

(ex Article 85 TEC)

1. Without prejudice to Article 104, the Commission shall ensure the application of the principles laid down in Articles 101 and 102. On application by a Member State or on its own initiative, and in cooperation with the competent authorities in the Member States, which shall give it their assistance, the Commission shall investigate cases of suspected infringement of these principles. If it finds that there has been an infringement, it shall propose appropriate measures to bring it to an end.

2. If the infringement is not brought to an end, the Commission shall record such infringement of the principles in a reasoned decision. The Commission may publish its decision and authorise Member States to take the measures, the conditions and details of which it shall determine, needed to remedy the situation.

3. The Commission may adopt regulations relating to the categories of agreement in respect of which the Council has adopted a regulation or a directive pursuant to Article 103(2)(b).

Article 106

(ex Article 86 TEC)

1. In the case of public undertakings and undertakings to which Member States grant special or exclusive rights, Member States shall neither enact nor maintain in force any measure contrary to the rules contained in the Treaties, in particular to those rules provided for in Article 18 and Articles 101 to 109.

2. Undertakings entrusted with the operation of services of general economic interest or having the character of a revenue-producing monopoly shall be subject to the rules contained in the Treaties, in particular to the rules on competition, in so far as the application of such rules does not obstruct the performance, in law or in fact, of the particular tasks assigned to them. The development of trade must not be affected to such an extent as would be contrary to the interests of the Union.

3. The Commission shall ensure the application of the provisions of this Article and shall, where necessary, address appropriate directives or decisions to Member States.

SECTION 2

AIDS GRANTED BY STATES

Article 107

(ex Article 87 TEC)

1. Save as otherwise provided in the Treaties, any aid granted by a Member State or through State resources in any form whatsoever which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods shall, in so far as it affects trade between Member States, be incompatible with the internal market.

2. The following shall be compatible with the internal market:

(a) aid having a social character, granted to individual consumers, provided that such aid is granted without discrimination related to the origin of the products concerned;

(b) aid to make good the damage caused by natural disasters or exceptional occurrences;

(c) aid granted to the economy of certain areas of the Federal Republic of Germany affected by the division of Germany, in so far as such aid is required in order to compensate for the economic disadvantages caused by that division. Five years after the entry into force of the Treaty of Lisbon, the Council, acting on a proposal from the Commission, may adopt a decision repealing this point.

3. The following may be considered to be compatible with the internal market:

(a) aid to promote the economic development of areas where the standard of living is abnormally low or where there is serious underemployment, and of the regions referred to in Article 349, in view of their structural, economic and social situation;

(b) aid to promote the execution of an important project of common European interest or to remedy a serious disturbance in the economy of a Member State;

- (c) aid to facilitate the development of certain economic activities or of certain economic areas, where such aid does not adversely affect trading conditions to an extent contrary to the common interest;
- (d) aid to promote culture and heritage conservation where such aid does not affect trading conditions and competition in the Union to an extent that is contrary to the common interest;
- (e) such other categories of aid as may be specified by decision of the Council on a proposal from the Commission.

Article 108

(ex Article 88 TEC)

1. The Commission shall, in cooperation with Member States, keep under constant review all systems of aid existing in those States. It shall propose to the latter any appropriate measures required by the progressive development or by the functioning of the internal market.
2. If, after giving notice to the parties concerned to submit their comments, the Commission finds that aid granted by a State or through State resources is not compatible with the internal market having regard to Article 107, or that such aid is being misused, it shall decide that the State concerned shall abolish or alter such aid within a period of time to be determined by the Commission.

If the State concerned does not comply with this decision within the prescribed time, the Commission or any other interested State may, in derogation from the provisions of Articles 258 and 259, refer the matter to the Court of Justice of the European Union direct.

On application by a Member State, the Council may, acting unanimously, decide that aid which that State is granting or intends to grant shall be considered to be compatible with the internal market, in derogation from the provisions of Article 107 or from the regulations provided for in Article 109, if such a decision is justified by exceptional circumstances. If, as regards the aid in question, the Commission has already initiated the procedure provided for in the first subparagraph of this paragraph, the fact that the State concerned has made its application to the Council shall have the effect of suspending that procedure until the Council has made its attitude known.

If, however, the Council has not made its attitude known within three months of the said application being made, the Commission shall give its decision on the case.

3. The Commission shall be informed, in sufficient time to enable it to submit its comments, of any plans to grant or alter aid. If it considers that any such plan is not compatible with the internal market having regard to Article 107, it shall without delay initiate the procedure provided for in paragraph 2. The Member State concerned shall not put its proposed measures into effect until this procedure has resulted in a final decision.

4. The Commission may adopt regulations relating to the categories of State aid that the Council has, pursuant to Article 109, determined may be exempted from the procedure provided for by paragraph 3 of this Article.

Article 109

(ex Article 89 TEC)

The Council, on a proposal from the Commission and after consulting the European Parliament, may make any appropriate regulations for the application of Articles 107 and 108 and may in particular determine the conditions in which Article 108(3) shall apply and the categories of aid exempted from this procedure.

CHAPTER 2

TAX PROVISIONS

Article 110

(ex Article 90 TEC)

No Member State shall impose, directly or indirectly, on the products of other Member States any internal taxation of any kind in excess of that imposed directly or indirectly on similar domestic products.

Furthermore, no Member State shall impose on the products of other Member States any internal taxation of such a nature as to afford indirect protection to other products.

Article 111

(ex Article 91 TEC)

Where products are exported to the territory of any Member State, any repayment of internal taxation shall not exceed the internal taxation imposed on them whether directly or indirectly.

Article 112

(ex Article 92 TEC)

In the case of charges other than turnover taxes, excise duties and other forms of indirect taxation, remissions and repayments in respect of exports to other Member States may not be granted and countervailing charges in respect of imports from Member States may not be imposed unless the measures contemplated have been previously approved for a limited period by the Council on a proposal from the Commission.

Article 113

(ex Article 93 TEC)

The Council shall, acting unanimously in accordance with a special legislative procedure and after consulting the European Parliament and the Economic and Social Committee, adopt provisions for the harmonisation of legislation concerning turnover taxes, excise duties and other forms of indirect taxation to the extent that such harmonisation is necessary to ensure the establishment and the functioning of the internal market and to avoid distortion of competition.

CHAPTER 3

APPROXIMATION OF LAWS

Article 114

(ex Article 95 TEC)

1. Save where otherwise provided in the Treaties, the following provisions shall apply for the achievement of the objectives set out in Article 26. The European Parliament and the Council shall, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee, adopt the measures for the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market.

2. Paragraph 1 shall not apply to fiscal provisions, to those relating to the free movement of persons nor to those relating to the rights and interests of employed persons.

3. The Commission, in its proposals envisaged in paragraph 1 concerning health, safety, environmental protection and consumer protection, will take as a base a high level of protection, taking account in particular of any new development based on scientific facts. Within their respective powers, the European Parliament and the Council will also seek to achieve this objective.

4. If, after the adoption of a harmonisation measure by the European Parliament and the Council, by the Council or by the Commission, a Member State deems it necessary to maintain national provisions on grounds of major needs referred to in Article 36, or relating to the protection of the environment or the working environment, it shall notify the Commission of these provisions as well as the grounds for maintaining them.

5. Moreover, without prejudice to paragraph 4, if, after the adoption of a harmonisation measure by the European Parliament and the Council, by the Council or by the Commission, a Member State deems it necessary to introduce national provisions based on new scientific evidence relating to the protection of the environment or the working environment on grounds of a problem specific to that Member State arising after the adoption of the harmonisation measure, it shall notify the Commission of the envisaged provisions as well as the grounds for introducing them.

6. The Commission shall, within six months of the notifications as referred to in paragraphs 4 and 5, approve or reject the national provisions involved after having verified whether or not they are a means of arbitrary discrimination or a disguised restriction on trade between Member States and whether or not they shall constitute an obstacle to the functioning of the internal market.

In the absence of a decision by the Commission within this period the national provisions referred to in paragraphs 4 and 5 shall be deemed to have been approved.

When justified by the complexity of the matter and in the absence of danger for human health, the Commission may notify the Member State concerned that the period referred to in this paragraph may be extended for a further period of up to six months.

7. When, pursuant to paragraph 6, a Member State is authorised to maintain or introduce national provisions derogating from a harmonisation measure, the Commission shall immediately examine whether to propose an adaptation to that measure.

8. When a Member State raises a specific problem on public health in a field which has been the subject of prior harmonisation measures, it shall bring it to the attention of the Commission which shall immediately examine whether to propose appropriate measures to the Council.

9. By way of derogation from the procedure laid down in Articles 258 and 259, the Commission and any Member State may bring the matter directly before the Court of Justice of the European Union if it considers that another Member State is making improper use of the powers provided for in this Article.

10. The harmonisation measures referred to above shall, in appropriate cases, include a safeguard clause authorising the Member States to take, for one or more of the non-economic reasons referred to in Article 36, provisional measures subject to a Union control procedure.

Article 115

(ex Article 94 TEC)

Without prejudice to Article 114, the Council shall, acting unanimously in accordance with a special legislative procedure and after consulting the European Parliament and the Economic and Social Committee, issue directives for the approximation of such laws, regulations or administrative provisions of the Member States as directly affect the establishment or functioning of the internal market.

Article 116

(ex Article 96 TEC)

Where the Commission finds that a difference between the provisions laid down by law, regulation or administrative action in Member States is distorting the conditions of competition in the internal market and that the resultant distortion needs to be eliminated, it shall consult the Member States concerned.

If such consultation does not result in an agreement eliminating the distortion in question, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall issue the necessary directives. Any other appropriate measures provided for in the Treaties may be adopted.

Article 117

(ex Article 97 TEC)

1. Where there is a reason to fear that the adoption or amendment of a provision laid down by law, regulation or administrative action may cause distortion within the meaning of Article 116, a Member State desiring to proceed therewith shall consult the Commission. After consulting the Member States, the Commission shall recommend to the States concerned such measures as may be appropriate to avoid the distortion in question.

2. If a State desiring to introduce or amend its own provisions does not comply with the recommendation addressed to it by the Commission, other Member States shall not be required, pursuant to Article 116, to amend their own provisions in order to eliminate such distortion. If the Member State which has ignored the recommendation of the Commission causes distortion detrimental only to itself, the provisions of Article 116 shall not apply.

Article 118

In the context of the establishment and functioning of the internal market, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall establish measures for the creation of European intellectual property rights to provide uniform protection of intellectual property rights throughout the Union and for the setting up of centralised Union-wide authorisation, coordination and supervision arrangements.

The Council, acting in accordance with a special legislative procedure, shall by means of regulations establish language arrangements for the European intellectual property rights. The Council shall act unanimously after consulting the European Parliament.

TITLE VIII

ECONOMIC AND MONETARY POLICY

Article 119

(ex Article 4 TEC)

1. For the purposes set out in Article 3 of the Treaty on European Union, the activities of the Member States and the Union shall include, as provided in the Treaties, the adoption of an economic policy which is based on the close coordination of Member States' economic policies, on the internal market and on the definition of common objectives, and conducted in accordance with the principle of an open market economy with free competition.

2. Concurrently with the foregoing, and as provided in the Treaties and in accordance with the procedures set out therein, these activities shall include a single currency, the euro, and the definition and conduct of a single monetary policy and exchange-rate policy the primary objective of both of which shall be to maintain price stability and, without prejudice to this objective, to support the general economic policies in the Union, in accordance with the principle of an open market economy with free competition.

3. These activities of the Member States and the Union shall entail compliance with the following guiding principles: stable prices, sound public finances and monetary conditions and a sustainable balance of payments.

CHAPTER 1 ECONOMIC POLICY

Article 120 (ex Article 98 TEC)

Member States shall conduct their economic policies with a view to contributing to the achievement of the objectives of the Union, as defined in Article 3 of the Treaty on European Union, and in the context of the broad guidelines referred to in Article 121(2). The Member States and the Union shall act in accordance with the principle of an open market economy with free competition, favouring an efficient allocation of resources, and in compliance with the principles set out in Article 119.

Article 121 (ex Article 99 TEC)

1. Member States shall regard their economic policies as a matter of common concern and shall coordinate them within the Council, in accordance with the provisions of Article 120.

2. The Council shall, on a recommendation from the Commission, formulate a draft for the broad guidelines of the economic policies of the Member States and of the Union, and shall report its findings to the European Council.

The European Council shall, acting on the basis of the report from the Council, discuss a conclusion on the broad guidelines of the economic policies of the Member States and of the Union.

On the basis of this conclusion, the Council shall adopt a recommendation setting out these broad guidelines. The Council shall inform the European Parliament of its recommendation.

3. In order to ensure closer coordination of economic policies and sustained convergence of the economic performances of the Member States, the Council shall, on the basis of reports submitted by the Commission, monitor economic developments in each of the Member States and in the Union as well as the consistency of economic policies with the broad guidelines referred to in paragraph 2, and regularly carry out an overall assessment.

For the purpose of this multilateral surveillance, Member States shall forward information to the Commission about important measures taken by them in the field of their economic policy and such other information as they deem necessary.

4. Where it is established, under the procedure referred to in paragraph 3, that the economic policies of a Member State are not consistent with the broad guidelines referred to in paragraph 2 or that they risk jeopardising the proper functioning of economic and monetary union, the Commission may address a warning to the Member State concerned. The Council, on a recommendation from the Commission, may address the necessary recommendations to the Member State concerned. The Council may, on a proposal from the Commission, decide to make its recommendations public.

Within the scope of this paragraph, the Council shall act without taking into account the vote of the member of the Council representing the Member State concerned.

A qualified majority of the other members of the Council shall be defined in accordance with Article 238(3)(a).

5. The President of the Council and the Commission shall report to the European Parliament on the results of multilateral surveillance. The President of the Council may be invited to appear before the competent committee of the European Parliament if the Council has made its recommendations public.

6. The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, may adopt detailed rules for the multilateral surveillance procedure referred to in paragraphs 3 and 4.

Article 122

(ex Article 100 TEC)

1. Without prejudice to any other procedures provided for in the Treaties, the Council, on a proposal from the Commission, may decide, in a spirit of solidarity between Member States, upon the measures appropriate to the economic situation, in particular if severe difficulties arise in the supply of certain products, notably in the area of energy.

2. Where a Member State is in difficulties or is seriously threatened with severe difficulties caused by natural disasters or exceptional occurrences beyond its control, the Council, on a proposal from the Commission, may grant, under certain conditions, Union financial assistance to the Member State concerned. The President of the Council shall inform the European Parliament of the decision taken.

Article 123

(ex Article 101 TEC)

1. Overdraft facilities or any other type of credit facility with the European Central Bank or with the central banks of the Member States (hereinafter referred to as 'national central banks') in favour of Union institutions, bodies, offices or agencies, central governments, regional, local or other public authorities, other bodies governed by public law, or public undertakings of Member States shall be prohibited, as shall the purchase directly from them by the European Central Bank or national central banks of debt instruments.

2. Paragraph 1 shall not apply to publicly owned credit institutions which, in the context of the supply of reserves by central banks, shall be given the same treatment by national central banks and the European Central Bank as private credit institutions.

Article 124

(ex Article 102 TEC)

Any measure, not based on prudential considerations, establishing privileged access by Union institutions, bodies, offices or agencies, central governments, regional, local or other public authorities, other bodies governed by public law, or public undertakings of Member States to financial institutions, shall be prohibited.

Article 125

(ex Article 103 TEC)

1. The Union shall not be liable for or assume the commitments of central governments, regional, local or other public authorities, other bodies governed by public law, or public undertakings of any Member State, without prejudice to mutual financial guarantees for the joint execution of a specific project. A Member State shall not be liable for or assume the commitments of central governments, regional, local or other public authorities, other bodies governed by public law, or public undertakings of another Member State, without prejudice to mutual financial guarantees for the joint execution of a specific project.

2. The Council, on a proposal from the Commission and after consulting the European Parliament, may, as required, specify definitions for the application of the prohibitions referred to in Articles 123 and 124 and in this Article.

Article 126

(ex Article 104 TEC)

1. Member States shall avoid excessive government deficits.

2. The Commission shall monitor the development of the budgetary situation and of the stock of government debt in the Member States with a view to identifying gross errors. In particular it shall examine compliance with budgetary discipline on the basis of the following two criteria:

- (a) whether the ratio of the planned or actual government deficit to gross domestic product exceeds a reference value, unless:
 - either the ratio has declined substantially and continuously and reached a level that comes close to the reference value,
 - or, alternatively, the excess over the reference value is only exceptional and temporary and the ratio remains close to the reference value;
- (b) whether the ratio of government debt to gross domestic product exceeds a reference value, unless the ratio is sufficiently diminishing and approaching the reference value at a satisfactory pace.

The reference values are specified in the Protocol on the excessive deficit procedure annexed to the Treaties.

3. If a Member State does not fulfil the requirements under one or both of these criteria, the Commission shall prepare a report. The report of the Commission shall also take into account whether the government deficit exceeds government investment expenditure and take into account all other relevant factors, including the medium-term economic and budgetary position of the Member State.

The Commission may also prepare a report if, notwithstanding the fulfilment of the requirements under the criteria, it is of the opinion that there is a risk of an excessive deficit in a Member State.

4. The Economic and Financial Committee shall formulate an opinion on the report of the Commission.

5. If the Commission considers that an excessive deficit in a Member State exists or may occur, it shall address an opinion to the Member State concerned and shall inform the Council accordingly.

6. The Council shall, on a proposal from the Commission, and having considered any observations which the Member State concerned may wish to make, decide after an overall assessment whether an excessive deficit exists.

7. Where the Council decides, in accordance with paragraph 6, that an excessive deficit exists, it shall adopt, without undue delay, on a recommendation from the Commission, recommendations addressed to the Member State concerned with a view to bringing that situation to an end within a given period. Subject to the provisions of paragraph 8, these recommendations shall not be made public.

8. Where it establishes that there has been no effective action in response to its recommendations within the period laid down, the Council may make its recommendations public.

9. If a Member State persists in failing to put into practice the recommendations of the Council, the Council may decide to give notice to the Member State to take, within a specified time limit, measures for the deficit reduction which is judged necessary by the Council in order to remedy the situation.

In such a case, the Council may request the Member State concerned to submit reports in accordance with a specific timetable in order to examine the adjustment efforts of that Member State.

10. The rights to bring actions provided for in Articles 258 and 259 may not be exercised within the framework of paragraphs 1 to 9 of this Article.

11. As long as a Member State fails to comply with a decision taken in accordance with paragraph 9, the Council may decide to apply or, as the case may be, intensify one or more of the following measures:

- to require the Member State concerned to publish additional information, to be specified by the Council, before issuing bonds and securities,
- to invite the European Investment Bank to reconsider its lending policy towards the Member State concerned,
- to require the Member State concerned to make a non-interest-bearing deposit of an appropriate size with the Union until the excessive deficit has, in the view of the Council, been corrected,
- to impose fines of an appropriate size.

The President of the Council shall inform the European Parliament of the decisions taken.

12. The Council shall abrogate some or all of its decisions or recommendations referred to in paragraphs 6 to 9 and 11 to the extent that the excessive deficit in the Member State concerned has, in the view of the Council, been corrected. If the Council has previously made public recommendations, it shall, as soon as the decision under paragraph 8 has been abrogated, make a public statement that an excessive deficit in the Member State concerned no longer exists.

13. When taking the decisions or recommendations referred to in paragraphs 8, 9, 11 and 12, the Council shall act on a recommendation from the Commission.

When the Council adopts the measures referred to in paragraphs 6 to 9, 11 and 12, it shall act without taking into account the vote of the member of the Council representing the Member State concerned.

A qualified majority of the other members of the Council shall be defined in accordance with Article 238(3)(a).

14. Further provisions relating to the implementation of the procedure described in this Article are set out in the Protocol on the excessive deficit procedure annexed to the Treaties.

The Council shall, acting unanimously in accordance with a special legislative procedure and after consulting the European Parliament and the European Central Bank, adopt the appropriate provisions which shall then replace the said Protocol.

Subject to the other provisions of this paragraph, the Council shall, on a proposal from the Commission and after consulting the European Parliament, lay down detailed rules and definitions for the application of the provisions of the said Protocol.

CHAPTER 2

MONETARY POLICY

Article 127

(ex Article 105 TEC)

1. The primary objective of the European System of Central Banks (hereinafter referred to as 'the ESCB') shall be to maintain price stability. Without prejudice to the objective of price stability, the ESCB shall support the general economic policies in the Union with a view to contributing to the achievement of the objectives of the Union as laid down in Article 3 of the Treaty on European Union. The ESCB shall act in accordance with the principle of an open market economy with free competition, favouring an efficient allocation of resources, and in compliance with the principles set out in Article 119.

2. The basic tasks to be carried out through the ESCB shall be:

- to define and implement the monetary policy of the Union,
- to conduct foreign-exchange operations consistent with the provisions of Article 219,
- to hold and manage the official foreign reserves of the Member States,
- to promote the smooth operation of payment systems.

3. The third indent of paragraph 2 shall be without prejudice to the holding and management by the governments of Member States of foreign-exchange working balances.

4. The European Central Bank shall be consulted:

- on any proposed Union act in its fields of competence,
- by national authorities regarding any draft legislative provision in its fields of competence, but within the limits and under the conditions set out by the Council in accordance with the procedure laid down in Article 129(4).

The European Central Bank may submit opinions to the appropriate Union institutions, bodies, offices or agencies or to national authorities on matters in its fields of competence.

5. The ESCB shall contribute to the smooth conduct of policies pursued by the competent authorities relating to the prudential supervision of credit institutions and the stability of the financial system.

6. The Council, acting by means of regulations in accordance with a special legislative procedure, may unanimously, and after consulting the European Parliament and the European Central Bank, confer specific tasks upon the European Central Bank concerning policies relating to the prudential supervision of credit institutions and other financial institutions with the exception of insurance undertakings.

Article 128

(ex Article 106 TEC)

1. The European Central Bank shall have the exclusive right to authorise the issue of euro banknotes within the Union. The European Central Bank and the national central banks may issue such notes. The banknotes issued by the European Central Bank and the national central banks shall be the only such notes to have the status of legal tender within the Union.

2. Member States may issue euro coins subject to approval by the European Central Bank of the volume of the issue. The Council, on a proposal from the Commission and after consulting the European Parliament and the European Central Bank, may adopt measures to harmonise the denominations and technical specifications of all coins intended for circulation to the extent necessary to permit their smooth circulation within the Union.

Article 129

(ex Article 107 TEC)

1. The ESCB shall be governed by the decision-making bodies of the European Central Bank which shall be the Governing Council and the Executive Board.

2. The Statute of the European System of Central Banks and of the European Central Bank (hereinafter referred to as 'the Statute of the ESCB and of the ECB') is laid down in a Protocol annexed to the Treaties.

3. Articles 5.1, 5.2, 5.3, 17, 18, 19.1, 22, 23, 24, 26, 32.2, 32.3, 32.4, 32.6, 33.1(a) and 36 of the Statute of the ESCB and of the ECB may be amended by the European Parliament and the Council, acting in accordance with the ordinary legislative procedure. They shall act either on a recommendation from the European Central Bank and after consulting the Commission or on a proposal from the Commission and after consulting the European Central Bank.

4. The Council, either on a proposal from the Commission and after consulting the European Parliament and the European Central Bank or on a recommendation from the European Central Bank and after consulting the European Parliament and the Commission, shall adopt the provisions referred to in Articles 4, 5.4, 19.2, 20, 28.1, 29.2, 30.4 and 34.3 of the Statute of the ESCB and of the ECB.

Article 130

(ex Article 108 TEC)

When exercising the powers and carrying out the tasks and duties conferred upon them by the Treaties and the Statute of the ESCB and of the ECB, neither the European Central Bank, nor a national central bank, nor any member of their decision-making bodies shall seek or take instructions from Union institutions, bodies, offices or agencies, from any government of a Member State or from any other body. The Union institutions, bodies, offices or agencies and the governments of the Member States undertake to respect this principle and not to seek to influence the members of the decision-making bodies of the European Central Bank or of the national central banks in the performance of their tasks.

Article 131

(ex Article 109 TEC)

Each Member State shall ensure that its national legislation including the statutes of its national central bank is compatible with the Treaties and the Statute of the ESCB and of the ECB.

Article 132

(ex Article 110 TEC)

1. In order to carry out the tasks entrusted to the ESCB, the European Central Bank shall, in accordance with the provisions of the Treaties and under the conditions laid down in the Statute of the ESCB and of the ECB:

- make regulations to the extent necessary to implement the tasks defined in Article 3.1, first indent, Articles 19.1, 22 and 25.2 of the Statute of the ESCB and of the ECB in cases which shall be laid down in the acts of the Council referred to in Article 129(4),
- take decisions necessary for carrying out the tasks entrusted to the ESCB under the Treaties and the Statute of the ESCB and of the ECB,
- make recommendations and deliver opinions.

2. The European Central Bank may decide to publish its decisions, recommendations and opinions.

3. Within the limits and under the conditions adopted by the Council under the procedure laid down in Article 129(4), the European Central Bank shall be entitled to impose fines or periodic penalty payments on undertakings for failure to comply with obligations under its regulations and decisions.

Article 133

Without prejudice to the powers of the European Central Bank, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall lay down the measures necessary for the use of the euro as the single currency. Such measures shall be adopted after consultation of the European Central Bank.

CHAPTER 3

INSTITUTIONAL PROVISIONS

Article 134

(ex Article 114 TEC)

1. In order to promote coordination of the policies of Member States to the full extent needed for the functioning of the internal market, an Economic and Financial Committee is hereby set up.
2. The Economic and Financial Committee shall have the following tasks:
 - to deliver opinions at the request of the Council or of the Commission, or on its own initiative for submission to those institutions,
 - to keep under review the economic and financial situation of the Member States and of the Union and to report regularly thereon to the Council and to the Commission, in particular on financial relations with third countries and international institutions,
 - without prejudice to Article 240, to contribute to the preparation of the work of the Council referred to in Articles 66, 75, 121(2), (3), (4) and (6), 122, 124, 125, 126, 127(6), 128(2), 129(3) and (4), 138, 140(2) and (3), 143, 144(2) and (3), and in Article 219, and to carry out other advisory and preparatory tasks assigned to it by the Council,
 - to examine, at least once a year, the situation regarding the movement of capital and the freedom of payments, as they result from the application of the Treaties and of measures adopted by the Council; the examination shall cover all measures relating to capital movements and payments; the Committee shall report to the Commission and to the Council on the outcome of this examination.

The Member States, the Commission and the European Central Bank shall each appoint no more than two members of the Committee.

3. The Council shall, on a proposal from the Commission and after consulting the European Central Bank and the Committee referred to in this Article, lay down detailed provisions concerning the composition of the Economic and Financial Committee. The President of the Council shall inform the European Parliament of such a decision.

4. In addition to the tasks set out in paragraph 2, if and as long as there are Member States with a derogation as referred to in Article 139, the Committee shall keep under review the monetary and financial situation and the general payments system of those Member States and report regularly thereon to the Council and to the Commission.

Article 135

(ex Article 115 TEC)

For matters within the scope of Articles 121(4), 126 with the exception of paragraph 14, 138, 140(1), 140(2), first subparagraph, 140(3) and 219, the Council or a Member State may request the Commission to make a recommendation or a proposal, as appropriate. The Commission shall examine this request and submit its conclusions to the Council without delay.

CHAPTER 4

PROVISIONS SPECIFIC TO MEMBER STATES WHOSE CURRENCY IS THE EURO

Article 136

1. In order to ensure the proper functioning of economic and monetary union, and in accordance with the relevant provisions of the Treaties, the Council shall, in accordance with the relevant procedure from among those referred to in Articles 121 and 126, with the exception of the procedure set out in Article 126(14), adopt measures specific to those Member States whose currency is the euro:

- (a) to strengthen the coordination and surveillance of their budgetary discipline;
- (b) to set out economic policy guidelines for them, while ensuring that they are compatible with those adopted for the whole of the Union and are kept under surveillance.

2. For those measures set out in paragraph 1, only members of the Council representing Member States whose currency is the euro shall take part in the vote.

A qualified majority of the said members shall be defined in accordance with Article 238(3)(a).

Article 137

Arrangements for meetings between ministers of those Member States whose currency is the euro are laid down by the Protocol on the Euro Group.

Article 138

(ex Article 111(4), TEC)

1. In order to secure the euro's place in the international monetary system, the Council, on a proposal from the Commission, shall adopt a decision establishing common positions on matters of particular interest for economic and monetary union within the competent international financial institutions and conferences. The Council shall act after consulting the European Central Bank.
2. The Council, on a proposal from the Commission, may adopt appropriate measures to ensure unified representation within the international financial institutions and conferences. The Council shall act after consulting the European Central Bank.
3. For the measures referred to in paragraphs 1 and 2, only members of the Council representing Member States whose currency is the euro shall take part in the vote.

A qualified majority of the said members shall be defined in accordance with Article 238(3)(a).

CHAPTER 5

TRANSITIONAL PROVISIONS

Article 139

1. Member States in respect of which the Council has not decided that they fulfil the necessary conditions for the adoption of the euro shall hereinafter be referred to as 'Member States with a derogation'.
2. The following provisions of the Treaties shall not apply to Member States with a derogation:
 - (a) adoption of the parts of the broad economic policy guidelines which concern the euro area generally (Article 121(2));
 - (b) coercive means of remedying excessive deficits (Article 126(9) and (11));
 - (c) the objectives and tasks of the ESCB (Article 127(1) to (3) and (5));
 - (d) issue of the euro (Article 128);
 - (e) acts of the European Central Bank (Article 132);

- (f) measures governing the use of the euro (Article 133);
- (g) monetary agreements and other measures relating to exchange-rate policy (Article 219);
- (h) appointment of members of the Executive Board of the European Central Bank (Article 283(2));
- (i) decisions establishing common positions on issues of particular relevance for economic and monetary union within the competent international financial institutions and conferences (Article 138(1));
- (j) measures to ensure unified representation within the international financial institutions and conferences (Article 138(2)).

In the Articles referred to in points (a) to (j), 'Member States' shall therefore mean Member States whose currency is the euro.

3. Under Chapter IX of the Statute of the ESCB and of the ECB, Member States with a derogation and their national central banks are excluded from rights and obligations within the ESCB.

4. The voting rights of members of the Council representing Member States with a derogation shall be suspended for the adoption by the Council of the measures referred to in the Articles listed in paragraph 2, and in the following instances:

- (a) recommendations made to those Member States whose currency is the euro in the framework of multilateral surveillance, including on stability programmes and warnings (Article 121(4));
- (b) measures relating to excessive deficits concerning those Member States whose currency is the euro (Article 126(6), (7), (8), (12) and (13)).

A qualified majority of the other members of the Council shall be defined in accordance with Article 238(3)(a).

Article 140

(ex Articles 121(1), 122(2), second sentence, and 123(5) TEC)

1. At least once every two years, or at the request of a Member State with a derogation, the Commission and the European Central Bank shall report to the Council on the progress made by the Member States with a derogation in fulfilling their obligations regarding the achievement of

economic and monetary union. These reports shall include an examination of the compatibility between the national legislation of each of these Member States, including the statutes of its national central bank, and Articles 130 and 131 and the Statute of the ESCB and of the ECB. The reports shall also examine the achievement of a high degree of sustainable convergence by reference to the fulfilment by each Member State of the following criteria:

- the achievement of a high degree of price stability; this will be apparent from a rate of inflation which is close to that of, at most, the three best performing Member States in terms of price stability,
- the sustainability of the government financial position; this will be apparent from having achieved a government budgetary position without a deficit that is excessive as determined in accordance with Article 126(6),
- the observance of the normal fluctuation margins provided for by the exchange-rate mechanism of the European Monetary System, for at least two years, without devaluing against the euro,
- the durability of convergence achieved by the Member State with a derogation and of its participation in the exchange-rate mechanism being reflected in the long-term interest-rate levels.

The four criteria mentioned in this paragraph and the relevant periods over which they are to be respected are developed further in a Protocol annexed to the Treaties. The reports of the Commission and the European Central Bank shall also take account of the results of the integration of markets, the situation and development of the balances of payments on current account and an examination of the development of unit labour costs and other price indices.

2. After consulting the European Parliament and after discussion in the European Council, the Council shall, on a proposal from the Commission, decide which Member States with a derogation fulfil the necessary conditions on the basis of the criteria set out in paragraph 1, and abrogate the derogations of the Member States concerned.

The Council shall act having received a recommendation of a qualified majority of those among its members representing Member States whose currency is the euro. These members shall act within six months of the Council receiving the Commission's proposal.

The qualified majority of the said members, as referred to in the second subparagraph, shall be defined in accordance with Article 238(3)(a).

3. If it is decided, in accordance with the procedure set out in paragraph 2, to abrogate a derogation, the Council shall, acting with the unanimity of the Member States whose currency is the euro and the Member State concerned, on a proposal from the Commission and after consulting

the European Central Bank, irrevocably fix the rate at which the euro shall be substituted for the currency of the Member State concerned, and take the other measures necessary for the introduction of the euro as the single currency in the Member State concerned.

Article 141

(ex Articles 123(3) and 117(2) first five indents, TEC)

1. If and as long as there are Member States with a derogation, and without prejudice to Article 129(1), the General Council of the European Central Bank referred to in Article 44 of the Statute of the ESCB and of the ECB shall be constituted as a third decision-making body of the European Central Bank.

2. If and as long as there are Member States with a derogation, the European Central Bank shall, as regards those Member States:

- strengthen cooperation between the national central banks,
- strengthen the coordination of the monetary policies of the Member States, with the aim of ensuring price stability,
- monitor the functioning of the exchange-rate mechanism,
- hold consultations concerning issues falling within the competence of the national central banks and affecting the stability of financial institutions and markets,
- carry out the former tasks of the European Monetary Cooperation Fund which had subsequently been taken over by the European Monetary Institute.

Article 142

(ex Article 124(1) TEC)

Each Member State with a derogation shall treat its exchange-rate policy as a matter of common interest. In so doing, Member States shall take account of the experience acquired in cooperation within the framework of the exchange-rate mechanism.

Article 143

(ex Article 119 TEC)

1. Where a Member State with a derogation is in difficulties or is seriously threatened with difficulties as regards its balance of payments either as a result of an overall disequilibrium in its balance of payments, or as a result of the type of currency at its disposal, and where such difficulties are liable in particular to jeopardise the functioning of the internal market or the implementation of the common commercial policy, the Commission shall immediately investigate the position of the State in question and the action which, making use of all the means at its disposal, that State has taken or may take in accordance with the provisions of the Treaties. The Commission shall state what measures it recommends the State concerned to take.

If the action taken by a Member State with a derogation and the measures suggested by the Commission do not prove sufficient to overcome the difficulties which have arisen or which threaten, the Commission shall, after consulting the Economic and Financial Committee, recommend to the Council the granting of mutual assistance and appropriate methods therefor.

The Commission shall keep the Council regularly informed of the situation and of how it is developing.

2. The Council shall grant such mutual assistance; it shall adopt directives or decisions laying down the conditions and details of such assistance, which may take such forms as:

- (a) a concerted approach to or within any other international organisations to which Member States with a derogation may have recourse;
- (b) measures needed to avoid deflection of trade where the Member State with a derogation which is in difficulties maintains or reintroduces quantitative restrictions against third countries;
- (c) the granting of limited credits by other Member States, subject to their agreement.

3. If the mutual assistance recommended by the Commission is not granted by the Council or if the mutual assistance granted and the measures taken are insufficient, the Commission shall authorise the Member State with a derogation which is in difficulties to take protective measures, the conditions and details of which the Commission shall determine.

Such authorisation may be revoked and such conditions and details may be changed by the Council.

Article 144

(ex Article 120 TEC)

1. Where a sudden crisis in the balance of payments occurs and a decision within the meaning of Article 143(2) is not immediately taken, a Member State with a derogation may, as a precaution, take the necessary protective measures. Such measures must cause the least possible disturbance in the functioning of the internal market and must not be wider in scope than is strictly necessary to remedy the sudden difficulties which have arisen.

2. The Commission and the other Member States shall be informed of such protective measures not later than when they enter into force. The Commission may recommend to the Council the granting of mutual assistance under Article 143.

3. After the Commission has delivered a recommendation and the Economic and Financial Committee has been consulted, the Council may decide that the Member State concerned shall amend, suspend or abolish the protective measures referred to above.

TITLE IX

EMPLOYMENT*Article 145*

(ex Article 125 TEC)

Member States and the Union shall, in accordance with this Title, work towards developing a coordinated strategy for employment and particularly for promoting a skilled, trained and adaptable workforce and labour markets responsive to economic change with a view to achieving the objectives defined in Article 3 of the Treaty on European Union.

Article 146

(ex Article 126 TEC)

1. Member States, through their employment policies, shall contribute to the achievement of the objectives referred to in Article 145 in a way consistent with the broad guidelines of the economic policies of the Member States and of the Union adopted pursuant to Article 121(2).

2. Member States, having regard to national practices related to the responsibilities of management and labour, shall regard promoting employment as a matter of common concern and shall coordinate their action in this respect within the Council, in accordance with the provisions of Article 148.

Article 147

(ex Article 127 TEC)

1. The Union shall contribute to a high level of employment by encouraging cooperation between Member States and by supporting and, if necessary, complementing their action. In doing so, the competences of the Member States shall be respected.

2. The objective of a high level of employment shall be taken into consideration in the formulation and implementation of Union policies and activities.

Article 148

(ex Article 128 TEC)

1. The European Council shall each year consider the employment situation in the Union and adopt conclusions thereon, on the basis of a joint annual report by the Council and the Commission.

2. On the basis of the conclusions of the European Council, the Council, on a proposal from the Commission and after consulting the European Parliament, the Economic and Social Committee, the Committee of the Regions and the Employment Committee referred to in Article 150, shall each year draw up guidelines which the Member States shall take into account in their employment policies. These guidelines shall be consistent with the broad guidelines adopted pursuant to Article 121(2).

3. Each Member State shall provide the Council and the Commission with an annual report on the principal measures taken to implement its employment policy in the light of the guidelines for employment as referred to in paragraph 2.

4. The Council, on the basis of the reports referred to in paragraph 3 and having received the views of the Employment Committee, shall each year carry out an examination of the implementation of the employment policies of the Member States in the light of the guidelines for employment. The Council, on a recommendation from the Commission, may, if it considers it appropriate in the light of that examination, make recommendations to Member States.

5. On the basis of the results of that examination, the Council and the Commission shall make a joint annual report to the European Council on the employment situation in the Union and on the implementation of the guidelines for employment.

Article 149

(ex Article 129 TEC)

The European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions, may adopt incentive measures designed to encourage cooperation between Member States and to support their action in the field of employment through initiatives aimed at developing exchanges of information and best practices, providing comparative analysis and advice as well as promoting innovative approaches and evaluating experiences, in particular by recourse to pilot projects.

Those measures shall not include harmonisation of the laws and regulations of the Member States.

Article 150

(ex Article 130 TEC)

The Council, acting by a simple majority after consulting the European Parliament, shall establish an Employment Committee with advisory status to promote coordination between Member States on employment and labour market policies. The tasks of the Committee shall be:

- to monitor the employment situation and employment policies in the Member States and the Union,
- without prejudice to Article 240, to formulate opinions at the request of either the Council or the Commission or on its own initiative, and to contribute to the preparation of the Council proceedings referred to in Article 148.

In fulfilling its mandate, the Committee shall consult management and labour.

Each Member State and the Commission shall appoint two members of the Committee.

TITLE X

SOCIAL POLICY*Article 151*

(ex Article 136 TEC)

The Union and the Member States, having in mind fundamental social rights such as those set out in the European Social Charter signed at Turin on 18 October 1961 and in the 1989 Community Charter of the Fundamental Social Rights of Workers, shall have as their objectives the promotion of employment, improved living and working conditions, so as to make possible their harmonisation while the improvement is being maintained, proper social protection, dialogue between management and labour, the development of human resources with a view to lasting high employment and the combating of exclusion.

To this end the Union and the Member States shall implement measures which take account of the diverse forms of national practices, in particular in the field of contractual relations, and the need to maintain the competitiveness of the Union economy.

They believe that such a development will ensue not only from the functioning of the internal market, which will favour the harmonisation of social systems, but also from the procedures provided for in the Treaties and from the approximation of provisions laid down by law, regulation or administrative action.

Article 152

The Union recognises and promotes the role of the social partners at its level, taking into account the diversity of national systems. It shall facilitate dialogue between the social partners, respecting their autonomy.

The Tripartite Social Summit for Growth and Employment shall contribute to social dialogue.

Article 153

(ex Article 137 TEC)

1. With a view to achieving the objectives of Article 151, the Union shall support and complement the activities of the Member States in the following fields:

- (a) improvement in particular of the working environment to protect workers' health and safety;
- (b) working conditions;
- (c) social security and social protection of workers;
- (d) protection of workers where their employment contract is terminated;
- (e) the information and consultation of workers;

- (f) representation and collective defence of the interests of workers and employers, including co-determination, subject to paragraph 5;
- (g) conditions of employment for third-country nationals legally residing in Union territory;
- (h) the integration of persons excluded from the labour market, without prejudice to Article 166;
- (i) equality between men and women with regard to labour market opportunities and treatment at work;
- (j) the combating of social exclusion;
- (k) the modernisation of social protection systems without prejudice to point (c).

2. To this end, the European Parliament and the Council:

- (a) may adopt measures designed to encourage cooperation between Member States through initiatives aimed at improving knowledge, developing exchanges of information and best practices, promoting innovative approaches and evaluating experiences, excluding any harmonisation of the laws and regulations of the Member States;
- (b) may adopt, in the fields referred to in paragraph 1(a) to (i), by means of directives, minimum requirements for gradual implementation, having regard to the conditions and technical rules obtaining in each of the Member States. Such directives shall avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of small and medium-sized undertakings.

The European Parliament and the Council shall act in accordance with the ordinary legislative procedure after consulting the Economic and Social Committee and the Committee of the Regions.

In the fields referred to in paragraph 1(c), (d), (f) and (g), the Council shall act unanimously, in accordance with a special legislative procedure, after consulting the European Parliament and the said Committees.

The Council, acting unanimously on a proposal from the Commission, after consulting the European Parliament, may decide to render the ordinary legislative procedure applicable to paragraph 1(d), (f) and (g).

3. A Member State may entrust management and labour, at their joint request, with the implementation of directives adopted pursuant to paragraph 2, or, where appropriate, with the implementation of a Council decision adopted in accordance with Article 155.

In this case, it shall ensure that, no later than the date on which a directive or a decision must be transposed or implemented, management and labour have introduced the necessary measures by agreement, the Member State concerned being required to take any necessary measure enabling it at any time to be in a position to guarantee the results imposed by that directive or that decision.

4. The provisions adopted pursuant to this Article:

- shall not affect the right of Member States to define the fundamental principles of their social security systems and must not significantly affect the financial equilibrium thereof,
- shall not prevent any Member State from maintaining or introducing more stringent protective measures compatible with the Treaties.

5. The provisions of this Article shall not apply to pay, the right of association, the right to strike or the right to impose lock-outs.

Article 154

(ex Article 138 TEC)

1. The Commission shall have the task of promoting the consultation of management and labour at Union level and shall take any relevant measure to facilitate their dialogue by ensuring balanced support for the parties.

2. To this end, before submitting proposals in the social policy field, the Commission shall consult management and labour on the possible direction of Union action.

3. If, after such consultation, the Commission considers Union action advisable, it shall consult management and labour on the content of the envisaged proposal. Management and labour shall forward to the Commission an opinion or, where appropriate, a recommendation.

4. On the occasion of the consultation referred to in paragraphs 2 and 3, management and labour may inform the Commission of their wish to initiate the process provided for in Article 155. The duration of this process shall not exceed nine months, unless the management and labour concerned and the Commission decide jointly to extend it.

Article 155

(ex Article 139 TEC)

1. Should management and labour so desire, the dialogue between them at Union level may lead to contractual relations, including agreements.

2. Agreements concluded at Union level shall be implemented either in accordance with the procedures and practices specific to management and labour and the Member States or, in matters covered by Article 153, at the joint request of the signatory parties, by a Council decision on a proposal from the Commission. The European Parliament shall be informed.

The Council shall act unanimously where the agreement in question contains one or more provisions relating to one of the areas for which unanimity is required pursuant to Article 153(2).

Article 156

(ex Article 140 TEC)

With a view to achieving the objectives of Article 151 and without prejudice to the other provisions of the Treaties, the Commission shall encourage cooperation between the Member States and facilitate the coordination of their action in all social policy fields under this Chapter, particularly in matters relating to:

- employment,
- labour law and working conditions,
- basic and advanced vocational training,
- social security,
- prevention of occupational accidents and diseases,
- occupational hygiene,
- the right of association and collective bargaining between employers and workers.

To this end, the Commission shall act in close contact with Member States by making studies, delivering opinions and arranging consultations both on problems arising at national level and on those of concern to international organisations, in particular initiatives aiming at the establishment of guidelines and indicators, the organisation of exchange of best practice, and the preparation of the necessary elements for periodic monitoring and evaluation. The European Parliament shall be kept fully informed.

Before delivering the opinions provided for in this Article, the Commission shall consult the Economic and Social Committee.

Article 157

(ex Article 141 TEC)

1. Each Member State shall ensure that the principle of equal pay for male and female workers for equal work or work of equal value is applied.
2. For the purpose of this Article, 'pay' means the ordinary basic or minimum wage or salary and any other consideration, whether in cash or in kind, which the worker receives directly or indirectly, in respect of his employment, from his employer.

Equal pay without discrimination based on sex means:

- (a) that pay for the same work at piece rates shall be calculated on the basis of the same unit of measurement;

(b) that pay for work at time rates shall be the same for the same job.

3. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, and after consulting the Economic and Social Committee, shall adopt measures to ensure the application of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation, including the principle of equal pay for equal work or work of equal value.

4. With a view to ensuring full equality in practice between men and women in working life, the principle of equal treatment shall not prevent any Member State from maintaining or adopting measures providing for specific advantages in order to make it easier for the underrepresented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers.

Article 158

(ex Article 142 TEC)

Member States shall endeavour to maintain the existing equivalence between paid holiday schemes.

Article 159

(ex Article 143 TEC)

The Commission shall draw up a report each year on progress in achieving the objectives of Article 151, including the demographic situation in the Union. It shall forward the report to the European Parliament, the Council and the Economic and Social Committee.

Article 160

(ex Article 144 TEC)

The Council, acting by a simple majority after consulting the European Parliament, shall establish a Social Protection Committee with advisory status to promote cooperation on social protection policies between Member States and with the Commission. The tasks of the Committee shall be:

- to monitor the social situation and the development of social protection policies in the Member States and the Union,
- to promote exchanges of information, experience and good practice between Member States and with the Commission,
- without prejudice to Article 240, to prepare reports, formulate opinions or undertake other work within its fields of competence, at the request of either the Council or the Commission or on its own initiative.

In fulfilling its mandate, the Committee shall establish appropriate contacts with management and labour.

Each Member State and the Commission shall appoint two members of the Committee.

Article 161

(ex Article 145 TEC)

The Commission shall include a separate chapter on social developments within the Union in its annual report to the European Parliament.

The European Parliament may invite the Commission to draw up reports on any particular problems concerning social conditions.

TITLE XI

THE EUROPEAN SOCIAL FUND

Article 162

(ex Article 146 TEC)

In order to improve employment opportunities for workers in the internal market and to contribute thereby to raising the standard of living, a European Social Fund is hereby established in accordance with the provisions set out below; it shall aim to render the employment of workers easier and to increase their geographical and occupational mobility within the Union, and to facilitate their adaptation to industrial changes and to changes in production systems, in particular through vocational training and retraining.

Article 163

(ex Article 147 TEC)

The Fund shall be administered by the Commission.

The Commission shall be assisted in this task by a Committee presided over by a Member of the Commission and composed of representatives of governments, trade unions and employers' organisations.

Article 164

(ex Article 148 TEC)

The European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions, shall adopt implementing regulations relating to the European Social Fund.

TITLE XII

EDUCATION, VOCATIONAL TRAINING, YOUTH AND SPORT

Article 165

(ex Article 149 TEC)

1. The Union shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content of teaching and the organisation of education systems and their cultural and linguistic diversity.

The Union shall contribute to the promotion of European sporting issues, while taking account of the specific nature of sport, its structures based on voluntary activity and its social and educational function.

2. Union action shall be aimed at:

- developing the European dimension in education, particularly through the teaching and dissemination of the languages of the Member States,
- encouraging mobility of students and teachers, by encouraging inter alia, the academic recognition of diplomas and periods of study,
- promoting cooperation between educational establishments,
- developing exchanges of information and experience on issues common to the education systems of the Member States,
- encouraging the development of youth exchanges and of exchanges of socio-educational instructors, and encouraging the participation of young people in democratic life in Europe,
- encouraging the development of distance education,
- developing the European dimension in sport, by promoting fairness and openness in sporting competitions and cooperation between bodies responsible for sports, and by protecting the physical and moral integrity of sportsmen and sportswomen, especially the youngest sportsmen and sportswomen.

3. The Union and the Member States shall foster cooperation with third countries and the competent international organisations in the field of education and sport, in particular the Council of Europe.

4. In order to contribute to the achievement of the objectives referred to in this Article:

- the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, after consulting the Economic and Social Committee and the Committee of the Regions, shall adopt incentive measures, excluding any harmonisation of the laws and regulations of the Member States,

— the Council, on a proposal from the Commission, shall adopt recommendations.

Article 166

(ex Article 150 TEC)

1. The Union shall implement a vocational training policy which shall support and supplement the action of the Member States, while fully respecting the responsibility of the Member States for the content and organisation of vocational training.

2. Union action shall aim to:

— facilitate adaptation to industrial changes, in particular through vocational training and retraining,

— improve initial and continuing vocational training in order to facilitate vocational integration and reintegration into the labour market,

— facilitate access to vocational training and encourage mobility of instructors and trainees and particularly young people,

— stimulate cooperation on training between educational or training establishments and firms,

— develop exchanges of information and experience on issues common to the training systems of the Member States.

3. The Union and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of vocational training.

4. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions, shall adopt measures to contribute to the achievement of the objectives referred to in this Article, excluding any harmonisation of the laws and regulations of the Member States, and the Council, on a proposal from the Commission, shall adopt recommendations.

TITLE XIII

CULTURE

Article 167

(ex Article 151 TEC)

1. The Union shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore.

2. Action by the Union shall be aimed at encouraging cooperation between Member States and, if necessary, supporting and supplementing their action in the following areas:

- improvement of the knowledge and dissemination of the culture and history of the European peoples,
- conservation and safeguarding of cultural heritage of European significance,
- non-commercial cultural exchanges,
- artistic and literary creation, including in the audiovisual sector.

3. The Union and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of culture, in particular the Council of Europe.

4. The Union shall take cultural aspects into account in its action under other provisions of the Treaties, in particular in order to respect and to promote the diversity of its cultures.

5. In order to contribute to the achievement of the objectives referred to in this Article:

- the European Parliament and the Council acting in accordance with the ordinary legislative procedure and after consulting the Committee of the Regions, shall adopt incentive measures, excluding any harmonisation of the laws and regulations of the Member States,
- the Council, on a proposal from the Commission, shall adopt recommendations.

TITLE XIV

PUBLIC HEALTH

Article 168

(ex Article 152 TEC)

1. A high level of human health protection shall be ensured in the definition and implementation of all Union policies and activities.

Union action, which shall complement national policies, shall be directed towards improving public health, preventing physical and mental illness and diseases, and obviating sources of danger to physical and mental health. Such action shall cover the fight against the major health scourges, by promoting research into their causes, their transmission and their prevention, as well as health information and education, and monitoring, early warning of and combating serious cross-border threats to health.

The Union shall complement the Member States' action in reducing drugs-related health damage, including information and prevention.

2. The Union shall encourage cooperation between the Member States in the areas referred to in this Article and, if necessary, lend support to their action. It shall in particular encourage cooperation between the Member States to improve the complementarity of their health services in cross-border areas.

Member States shall, in liaison with the Commission, coordinate among themselves their policies and programmes in the areas referred to in paragraph 1. The Commission may, in close contact with the Member States, take any useful initiative to promote such coordination, in particular initiatives aiming at the establishment of guidelines and indicators, the organisation of exchange of best practice, and the preparation of the necessary elements for periodic monitoring and evaluation. The European Parliament shall be kept fully informed.

3. The Union and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of public health.

4. By way of derogation from Article 2(5) and Article 6(a) and in accordance with Article 4(2)(k) the European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions, shall contribute to the achievement of the objectives referred to in this Article through adopting in order to meet common safety concerns:

- (a) measures setting high standards of quality and safety of organs and substances of human origin, blood and blood derivatives; these measures shall not prevent any Member State from maintaining or introducing more stringent protective measures;
- (b) measures in the veterinary and phytosanitary fields which have as their direct objective the protection of public health;
- (c) measures setting high standards of quality and safety for medicinal products and devices for medical use.

5. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions, may also adopt incentive measures designed to protect and improve human health and in particular to combat the major cross-border health scourges, measures concerning monitoring, early warning of and combating serious cross-border threats to health, and measures which have as their direct objective the protection of public health regarding tobacco and the abuse of alcohol, excluding any harmonisation of the laws and regulations of the Member States.

6. The Council, on a proposal from the Commission, may also adopt recommendations for the purposes set out in this Article.

7. Union action shall respect the responsibilities of the Member States for the definition of their health policy and for the organisation and delivery of health services and medical care. The

responsibilities of the Member States shall include the management of health services and medical care and the allocation of the resources assigned to them. The measures referred to in paragraph 4(a) shall not affect national provisions on the donation or medical use of organs and blood.

TITLE XV

CONSUMER PROTECTION

Article 169

(ex Article 153 TEC)

1. In order to promote the interests of consumers and to ensure a high level of consumer protection, the Union shall contribute to protecting the health, safety and economic interests of consumers, as well as to promoting their right to information, education and to organise themselves in order to safeguard their interests.

2. The Union shall contribute to the attainment of the objectives referred to in paragraph 1 through:

(a) measures adopted pursuant to Article 114 in the context of the completion of the internal market;

(b) measures which support, supplement and monitor the policy pursued by the Member States.

3. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee, shall adopt the measures referred to in paragraph 2(b).

4. Measures adopted pursuant to paragraph 3 shall not prevent any Member State from maintaining or introducing more stringent protective measures. Such measures must be compatible with the Treaties. The Commission shall be notified of them.

TITLE XVI

TRANS-EUROPEAN NETWORKS

Article 170

(ex Article 154 TEC)

1. To help achieve the objectives referred to in Articles 26 and 174 and to enable citizens of the Union, economic operators and regional and local communities to derive full benefit from the setting-up of an area without internal frontiers, the Union shall contribute to the establishment and development of trans-European networks in the areas of transport, telecommunications and energy infrastructures.

2. Within the framework of a system of open and competitive markets, action by the Union shall aim at promoting the interconnection and interoperability of national networks as well as access to such networks. It shall take account in particular of the need to link island, landlocked and peripheral regions with the central regions of the Union.

Article 171

(ex Article 155 TEC)

1. In order to achieve the objectives referred to in Article 170, the Union:
 - shall establish a series of guidelines covering the objectives, priorities and broad lines of measures envisaged in the sphere of trans-European networks; these guidelines shall identify projects of common interest,
 - shall implement any measures that may prove necessary to ensure the interoperability of the networks, in particular in the field of technical standardisation,
 - may support projects of common interest supported by Member States, which are identified in the framework of the guidelines referred to in the first indent, particularly through feasibility studies, loan guarantees or interest-rate subsidies; the Union may also contribute, through the Cohesion Fund set up pursuant to Article 177, to the financing of specific projects in Member States in the area of transport infrastructure.

The Union's activities shall take into account the potential economic viability of the projects.

2. Member States shall, in liaison with the Commission, coordinate among themselves the policies pursued at national level which may have a significant impact on the achievement of the objectives referred to in Article 170. The Commission may, in close cooperation with the Member State, take any useful initiative to promote such coordination.

3. The Union may decide to cooperate with third countries to promote projects of mutual interest and to ensure the interoperability of networks.

Article 172

(ex Article 156 TEC)

The guidelines and other measures referred to in Article 171(1) shall be adopted by the European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions.

Guidelines and projects of common interest which relate to the territory of a Member State shall require the approval of the Member State concerned.

TITLE XVII

INDUSTRY

Article 173

(ex Article 157 TEC)

1. The Union and the Member States shall ensure that the conditions necessary for the competitiveness of the Union's industry exist.

For that purpose, in accordance with a system of open and competitive markets, their action shall be aimed at:

- speeding up the adjustment of industry to structural changes,
- encouraging an environment favourable to initiative and to the development of undertakings throughout the Union, particularly small and medium-sized undertakings,
- encouraging an environment favourable to cooperation between undertakings,
- fostering better exploitation of the industrial potential of policies of innovation, research and technological development.

2. The Member States shall consult each other in liaison with the Commission and, where necessary, shall coordinate their action. The Commission may take any useful initiative to promote such coordination, in particular initiatives aiming at the establishment of guidelines and indicators, the organisation of exchange of best practice, and the preparation of the necessary elements for periodic monitoring and evaluation. The European Parliament shall be kept fully informed.

3. The Union shall contribute to the achievement of the objectives set out in paragraph 1 through the policies and activities it pursues under other provisions of the Treaties. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee, may decide on specific measures in support of action taken in the Member States to achieve the objectives set out in paragraph 1, excluding any harmonisation of the laws and regulations of the Member States.

This Title shall not provide a basis for the introduction by the Union of any measure which could lead to a distortion of competition or contains tax provisions or provisions relating to the rights and interests of employed persons.

TITLE XVIII

ECONOMIC, SOCIAL AND TERRITORIAL COHESION*Article 174*

(ex Article 158 TEC)

In order to promote its overall harmonious development, the Union shall develop and pursue its actions leading to the strengthening of its economic, social and territorial cohesion.

In particular, the Union shall aim at reducing disparities between the levels of development of the various regions and the backwardness of the least favoured regions.

Among the regions concerned, particular attention shall be paid to rural areas, areas affected by industrial transition, and regions which suffer from severe and permanent natural or demographic handicaps such as the northernmost regions with very low population density and island, cross-border and mountain regions.

Article 175

(ex Article 159 TEC)

Member States shall conduct their economic policies and shall coordinate them in such a way as, in addition, to attain the objectives set out in Article 174. The formulation and implementation of the Union's policies and actions and the implementation of the internal market shall take into account the objectives set out in Article 174 and shall contribute to their achievement. The Union shall also support the achievement of these objectives by the action it takes through the Structural Funds (European Agricultural Guidance and Guarantee Fund, Guidance Section; European Social Fund; European Regional Development Fund), the European Investment Bank and the other existing Financial Instruments.

The Commission shall submit a report to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions every three years on the progress made towards achieving economic, social and territorial cohesion and on the manner in which the various means provided for in this Article have contributed to it. This report shall, if necessary, be accompanied by appropriate proposals.

If specific actions prove necessary outside the Funds and without prejudice to the measures decided upon within the framework of the other Union policies, such actions may be adopted by the European Parliament and the Council acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions.

Article 176

(ex Article 160 TEC)

The European Regional Development Fund is intended to help to redress the main regional imbalances in the Union through participation in the development and structural adjustment of regions whose development is lagging behind and in the conversion of declining industrial regions.

Article 177

(ex Article 161 TEC)

Without prejudice to Article 178, the European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure and consulting the Economic and Social Committee and the Committee of the Regions, shall define the tasks, priority objectives and the organisation of the Structural Funds, which may involve grouping the Funds. The general rules applicable to them and the provisions necessary to ensure their effectiveness and the coordination of the Funds with one another and with the other existing Financial Instruments shall also be defined by the same procedure.

A Cohesion Fund set up in accordance with the same procedure shall provide a financial contribution to projects in the fields of environment and trans-European networks in the area of transport infrastructure.

Article 178

(ex Article 162 TEC)

Implementing regulations relating to the European Regional Development Fund shall be taken by the European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions.

With regard to the European Agricultural Guidance and Guarantee Fund, Guidance Section, and the European Social Fund, Articles 43 and 164 respectively shall continue to apply.

TITLE XIX

RESEARCH AND TECHNOLOGICAL DEVELOPMENT AND SPACE*Article 179*

(ex Article 163 TEC)

1. The Union shall have the objective of strengthening its scientific and technological bases by achieving a European research area in which researchers, scientific knowledge and technology circulate freely, and encouraging it to become more competitive, including in its industry, while promoting all the research activities deemed necessary by virtue of other Chapters of the Treaties.

2. For this purpose the Union shall, throughout the Union, encourage undertakings, including small and medium-sized undertakings, research centres and universities in their research and technological development activities of high quality; it shall support their efforts to cooperate with one another, aiming, notably, at permitting researchers to cooperate freely across borders and at enabling undertakings to exploit the internal market potential to the full, in particular through the opening-up of national public contracts, the definition of common standards and the removal of legal and fiscal obstacles to that cooperation.

3. All Union activities under the Treaties in the area of research and technological development, including demonstration projects, shall be decided on and implemented in accordance with the provisions of this Title.

Article 180

(ex Article 164 TEC)

In pursuing these objectives, the Union shall carry out the following activities, complementing the activities carried out in the Member States:

- (a) implementation of research, technological development and demonstration programmes, by promoting cooperation with and between undertakings, research centres and universities;
- (b) promotion of cooperation in the field of Union research, technological development and demonstration with third countries and international organisations;
- (c) dissemination and optimisation of the results of activities in Union research, technological development and demonstration;
- (d) stimulation of the training and mobility of researchers in the Union.

Article 181

(ex Article 165 TEC)

1. The Union and the Member States shall coordinate their research and technological development activities so as to ensure that national policies and Union policy are mutually consistent.
2. In close cooperation with the Member State, the Commission may take any useful initiative to promote the coordination referred to in paragraph 1, in particular initiatives aiming at the establishment of guidelines and indicators, the organisation of exchange of best practice, and the preparation of the necessary elements for periodic monitoring and evaluation. The European Parliament shall be kept fully informed.

Article 182

(ex Article 166 TEC)

1. A multiannual framework programme, setting out all the activities of the Union, shall be adopted by the European Parliament and the Council, acting in accordance with the ordinary legislative procedure after consulting the Economic and Social Committee.

The framework programme shall:

- establish the scientific and technological objectives to be achieved by the activities provided for in Article 180 and fix the relevant priorities,

- indicate the broad lines of such activities,
 - fix the maximum overall amount and the detailed rules for Union financial participation in the framework programme and the respective shares in each of the activities provided for.
2. The framework programme shall be adapted or supplemented as the situation changes.
3. The framework programme shall be implemented through specific programmes developed within each activity. Each specific programme shall define the detailed rules for implementing it, fix its duration and provide for the means deemed necessary. The sum of the amounts deemed necessary, fixed in the specific programmes, may not exceed the overall maximum amount fixed for the framework programme and each activity.
4. The Council, acting in accordance with a special legislative procedure and after consulting the European Parliament and the Economic and Social Committee, shall adopt the specific programmes.
5. As a complement to the activities planned in the multiannual framework programme, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee, shall establish the measures necessary for the implementation of the European research area.

Article 183

(ex Article 167 TEC)

For the implementation of the multiannual framework programme the Union shall:

- determine the rules for the participation of undertakings, research centres and universities,
- lay down the rules governing the dissemination of research results.

Article 184

(ex Article 168 TEC)

In implementing the multiannual framework programme, supplementary programmes may be decided on involving the participation of certain Member States only, which shall finance them subject to possible Union participation.

The Union shall adopt the rules applicable to supplementary programmes, particularly as regards the dissemination of knowledge and access by other Member States.

Article 185

(ex Article 169 TEC)

In implementing the multiannual framework programme, the Union may make provision, in agreement with the Member States concerned, for participation in research and development programmes undertaken by several Member States, including participation in the structures created for the execution of those programmes.

Article 186

(ex Article 170 TEC)

In implementing the multiannual framework programme the Union may make provision for cooperation in Union research, technological development and demonstration with third countries or international organisations.

The detailed arrangements for such cooperation may be the subject of agreements between the Union and the third parties concerned.

Article 187

(ex Article 171 TEC)

The Union may set up joint undertakings or any other structure necessary for the efficient execution of Union research, technological development and demonstration programmes.

Article 188

(ex Article 172 TEC)

The Council, on a proposal from the Commission and after consulting the European Parliament and the Economic and Social Committee, shall adopt the provisions referred to in Article 187.

The European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee, shall adopt the provisions referred to in Articles 183, 184 and 185. Adoption of the supplementary programmes shall require the agreement of the Member States concerned.

Article 189

1. To promote scientific and technical progress, industrial competitiveness and the implementation of its policies, the Union shall draw up a European space policy. To this end, it may promote joint initiatives, support research and technological development and coordinate the efforts needed for the exploration and exploitation of space.

2. To contribute to attaining the objectives referred to in paragraph 1, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall establish the necessary measures, which may take the form of a European space programme, excluding any harmonisation of the laws and regulations of the Member States.
3. The Union shall establish any appropriate relations with the European Space Agency.
4. This Article shall be without prejudice to the other provisions of this Title.

Article 190

(ex Article 173 TEC)

At the beginning of each year the Commission shall send a report to the European Parliament and to the Council. The report shall include information on research and technological development activities and the dissemination of results during the previous year, and the work programme for the current year.

TITLE XX

ENVIRONMENT

Article 191

(ex Article 174 TEC)

1. Union policy on the environment shall contribute to pursuit of the following objectives:
 - preserving, protecting and improving the quality of the environment,
 - protecting human health,
 - prudent and rational utilisation of natural resources,
 - promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change.
2. Union policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Union. It shall be based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.

In this context, harmonisation measures answering environmental protection requirements shall include, where appropriate, a safeguard clause allowing Member States to take provisional measures, for non-economic environmental reasons, subject to a procedure of inspection by the Union.

3. In preparing its policy on the environment, the Union shall take account of:
- available scientific and technical data,
 - environmental conditions in the various regions of the Union,
 - the potential benefits and costs of action or lack of action,
 - the economic and social development of the Union as a whole and the balanced development of its regions.
4. Within their respective spheres of competence, the Union and the Member States shall cooperate with third countries and with the competent international organisations. The arrangements for Union cooperation may be the subject of agreements between the Union and the third parties concerned.

The previous subparagraph shall be without prejudice to Member States' competence to negotiate in international bodies and to conclude international agreements.

Article 192

(ex Article 175 TEC)

1. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions, shall decide what action is to be taken by the Union in order to achieve the objectives referred to in Article 191.
2. By way of derogation from the decision-making procedure provided for in paragraph 1 and without prejudice to Article 114, the Council acting unanimously in accordance with a special legislative procedure and after consulting the European Parliament, the Economic and Social Committee and the Committee of the Regions, shall adopt:
- (a) provisions primarily of a fiscal nature;
 - (b) measures affecting:
 - town and country planning,
 - quantitative management of water resources or affecting, directly or indirectly, the availability of those resources,
 - land use, with the exception of waste management;
 - (c) measures significantly affecting a Member State's choice between different energy sources and the general structure of its energy supply.

The Council, acting unanimously on a proposal from the Commission and after consulting the European Parliament, the Economic and Social Committee and the Committee of the Regions, may make the ordinary legislative procedure applicable to the matters referred to in the first subparagraph.

3. General action programmes setting out priority objectives to be attained shall be adopted by the European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee and the Committee of the Regions.

The measures necessary for the implementation of these programmes shall be adopted under the terms of paragraph 1 or 2, as the case may be.

4. Without prejudice to certain measures adopted by the Union, the Member States shall finance and implement the environment policy.

5. Without prejudice to the principle that the polluter should pay, if a measure based on the provisions of paragraph 1 involves costs deemed disproportionate for the public authorities of a Member State, such measure shall lay down appropriate provisions in the form of:

— temporary derogations, and/or

— financial support from the Cohesion Fund set up pursuant to Article 177.

Article 193

(ex Article 176 TEC)

The protective measures adopted pursuant to Article 192 shall not prevent any Member State from maintaining or introducing more stringent protective measures. Such measures must be compatible with the Treaties. They shall be notified to the Commission.

TITLE XXI

ENERGY

Article 194

1. In the context of the establishment and functioning of the internal market and with regard for the need to preserve and improve the environment, Union policy on energy shall aim, in a spirit of solidarity between Member States, to:

(a) ensure the functioning of the energy market;

(b) ensure security of energy supply in the Union;

(c) promote energy efficiency and energy saving and the development of new and renewable forms of energy; and

(d) promote the interconnection of energy networks.

2. Without prejudice to the application of other provisions of the Treaties, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall establish the measures necessary to achieve the objectives in paragraph 1. Such measures shall be adopted after consultation of the Economic and Social Committee and the Committee of the Regions.

Such measures shall not affect a Member State's right to determine the conditions for exploiting its energy resources, its choice between different energy sources and the general structure of its energy supply, without prejudice to Article 192(2)(c).

3. By way of derogation from paragraph 2, the Council, acting in accordance with a special legislative procedure, shall unanimously and after consulting the European Parliament, establish the measures referred to therein when they are primarily of a fiscal nature.

TITLE XXII

TOURISM

Article 195

1. The Union shall complement the action of the Member States in the tourism sector, in particular by promoting the competitiveness of Union undertakings in that sector.

To that end, Union action shall be aimed at:

- (a) encouraging the creation of a favourable environment for the development of undertakings in this sector;
- (b) promoting cooperation between the Member States, particularly by the exchange of good practice.

2. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall establish specific measures to complement actions within the Member States to achieve the objectives referred to in this Article, excluding any harmonisation of the laws and regulations of the Member States.

TITLE XXIII

CIVIL PROTECTION

Article 196

1. The Union shall encourage cooperation between Member States in order to improve the effectiveness of systems for preventing and protecting against natural or man-made disasters.

Union action shall aim to:

- (a) support and complement Member States' action at national, regional and local level in risk prevention, in preparing their civil-protection personnel and in responding to natural or man-made disasters within the Union;
- (b) promote swift, effective operational cooperation within the Union between national civil-protection services;
- (c) promote consistency in international civil-protection work.

2. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure shall establish the measures necessary to help achieve the objectives referred to in paragraph 1, excluding any harmonisation of the laws and regulations of the Member States.

TITLE XXIV

ADMINISTRATIVE COOPERATION

Article 197

1. Effective implementation of Union law by the Member States, which is essential for the proper functioning of the Union, shall be regarded as a matter of common interest.

2. The Union may support the efforts of Member States to improve their administrative capacity to implement Union law. Such action may include facilitating the exchange of information and of civil servants as well as supporting training schemes. No Member State shall be obliged to avail itself of such support. The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, shall establish the necessary measures to this end, excluding any harmonisation of the laws and regulations of the Member States.

3. This Article shall be without prejudice to the obligations of the Member States to implement Union law or to the prerogatives and duties of the Commission. It shall also be without prejudice to other provisions of the Treaties providing for administrative cooperation among the Member States and between them and the Union.

PART FOUR

ASSOCIATION OF THE OVERSEAS COUNTRIES AND TERRITORIES

Article 198 (ex Article 182 TEC)

The Member States agree to associate with the Union the non-European countries and territories which have special relations with Denmark, France, the Netherlands and the United Kingdom. These countries and territories (hereinafter called the 'countries and territories') are listed in Annex II.

The purpose of association shall be to promote the economic and social development of the countries and territories and to establish close economic relations between them and the Union as a whole.

In accordance with the principles set out in the preamble to this Treaty, association shall serve primarily to further the interests and prosperity of the inhabitants of these countries and territories in order to lead them to the economic, social and cultural development to which they aspire.

Article 199 (ex Article 183 TEC)

Association shall have the following objectives.

1. Member States shall apply to their trade with the countries and territories the same treatment as they accord each other pursuant to the Treaties.
2. Each country or territory shall apply to its trade with Member States and with the other countries and territories the same treatment as that which it applies to the European State with which it has special relations.
3. The Member States shall contribute to the investments required for the progressive development of these countries and territories.
4. For investments financed by the Union, participation in tenders and supplies shall be open on equal terms to all natural and legal persons who are nationals of a Member State or of one of the countries and territories.
5. In relations between Member States and the countries and territories the right of establishment of nationals and companies or firms shall be regulated in accordance with the provisions and procedures laid down in the Chapter relating to the right of establishment and on a non-discriminatory basis, subject to any special provisions laid down pursuant to Article 203.

Article 200

(ex Article 184 TEC)

1. Customs duties on imports into the Member States of goods originating in the countries and territories shall be prohibited in conformity with the prohibition of customs duties between Member States in accordance with the provisions of the Treaties.

2. Customs duties on imports into each country or territory from Member States or from the other countries or territories shall be prohibited in accordance with the provisions of Article 30.

3. The countries and territories may, however, levy customs duties which meet the needs of their development and industrialisation or produce revenue for their budgets.

The duties referred to in the preceding subparagraph may not exceed the level of those imposed on imports of products from the Member State with which each country or territory has special relations.

4. Paragraph 2 shall not apply to countries and territories which, by reason of the particular international obligations by which they are bound, already apply a non-discriminatory customs tariff.

5. The introduction of or any change in customs duties imposed on goods imported into the countries and territories shall not, either in law or in fact, give rise to any direct or indirect discrimination between imports from the various Member States.

Article 201

(ex Article 185 TEC)

If the level of the duties applicable to goods from a third country on entry into a country or territory is liable, when the provisions of Article 200(1) have been applied, to cause deflections of trade to the detriment of any Member State, the latter may request the Commission to propose to the other Member States the measures needed to remedy the situation.

Article 202

(ex Article 186 TEC)

Subject to the provisions relating to public health, public security or public policy, freedom of movement within Member States for workers from the countries and territories, and within the countries and territories for workers from Member States, shall be regulated by acts adopted in accordance with Article 203.

Article 203

(ex Article 187 TEC)

The Council, acting unanimously on a proposal from the Commission, shall, on the basis of the experience acquired under the association of the countries and territories with the Union and of the principles set out in the Treaties, lay down provisions as regards the detailed rules and the procedure for the association of the countries and territories with the Union. Where the provisions in question are adopted by the Council in accordance with a special legislative procedure, it shall act unanimously on a proposal from the Commission and after consulting the European Parliament.

Article 204

(ex Article 188 TEC)

The provisions of Articles 198 to 203 shall apply to Greenland, subject to the specific provisions for Greenland set out in the Protocol on special arrangements for Greenland, annexed to the Treaties.

PART FIVE**THE UNION'S EXTERNAL ACTION****TITLE I****GENERAL PROVISIONS ON THE UNION'S EXTERNAL ACTION***Article 205*

The Union's action on the international scene, pursuant to this Part, shall be guided by the principles, pursue the objectives and be conducted in accordance with the general provisions laid down in Chapter 1 of Title V of the Treaty on European Union.

TITLE II**COMMON COMMERCIAL POLICY***Article 206*

(ex Article 131 TEC)

By establishing a customs union in accordance with Articles 28 to 32, the Union shall contribute, in the common interest, to the harmonious development of world trade, the progressive abolition of restrictions on international trade and on foreign direct investment, and the lowering of customs and other barriers.

Article 207

(ex Article 133 TEC)

1. The common commercial policy shall be based on uniform principles, particularly with regard to changes in tariff rates, the conclusion of tariff and trade agreements relating to trade in goods and services, and the commercial aspects of intellectual property, foreign direct investment, the achievement of uniformity in measures of liberalisation, export policy and measures to protect trade such as those to be taken in the event of dumping or subsidies. The common commercial policy shall be conducted in the context of the principles and objectives of the Union's external action.

2. The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, shall adopt the measures defining the framework for implementing the common commercial policy.

3. Where agreements with one or more third countries or international organisations need to be negotiated and concluded, Article 218 shall apply, subject to the special provisions of this Article.

The Commission shall make recommendations to the Council, which shall authorise it to open the necessary negotiations. The Council and the Commission shall be responsible for ensuring that the agreements negotiated are compatible with internal Union policies and rules.

The Commission shall conduct these negotiations in consultation with a special committee appointed by the Council to assist the Commission in this task and within the framework of such directives as the Council may issue to it. The Commission shall report regularly to the special committee and to the European Parliament on the progress of negotiations.

4. For the negotiation and conclusion of the agreements referred to in paragraph 3, the Council shall act by a qualified majority.

For the negotiation and conclusion of agreements in the fields of trade in services and the commercial aspects of intellectual property, as well as foreign direct investment, the Council shall act unanimously where such agreements include provisions for which unanimity is required for the adoption of internal rules.

The Council shall also act unanimously for the negotiation and conclusion of agreements:

- (a) in the field of trade in cultural and audiovisual services, where these agreements risk prejudicing the Union's cultural and linguistic diversity;
- (b) in the field of trade in social, education and health services, where these agreements risk seriously disturbing the national organisation of such services and prejudicing the responsibility of Member States to deliver them.

5. The negotiation and conclusion of international agreements in the field of transport shall be subject to Title VI of Part Three and to Article 218.

6. The exercise of the competences conferred by this Article in the field of the common commercial policy shall not affect the delimitation of competences between the Union and the Member States, and shall not lead to harmonisation of legislative or regulatory provisions of the Member States in so far as the Treaties exclude such harmonisation.

TITLE III

COOPERATION WITH THIRD COUNTRIES AND HUMANITARIAN AID

CHAPTER 1

DEVELOPMENT COOPERATION

Article 208

(ex Article 177 TEC)

1. Union policy in the field of development cooperation shall be conducted within the framework of the principles and objectives of the Union's external action. The Union's development cooperation policy and that of the Member States complement and reinforce each other.

Union development cooperation policy shall have as its primary objective the reduction and, in the long term, the eradication of poverty. The Union shall take account of the objectives of development cooperation in the policies that it implements which are likely to affect developing countries.

2. The Union and the Member States shall comply with the commitments and take account of the objectives they have approved in the context of the United Nations and other competent international organisations.

Article 209

(ex Article 179 TEC)

1. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt the measures necessary for the implementation of development cooperation policy, which may relate to multiannual cooperation programmes with developing countries or programmes with a thematic approach.

2. The Union may conclude with third countries and competent international organisations any agreement helping to achieve the objectives referred to in Article 21 of the Treaty on European Union and in Article 208 of this Treaty.

The first subparagraph shall be without prejudice to Member States' competence to negotiate in international bodies and to conclude agreements.

3. The European Investment Bank shall contribute, under the terms laid down in its Statute, to the implementation of the measures referred to in paragraph 1.

Article 210

(ex Article 180 TEC)

1. In order to promote the complementarity and efficiency of their action, the Union and the Member States shall coordinate their policies on development cooperation and shall consult each other on their aid programmes, including in international organisations and during international conferences. They may undertake joint action. Member States shall contribute if necessary to the implementation of Union aid programmes.

2. The Commission may take any useful initiative to promote the coordination referred to in paragraph 1.

Article 211

(ex Article 181 TEC)

Within their respective spheres of competence, the Union and the Member States shall cooperate with third countries and with the competent international organisations.

CHAPTER 2

ECONOMIC, FINANCIAL AND TECHNICAL COOPERATION WITH THIRD COUNTRIES

Article 212

(ex Article 181a TEC)

1. Without prejudice to the other provisions of the Treaties, and in particular Articles 208 to 211, the Union shall carry out economic, financial and technical cooperation measures, including assistance, in particular financial assistance, with third countries other than developing countries. Such measures shall be consistent with the development policy of the Union and shall be carried out within the framework of the principles and objectives of its external action. The Union's operations and those of the Member States shall complement and reinforce each other.

2. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt the measures necessary for the implementation of paragraph 1.

3. Within their respective spheres of competence, the Union and the Member States shall cooperate with third countries and the competent international organisations. The arrangements for Union cooperation may be the subject of agreements between the Union and the third parties concerned.

The first subparagraph shall be without prejudice to the Member States' competence to negotiate in international bodies and to conclude international agreements.

Article 213

When the situation in a third country requires urgent financial assistance from the Union, the Council shall adopt the necessary decisions on a proposal from the Commission.

CHAPTER 3

HUMANITARIAN AID

Article 214

1. The Union's operations in the field of humanitarian aid shall be conducted within the framework of the principles and objectives of the external action of the Union. Such operations shall be intended to provide *ad hoc* assistance and relief and protection for people in third countries who are victims of natural or man-made disasters, in order to meet the humanitarian needs resulting from these different situations. The Union's measures and those of the Member States shall complement and reinforce each other.

2. Humanitarian aid operations shall be conducted in compliance with the principles of international law and with the principles of impartiality, neutrality and non-discrimination.

3. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall establish the measures defining the framework within which the Union's humanitarian aid operations shall be implemented.

4. The Union may conclude with third countries and competent international organisations any agreement helping to achieve the objectives referred to in paragraph 1 and in Article 21 of the Treaty on European Union.

The first subparagraph shall be without prejudice to Member States' competence to negotiate in international bodies and to conclude agreements.

5. In order to establish a framework for joint contributions from young Europeans to the humanitarian aid operations of the Union, a European Voluntary Humanitarian Aid Corps shall be set up. The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, shall determine the rules and procedures for the operation of the Corps.

6. The Commission may take any useful initiative to promote coordination between actions of the Union and those of the Member States, in order to enhance the efficiency and complementarity of Union and national humanitarian aid measures.

7. The Union shall ensure that its humanitarian aid operations are coordinated and consistent with those of international organisations and bodies, in particular those forming part of the United Nations system.

TITLE IV

RESTRICTIVE MEASURES*Article 215*

(ex Article 301 TEC)

1. Where a decision, adopted in accordance with Chapter 2 of Title V of the Treaty on European Union, provides for the interruption or reduction, in part or completely, of economic and financial relations with one or more third countries, the Council, acting by a qualified majority on a joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the Commission, shall adopt the necessary measures. It shall inform the European Parliament thereof.
2. Where a decision adopted in accordance with Chapter 2 of Title V of the Treaty on European Union so provides, the Council may adopt restrictive measures under the procedure referred to in paragraph 1 against natural or legal persons and groups or non-State entities.
3. The acts referred to in this Article shall include necessary provisions on legal safeguards.

TITLE V

INTERNATIONAL AGREEMENTS*Article 216*

1. The Union may conclude an agreement with one or more third countries or international organisations where the Treaties so provide or where the conclusion of an agreement is necessary in order to achieve, within the framework of the Union's policies, one of the objectives referred to in the Treaties, or is provided for in a legally binding Union act or is likely to affect common rules or alter their scope.
2. Agreements concluded by the Union are binding upon the institutions of the Union and on its Member States.

Article 217

(ex Article 310 TEC)

The Union may conclude with one or more third countries or international organisations agreements establishing an association involving reciprocal rights and obligations, common action and special procedure.

Article 218

(ex Article 300 TEC)

1. Without prejudice to the specific provisions laid down in Article 207, agreements between the Union and third countries or international organisations shall be negotiated and concluded in accordance with the following procedure.

2. The Council shall authorise the opening of negotiations, adopt negotiating directives, authorise the signing of agreements and conclude them.
3. The Commission, or the High Representative of the Union for Foreign Affairs and Security Policy where the agreement envisaged relates exclusively or principally to the common foreign and security policy, shall submit recommendations to the Council, which shall adopt a decision authorising the opening of negotiations and, depending on the subject of the agreement envisaged, nominating the Union negotiator or the head of the Union's negotiating team.
4. The Council may address directives to the negotiator and designate a special committee in consultation with which the negotiations must be conducted.
5. The Council, on a proposal by the negotiator, shall adopt a decision authorising the signing of the agreement and, if necessary, its provisional application before entry into force.
6. The Council, on a proposal by the negotiator, shall adopt a decision concluding the agreement.

Except where agreements relate exclusively to the common foreign and security policy, the Council shall adopt the decision concluding the agreement:

- (a) after obtaining the consent of the European Parliament in the following cases:
 - (i) association agreements;
 - (ii) agreement on Union accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms;
 - (iii) agreements establishing a specific institutional framework by organising cooperation procedures;
 - (iv) agreements with important budgetary implications for the Union;
 - (v) agreements covering fields to which either the ordinary legislative procedure applies, or the special legislative procedure where consent by the European Parliament is required.

The European Parliament and the Council may, in an urgent situation, agree upon a time-limit for consent.

- (b) after consulting the European Parliament in other cases. The European Parliament shall deliver its opinion within a time-limit which the Council may set depending on the urgency of the matter. In the absence of an opinion within that time-limit, the Council may act.

7. When concluding an agreement, the Council may, by way of derogation from paragraphs 5, 6 and 9, authorise the negotiator to approve on the Union's behalf modifications to the agreement where it provides for them to be adopted by a simplified procedure or by a body set up by the agreement. The Council may attach specific conditions to such authorisation.

8. The Council shall act by a qualified majority throughout the procedure.

However, it shall act unanimously when the agreement covers a field for which unanimity is required for the adoption of a Union act as well as for association agreements and the agreements referred to in Article 212 with the States which are candidates for accession. The Council shall also act unanimously for the agreement on accession of the Union to the European Convention for the Protection of Human Rights and Fundamental Freedoms; the decision concluding this agreement shall enter into force after it has been approved by the Member States in accordance with their respective constitutional requirements.

9. The Council, on a proposal from the Commission or the High Representative of the Union for Foreign Affairs and Security Policy, shall adopt a decision suspending application of an agreement and establishing the positions to be adopted on the Union's behalf in a body set up by an agreement, when that body is called upon to adopt acts having legal effects, with the exception of acts supplementing or amending the institutional framework of the agreement.

10. The European Parliament shall be immediately and fully informed at all stages of the procedure.

11. A Member State, the European Parliament, the Council or the Commission may obtain the opinion of the Court of Justice as to whether an agreement envisaged is compatible with the Treaties. Where the opinion of the Court is adverse, the agreement envisaged may not enter into force unless it is amended or the Treaties are revised.

Article 219

(ex Article 111(1) to (3) and (5) TEC)

1. By way of derogation from Article 218, the Council, either on a recommendation from the European Central Bank or on a recommendation from the Commission and after consulting the European Central Bank, in an endeavour to reach a consensus consistent with the objective of price stability, may conclude formal agreements on an exchange-rate system for the euro in relation to the currencies of third States. The Council shall act unanimously after consulting the European Parliament and in accordance with the procedure provided for in paragraph 3.

The Council may, either on a recommendation from the European Central Bank or on a recommendation from the Commission, and after consulting the European Central Bank, in an endeavour to reach a consensus consistent with the objective of price stability, adopt, adjust or abandon the central rates of the euro within the exchange-rate system. The President of the Council shall inform the European Parliament of the adoption, adjustment or abandonment of the euro central rates.

2. In the absence of an exchange-rate system in relation to one or more currencies of third States as referred to in paragraph 1, the Council, either on a recommendation from the Commission and after consulting the European Central Bank or on a recommendation from the European Central Bank, may formulate general orientations for exchange-rate policy in relation to these currencies. These general orientations shall be without prejudice to the primary objective of the ESCB to maintain price stability.

3. By way of derogation from Article 218, where agreements concerning monetary or foreign exchange regime matters need to be negotiated by the Union with one or more third States or international organisations, the Council, on a recommendation from the Commission and after consulting the European Central Bank, shall decide the arrangements for the negotiation and for the conclusion of such agreements. These arrangements shall ensure that the Union expresses a single position. The Commission shall be fully associated with the negotiations.

4. Without prejudice to Union competence and Union agreements as regards economic and monetary union, Member States may negotiate in international bodies and conclude international agreements.

TITLE VI

THE UNION'S RELATIONS WITH INTERNATIONAL ORGANISATIONS AND THIRD COUNTRIES AND UNION DELEGATIONS

Article 220

(ex Articles 302 to 304 TEC)

1. The Union shall establish all appropriate forms of cooperation with the organs of the United Nations and its specialised agencies, the Council of Europe, the Organisation for Security and Cooperation in Europe and the Organisation for Economic Cooperation and Development.

The Union shall also maintain such relations as are appropriate with other international organisations.

2. The High Representative of the Union for Foreign Affairs and Security Policy and the Commission shall implement this Article.

Article 221

1. Union delegations in third countries and at international organisations shall represent the Union.

2. Union delegations shall be placed under the authority of the High Representative of the Union for Foreign Affairs and Security Policy. They shall act in close cooperation with Member States' diplomatic and consular missions.

TITLE VII
SOLIDARITY CLAUSE

Article 222

1. The Union and its Member States shall act jointly in a spirit of solidarity if a Member State is the object of a terrorist attack or the victim of a natural or man-made disaster. The Union shall mobilise all the instruments at its disposal, including the military resources made available by the Member States, to:

- (a) — prevent the terrorist threat in the territory of the Member States;
 - protect democratic institutions and the civilian population from any terrorist attack;
 - assist a Member State in its territory, at the request of its political authorities, in the event of a terrorist attack;
- (b) assist a Member State in its territory, at the request of its political authorities, in the event of a natural or man-made disaster.

2. Should a Member State be the object of a terrorist attack or the victim of a natural or man-made disaster, the other Member States shall assist it at the request of its political authorities. To that end, the Member States shall coordinate between themselves in the Council.

3. The arrangements for the implementation by the Union of the solidarity clause shall be defined by a decision adopted by the Council acting on a joint proposal by the Commission and the High Representative of the Union for Foreign Affairs and Security Policy. The Council shall act in accordance with Article 31(1) of the Treaty on European Union where this decision has defence implications. The European Parliament shall be informed.

For the purposes of this paragraph and without prejudice to Article 240, the Council shall be assisted by the Political and Security Committee with the support of the structures developed in the context of the common security and defence policy and by the Committee referred to in Article 71; the two committees shall, if necessary, submit joint opinions.

4. The European Council shall regularly assess the threats facing the Union in order to enable the Union and its Member States to take effective action.

PART SIX
INSTITUTIONAL AND FINANCIAL PROVISIONS

TITLE I
INSTITUTIONAL PROVISIONS

CHAPTER 1
THE INSTITUTIONS

SECTION 1
THE EUROPEAN PARLIAMENT

Article 223
(ex Article 190(4) and (5) TEC)

1. The European Parliament shall draw up a proposal to lay down the provisions necessary for the election of its Members by direct universal suffrage in accordance with a uniform procedure in all Member States or in accordance with principles common to all Member States.

The Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, which shall act by a majority of its component Members, shall lay down the necessary provisions. These provisions shall enter into force following their approval by the Member States in accordance with their respective constitutional requirements.

2. The European Parliament, acting by means of regulations on its own initiative in accordance with a special legislative procedure after seeking an opinion from the Commission and with the consent of the Council, shall lay down the regulations and general conditions governing the performance of the duties of its Members. All rules or conditions relating to the taxation of Members or former Members shall require unanimity within the Council.

Article 224
(ex Article 191, second subparagraph, TEC)

The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, by means of regulations, shall lay down the regulations governing political parties at European level referred to in Article 10(4) of the Treaty on European Union and in particular the rules regarding their funding.

Article 225

(ex Article 192, second subparagraph, TEC)

The European Parliament may, acting by a majority of its component Members, request the Commission to submit any appropriate proposal on matters on which it considers that a Union act is required for the purpose of implementing the Treaties. If the Commission does not submit a proposal, it shall inform the European Parliament of the reasons.

Article 226

(ex Article 193 TEC)

In the course of its duties, the European Parliament may, at the request of a quarter of its component Members, set up a temporary Committee of Inquiry to investigate, without prejudice to the powers conferred by the Treaties on other institutions or bodies, alleged contraventions or maladministration in the implementation of Union law, except where the alleged facts are being examined before a court and while the case is still subject to legal proceedings.

The temporary Committee of Inquiry shall cease to exist on the submission of its report.

The detailed provisions governing the exercise of the right of inquiry shall be determined by the European Parliament, acting by means of regulations on its own initiative in accordance with a special legislative procedure, after obtaining the consent of the Council and the Commission.

Article 227

(ex Article 194 TEC)

Any citizen of the Union, and any natural or legal person residing or having its registered office in a Member State, shall have the right to address, individually or in association with other citizens or persons, a petition to the European Parliament on a matter which comes within the Union's fields of activity and which affects him, her or it directly.

Article 228

(ex Article 195 TEC)

1. A European Ombudsman, elected by the European Parliament, shall be empowered to receive complaints from any citizen of the Union or any natural or legal person residing or having its registered office in a Member State concerning instances of maladministration in the activities of the Union institutions, bodies, offices or agencies, with the exception of the Court of Justice of the European Union acting in its judicial role. He or she shall examine such complaints and report on them.

In accordance with his duties, the Ombudsman shall conduct inquiries for which he finds grounds, either on his own initiative or on the basis of complaints submitted to him direct or through a Member of the European Parliament, except where the alleged facts are or have been the subject of legal proceedings. Where the Ombudsman establishes an instance of maladministration, he shall refer the matter to the institution, body, office or agency concerned, which shall have a period of three months in which to inform him of its views. The Ombudsman shall then forward a report to the European Parliament and the institution, body, office or agency concerned. The person lodging the complaint shall be informed of the outcome of such inquiries.

The Ombudsman shall submit an annual report to the European Parliament on the outcome of his inquiries.

2. The Ombudsman shall be elected after each election of the European Parliament for the duration of its term of office. The Ombudsman shall be eligible for reappointment.

The Ombudsman may be dismissed by the Court of Justice at the request of the European Parliament if he no longer fulfils the conditions required for the performance of his duties or if he is guilty of serious misconduct.

3. The Ombudsman shall be completely independent in the performance of his duties. In the performance of those duties he shall neither seek nor take instructions from any Government, institution, body, office or entity. The Ombudsman may not, during his term of office, engage in any other occupation, whether gainful or not.

4. The European Parliament acting by means of regulations on its own initiative in accordance with a special legislative procedure shall, after seeking an opinion from the Commission and with the consent of the Council, lay down the regulations and general conditions governing the performance of the Ombudsman's duties.

Article 229

(ex Article 196 TEC)

The European Parliament shall hold an annual session. It shall meet, without requiring to be convened, on the second Tuesday in March.

The European Parliament may meet in extraordinary part-session at the request of a majority of its component Members or at the request of the Council or of the Commission.

Article 230

(ex Article 197, second, third and fourth paragraph, TEC)

The Commission may attend all the meetings and shall, at its request, be heard.

The Commission shall reply orally or in writing to questions put to it by the European Parliament or by its Members.

The European Council and the Council shall be heard by the European Parliament in accordance with the conditions laid down in the Rules of Procedure of the European Council and those of the Council.

Article 231

(ex Article 198 TEC)

Save as otherwise provided in the Treaties, the European Parliament shall act by a majority of the votes cast.

The Rules of Procedure shall determine the quorum.

Article 232

(ex Article 199 TEC)

The European Parliament shall adopt its Rules of Procedure, acting by a majority of its Members.

The proceedings of the European Parliament shall be published in the manner laid down in the Treaties and in its Rules of Procedure.

Article 233

(ex Article 200 TEC)

The European Parliament shall discuss in open session the annual general report submitted to it by the Commission.

Article 234

(ex Article 201 TEC)

If a motion of censure on the activities of the Commission is tabled before it, the European Parliament shall not vote thereon until at least three days after the motion has been tabled and only by open vote.

If the motion of censure is carried by a two-thirds majority of the votes cast, representing a majority of the component Members of the European Parliament, the members of the Commission shall resign as a body and the High Representative of the Union for Foreign Affairs and Security Policy shall resign from duties that he or she carries out in the Commission. They shall remain in office and continue to deal with current business until they are replaced in accordance with Article 17 of the Treaty on European Union. In this case, the term of office of the members of the Commission appointed to replace them shall expire on the date on which the term of office of the members of the Commission obliged to resign as a body would have expired.

SECTION 2

THE EUROPEAN COUNCIL

Article 235

1. Where a vote is taken, any member of the European Council may also act on behalf of not more than one other member.

Article 16(4) of the Treaty on European Union and Article 238(2) of this Treaty shall apply to the European Council when it is acting by a qualified majority. Where the European Council decides by vote, its President and the President of the Commission shall not take part in the vote.

Abstentions by members present in person or represented shall not prevent the adoption by the European Council of acts which require unanimity.

2. The President of the European Parliament may be invited to be heard by the European Council.
3. The European Council shall act by a simple majority for procedural questions and for the adoption of its Rules of Procedure.
4. The European Council shall be assisted by the General Secretariat of the Council.

Article 236

The European Council shall adopt by a qualified majority:

- (a) a decision establishing the list of Council configurations, other than those of the General Affairs Council and of the Foreign Affairs Council, in accordance with Article 16(6) of the Treaty on European Union;
- (b) a decision on the Presidency of Council configurations, other than that of Foreign Affairs, in accordance with Article 16(9) of the Treaty on European Union.

SECTION 3

THE COUNCIL

Article 237

(ex Article 204 TEC)

The Council shall meet when convened by its President on his own initiative or at the request of one of its Members or of the Commission.

Article 238

(ex Article 205(1) and (2), TEC)

1. Where it is required to act by a simple majority, the Council shall act by a majority of its component members.
2. By way of derogation from Article 16(4) of the Treaty on European Union, as from 1 November 2014 and subject to the provisions laid down in the Protocol on transitional provisions,

where the Council does not act on a proposal from the Commission or from the High Representative of the Union for Foreign Affairs and Security Policy, the qualified majority shall be defined as at least 72 % of the members of the Council, representing Member States comprising at least 65 % of the population of the Union.

3. As from 1 November 2014 and subject to the provisions laid down in the Protocol on transitional provisions, in cases where, under the Treaties, not all the members of the Council participate in voting, a qualified majority shall be defined as follows:

(a) A qualified majority shall be defined as at least 55 % of the members of the Council representing the participating Member States, comprising at least 65 % of the population of these States.

A blocking minority must include at least the minimum number of Council members representing more than 35 % of the population of the participating Member States, plus one member, failing which the qualified majority shall be deemed attained;

(b) By way of derogation from point (a), where the Council does not act on a proposal from the Commission or from the High Representative of the Union for Foreign Affairs and Security Policy, the qualified majority shall be defined as at least 72 % of the members of the Council representing the participating Member States, comprising at least 65 % of the population of these States.

4. Abstentions by Members present in person or represented shall not prevent the adoption by the Council of acts which require unanimity.

Article 239

(ex Article 206 TEC)

Where a vote is taken, any Member of the Council may also act on behalf of not more than one other member.

Article 240

(ex Article 207 TEC)

1. A committee consisting of the Permanent Representatives of the Governments of the Member States shall be responsible for preparing the work of the Council and for carrying out the tasks assigned to it by the latter. The Committee may adopt procedural decisions in cases provided for in the Council's Rules of Procedure.

2. The Council shall be assisted by a General Secretariat, under the responsibility of a Secretary-General appointed by the Council.

The Council shall decide on the organisation of the General Secretariat by a simple majority.

3. The Council shall act by a simple majority regarding procedural matters and for the adoption of its Rules of Procedure.

Article 241

(ex Article 208 TEC)

The Council, acting by a simple majority, may request the Commission to undertake any studies the Council considers desirable for the attainment of the common objectives, and to submit to it any appropriate proposals. If the Commission does not submit a proposal, it shall inform the Council of the reasons.

Article 242

(ex Article 209 TEC)

The Council, acting by a simple majority shall, after consulting the Commission, determine the rules governing the committees provided for in the Treaties.

Article 243

(ex Article 210 TEC)

The Council shall determine the salaries, allowances and pensions of the President of the European Council, the President of the Commission, the High Representative of the Union for Foreign Affairs and Security Policy, the Members of the Commission, the Presidents, Members and Registrars of the Court of Justice of the European Union, and the Secretary-General of the Council. It shall also determine any payment to be made instead of remuneration.

SECTION 4

THE COMMISSION

Article 244

In accordance with Article 17(5) of the Treaty on European Union, the Members of the Commission shall be chosen on the basis of a system of rotation established unanimously by the European Council and on the basis of the following principles:

- (a) Member States shall be treated on a strictly equal footing as regards determination of the sequence of, and the time spent by, their nationals as members of the Commission; consequently, the difference between the total number of terms of office held by nationals of any given pair of Member States may never be more than one;
- (b) subject to point (a), each successive Commission shall be so composed as to reflect satisfactorily the demographic and geographical range of all the Member States.

Article 245

(ex Article 213 TEC)

The Members of the Commission shall refrain from any action incompatible with their duties. Member States shall respect their independence and shall not seek to influence them in the performance of their tasks.

The Members of the Commission may not, during their term of office, engage in any other occupation, whether gainful or not. When entering upon their duties they shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom and in particular their duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits. In the event of any breach of these obligations, the Court of Justice may, on application by the Council acting by a simple majority or the Commission, rule that the Member concerned be, according to the circumstances, either compulsorily retired in accordance with Article 247 or deprived of his right to a pension or other benefits in its stead.

Article 246

(ex Article 215 TEC)

Apart from normal replacement, or death, the duties of a Member of the Commission shall end when he resigns or is compulsorily retired.

A vacancy caused by resignation, compulsory retirement or death shall be filled for the remainder of the Member's term of office by a new Member of the same nationality appointed by the Council, by common accord with the President of the Commission, after consulting the European Parliament and in accordance with the criteria set out in the second subparagraph of Article 17(3) of the Treaty on European Union.

The Council may, acting unanimously on a proposal from the President of the Commission, decide that such a vacancy need not be filled, in particular when the remainder of the Member's term of office is short.

In the event of resignation, compulsory retirement or death, the President shall be replaced for the remainder of his term of office. The procedure laid down in the first subparagraph of Article 17(7) of the Treaty on European Union shall be applicable for the replacement of the President.

In the event of resignation, compulsory retirement or death, the High Representative of the Union for Foreign Affairs and Security Policy shall be replaced, for the remainder of his or her term of office, in accordance with Article 18(1) of the Treaty on European Union.

In the case of the resignation of all the Members of the Commission, they shall remain in office and continue to deal with current business until they have been replaced, for the remainder of their term of office, in accordance with Article 17 of the Treaty on European Union.

Article 247

(ex Article 216 TEC)

If any Member of the Commission no longer fulfils the conditions required for the performance of his duties or if he has been guilty of serious misconduct, the Court of Justice may, on application by the Council acting by a simple majority or the Commission, compulsorily retire him.

Article 248

(ex Article 217(2) TEC)

Without prejudice to Article 18(4) of the Treaty on European Union, the responsibilities incumbent upon the Commission shall be structured and allocated among its members by its President, in accordance with Article 17(6) of that Treaty. The President may reshuffle the allocation of those responsibilities during the Commission's term of office. The Members of the Commission shall carry out the duties devolved upon them by the President under his authority.

Article 249

(ex Articles 218(2) and 212 TEC)

1. The Commission shall adopt its Rules of Procedure so as to ensure that both it and its departments operate. It shall ensure that these Rules are published.

2. The Commission shall publish annually, not later than one month before the opening of the session of the European Parliament, a general report on the activities of the Union.

Article 250

(ex Article 219 TEC)

The Commission shall act by a majority of its Members.

Its Rules of Procedure shall determine the quorum.

SECTION 5

THE COURT OF JUSTICE OF THE EUROPEAN UNION

Article 251

(ex Article 221 TEC)

The Court of Justice shall sit in chambers or in a Grand Chamber, in accordance with the rules laid down for that purpose in the Statute of the Court of Justice of the European Union.

When provided for in the Statute, the Court of Justice may also sit as a full Court.

Article 252

(ex Article 222 TEC)

The Court of Justice shall be assisted by eight Advocates-General. Should the Court of Justice so request, the Council, acting unanimously, may increase the number of Advocates-General.

It shall be the duty of the Advocate-General, acting with complete impartiality and independence, to make, in open court, reasoned submissions on cases which, in accordance with the Statute of the Court of Justice of the European Union, require his involvement.

Article 253

(ex Article 223 TEC)

The Judges and Advocates-General of the Court of Justice shall be chosen from persons whose independence is beyond doubt and who possess the qualifications required for appointment to the highest judicial offices in their respective countries or who are jurisconsults of recognised competence; they shall be appointed by common accord of the governments of the Member States for a term of six years, after consultation of the panel provided for in Article 255.

Every three years there shall be a partial replacement of the Judges and Advocates-General, in accordance with the conditions laid down in the Statute of the Court of Justice of the European Union.

The Judges shall elect the President of the Court of Justice from among their number for a term of three years. He may be re-elected.

Retiring Judges and Advocates-General may be reappointed.

The Court of Justice shall appoint its Registrar and lay down the rules governing his service.

The Court of Justice shall establish its Rules of Procedure. Those Rules shall require the approval of the Council.

Article 254

(ex Article 224 TEC)

The number of Judges of the General Court shall be determined by the Statute of the Court of Justice of the European Union. The Statute may provide for the General Court to be assisted by Advocates-General.

The members of the General Court shall be chosen from persons whose independence is beyond doubt and who possess the ability required for appointment to high judicial office. They shall be appointed by common accord of the governments of the Member States for a term of six years, after consultation of the panel provided for in Article 255. The membership shall be partially renewed every three years. Retiring members shall be eligible for reappointment.

The Judges shall elect the President of the General Court from among their number for a term of three years. He may be re-elected.

The General Court shall appoint its Registrar and lay down the rules governing his service.

The General Court shall establish its Rules of Procedure in agreement with the Court of Justice. Those Rules shall require the approval of the Council.

Unless the Statute of the Court of Justice of the European Union provides otherwise, the provisions of the Treaties relating to the Court of Justice shall apply to the General Court.

Article 255

A panel shall be set up in order to give an opinion on candidates' suitability to perform the duties of Judge and Advocate-General of the Court of Justice and the General Court before the governments of the Member States make the appointments referred to in Articles 253 and 254.

The panel shall comprise seven persons chosen from among former members of the Court of Justice and the General Court, members of national supreme courts and lawyers of recognised competence, one of whom shall be proposed by the European Parliament. The Council shall adopt a decision establishing the panel's operating rules and a decision appointing its members. It shall act on the initiative of the President of the Court of Justice.

Article 256

(ex Article 225 TEC)

1. The General Court shall have jurisdiction to hear and determine at first instance actions or proceedings referred to in Articles 263, 265, 268, 270 and 272, with the exception of those assigned to a specialised court set up under Article 257 and those reserved in the Statute for the Court of Justice. The Statute may provide for the General Court to have jurisdiction for other classes of action or proceeding.

Decisions given by the General Court under this paragraph may be subject to a right of appeal to the Court of Justice on points of law only, under the conditions and within the limits laid down by the Statute.

2. The General Court shall have jurisdiction to hear and determine actions or proceedings brought against decisions of the specialised courts.

Decisions given by the General Court under this paragraph may exceptionally be subject to review by the Court of Justice, under the conditions and within the limits laid down by the Statute, where there is a serious risk of the unity or consistency of Union law being affected.

3. The General Court shall have jurisdiction to hear and determine questions referred for a preliminary ruling under Article 267, in specific areas laid down by the Statute.

Where the General Court considers that the case requires a decision of principle likely to affect the unity or consistency of Union law, it may refer the case to the Court of Justice for a ruling.

Decisions given by the General Court on questions referred for a preliminary ruling may exceptionally be subject to review by the Court of Justice, under the conditions and within the limits laid down by the Statute, where there is a serious risk of the unity or consistency of Union law being affected.

Article 257

(ex Article 225a TEC)

The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may establish specialised courts attached to the General Court to hear and determine at first instance certain classes of action or proceeding brought in specific areas. The European Parliament and the Council shall act by means of regulations either on a proposal from the Commission after consultation of the Court of Justice or at the request of the Court of Justice after consultation of the Commission.

The regulation establishing a specialised court shall lay down the rules on the organisation of the court and the extent of the jurisdiction conferred upon it.

Decisions given by specialised courts may be subject to a right of appeal on points of law only or, when provided for in the regulation establishing the specialised court, a right of appeal also on matters of fact, before the General Court.

The members of the specialised courts shall be chosen from persons whose independence is beyond doubt and who possess the ability required for appointment to judicial office. They shall be appointed by the Council, acting unanimously.

The specialised courts shall establish their Rules of Procedure in agreement with the Court of Justice. Those Rules shall require the approval of the Council.

Unless the regulation establishing the specialised court provides otherwise, the provisions of the Treaties relating to the Court of Justice of the European Union and the provisions of the Statute of the Court of Justice of the European Union shall apply to the specialised courts. Title I of the Statute and Article 64 thereof shall in any case apply to the specialised courts.

Article 258

(ex Article 226 TEC)

If the Commission considers that a Member State has failed to fulfil an obligation under the Treaties, it shall deliver a reasoned opinion on the matter after giving the State concerned the opportunity to submit its observations.

If the State concerned does not comply with the opinion within the period laid down by the Commission, the latter may bring the matter before the Court of Justice of the European Union.

Article 259

(ex Article 227 TEC)

A Member State which considers that another Member State has failed to fulfil an obligation under the Treaties may bring the matter before the Court of Justice of the European Union.

Before a Member State brings an action against another Member State for an alleged infringement of an obligation under the Treaties, it shall bring the matter before the Commission.

The Commission shall deliver a reasoned opinion after each of the States concerned has been given the opportunity to submit its own case and its observations on the other party's case both orally and in writing.

If the Commission has not delivered an opinion within three months of the date on which the matter was brought before it, the absence of such opinion shall not prevent the matter from being brought before the Court.

Article 260

(ex Article 228 TEC)

1. If the Court of Justice of the European Union finds that a Member State has failed to fulfil an obligation under the Treaties, the State shall be required to take the necessary measures to comply with the judgment of the Court.

2. If the Commission considers that the Member State concerned has not taken the necessary measures to comply with the judgment of the Court, it may bring the case before the Court after giving that State the opportunity to submit its observations. It shall specify the amount of the lump sum or penalty payment to be paid by the Member State concerned which it considers appropriate in the circumstances.

If the Court finds that the Member State concerned has not complied with its judgment it may impose a lump sum or penalty payment on it.

This procedure shall be without prejudice to Article 259.

3. When the Commission brings a case before the Court pursuant to Article 258 on the grounds that the Member State concerned has failed to fulfil its obligation to notify measures transposing a directive adopted under a legislative procedure, it may, when it deems appropriate, specify the amount of the lump sum or penalty payment to be paid by the Member State concerned which it considers appropriate in the circumstances.

If the Court finds that there is an infringement it may impose a lump sum or penalty payment on the Member State concerned not exceeding the amount specified by the Commission. The payment obligation shall take effect on the date set by the Court in its judgment.

Article 261

(ex Article 229 TEC)

Regulations adopted jointly by the European Parliament and the Council, and by the Council, pursuant to the provisions of the Treaties, may give the Court of Justice of the European Union unlimited jurisdiction with regard to the penalties provided for in such regulations.

Article 262

(ex Article 229a TEC)

Without prejudice to the other provisions of the Treaties, the Council, acting unanimously in accordance with a special legislative procedure and after consulting the European Parliament, may adopt provisions to confer jurisdiction, to the extent that it shall determine, on the Court of Justice of the European Union in disputes relating to the application of acts adopted on the basis of the Treaties which create European intellectual property rights. These provisions shall enter into force after their approval by the Member States in accordance with their respective constitutional requirements.

Article 263

(ex Article 230 TEC)

The Court of Justice of the European Union shall review the legality of legislative acts, of acts of the Council, of the Commission and of the European Central Bank, other than recommendations and opinions, and of acts of the European Parliament and of the European Council intended to produce legal effects *vis-à-vis* third parties. It shall also review the legality of acts of bodies, offices or agencies of the Union intended to produce legal effects *vis-à-vis* third parties.

It shall for this purpose have jurisdiction in actions brought by a Member State, the European Parliament, the Council or the Commission on grounds of lack of competence, infringement of an essential procedural requirement, infringement of the Treaties or of any rule of law relating to their application, or misuse of powers.

The Court shall have jurisdiction under the same conditions in actions brought by the Court of Auditors, by the European Central Bank and by the Committee of the Regions for the purpose of protecting their prerogatives.

Any natural or legal person may, under the conditions laid down in the first and second paragraphs, institute proceedings against an act addressed to that person or which is of direct and individual concern to them, and against a regulatory act which is of direct concern to them and does not entail implementing measures.

Acts setting up bodies, offices and agencies of the Union may lay down specific conditions and arrangements concerning actions brought by natural or legal persons against acts of these bodies, offices or agencies intended to produce legal effects in relation to them.

The proceedings provided for in this Article shall be instituted within two months of the publication of the measure, or of its notification to the plaintiff, or, in the absence thereof, of the day on which it came to the knowledge of the latter, as the case may be.

Article 264

(ex Article 231 TEC)

If the action is well founded, the Court of Justice of the European Union shall declare the act concerned to be void.

However, the Court shall, if it considers this necessary, state which of the effects of the act which it has declared void shall be considered as definitive.

Article 265

(ex Article 232 TEC)

Should the European Parliament, the European Council, the Council, the Commission or the European Central Bank, in infringement of the Treaties, fail to act, the Member States and the other institutions of the Union may bring an action before the Court of Justice of the European Union to have the infringement established. This Article shall apply, under the same conditions, to bodies, offices and agencies of the Union which fail to act.

The action shall be admissible only if the institution, body, office or agency concerned has first been called upon to act. If, within two months of being so called upon, the institution, body, office or agency concerned has not defined its position, the action may be brought within a further period of two months.

Any natural or legal person may, under the conditions laid down in the preceding paragraphs, complain to the Court that an institution, body, office or agency of the Union has failed to address to that person any act other than a recommendation or an opinion.

Article 266

(ex Article 233 TEC)

The institution whose act has been declared void or whose failure to act has been declared contrary to the Treaties shall be required to take the necessary measures to comply with the judgment of the Court of Justice of the European Union.

This obligation shall not affect any obligation which may result from the application of the second paragraph of Article 340.

Article 267

(ex Article 234 TEC)

The Court of Justice of the European Union shall have jurisdiction to give preliminary rulings concerning:

- (a) the interpretation of the Treaties;
- (b) the validity and interpretation of acts of the institutions, bodies, offices or agencies of the Union;

Where such a question is raised before any court or tribunal of a Member State, that court or tribunal may, if it considers that a decision on the question is necessary to enable it to give judgment, request the Court to give a ruling thereon.

Where any such question is raised in a case pending before a court or tribunal of a Member State against whose decisions there is no judicial remedy under national law, that court or tribunal shall bring the matter before the Court.

If such a question is raised in a case pending before a court or tribunal of a Member State with regard to a person in custody, the Court of Justice of the European Union shall act with the minimum of delay.

Article 268

(ex Article 235 TEC)

The Court of Justice of the European Union shall have jurisdiction in disputes relating to compensation for damage provided for in the second and third paragraphs of Article 340.

Article 269

The Court of Justice shall have jurisdiction to decide on the legality of an act adopted by the European Council or by the Council pursuant to Article 7 of the Treaty on European Union solely at the request of the Member State concerned by a determination of the European Council or of the Council and in respect solely of the procedural stipulations contained in that Article.

Such a request must be made within one month from the date of such determination. The Court shall rule within one month from the date of the request.

Article 270

(ex Article 236 TEC)

The Court of Justice of the European Union shall have jurisdiction in any dispute between the Union and its servants within the limits and under the conditions laid down in the Staff Regulations of Officials and the Conditions of Employment of other servants of the Union.

Article 271

(ex Article 237 TEC)

The Court of Justice of the European Union shall, within the limits hereinafter laid down, have jurisdiction in disputes concerning:

- (a) the fulfilment by Member States of obligations under the Statute of the European Investment Bank. In this connection, the Board of Directors of the Bank shall enjoy the powers conferred upon the Commission by Article 258;
- (b) measures adopted by the Board of Governors of the European Investment Bank. In this connection, any Member State, the Commission or the Board of Directors of the Bank may institute proceedings under the conditions laid down in Article 263;
- (c) measures adopted by the Board of Directors of the European Investment Bank. Proceedings against such measures may be instituted only by Member States or by the Commission, under the conditions laid down in Article 263, and solely on the grounds of non-compliance with the procedure provided for in Article 19(2), (5), (6) and (7) of the Statute of the Bank;
- (d) the fulfilment by national central banks of obligations under the Treaties and the Statute of the ESCB and of the ECB. In this connection the powers of the Governing Council of the European Central Bank in respect of national central banks shall be the same as those conferred upon the Commission in respect of Member States by Article 258. If the Court finds that a national central bank has failed to fulfil an obligation under the Treaties, that bank shall be required to take the necessary measures to comply with the judgment of the Court.

Article 272

(ex Article 238 TEC)

The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by or on behalf of the Union, whether that contract be governed by public or private law.

Article 273

(ex Article 239 TEC)

The Court of Justice shall have jurisdiction in any dispute between Member States which relates to the subject matter of the Treaties if the dispute is submitted to it under a special agreement between the parties.

Article 274

(ex Article 240 TEC)

Save where jurisdiction is conferred on the Court of Justice of the European Union by the Treaties, disputes to which the Union is a party shall not on that ground be excluded from the jurisdiction of the courts or tribunals of the Member States.

Article 275

The Court of Justice of the European Union shall not have jurisdiction with respect to the provisions relating to the common foreign and security policy nor with respect to acts adopted on the basis of those provisions.

However, the Court shall have jurisdiction to monitor compliance with Article 40 of the Treaty on European Union and to rule on proceedings, brought in accordance with the conditions laid down in the fourth paragraph of Article 263 of this Treaty, reviewing the legality of decisions providing for restrictive measures against natural or legal persons adopted by the Council on the basis of Chapter 2 of Title V of the Treaty on European Union.

Article 276

In exercising its powers regarding the provisions of Chapters 4 and 5 of Title V of Part Three relating to the area of freedom, security and justice, the Court of Justice of the European Union shall have no jurisdiction to review the validity or proportionality of operations carried out by the police or other law-enforcement services of a Member State or the exercise of the responsibilities incumbent upon Member States with regard to the maintenance of law and order and the safeguarding of internal security.

Article 277

(ex Article 241 TEC)

Notwithstanding the expiry of the period laid down in Article 263, sixth paragraph, any party may, in proceedings in which an act of general application adopted by an institution, body, office or agency of the Union is at issue, plead the grounds specified in Article 263, second paragraph, in order to invoke before the Court of Justice of the European Union the inapplicability of that act.

Article 278

(ex Article 242 TEC)

Actions brought before the Court of Justice of the European Union shall not have suspensory effect. The Court may, however, if it considers that circumstances so require, order that application of the contested act be suspended.

Article 279

(ex Article 243 TEC)

The Court of Justice of the European Union may in any cases before it prescribe any necessary interim measures.

Article 280

(ex Article 244 TEC)

The judgments of the Court of Justice of the European Union shall be enforceable under the conditions laid down in Article 299.

Article 281

(ex Article 245 TEC)

The Statute of the Court of Justice of the European Union shall be laid down in a separate Protocol.

The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may amend the provisions of the Statute, with the exception of Title I and Article 64. The European Parliament and the Council shall act either at the request of the Court of Justice and after consultation of the Commission, or on a proposal from the Commission and after consultation of the Court of Justice.

SECTION 6

THE EUROPEAN CENTRAL BANK

Article 282

1. The European Central Bank, together with the national central banks, shall constitute the European System of Central Banks (ESCB). The European Central Bank, together with the national central banks of the Member States whose currency is the euro, which constitute the Eurosystem, shall conduct the monetary policy of the Union.

2. The ESCB shall be governed by the decision-making bodies of the European Central Bank. The primary objective of the ESCB shall be to maintain price stability. Without prejudice to that objective, it shall support the general economic policies in the Union in order to contribute to the achievement of the latter's objectives.

3. The European Central Bank shall have legal personality. It alone may authorise the issue of the euro. It shall be independent in the exercise of its powers and in the management of its finances. Union institutions, bodies, offices and agencies and the governments of the Member States shall respect that independence.

4. The European Central Bank shall adopt such measures as are necessary to carry out its tasks in accordance with Articles 127 to 133, with Article 138, and with the conditions laid down in the Statute of the ESCB and of the ECB. In accordance with these same Articles, those Member States whose currency is not the euro, and their central banks, shall retain their powers in monetary matters.

5. Within the areas falling within its responsibilities, the European Central Bank shall be consulted on all proposed Union acts, and all proposals for regulation at national level, and may give an opinion.

Article 283

(ex Article 112 TEC)

1. The Governing Council of the European Central Bank shall comprise the members of the Executive Board of the European Central Bank and the Governors of the national central banks of the Member States whose currency is the euro.
2. The Executive Board shall comprise the President, the Vice-President and four other members.

The President, the Vice-President and the other members of the Executive Board shall be appointed by the European Council, acting by a qualified majority, from among persons of recognised standing and professional experience in monetary or banking matters, on a recommendation from the Council, after it has consulted the European Parliament and the Governing Council of the European Central Bank.

Their term of office shall be eight years and shall not be renewable.

Only nationals of Member States may be members of the Executive Board.

Article 284

(ex Article 113 TEC)

1. The President of the Council and a Member of the Commission may participate, without having the right to vote, in meetings of the Governing Council of the European Central Bank.

The President of the Council may submit a motion for deliberation to the Governing Council of the European Central Bank.

2. The President of the European Central Bank shall be invited to participate in Council meetings when the Council is discussing matters relating to the objectives and tasks of the ESCB.

3. The European Central Bank shall address an annual report on the activities of the ESCB and on the monetary policy of both the previous and current year to the European Parliament, the Council and the Commission, and also to the European Council. The President of the European Central Bank shall present this report to the Council and to the European Parliament, which may hold a general debate on that basis.

The President of the European Central Bank and the other members of the Executive Board may, at the request of the European Parliament or on their own initiative, be heard by the competent committees of the European Parliament.

SECTION 7

THE COURT OF AUDITORS

Article 285

(ex Article 246 TEC)

The Court of Auditors shall carry out the Union's audit.

It shall consist of one national of each Member State. Its Members shall be completely independent in the performance of their duties, in the Union's general interest.

Article 286

(ex Article 247 TEC)

1. The Members of the Court of Auditors shall be chosen from among persons who belong or have belonged in their respective States to external audit bodies or who are especially qualified for this office. Their independence must be beyond doubt.

2. The Members of the Court of Auditors shall be appointed for a term of six years. The Council, after consulting the European Parliament, shall adopt the list of Members drawn up in accordance with the proposals made by each Member State. The term of office of the Members of the Court of Auditors shall be renewable.

They shall elect the President of the Court of Auditors from among their number for a term of three years. The President may be re-elected.

3. In the performance of these duties, the Members of the Court of Auditors shall neither seek nor take instructions from any government or from any other body. The Members of the Court of Auditors shall refrain from any action incompatible with their duties.

4. The Members of the Court of Auditors may not, during their term of office, engage in any other occupation, whether gainful or not. When entering upon their duties they shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom and in particular their duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits.

5. Apart from normal replacement, or death, the duties of a Member of the Court of Auditors shall end when he resigns, or is compulsorily retired by a ruling of the Court of Justice pursuant to paragraph 6.

The vacancy thus caused shall be filled for the remainder of the Member's term of office.

Save in the case of compulsory retirement, Members of the Court of Auditors shall remain in office until they have been replaced.

6. A Member of the Court of Auditors may be deprived of his office or of his right to a pension or other benefits in its stead only if the Court of Justice, at the request of the Court of Auditors, finds that he no longer fulfils the requisite conditions or meets the obligations arising from his office.

7. The Council shall determine the conditions of employment of the President and the Members of the Court of Auditors and in particular their salaries, allowances and pensions. It shall also determine any payment to be made instead of remuneration.

8. The provisions of the Protocol on the privileges and immunities of the European Union applicable to the Judges of the Court of Justice of the European Union shall also apply to the Members of the Court of Auditors.

Article 287

(ex Article 248 TEC)

1. The Court of Auditors shall examine the accounts of all revenue and expenditure of the Union. It shall also examine the accounts of all revenue and expenditure of all bodies, offices or agencies set up by the Union in so far as the relevant constituent instrument does not preclude such examination.

The Court of Auditors shall provide the European Parliament and the Council with a statement of assurance as to the reliability of the accounts and the legality and regularity of the underlying transactions which shall be published in the *Official Journal of the European Union*. This statement may be supplemented by specific assessments for each major area of Union activity.

2. The Court of Auditors shall examine whether all revenue has been received and all expenditure incurred in a lawful and regular manner and whether the financial management has been sound. In doing so, it shall report in particular on any cases of irregularity.

The audit of revenue shall be carried out on the basis both of the amounts established as due and the amounts actually paid to the Union.

The audit of expenditure shall be carried out on the basis both of commitments undertaken and payments made.

These audits may be carried out before the closure of accounts for the financial year in question.

3. The audit shall be based on records and, if necessary, performed on the spot in the other institutions of the Union, on the premises of any body, office or agency which manages revenue or expenditure on behalf of the Union and in the Member States, including on the premises of any natural or legal person in receipt of payments from the budget. In the Member States the audit shall be carried out in liaison with national audit bodies or, if these do not have the necessary powers, with the competent national departments. The Court of Auditors and the national audit bodies of the Member States shall cooperate in a spirit of trust while maintaining their independence. These bodies or departments shall inform the Court of Auditors whether they intend to take part in the audit.

The other institutions of the Union, any bodies, offices or agencies managing revenue or expenditure on behalf of the Union, any natural or legal person in receipt of payments from the budget, and the national audit bodies or, if these do not have the necessary powers, the competent national departments, shall forward to the Court of Auditors, at its request, any document or information necessary to carry out its task.

In respect of the European Investment Bank's activity in managing Union expenditure and revenue, the Court's rights of access to information held by the Bank shall be governed by an agreement between the Court, the Bank and the Commission. In the absence of an agreement, the Court shall nevertheless have access to information necessary for the audit of Union expenditure and revenue managed by the Bank.

4. The Court of Auditors shall draw up an annual report after the close of each financial year. It shall be forwarded to the other institutions of the Union and shall be published, together with the replies of these institutions to the observations of the Court of Auditors, in the *Official Journal of the European Union*.

The Court of Auditors may also, at any time, submit observations, particularly in the form of special reports, on specific questions and deliver opinions at the request of one of the other institutions of the Union.

It shall adopt its annual reports, special reports or opinions by a majority of its Members. However, it may establish internal chambers in order to adopt certain categories of reports or opinions under the conditions laid down by its Rules of Procedure.

It shall assist the European Parliament and the Council in exercising their powers of control over the implementation of the budget.

The Court of Auditors shall draw up its Rules of Procedure. Those rules shall require the approval of the Council.

CHAPTER 2

LEGAL ACTS OF THE UNION, ADOPTION PROCEDURES AND OTHER PROVISIONS

SECTION 1

THE LEGAL ACTS OF THE UNION

Article 288

(ex Article 249 TEC)

To exercise the Union's competences, the institutions shall adopt regulations, directives, decisions, recommendations and opinions.

A regulation shall have general application. It shall be binding in its entirety and directly applicable in all Member States.

A directive shall be binding, as to the result to be achieved, upon each Member State to which it is addressed, but shall leave to the national authorities the choice of form and methods.

A decision shall be binding in its entirety. A decision which specifies those to whom it is addressed shall be binding only on them.

Recommendations and opinions shall have no binding force.

Article 289

1. The ordinary legislative procedure shall consist in the joint adoption by the European Parliament and the Council of a regulation, directive or decision on a proposal from the Commission. This procedure is defined in Article 294.

2. In the specific cases provided for by the Treaties, the adoption of a regulation, directive or decision by the European Parliament with the participation of the Council, or by the latter with the participation of the European Parliament, shall constitute a special legislative procedure.

3. Legal acts adopted by legislative procedure shall constitute legislative acts.

4. In the specific cases provided for by the Treaties, legislative acts may be adopted on the initiative of a group of Member States or of the European Parliament, on a recommendation from the European Central Bank or at the request of the Court of Justice or the European Investment Bank.

Article 290

1. A legislative act may delegate to the Commission the power to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act.

The objectives, content, scope and duration of the delegation of power shall be explicitly defined in the legislative acts. The essential elements of an area shall be reserved for the legislative act and accordingly shall not be the subject of a delegation of power.

2. Legislative acts shall explicitly lay down the conditions to which the delegation is subject; these conditions may be as follows:

(a) the European Parliament or the Council may decide to revoke the delegation;

(b) the delegated act may enter into force only if no objection has been expressed by the European Parliament or the Council within a period set by the legislative act.

For the purposes of (a) and (b), the European Parliament shall act by a majority of its component members, and the Council by a qualified majority.

3. The adjective 'delegated' shall be inserted in the title of delegated acts.

Article 291

1. Member States shall adopt all measures of national law necessary to implement legally binding Union acts.
2. Where uniform conditions for implementing legally binding Union acts are needed, those acts shall confer implementing powers on the Commission, or, in duly justified specific cases and in the cases provided for in Articles 24 and 26 of the Treaty on European Union, on the Council.
3. For the purposes of paragraph 2, the European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, shall lay down in advance the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers.
4. The word 'implementing' shall be inserted in the title of implementing acts.

Article 292

The Council shall adopt recommendations. It shall act on a proposal from the Commission in all cases where the Treaties provide that it shall adopt acts on a proposal from the Commission. It shall act unanimously in those areas in which unanimity is required for the adoption of a Union act. The Commission, and the European Central Bank in the specific cases provided for in the Treaties, shall adopt recommendations.

SECTION 2

PROCEDURES FOR THE ADOPTION OF ACTS AND OTHER PROVISIONS

Article 293

(ex Article 250 TEC)

1. Where, pursuant to the Treaties, the Council acts on a proposal from the Commission, it may amend that proposal only by acting unanimously, except in the cases referred to in paragraphs 10 and 13 of Article 294, in Articles 310, 312 and 314 and in the second paragraph of Article 315.
2. As long as the Council has not acted, the Commission may alter its proposal at any time during the procedures leading to the adoption of a Union act.

Article 294

(ex Article 251 TEC)

1. Where reference is made in the Treaties to the ordinary legislative procedure for the adoption of an act, the following procedure shall apply.
2. The Commission shall submit a proposal to the European Parliament and the Council.

First reading

3. The European Parliament shall adopt its position at first reading and communicate it to the Council.
4. If the Council approves the European Parliament's position, the act concerned shall be adopted in the wording which corresponds to the position of the European Parliament.
5. If the Council does not approve the European Parliament's position, it shall adopt its position at first reading and communicate it to the European Parliament.
6. The Council shall inform the European Parliament fully of the reasons which led it to adopt its position at first reading. The Commission shall inform the European Parliament fully of its position.

Second reading

7. If, within three months of such communication, the European Parliament:
 - (a) approves the Council's position at first reading or has not taken a decision, the act concerned shall be deemed to have been adopted in the wording which corresponds to the position of the Council;
 - (b) rejects, by a majority of its component members, the Council's position at first reading, the proposed act shall be deemed not to have been adopted;
 - (c) proposes, by a majority of its component members, amendments to the Council's position at first reading, the text thus amended shall be forwarded to the Council and to the Commission, which shall deliver an opinion on those amendments.
8. If, within three months of receiving the European Parliament's amendments, the Council, acting by a qualified majority:
 - (a) approves all those amendments, the act in question shall be deemed to have been adopted;
 - (b) does not approve all the amendments, the President of the Council, in agreement with the President of the European Parliament, shall within six weeks convene a meeting of the Conciliation Committee.
9. The Council shall act unanimously on the amendments on which the Commission has delivered a negative opinion.

Conciliation

10. The Conciliation Committee, which shall be composed of the members of the Council or their representatives and an equal number of members representing the European Parliament, shall have the task of reaching agreement on a joint text, by a qualified majority of the members of the Council or their representatives and by a majority of the members representing the European Parliament within six weeks of its being convened, on the basis of the positions of the European Parliament and the Council at second reading.

11. The Commission shall take part in the Conciliation Committee's proceedings and shall take all necessary initiatives with a view to reconciling the positions of the European Parliament and the Council.

12. If, within six weeks of its being convened, the Conciliation Committee does not approve the joint text, the proposed act shall be deemed not to have been adopted.

Third reading

13. If, within that period, the Conciliation Committee approves a joint text, the European Parliament, acting by a majority of the votes cast, and the Council, acting by a qualified majority, shall each have a period of six weeks from that approval in which to adopt the act in question in accordance with the joint text. If they fail to do so, the proposed act shall be deemed not to have been adopted.

14. The periods of three months and six weeks referred to in this Article shall be extended by a maximum of one month and two weeks respectively at the initiative of the European Parliament or the Council.

Special provisions

15. Where, in the cases provided for in the Treaties, a legislative act is submitted to the ordinary legislative procedure on the initiative of a group of Member States, on a recommendation by the European Central Bank, or at the request of the Court of Justice, paragraph 2, the second sentence of paragraph 6, and paragraph 9 shall not apply.

In such cases, the European Parliament and the Council shall communicate the proposed act to the Commission with their positions at first and second readings. The European Parliament or the Council may request the opinion of the Commission throughout the procedure, which the Commission may also deliver on its own initiative. It may also, if it deems it necessary, take part in the Conciliation Committee in accordance with paragraph 11.

Article 295

The European Parliament, the Council and the Commission shall consult each other and by common agreement make arrangements for their cooperation. To that end, they may, in compliance with the Treaties, conclude interinstitutional agreements which may be of a binding nature.

Article 296

(ex Article 253 TEC)

Where the Treaties do not specify the type of act to be adopted, the institutions shall select it on a case-by-case basis, in compliance with the applicable procedures and with the principle of proportionality.

Legal acts shall state the reasons on which they are based and shall refer to any proposals, initiatives, recommendations, requests or opinions required by the Treaties.

When considering draft legislative acts, the European Parliament and the Council shall refrain from adopting acts not provided for by the relevant legislative procedure in the area in question.

Article 297

(ex Article 254 TEC)

1. Legislative acts adopted under the ordinary legislative procedure shall be signed by the President of the European Parliament and by the President of the Council.

Legislative acts adopted under a special legislative procedure shall be signed by the President of the institution which adopted them.

Legislative acts shall be published in the *Official Journal of the European Union*. They shall enter into force on the date specified in them or, in the absence thereof, on the twentieth day following that of their publication.

2. Non-legislative acts adopted in the form of regulations, directives or decisions, when the latter do not specify to whom they are addressed, shall be signed by the President of the institution which adopted them.

Regulations and directives which are addressed to all Member States, as well as decisions which do not specify to whom they are addressed, shall be published in the *Official Journal of the European Union*. They shall enter into force on the date specified in them or, in the absence thereof, on the twentieth day following that of their publication.

Other directives, and decisions which specify to whom they are addressed, shall be notified to those to whom they are addressed and shall take effect upon such notification.

Article 298

1. In carrying out their missions, the institutions, bodies, offices and agencies of the Union shall have the support of an open, efficient and independent European administration.

2. In compliance with the Staff Regulations and the Conditions of Employment adopted on the basis of Article 336, the European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, shall establish provisions to that end.

Article 299

(ex Article 256 TEC)

Acts of the Council, the Commission or the European Central Bank which impose a pecuniary obligation on persons other than States, shall be enforceable.

Enforcement shall be governed by the rules of civil procedure in force in the State in the territory of which it is carried out. The order for its enforcement shall be appended to the decision, without other formality than verification of the authenticity of the decision, by the national authority which the government of each Member State shall designate for this purpose and shall make known to the Commission and to the Court of Justice of the European Union.

When these formalities have been completed on application by the party concerned, the latter may proceed to enforcement in accordance with the national law, by bringing the matter directly before the competent authority.

Enforcement may be suspended only by a decision of the Court. However, the courts of the country concerned shall have jurisdiction over complaints that enforcement is being carried out in an irregular manner.

CHAPTER 3

THE UNION'S ADVISORY BODIES

Article 300

1. The European Parliament, the Council and the Commission shall be assisted by an Economic and Social Committee and a Committee of the Regions, exercising advisory functions.

2. The Economic and Social Committee shall consist of representatives of organisations of employers, of the employed, and of other parties representative of civil society, notably in socio-economic, civic, professional and cultural areas.

3. The Committee of the Regions shall consist of representatives of regional and local bodies who either hold a regional or local authority electoral mandate or are politically accountable to an elected assembly.

4. The members of the Economic and Social Committee and of the Committee of the Regions shall not be bound by any mandatory instructions. They shall be completely independent in the performance of their duties, in the Union's general interest.

5. The rules referred to in paragraphs 2 and 3 governing the nature of the composition of the Committees shall be reviewed at regular intervals by the Council to take account of economic, social and demographic developments within the Union. The Council, on a proposal from the Commission, shall adopt decisions to that end.

SECTION 1

THE ECONOMIC AND SOCIAL COMMITTEE

Article 301

(ex Article 258 TEC)

The number of members of the Economic and Social Committee shall not exceed 350.

The Council, acting unanimously on a proposal from the Commission, shall adopt a decision determining the Committee's composition.

The Council shall determine the allowances of members of the Committee.

Article 302

(ex Article 259 TEC)

1. The members of the Committee shall be appointed for five years. The Council shall adopt the list of members drawn up in accordance with the proposals made by each Member State. The term of office of the members of the Committee shall be renewable.

2. The Council shall act after consulting the Commission. It may obtain the opinion of European bodies which are representative of the various economic and social sectors and of civil society to which the Union's activities are of concern.

Article 303

(ex Article 260 TEC)

The Committee shall elect its chairman and officers from among its members for a term of two and a half years.

It shall adopt its Rules of Procedure.

The Committee shall be convened by its chairman at the request of the European Parliament, the Council or of the Commission. It may also meet on its own initiative.

Article 304

(ex Article 262 TEC)

The Committee shall be consulted by the European Parliament, by the Council or by the Commission where the Treaties so provide. The Committee may be consulted by these institutions in all cases in which they consider it appropriate. It may issue an opinion on its own initiative in cases in which it considers such action appropriate.

The European Parliament, the Council or the Commission shall, if it considers it necessary, set the Committee, for the submission of its opinion, a time limit which may not be less than one month from the date on which the chairman receives notification to this effect. Upon expiry of the time limit, the absence of an opinion shall not prevent further action.

The opinion of the Committee, together with a record of the proceedings, shall be forwarded to the European Parliament, to the Council and to the Commission.

SECTION 2

THE COMMITTEE OF THE REGIONS

Article 305

(ex Article 263, second, third and fourth paragraphs, TEC)

The number of members of the Committee of the Regions shall not exceed 350.

The Council, acting unanimously on a proposal from the Commission, shall adopt a decision determining the Committee's composition.

The members of the Committee and an equal number of alternate members shall be appointed for five years. Their term of office shall be renewable. The Council shall adopt the list of members and alternate members drawn up in accordance with the proposals made by each Member State. When the mandate referred to in Article 300(3) on the basis of which they were proposed comes to an end, the term of office of members of the Committee shall terminate automatically and they shall then be replaced for the remainder of the said term of office in accordance with the same procedure. No member of the Committee shall at the same time be a Member of the European Parliament.

Article 306

(ex Article 264 TEC)

The Committee of the Regions shall elect its chairman and officers from among its members for a term of two and a half years.

It shall adopt its Rules of Procedure.

The Committee shall be convened by its chairman at the request of the European Parliament, the Council or of the Commission. It may also meet on its own initiative.

Article 307

(ex Article 265 TEC)

The Committee of the Regions shall be consulted by the European Parliament, by the Council or by the Commission where the Treaties so provide and in all other cases, in particular those which concern cross-border cooperation, in which one of these institutions considers it appropriate.

The European Parliament, the Council or the Commission shall, if it considers it necessary, set the Committee, for the submission of its opinion, a time limit which may not be less than one month from the date on which the chairman receives notification to this effect. Upon expiry of the time limit, the absence of an opinion shall not prevent further action.

Where the Economic and Social Committee is consulted pursuant to Article 304, the Committee of the Regions shall be informed by the European Parliament, the Council or the Commission of the request for an opinion. Where it considers that specific regional interests are involved, the Committee of the Regions may issue an opinion on the matter.

It may issue an opinion on its own initiative in cases in which it considers such action appropriate.

The opinion of the Committee, together with a record of the proceedings, shall be forwarded to the European Parliament, to the Council and to the Commission.

CHAPTER 4
THE EUROPEAN INVESTMENT BANK

Article 308
(ex Article 266 TEC)

The European Investment Bank shall have legal personality.

The members of the European Investment Bank shall be the Member States.

The Statute of the European Investment Bank is laid down in a Protocol annexed to the Treaties. The Council acting unanimously in accordance with a special legislative procedure, at the request of the European Investment Bank and after consulting the European Parliament and the Commission, or on a proposal from the Commission and after consulting the European Parliament and the European Investment Bank, may amend the Statute of the Bank.

Article 309
(ex Article 267 TEC)

The task of the European Investment Bank shall be to contribute, by having recourse to the capital market and utilising its own resources, to the balanced and steady development of the internal market in the interest of the Union. For this purpose the Bank shall, operating on a non-profit-making basis, grant loans and give guarantees which facilitate the financing of the following projects in all sectors of the economy:

- (a) projects for developing less-developed regions;
- (b) projects for modernising or converting undertakings or for developing fresh activities called for by the establishment or functioning of the internal market, where these projects are of such a size or nature that they cannot be entirely financed by the various means available in the individual Member States;
- (c) projects of common interest to several Member States which are of such a size or nature that they cannot be entirely financed by the various means available in the individual Member States.

In carrying out its task, the Bank shall facilitate the financing of investment programmes in conjunction with assistance from the Structural Funds and other Union Financial Instruments.

TITLE II
FINANCIAL PROVISIONS

Article 310
(ex Article 268 TEC)

1. All items of revenue and expenditure of the Union shall be included in estimates to be drawn up for each financial year and shall be shown in the budget.

The Union's annual budget shall be established by the European Parliament and the Council in accordance with Article 314.

The revenue and expenditure shown in the budget shall be in balance.

2. The expenditure shown in the budget shall be authorised for the annual budgetary period in accordance with the regulation referred to in Article 322.

3. The implementation of expenditure shown in the budget shall require the prior adoption of a legally binding Union act providing a legal basis for its action and for the implementation of the corresponding expenditure in accordance with the regulation referred to in Article 322, except in cases for which that law provides.

4. With a view to maintaining budgetary discipline, the Union shall not adopt any act which is likely to have appreciable implications for the budget without providing an assurance that the expenditure arising from such an act is capable of being financed within the limit of the Union's own resources and in compliance with the multiannual financial framework referred to in Article 312.

5. The budget shall be implemented in accordance with the principle of sound financial management. Member States shall cooperate with the Union to ensure that the appropriations entered in the budget are used in accordance with this principle.

6. The Union and the Member States, in accordance with Article 325, shall counter fraud and any other illegal activities affecting the financial interests of the Union.

CHAPTER 1
THE UNION'S OWN RESOURCES

Article 311
(ex Article 269 TEC)

The Union shall provide itself with the means necessary to attain its objectives and carry through its policies.

Without prejudice to other revenue, the budget shall be financed wholly from own resources.

The Council, acting in accordance with a special legislative procedure, shall unanimously and after consulting the European Parliament adopt a decision laying down the provisions relating to the system of own resources of the Union. In this context it may establish new categories of own resources or abolish an existing category. That decision shall not enter into force until it is approved by the Member States in accordance with their respective constitutional requirements.

The Council, acting by means of regulations in accordance with a special legislative procedure, shall lay down implementing measures for the Union's own resources system in so far as this is provided for in the decision adopted on the basis of the third paragraph. The Council shall act after obtaining the consent of the European Parliament.

CHAPTER 2

THE MULTIANNUAL FINANCIAL FRAMEWORK

Article 312

1. The multiannual financial framework shall ensure that Union expenditure develops in an orderly manner and within the limits of its own resources.

It shall be established for a period of at least five years.

The annual budget of the Union shall comply with the multiannual financial framework.

2. The Council, acting in accordance with a special legislative procedure, shall adopt a regulation laying down the multiannual financial framework. The Council shall act unanimously after obtaining the consent of the European Parliament, which shall be given by a majority of its component members.

The European Council may, unanimously, adopt a decision authorising the Council to act by a qualified majority when adopting the regulation referred to in the first subparagraph.

3. The financial framework shall determine the amounts of the annual ceilings on commitment appropriations by category of expenditure and of the annual ceiling on payment appropriations. The categories of expenditure, limited in number, shall correspond to the Union's major sectors of activity.

The financial framework shall lay down any other provisions required for the annual budgetary procedure to run smoothly.

4. Where no Council regulation determining a new financial framework has been adopted by the end of the previous financial framework, the ceilings and other provisions corresponding to the last year of that framework shall be extended until such time as that act is adopted.

5. Throughout the procedure leading to the adoption of the financial framework, the European Parliament, the Council and the Commission shall take any measure necessary to facilitate its adoption.

CHAPTER 3

THE UNION'S ANNUAL BUDGET

Article 313

(ex Article 272(1), TEC)

The financial year shall run from 1 January to 31 December.

Article 314

(ex Article 272(2) to (10), TEC)

The European Parliament and the Council, acting in accordance with a special legislative procedure, shall establish the Union's annual budget in accordance with the following provisions.

1. With the exception of the European Central Bank, each institution shall, before 1 July, draw up estimates of its expenditure for the following financial year. The Commission shall consolidate these estimates in a draft budget, which may contain different estimates.

The draft budget shall contain an estimate of revenue and an estimate of expenditure.

2. The Commission shall submit a proposal containing the draft budget to the European Parliament and to the Council not later than 1 September of the year preceding that in which the budget is to be implemented.

The Commission may amend the draft budget during the procedure until such time as the Conciliation Committee, referred to in paragraph 5, is convened.

3. The Council shall adopt its position on the draft budget and forward it to the European Parliament not later than 1 October of the year preceding that in which the budget is to be implemented. The Council shall inform the European Parliament in full of the reasons which led it to adopt its position.

4. If, within forty-two days of such communication, the European Parliament:

(a) approves the position of the Council, the budget shall be adopted;

(b) has not taken a decision, the budget shall be deemed to have been adopted;

(c) adopts amendments by a majority of its component members, the amended draft shall be forwarded to the Council and to the Commission. The President of the European Parliament, in agreement with the President of the Council, shall immediately convene a meeting of the

Conciliation Committee. However, if within ten days of the draft being forwarded the Council informs the European Parliament that it has approved all its amendments, the Conciliation Committee shall not meet.

5. The Conciliation Committee, which shall be composed of the members of the Council or their representatives and an equal number of members representing the European Parliament, shall have the task of reaching agreement on a joint text, by a qualified majority of the members of the Council or their representatives and by a majority of the representatives of the European Parliament within twenty-one days of its being convened, on the basis of the positions of the European Parliament and the Council.

The Commission shall take part in the Conciliation Committee's proceedings and shall take all the necessary initiatives with a view to reconciling the positions of the European Parliament and the Council.

6. If, within the twenty-one days referred to in paragraph 5, the Conciliation Committee agrees on a joint text, the European Parliament and the Council shall each have a period of fourteen days from the date of that agreement in which to approve the joint text.

7. If, within the period of fourteen days referred to in paragraph 6:

- (a) the European Parliament and the Council both approve the joint text or fail to take a decision, or if one of these institutions approves the joint text while the other one fails to take a decision, the budget shall be deemed to be definitively adopted in accordance with the joint text; or
- (b) the European Parliament, acting by a majority of its component members, and the Council both reject the joint text, or if one of these institutions rejects the joint text while the other one fails to take a decision, a new draft budget shall be submitted by the Commission; or
- (c) the European Parliament, acting by a majority of its component members, rejects the joint text while the Council approves it, a new draft budget shall be submitted by the Commission; or
- (d) the European Parliament approves the joint text whilst the Council rejects it, the European Parliament may, within fourteen days from the date of the rejection by the Council and acting by a majority of its component members and three-fifths of the votes cast, decide to confirm all or some of the amendments referred to in paragraph 4(c). Where a European Parliament amendment is not confirmed, the position agreed in the Conciliation Committee on the budget heading which is the subject of the amendment shall be retained. The budget shall be deemed to be definitively adopted on this basis.

8. If, within the twenty-one days referred to in paragraph 5, the Conciliation Committee does not agree on a joint text, a new draft budget shall be submitted by the Commission.

9. When the procedure provided for in this Article has been completed, the President of the European Parliament shall declare that the budget has been definitively adopted.

10. Each institution shall exercise the powers conferred upon it under this Article in compliance with the Treaties and the acts adopted thereunder, with particular regard to the Union's own resources and the balance between revenue and expenditure.

Article 315

(ex Article 273 TEC)

If, at the beginning of a financial year, the budget has not yet been definitively adopted, a sum equivalent to not more than one twelfth of the budget appropriations for the preceding financial year may be spent each month in respect of any chapter of the budget in accordance with the provisions of the Regulations made pursuant to Article 322; that sum shall not, however, exceed one twelfth of the appropriations provided for in the same chapter of the draft budget.

The Council on a proposal by the Commission, may, provided that the other conditions laid down in the first paragraph are observed, authorise expenditure in excess of one twelfth in accordance with the regulations made pursuant to Article 322. The Council shall forward the decision immediately to the European Parliament.

The decision referred to in the second paragraph shall lay down the necessary measures relating to resources to ensure application of this Article, in accordance with the acts referred to in Article 311.

It shall enter into force thirty days following its adoption if the European Parliament, acting by a majority of its component Members, has not decided to reduce this expenditure within that time-limit.

Article 316

(ex Article 271 TEC)

In accordance with conditions to be laid down pursuant to Article 322, any appropriations, other than those relating to staff expenditure, that are unexpended at the end of the financial year may be carried forward to the next financial year only.

Appropriations shall be classified under different chapters grouping items of expenditure according to their nature or purpose and subdivided in accordance with the regulations made pursuant to Article 322.

The expenditure of the European Parliament, the European Council and the Council, the Commission and the Court of Justice of the European Union shall be set out in separate parts of the budget, without prejudice to special arrangements for certain common items of expenditure.

CHAPTER 4
IMPLEMENTATION OF THE BUDGET AND DISCHARGE

Article 317
(ex Article 274 TEC)

The Commission shall implement the budget in cooperation with the Member States, in accordance with the provisions of the regulations made pursuant to Article 322, on its own responsibility and within the limits of the appropriations, having regard to the principles of sound financial management. Member States shall cooperate with the Commission to ensure that the appropriations are used in accordance with the principles of sound financial management.

The regulations shall lay down the control and audit obligations of the Member States in the implementation of the budget and the resulting responsibilities. They shall also lay down the responsibilities and detailed rules for each institution concerning its part in effecting its own expenditure.

Within the budget, the Commission may, subject to the limits and conditions laid down in the regulations made pursuant to Article 322, transfer appropriations from one chapter to another or from one subdivision to another.

Article 318
(ex Article 275 TEC)

The Commission shall submit annually to the European Parliament and to the Council the accounts of the preceding financial year relating to the implementation of the budget. The Commission shall also forward to them a financial statement of the assets and liabilities of the Union.

The Commission shall also submit to the European Parliament and to the Council an evaluation report on the Union's finances based on the results achieved, in particular in relation to the indications given by the European Parliament and the Council pursuant to Article 319.

Article 319
(ex Article 276 TEC)

1. The European Parliament, acting on a recommendation from the Council, shall give a discharge to the Commission in respect of the implementation of the budget. To this end, the Council and the European Parliament in turn shall examine the accounts, the financial statement and the evaluation report referred to in Article 318, the annual report by the Court of Auditors together with the replies of the institutions under audit to the observations of the Court of Auditors, the statement of assurance referred to in Article 287(1), second subparagraph and any relevant special reports by the Court of Auditors.

2. Before giving a discharge to the Commission, or for any other purpose in connection with the exercise of its powers over the implementation of the budget, the European Parliament may ask to hear the Commission give evidence with regard to the execution of expenditure or the operation of financial control systems. The Commission shall submit any necessary information to the European Parliament at the latter's request.

3. The Commission shall take all appropriate steps to act on the observations in the decisions giving discharge and on other observations by the European Parliament relating to the execution of expenditure, as well as on comments accompanying the recommendations on discharge adopted by the Council.

At the request of the European Parliament or the Council, the Commission shall report on the measures taken in the light of these observations and comments and in particular on the instructions given to the departments which are responsible for the implementation of the budget. These reports shall also be forwarded to the Court of Auditors.

CHAPTER 5

COMMON PROVISIONS

Article 320

(ex Article 277 TEC)

The multiannual financial framework and the annual budget shall be drawn up in euro.

Article 321

(ex Article 278 TEC)

The Commission may, provided it notifies the competent authorities of the Member States concerned, transfer into the currency of one of the Member States its holdings in the currency of another Member State, to the extent necessary to enable them to be used for purposes which come within the scope of the Treaties. The Commission shall as far as possible avoid making such transfers if it possesses cash or liquid assets in the currencies which it needs.

The Commission shall deal with each Member State through the authority designated by the State concerned. In carrying out financial operations the Commission shall employ the services of the bank of issue of the Member State concerned or of any other financial institution approved by that State.

Article 322

(ex Article 279 TEC)

1. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, and after consulting the Court of Auditors, shall adopt by means of regulations:

(a) the financial rules which determine in particular the procedure to be adopted for establishing and implementing the budget and for presenting and auditing accounts;

(b) rules providing for checks on the responsibility of financial actors, in particular authorising officers and accounting officers.

2. The Council, acting on a proposal from the Commission and after consulting the European Parliament and the Court of Auditors, shall determine the methods and procedure whereby the budget revenue provided under the arrangements relating to the Union's own resources shall be made available to the Commission, and determine the measures to be applied, if need be, to meet cash requirements.

Article 323

The European Parliament, the Council and the Commission shall ensure that the financial means are made available to allow the Union to fulfil its legal obligations in respect of third parties.

Article 324

Regular meetings between the Presidents of the European Parliament, the Council and the Commission shall be convened, on the initiative of the Commission, under the budgetary procedures referred to in this Title. The Presidents shall take all the necessary steps to promote consultation and the reconciliation of the positions of the institutions over which they preside in order to facilitate the implementation of this Title.

CHAPTER 6

COMBATTING FRAUD

Article 325

(ex Article 280 TEC)

1. The Union and the Member States shall counter fraud and any other illegal activities affecting the financial interests of the Union through measures to be taken in accordance with this Article, which shall act as a deterrent and be such as to afford effective protection in the Member States, and in all the Union's institutions, bodies, offices and agencies.

2. Member States shall take the same measures to counter fraud affecting the financial interests of the Union as they take to counter fraud affecting their own financial interests.

3. Without prejudice to other provisions of the Treaties, the Member States shall coordinate their action aimed at protecting the financial interests of the Union against fraud. To this end they shall organise, together with the Commission, close and regular cooperation between the competent authorities.

4. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, after consulting the Court of Auditors, shall adopt the necessary measures in the fields of the prevention of and fight against fraud affecting the financial interests of the Union with a view to affording effective and equivalent protection in the Member States and in all the Union's institutions, bodies, offices and agencies.

5. The Commission, in cooperation with Member States, shall each year submit to the European Parliament and to the Council a report on the measures taken for the implementation of this Article.

TITLE III

ENHANCED COOPERATION

Article 326

(ex Articles 27a to 27e, 40 to 40b and 43 to 45 TEU and ex Articles 11 and 11a TEC)

Any enhanced cooperation shall comply with the Treaties and Union law.

Such cooperation shall not undermine the internal market or economic, social and territorial cohesion. It shall not constitute a barrier to or discrimination in trade between Member States, nor shall it distort competition between them.

Article 327

(ex Articles 27a to 27e, 40 to 40b and 43 to 45 TEU and ex Articles 11 and 11a TEC)

Any enhanced cooperation shall respect the competences, rights and obligations of those Member States which do not participate in it. Those Member States shall not impede its implementation by the participating Member States.

Article 328

(ex Articles 27a to 27e, 40 to 40b and 43 to 45 TEU and ex Articles 11 and 11a TEC)

1. When enhanced cooperation is being established, it shall be open to all Member States, subject to compliance with any conditions of participation laid down by the authorising decision. It shall also be open to them at any other time, subject to compliance with the acts already adopted within that framework, in addition to those conditions.

The Commission and the Member States participating in enhanced cooperation shall ensure that they promote participation by as many Member States as possible.

2. The Commission and, where appropriate, the High Representative of the Union for Foreign Affairs and Security Policy shall keep the European Parliament and the Council regularly informed regarding developments in enhanced cooperation.

Article 329

(ex Articles 27a to 27e, 40 to 40b and 43 to 45 TEU and ex Articles 11 and 11a TEC)

1. Member States which wish to establish enhanced cooperation between themselves in one of the areas covered by the Treaties, with the exception of fields of exclusive competence and the common foreign and security policy, shall address a request to the Commission, specifying the scope and objectives of the enhanced cooperation proposed. The Commission may submit a proposal to the Council to that effect. In the event of the Commission not submitting a proposal, it shall inform the Member States concerned of the reasons for not doing so.

Authorisation to proceed with the enhanced cooperation referred to in the first subparagraph shall be granted by the Council, on a proposal from the Commission and after obtaining the consent of the European Parliament.

2. The request of the Member States which wish to establish enhanced cooperation between themselves within the framework of the common foreign and security policy shall be addressed to the Council. It shall be forwarded to the High Representative of the Union for Foreign Affairs and Security Policy, who shall give an opinion on whether the enhanced cooperation proposed is consistent with the Union's common foreign and security policy, and to the Commission, which shall give its opinion in particular on whether the enhanced cooperation proposed is consistent with other Union policies. It shall also be forwarded to the European Parliament for information.

Authorisation to proceed with enhanced cooperation shall be granted by a decision of the Council acting unanimously.

Article 330

(ex Articles 27a to 27e, 40 to 40b and 43 to 45 TEU and ex Articles 11 and 11a TEC)

All members of the Council may participate in its deliberations, but only members of the Council representing the Member States participating in enhanced cooperation shall take part in the vote.

Unanimity shall be constituted by the votes of the representatives of the participating Member States only.

A qualified majority shall be defined in accordance with Article 238(3).

Article 331

(ex Articles 27a to 27e, 40 to 40b and 43 to 45 TEU and ex Articles 11 and 11a TEC)

1. Any Member State which wishes to participate in enhanced cooperation in progress in one of the areas referred to in Article 329(1) shall notify its intention to the Council and the Commission.

The Commission shall, within four months of the date of receipt of the notification, confirm the participation of the Member State concerned. It shall note where necessary that the conditions of participation have been fulfilled and shall adopt any transitional measures necessary with regard to the application of the acts already adopted within the framework of enhanced cooperation.

However, if the Commission considers that the conditions of participation have not been fulfilled, it shall indicate the arrangements to be adopted to fulfil those conditions and shall set a deadline for re-examining the request. On the expiry of that deadline, it shall re-examine the request, in accordance with the procedure set out in the second subparagraph. If the Commission considers that the conditions of participation have still not been met, the Member State concerned may refer the matter to the Council, which shall decide on the request. The Council shall act in accordance with Article 330. It may also adopt the transitional measures referred to in the second subparagraph on a proposal from the Commission.

2. Any Member State which wishes to participate in enhanced cooperation in progress in the framework of the common foreign and security policy shall notify its intention to the Council, the High Representative of the Union for Foreign Affairs and Security Policy and the Commission.

The Council shall confirm the participation of the Member State concerned, after consulting the High Representative of the Union for Foreign Affairs and Security Policy and after noting, where necessary, that the conditions of participation have been fulfilled. The Council, on a proposal from the High Representative, may also adopt any transitional measures necessary with regard to the application of the acts already adopted within the framework of enhanced cooperation. However, if the Council considers that the conditions of participation have not been fulfilled, it shall indicate the arrangements to be adopted to fulfil those conditions and shall set a deadline for re-examining the request for participation.

For the purposes of this paragraph, the Council shall act unanimously and in accordance with Article 330.

Article 332

(ex Articles 27a to 27e, 40 to 40b and 43 to 45 TEU and ex Articles 11 and 11a TEC)

Expenditure resulting from implementation of enhanced cooperation, other than administrative costs entailed for the institutions, shall be borne by the participating Member States, unless all members of the Council, acting unanimously after consulting the European Parliament, decide otherwise.

Article 333

(ex Articles 27a to 27e, 40 to 40b and 43 to 45 TEU and ex Articles 11 and 11a TEC)

1. Where a provision of the Treaties which may be applied in the context of enhanced cooperation stipulates that the Council shall act unanimously, the Council, acting unanimously in accordance with the arrangements laid down in Article 330, may adopt a decision stipulating that it will act by a qualified majority.

2. Where a provision of the Treaties which may be applied in the context of enhanced cooperation stipulates that the Council shall adopt acts under a special legislative procedure, the Council, acting unanimously in accordance with the arrangements laid down in Article 330, may adopt a decision stipulating that it will act under the ordinary legislative procedure. The Council shall act after consulting the European Parliament.

3. Paragraphs 1 and 2 shall not apply to decisions having military or defence implications.

Article 334

(ex Articles 27a to 27e, 40 to 40b and 43 to 45 TEU and ex Articles 11 and 11a TEC)

The Council and the Commission shall ensure the consistency of activities undertaken in the context of enhanced cooperation and the consistency of such activities with the policies of the Union, and shall cooperate to that end.

PART SEVEN

GENERAL AND FINAL PROVISIONS

Article 335

(ex Article 282 TEC)

In each of the Member States, the Union shall enjoy the most extensive legal capacity accorded to legal persons under their laws; it may, in particular, acquire or dispose of movable and immovable property and may be a party to legal proceedings. To this end, the Union shall be represented by the Commission. However, the Union shall be represented by each of the institutions, by virtue of their administrative autonomy, in matters relating to their respective operation.

Article 336

(ex Article 283 TEC)

The European Parliament and the Council shall, acting by means of regulations in accordance with the ordinary legislative procedure and after consulting the other institutions concerned, lay down the Staff Regulations of Officials of the European Union and the Conditions of Employment of other servants of the Union.

Article 337

(ex Article 284 TEC)

The Commission may, within the limits and under conditions laid down by the Council acting by a simple majority in accordance with the provisions of the Treaties, collect any information and carry out any checks required for the performance of the tasks entrusted to it.

Article 338

(ex Article 285 TEC)

1. Without prejudice to Article 5 of the Protocol on the Statute of the European System of Central Banks and of the European Central Bank, the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall adopt measures for the production of statistics where necessary for the performance of the activities of the Union.

2. The production of Union statistics shall conform to impartiality, reliability, objectivity, scientific independence, cost-effectiveness and statistical confidentiality; it shall not entail excessive burdens on economic operators.

Article 339

(ex Article 287 TEC)

The members of the institutions of the Union, the members of committees, and the officials and other servants of the Union shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy, in particular information about undertakings, their business relations or their cost components.

Article 340

(ex Article 288 TEC)

The contractual liability of the Union shall be governed by the law applicable to the contract in question.

In the case of non-contractual liability, the Union shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its institutions or by its servants in the performance of their duties.

Notwithstanding the second paragraph, the European Central Bank shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by it or by its servants in the performance of their duties.

The personal liability of its servants towards the Union shall be governed by the provisions laid down in their Staff Regulations or in the Conditions of Employment applicable to them.

Article 341

(ex Article 289 TEC)

The seat of the institutions of the Union shall be determined by common accord of the governments of the Member States.

Article 342

(ex Article 290 TEC)

The rules governing the languages of the institutions of the Union shall, without prejudice to the provisions contained in the Statute of the Court of Justice of the European Union, be determined by the Council, acting unanimously by means of regulations.

Article 343

(ex Article 291 TEC)

The Union shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of its tasks, under the conditions laid down in the Protocol of 8 April 1965 on the privileges and immunities of the European Union. The same shall apply to the European Central Bank and the European Investment Bank.

Article 344

(ex Article 292 TEC)

Member States undertake not to submit a dispute concerning the interpretation or application of the Treaties to any method of settlement other than those provided for therein.

Article 345

(ex Article 295 TEC)

The Treaties shall in no way prejudice the rules in Member States governing the system of property ownership.

Article 346

(ex Article 296 TEC)

1. The provisions of the Treaties shall not preclude the application of the following rules:
 - (a) no Member State shall be obliged to supply information the disclosure of which it considers contrary to the essential interests of its security;
 - (b) any Member State may take such measures as it considers necessary for the protection of the essential interests of its security which are connected with the production of or trade in arms, munitions and war material; such measures shall not adversely affect the conditions of competition in the internal market regarding products which are not intended for specifically military purposes.
2. The Council may, acting unanimously on a proposal from the Commission, make changes to the list, which it drew up on 15 April 1958, of the products to which the provisions of paragraph 1(b) apply.

Article 347

(ex Article 297 TEC)

Member States shall consult each other with a view to taking together the steps needed to prevent the functioning of the internal market being affected by measures which a Member State may be called upon to take in the event of serious internal disturbances affecting the maintenance of law and order, in the event of war, serious international tension constituting a threat of war, or in order to carry out obligations it has accepted for the purpose of maintaining peace and international security.

Article 348

(ex Article 298 TEC)

If measures taken in the circumstances referred to in Articles 346 and 347 have the effect of distorting the conditions of competition in the internal market, the Commission shall, together with the State concerned, examine how these measures can be adjusted to the rules laid down in the Treaties.

By way of derogation from the procedure laid down in Articles 258 and 259, the Commission or any Member State may bring the matter directly before the Court of Justice if it considers that another Member State is making improper use of the powers provided for in Articles 346 and 347. The Court of Justice shall give its ruling in camera.

Article 349

(ex Article 299(2), second, third and fourth subparagraphs, TEC)

Taking account of the structural social and economic situation of Guadeloupe, French Guiana, Martinique, Réunion, Saint-Barthélemy, Saint-Martin, the Azores, Madeira and the Canary Islands, which is compounded by their remoteness, insularity, small size, difficult topography and climate, economic dependence on a few products, the permanence and combination of which severely restrain their development, the Council, on a proposal from the Commission and after consulting the European Parliament, shall adopt specific measures aimed, in particular, at laying down the conditions of application of the Treaties to those regions, including common policies. Where the specific measures in question are adopted by the Council in accordance with a special legislative procedure, it shall also act on a proposal from the Commission and after consulting the European Parliament.

The measures referred to in the first paragraph concern in particular areas such as customs and trade policies, fiscal policy, free zones, agriculture and fisheries policies, conditions for supply of raw materials and essential consumer goods, State aids and conditions of access to structural funds and to horizontal Union programmes.

The Council shall adopt the measures referred to in the first paragraph taking into account the special characteristics and constraints of the outermost regions without undermining the integrity and the coherence of the Union legal order, including the internal market and common policies.

Article 350

(ex Article 306 TEC)

The provisions of the Treaties shall not preclude the existence or completion of regional unions between Belgium and Luxembourg, or between Belgium, Luxembourg and the Netherlands, to the extent that the objectives of these regional unions are not attained by application of the Treaties.

Article 351

(ex Article 307 TEC)

The rights and obligations arising from agreements concluded before 1 January 1958 or, for acceding States, before the date of their accession, between one or more Member States on the one hand, and one or more third countries on the other, shall not be affected by the provisions of the Treaties.

To the extent that such agreements are not compatible with the Treaties, the Member State or States concerned shall take all appropriate steps to eliminate the incompatibilities established. Member States shall, where necessary, assist each other to this end and shall, where appropriate, adopt a common attitude.

In applying the agreements referred to in the first paragraph, Member States shall take into account the fact that the advantages accorded under the Treaties by each Member State form an integral part of the establishment of the Union and are thereby inseparably linked with the creation of common institutions, the conferring of powers upon them and the granting of the same advantages by all the other Member States.

Article 352

(ex Article 308 TEC)

1. If action by the Union should prove necessary, within the framework of the policies defined in the Treaties, to attain one of the objectives set out in the Treaties, and the Treaties have not provided the necessary powers, the Council, acting unanimously on a proposal from the Commission and after obtaining the consent of the European Parliament, shall adopt the appropriate measures. Where the measures in question are adopted by the Council in accordance with a special legislative procedure, it shall also act unanimously on a proposal from the Commission and after obtaining the consent of the European Parliament.

2. Using the procedure for monitoring the subsidiarity principle referred to in Article 5(3) of the Treaty on European Union, the Commission shall draw national Parliaments' attention to proposals based on this Article.

3. Measures based on this Article shall not entail harmonisation of Member States' laws or regulations in cases where the Treaties exclude such harmonisation.

4. This Article cannot serve as a basis for attaining objectives pertaining to the common foreign and security policy and any acts adopted pursuant to this Article shall respect the limits set out in Article 40, second paragraph, of the Treaty on European Union.

Article 353

Article 48(7) of the Treaty on European Union shall not apply to the following Articles:

- Article 311, third and fourth paragraphs,
- Article 312(2), first subparagraph,
- Article 352, and
- Article 354.

Article 354

(ex Article 309 TEC)

For the purposes of Article 7 of the Treaty on European Union on the suspension of certain rights resulting from Union membership, the member of the European Council or of the Council representing the Member State in question shall not take part in the vote and the Member State in question shall not be counted in the calculation of the one third or four fifths of Member States referred to in paragraphs 1 and 2 of that Article. Abstentions by members present in person or represented shall not prevent the adoption of decisions referred to in paragraph 2 of that Article.

For the adoption of the decisions referred to in paragraphs 3 and 4 of Article 7 of the Treaty on European Union, a qualified majority shall be defined in accordance with Article 238(3)(b) of this Treaty.

Where, following a decision to suspend voting rights adopted pursuant to paragraph 3 of Article 7 of the Treaty on European Union, the Council acts by a qualified majority on the basis of a provision of the Treaties, that qualified majority shall be defined in accordance with Article 238(3)(b) of this Treaty, or, where the Council acts on a proposal from the Commission or from the High Representative of the Union for Foreign Affairs and Security Policy, in accordance with Article 238(3)(a).

For the purposes of Article 7 of the Treaty on European Union, the European Parliament shall act by a two-thirds majority of the votes cast, representing the majority of its component Members.

Article 355

(ex Article 299(2), first subparagraph, and Article 299(3) to (6) TEC)

In addition to the provisions of Article 52 of the Treaty on European Union relating to the territorial scope of the Treaties, the following provisions shall apply:

1. The provisions of the Treaties shall apply to Guadeloupe, French Guiana, Martinique, Réunion, Saint-Barthélemy, Saint-Martin, the Azores, Madeira and the Canary Islands in accordance with Article 349.
2. The special arrangements for association set out in Part Four shall apply to the overseas countries and territories listed in Annex II.

The Treaties shall not apply to those overseas countries and territories having special relations with the United Kingdom of Great Britain and Northern Ireland which are not included in the aforementioned list.

3. The provisions of the Treaties shall apply to the European territories for whose external relations a Member State is responsible.

4. The provisions of the Treaties shall apply to the Åland Islands in accordance with the provisions set out in Protocol 2 to the Act concerning the conditions of accession of the Republic of Austria, the Republic of Finland and the Kingdom of Sweden.

5. Notwithstanding Article 52 of the Treaty on European Union and paragraphs 1 to 4 of this Article:

(a) the Treaties shall not apply to the Faeroe Islands;

(b) the Treaties shall not apply to the United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia in Cyprus except to the extent necessary to ensure the implementation of the arrangements set out in the Protocol on the Sovereign Base Areas of the United Kingdom of Great Britain and Northern Ireland in Cyprus annexed to the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union and in accordance with the terms of that Protocol;

(c) the Treaties shall apply to the Channel Islands and the Isle of Man only to the extent necessary to ensure the implementation of the arrangements for those islands set out in the Treaty concerning the accession of new Member States to the European Economic Community and to the European Atomic Energy Community signed on 22 January 1972.

6. The European Council may, on the initiative of the Member State concerned, adopt a decision amending the status, with regard to the Union, of a Danish, French or Netherlands country or territory referred to in paragraphs 1 and 2. The European Council shall act unanimously after consulting the Commission.

Article 356

(ex Article 312 TEC)

This Treaty is concluded for an unlimited period.

Article 357

(ex Article 313 TEC)

This Treaty shall be ratified by the High Contracting Parties in accordance with their respective constitutional requirements. The Instruments of ratification shall be deposited with the Government of the Italian Republic.

This Treaty shall enter into force on the first day of the month following the deposit of the Instrument of ratification by the last signatory State to take this step. If, however, such deposit is made less than 15 days before the beginning of the following month, this Treaty shall not enter into force until the first day of the second month after the date of such deposit.

Article 358

The provisions of Article 55 of the Treaty on European Union shall apply to this Treaty.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this Treaty.

Done at Rome this twenty-fifth day of March in the year one thousand nine hundred and fifty-seven.

(List of signatories not reproduced)

PROTOCOLS

PROTOCOL (No 1)
ON THE ROLE OF NATIONAL PARLIAMENTS IN THE
EUROPEAN UNION

THE HIGH CONTRACTING PARTIES,

RECALLING that the way in which national Parliaments scrutinise their governments in relation to the activities of the Union is a matter for the particular constitutional organisation and practice of each Member State,

DESIRING to encourage greater involvement of national Parliaments in the activities of the European Union and to enhance their ability to express their views on draft legislative acts of the Union as well as on other matters which may be of particular interest to them,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community:

TITLE I

INFORMATION FOR NATIONAL PARLIAMENTS

Article 1

Commission consultation documents (green and white papers and communications) shall be forwarded directly by the Commission to national Parliaments upon publication. The Commission shall also forward the annual legislative programme as well as any other instrument of legislative planning or policy to national Parliaments, at the same time as to the European Parliament and the Council.

Article 2

Draft legislative acts sent to the European Parliament and to the Council shall be forwarded to national Parliaments.

For the purposes of this Protocol, 'draft legislative acts' shall mean proposals from the Commission, initiatives from a group of Member States, initiatives from the European Parliament, requests from the Court of Justice, recommendations from the European Central Bank and requests from the European Investment Bank, for the adoption of a legislative act.

Draft legislative acts originating from the Commission shall be forwarded to national Parliaments directly by the Commission, at the same time as to the European Parliament and the Council.

Draft legislative acts originating from the European Parliament shall be forwarded to national Parliaments directly by the European Parliament.

Draft legislative acts originating from a group of Member States, the Court of Justice, the European Central Bank or the European Investment Bank shall be forwarded to national Parliaments by the Council.

Article 3

National Parliaments may send to the Presidents of the European Parliament, the Council and the Commission a reasoned opinion on whether a draft legislative act complies with the principle of subsidiarity, in accordance with the procedure laid down in the Protocol on the application of the principles of subsidiarity and proportionality.

If the draft legislative act originates from a group of Member States, the President of the Council shall forward the reasoned opinion or opinions to the governments of those Member States.

If the draft legislative act originates from the Court of Justice, the European Central Bank or the European Investment Bank, the President of the Council shall forward the reasoned opinion or opinions to the institution or body concerned.

Article 4

An eight-week period shall elapse between a draft legislative act being made available to national Parliaments in the official languages of the Union and the date when it is placed on a provisional agenda for the Council for its adoption or for adoption of a position under a legislative procedure. Exceptions shall be possible in cases of urgency, the reasons for which shall be stated in the act or position of the Council. Save in urgent cases for which due reasons have been given, no agreement may be reached on a draft legislative act during those eight weeks. Save in urgent cases for which due reasons have been given, a ten-day period shall elapse between the placing of a draft legislative act on the provisional agenda for the Council and the adoption of a position.

Article 5

The agendas for and the outcome of meetings of the Council, including the minutes of meetings where the Council is deliberating on draft legislative acts, shall be forwarded directly to national Parliaments, at the same time as to Member States' governments.

Article 6

When the European Council intends to make use of the first or second subparagraphs of Article 48(7) of the Treaty on European Union, national Parliaments shall be informed of the initiative of the European Council at least six months before any decision is adopted.

Article 7

The Court of Auditors shall forward its annual report to national Parliaments, for information, at the same time as to the European Parliament and to the Council.

Article 8

Where the national Parliamentary system is not unicameral, Articles 1 to 7 shall apply to the component chambers.

TITLE II

INTERPARLIAMENTARY COOPERATION*Article 9*

The European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union.

Article 10

A conference of Parliamentary Committees for Union Affairs may submit any contribution it deems appropriate for the attention of the European Parliament, the Council and the Commission. That conference shall in addition promote the exchange of information and best practice between national Parliaments and the European Parliament, including their special committees. It may also organise interparliamentary conferences on specific topics, in particular to debate matters of common foreign and security policy, including common security and defence policy. Contributions from the conference shall not bind national Parliaments and shall not prejudge their positions.

PROTOCOL (No 2)
ON THE APPLICATION OF THE PRINCIPLES OF
SUBSIDIARITY AND PROPORTIONALITY

THE HIGH CONTRACTING PARTIES,

WISHING to ensure that decisions are taken as closely as possible to the citizens of the Union,

RESOLVED to establish the conditions for the application of the principles of subsidiarity and proportionality, as laid down in Article 5 of the Treaty on European Union, and to establish a system for monitoring the application of those principles,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

Article 1

Each institution shall ensure constant respect for the principles of subsidiarity and proportionality, as laid down in Article 5 of the Treaty on European Union.

Article 2

Before proposing legislative acts, the Commission shall consult widely. Such consultations shall, where appropriate, take into account the regional and local dimension of the action envisaged. In cases of exceptional urgency, the Commission shall not conduct such consultations. It shall give reasons for its decision in its proposal.

Article 3

For the purposes of this Protocol, "draft legislative acts" shall mean proposals from the Commission, initiatives from a group of Member States, initiatives from the European Parliament, requests from the Court of Justice, recommendations from the European Central Bank and requests from the European Investment Bank, for the adoption of a legislative act.

Article 4

The Commission shall forward its draft legislative acts and its amended drafts to national Parliaments at the same time as to the Union legislator.

The European Parliament shall forward its draft legislative acts and its amended drafts to national Parliaments.

The Council shall forward draft legislative acts originating from a group of Member States, the Court of Justice, the European Central Bank or the European Investment Bank and amended drafts to national Parliaments.

Upon adoption, legislative resolutions of the European Parliament and positions of the Council shall be forwarded by them to national Parliaments.

Article 5

Draft legislative acts shall be justified with regard to the principles of subsidiarity and proportionality. Any draft legislative act should contain a detailed statement making it possible to appraise compliance with the principles of subsidiarity and proportionality. This statement should contain some assessment of the proposal's financial impact and, in the case of a directive, of its implications for the rules to be put in place by Member States, including, where necessary, the regional legislation. The reasons for concluding that a Union objective can be better achieved at Union level shall be substantiated by qualitative and, wherever possible, quantitative indicators. Draft legislative acts shall take account of the need for any burden, whether financial or administrative, falling upon the Union, national governments, regional or local authorities, economic operators and citizens, to be minimised and commensurate with the objective to be achieved.

Article 6

Any national Parliament or any chamber of a national Parliament may, within eight weeks from the date of transmission of a draft legislative act, in the official languages of the Union, send to the Presidents of the European Parliament, the Council and the Commission a reasoned opinion stating why it considers that the draft in question does not comply with the principle of subsidiarity. It will be for each national Parliament or each chamber of a national Parliament to consult, where appropriate, regional parliaments with legislative powers.

If the draft legislative act originates from a group of Member States, the President of the Council shall forward the opinion to the governments of those Member States.

If the draft legislative act originates from the Court of Justice, the European Central Bank or the European Investment Bank, the President of the Council shall forward the opinion to the institution or body concerned.

Article 7

1. The European Parliament, the Council and the Commission, and, where appropriate, the group of Member States, the Court of Justice, the European Central Bank or the European Investment Bank, if the draft legislative act originates from them, shall take account of the reasoned opinions issued by national Parliaments or by a chamber of a national Parliament.

Each national Parliament shall have two votes, shared out on the basis of the national Parliamentary system. In the case of a bicameral Parliamentary system, each of the two chambers shall have one vote.

2. Where reasoned opinions on a draft legislative act's non-compliance with the principle of subsidiarity represent at least one third of all the votes allocated to the national Parliaments in accordance with the second subparagraph of paragraph 1, the draft must be reviewed. This threshold shall be a quarter in the case of a draft legislative act submitted on the basis of Article 76 of the Treaty on the Functioning of the European Union on the area of freedom, security and justice.

After such review, the Commission or, where appropriate, the group of Member States, the European Parliament, the Court of Justice, the European Central Bank or the European Investment Bank, if the draft legislative act originates from them, may decide to maintain, amend or withdraw the draft. Reasons must be given for this decision.

3. Furthermore, under the ordinary legislative procedure, where reasoned opinions on the non-compliance of a proposal for a legislative act with the principle of subsidiarity represent at least a simple majority of the votes allocated to the national Parliaments in accordance with the second subparagraph of paragraph 1, the proposal must be reviewed. After such review, the Commission may decide to maintain, amend or withdraw the proposal.

If it chooses to maintain the proposal, the Commission will have, in a reasoned opinion, to justify why it considers that the proposal complies with the principle of subsidiarity. This reasoned opinion, as well as the reasoned opinions of the national Parliaments, will have to be submitted to the Union legislator, for consideration in the procedure:

- (a) before concluding the first reading, the legislator (the European Parliament and the Council) shall consider whether the legislative proposal is compatible with the principle of subsidiarity, taking particular account of the reasons expressed and shared by the majority of national Parliaments as well as the reasoned opinion of the Commission;
- (b) if, by a majority of 55 % of the members of the Council or a majority of the votes cast in the European Parliament, the legislator is of the opinion that the proposal is not compatible with the principle of subsidiarity, the legislative proposal shall not be given further consideration.

Article 8

The Court of Justice of the European Union shall have jurisdiction in actions on grounds of infringement of the principle of subsidiarity by a legislative act, brought in accordance with the rules laid down in Article 263 of the Treaty on the Functioning of the European Union by Member States, or notified by them in accordance with their legal order on behalf of their national Parliament or a chamber thereof.

In accordance with the rules laid down in the said Article, the Committee of the Regions may also bring such actions against legislative acts for the adoption of which the Treaty on the Functioning of the European Union provides that it be consulted.

Article 9

The Commission shall submit each year to the European Council, the European Parliament, the Council and national Parliaments a report on the application of Article 5 of the Treaty on European Union. This annual report shall also be forwarded to the Economic and Social Committee and the Committee of the Regions.

PROTOCOL (No 3)
ON THE STATUTE OF THE COURT OF JUSTICE OF
THE EUROPEAN UNION

THE HIGH CONTRACTING PARTIES,

DESIRING to lay down the Statute of the Court of Justice of the European Union provided for in Article 281 of the Treaty on the Functioning of the European Union,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community:

Article 1

The Court of Justice of the European Union shall be constituted and shall function in accordance with the provisions of the Treaties, of the Treaty establishing the European Atomic Energy Community (the EAEC Treaty) and of this Statute.

TITLE I

JUDGES AND ADVOCATES-GENERAL

Article 2

Before taking up his duties each Judge shall, before the Court of Justice sitting in open court, take an oath to perform his duties impartially and conscientiously and to preserve the secrecy of the deliberations of the Court.

Article 3

The Judges shall be immune from legal proceedings. After they have ceased to hold office, they shall continue to enjoy immunity in respect of acts performed by them in their official capacity, including words spoken or written.

The Court of Justice, sitting as a full Court, may waive the immunity. If the decision concerns a member of the General Court or of a specialised court, the Court shall decide after consulting the court concerned.

Where immunity has been waived and criminal proceedings are instituted against a Judge, he shall be tried, in any of the Member States, only by the court competent to judge the members of the highest national judiciary.

Articles 11 to 14 and Article 17 of the Protocol on the privileges and immunities of the European Union shall apply to the Judges, Advocates-General, Registrar and Assistant Rapporteurs of the Court of Justice of the European Union, without prejudice to the provisions relating to immunity from legal proceedings of Judges which are set out in the preceding paragraphs.

Article 4

The Judges may not hold any political or administrative office.

They may not engage in any occupation, whether gainful or not, unless exemption is exceptionally granted by the Council, acting by a simple majority.

When taking up their duties, they shall give a solemn undertaking that, both during and after their term of office, they will respect the obligations arising therefrom, in particular the duty to behave with integrity and discretion as regards the acceptance, after they have ceased to hold office, of certain appointments or benefits.

Any doubt on this point shall be settled by decision of the Court of Justice. If the decision concerns a member of the General Court or of a specialised court, the Court shall decide after consulting the court concerned.

Article 5

Apart from normal replacement, or death, the duties of a Judge shall end when he resigns.

Where a Judge resigns, his letter of resignation shall be addressed to the President of the Court of Justice for transmission to the President of the Council. Upon this notification a vacancy shall arise on the bench.

Save where Article 6 applies, a Judge shall continue to hold office until his successor takes up his duties.

Article 6

A Judge may be deprived of his office or of his right to a pension or other benefits in its stead only if, in the unanimous opinion of the Judges and Advocates-General of the Court of Justice, he no longer fulfils the requisite conditions or meets the obligations arising from his office. The Judge concerned shall not take part in any such deliberations. If the person concerned is a member of the General Court or of a specialised court, the Court shall decide after consulting the court concerned.

The Registrar of the Court shall communicate the decision of the Court to the President of the European Parliament and to the President of the Commission and shall notify it to the President of the Council.

In the case of a decision depriving a Judge of his office, a vacancy shall arise on the bench upon this latter notification.

Article 7

A Judge who is to replace a member of the Court whose term of office has not expired shall be appointed for the remainder of his predecessor's term.

Article 8

The provisions of Articles 2 to 7 shall apply to the Advocates-General.

TITLE II

ORGANISATION OF THE COURT OF JUSTICE*Article 9*

When, every three years, the Judges are partially replaced, 14 and 13 Judges shall be replaced alternately.

When, every three years, the Advocates-General are partially replaced, four Advocates-General shall be replaced on each occasion.

Article 10

The Registrar shall take an oath before the Court of Justice to perform his duties impartially and conscientiously and to preserve the secrecy of the deliberations of the Court of Justice.

Article 11

The Court of Justice shall arrange for replacement of the Registrar on occasions when he is prevented from attending the Court of Justice.

Article 12

Officials and other servants shall be attached to the Court of Justice to enable it to function. They shall be responsible to the Registrar under the authority of the President.

Article 13

At the request of the Court of Justice, the European Parliament and the Council may, acting in accordance with the ordinary legislative procedure, provide for the appointment of Assistant Rapporteurs and lay down the rules governing their service. The Assistant Rapporteurs may be required, under conditions laid down in the Rules of Procedure, to participate in preparatory inquiries in cases pending before the Court and to cooperate with the Judge who acts as Rapporteur.

The Assistant Rapporteurs shall be chosen from persons whose independence is beyond doubt and who possess the necessary legal qualifications; they shall be appointed by the Council, acting by a simple majority. They shall take an oath before the Court to perform their duties impartially and conscientiously and to preserve the secrecy of the deliberations of the Court.

Article 14

The Judges, the Advocates-General and the Registrar shall be required to reside at the place where the Court of Justice has its seat.

Article 15

The Court of Justice shall remain permanently in session. The duration of the judicial vacations shall be determined by the Court with due regard to the needs of its business.

Article 16

The Court of Justice shall form chambers consisting of three and five Judges. The Judges shall elect the Presidents of the chambers from among their number. The Presidents of the chambers of five Judges shall be elected for three years. They may be re-elected once.

The Grand Chamber shall consist of 13 Judges. It shall be presided over by the President of the Court. The Presidents of the chambers of five Judges and other Judges appointed in accordance with the conditions laid down in the Rules of Procedure shall also form part of the Grand Chamber.

The Court shall sit in a Grand Chamber when a Member State or an institution of the Union that is party to the proceedings so requests.

The Court shall sit as a full Court where cases are brought before it pursuant to Article 228(2), Article 245(2), Article 247 or Article 286(6) of the Treaty on the Functioning of the European Union.

Moreover, where it considers that a case before it is of exceptional importance, the Court may decide, after hearing the Advocate-General, to refer the case to the full Court.

Article 17

Decisions of the Court of Justice shall be valid only when an uneven number of its members is sitting in the deliberations.

Decisions of the chambers consisting of either three or five Judges shall be valid only if they are taken by three Judges.

Decisions of the Grand Chamber shall be valid only if nine Judges are sitting.

Decisions of the full Court shall be valid only if 15 Judges are sitting.

In the event of one of the Judges of a chamber being prevented from attending, a Judge of another chamber may be called upon to sit in accordance with conditions laid down in the Rules of Procedure.

Article 18

No Judge or Advocate-General may take part in the disposal of any case in which he has previously taken part as agent or adviser or has acted for one of the parties, or in which he has been called upon to pronounce as a member of a court or tribunal, of a commission of inquiry or in any other capacity.

If, for some special reason, any Judge or Advocate-General considers that he should not take part in the judgment or examination of a particular case, he shall so inform the President. If, for some special reason, the President considers that any Judge or Advocate-General should not sit or make submissions in a particular case, he shall notify him accordingly.

Any difficulty arising as to the application of this Article shall be settled by decision of the Court of Justice.

A party may not apply for a change in the composition of the Court or of one of its chambers on the grounds of either the nationality of a Judge or the absence from the Court or from the chamber of a Judge of the nationality of that party.

TITLE III

PROCEDURE BEFORE THE COURT OF JUSTICE

Article 19

The Member States and the institutions of the Union shall be represented before the Court of Justice by an agent appointed for each case; the agent may be assisted by an adviser or by a lawyer.

The States, other than the Member States, which are parties to the Agreement on the European Economic Area and also the EFTA Surveillance Authority referred to in that Agreement shall be represented in same manner.

Other parties must be represented by a lawyer.

Only a lawyer authorised to practise before a court of a Member State or of another State which is a party to the Agreement on the European Economic Area may represent or assist a party before the Court.

Such agents, advisers and lawyers shall, when they appear before the Court, enjoy the rights and immunities necessary to the independent exercise of their duties, under conditions laid down in the Rules of Procedure.

As regards such advisers and lawyers who appear before it, the Court shall have the powers normally accorded to courts of law, under conditions laid down in the Rules of Procedure.

University teachers being nationals of a Member State whose law accords them a right of audience shall have the same rights before the Court as are accorded by this Article to lawyers.

Article 20

The procedure before the Court of Justice shall consist of two parts: written and oral.

The written procedure shall consist of the communication to the parties and to the institutions of the Union whose decisions are in dispute, of applications, statements of case, defences and observations, and of replies, if any, as well as of all papers and documents in support or of certified copies of them.

Communications shall be made by the Registrar in the order and within the time laid down in the Rules of Procedure.

The oral procedure shall consist of the reading of the report presented by a Judge acting as Rapporteur, the hearing by the Court of agents, advisers and lawyers and of the submissions of the Advocate-General, as well as the hearing, if any, of witnesses and experts.

Where it considers that the case raises no new point of law, the Court may decide, after hearing the Advocate-General, that the case shall be determined without a submission from the Advocate-General.

Article 21

A case shall be brought before the Court of Justice by a written application addressed to the Registrar. The application shall contain the applicant's name and permanent address and the description of the signatory, the name of the party or names of the parties against whom the application is made, the subject-matter of the dispute, the form of order sought and a brief statement of the pleas in law on which the application is based.

The application shall be accompanied, where appropriate, by the measure the annulment of which is sought or, in the circumstances referred to in Article 265 of the Treaty on the Functioning of the European Union, by documentary evidence of the date on which an institution was, in accordance with those Articles, requested to act. If the documents are not submitted with the application, the Registrar shall ask the party concerned to produce them within a reasonable period, but in that event the rights of the party shall not lapse even if such documents are produced after the time limit for bringing proceedings.

Article 22

A case governed by Article 18 of the EAEC Treaty shall be brought before the Court of Justice by an appeal addressed to the Registrar. The appeal shall contain the name and permanent address of the applicant and the description of the signatory, a reference to the decision against which the appeal is brought, the names of the respondents, the subject-matter of the dispute, the submissions and a brief statement of the grounds on which the appeal is based.

The appeal shall be accompanied by a certified copy of the decision of the Arbitration Committee which is contested.

If the Court rejects the appeal, the decision of the Arbitration Committee shall become final.

If the Court annuls the decision of the Arbitration Committee, the matter may be re-opened, where appropriate, on the initiative of one of the parties in the case, before the Arbitration Committee. The latter shall conform to any decisions on points of law given by the Court.

Article 23

In the cases governed by Article 267 of the Treaty on the Functioning of the European Union, the decision of the court or tribunal of a Member State which suspends its proceedings and refers a case to the Court of Justice shall be notified to the Court by the court or tribunal concerned. The decision shall then be notified by the Registrar of the Court to the parties, to the Member States and to the Commission, and to the institution, body, office or agency of the Union which adopted the act the validity or interpretation of which is in dispute.

Within two months of this notification, the parties, the Member States, the Commission and, where appropriate, the institution, body, office or agency which adopted the act the validity or interpretation of which is in dispute, shall be entitled to submit statements of case or written observations to the Court.

In the cases governed by Article 267 of the Treaty on the Functioning of the European Union, the decision of the national court or tribunal shall, moreover, be notified by the Registrar of the Court to the States, other than the Member States, which are parties to the Agreement on the European Economic Area and also to the EFTA Surveillance Authority referred to in that Agreement which may, within two months of notification, where one of the fields of application of that Agreement is concerned, submit statements of case or written observations to the Court.

Where an agreement relating to a specific subject matter, concluded by the Council and one or more non-member States, provides that those States are to be entitled to submit statements of case or written observations where a court or tribunal of a Member State refers to the Court of Justice for a preliminary ruling a question falling within the scope of the agreement, the decision of the national court or tribunal containing that question shall also be notified to the non-member States concerned. Within two months from such notification, those States may lodge at the Court statements of case or written observations.

Article 23a ()*

The Rules of Procedure may provide for an expedited or accelerated procedure and, for references for a preliminary ruling relating to the area of freedom, security and justice, an urgent procedure.

Those procedures may provide, in respect of the submission of statements of case or written observations, for a shorter period than that provided for by Article 23, and, in derogation from the fourth paragraph of Article 20, for the case to be determined without a submission from the Advocate General.

In addition, the urgent procedure may provide for restriction of the parties and other interested persons mentioned in Article 23, authorised to submit statements of case or written observations and, in cases of extreme urgency, for the written stage of the procedure to be omitted.

(*) Article inserted by Decision 2008/79/EC, Euratom (OJ L 24, 29.1.2008, p. 42).

Article 24

The Court of Justice may require the parties to produce all documents and to supply all information which the Court considers desirable. Formal note shall be taken of any refusal.

The Court may also require the Member States and institutions, bodies, offices and agencies not being parties to the case to supply all information which the Court considers necessary for the proceedings.

Article 25

The Court of Justice may at any time entrust any individual, body, authority, committee or other organisation it chooses with the task of giving an expert opinion.

Article 26

Witnesses may be heard under conditions laid down in the Rules of Procedure.

Article 27

With respect to defaulting witnesses the Court of Justice shall have the powers generally granted to courts and tribunals and may impose pecuniary penalties under conditions laid down in the Rules of Procedure.

Article 28

Witnesses and experts may be heard on oath taken in the form laid down in the Rules of Procedure or in the manner laid down by the law of the country of the witness or expert.

Article 29

The Court of Justice may order that a witness or expert be heard by the judicial authority of his place of permanent residence.

The order shall be sent for implementation to the competent judicial authority under conditions laid down in the Rules of Procedure. The documents drawn up in compliance with the letters rogatory shall be returned to the Court under the same conditions.

The Court shall defray the expenses, without prejudice to the right to charge them, where appropriate, to the parties.

Article 30

A Member State shall treat any violation of an oath by a witness or expert in the same manner as if the offence had been committed before one of its courts with jurisdiction in civil proceedings. At the instance of the Court of Justice, the Member State concerned shall prosecute the offender before its competent court.

Article 31

The hearing in court shall be public, unless the Court of Justice, of its own motion or on application by the parties, decides otherwise for serious reasons.

Article 32

During the hearings the Court of Justice may examine the experts, the witnesses and the parties themselves. The latter, however, may address the Court of Justice only through their representatives.

Article 33

Minutes shall be made of each hearing and signed by the President and the Registrar.

Article 34

The case list shall be established by the President.

Article 35

The deliberations of the Court of Justice shall be and shall remain secret.

Article 36

Judgments shall state the reasons on which they are based. They shall contain the names of the Judges who took part in the deliberations.

Article 37

Judgments shall be signed by the President and the Registrar. They shall be read in open court.

Article 38

The Court of Justice shall adjudicate upon costs.

Article 39

The President of the Court of Justice may, by way of summary procedure, which may, in so far as necessary, differ from some of the rules contained in this Statute and which shall be laid down in the Rules of Procedure, adjudicate upon applications to suspend execution, as provided for in Article 278 of the Treaty on the Functioning of the European Union and Article 157 of the EAEC Treaty, or to prescribe interim measures pursuant to Article 279 of the Treaty on the Functioning of the European Union, or to suspend enforcement in accordance with the fourth paragraph of Article 299 of the Treaty on the Functioning of the European Union or the third paragraph of Article 164 of the EAEC Treaty.

Should the President be prevented from attending, his place shall be taken by another Judge under conditions laid down in the Rules of Procedure.

The ruling of the President or of the Judge replacing him shall be provisional and shall in no way prejudice the decision of the Court on the substance of the case.

Article 40

Member States and institutions of the Union may intervene in cases before the Court of Justice.

The same right shall be open to the bodies, offices and agencies of the Union and to any other person which can establish an interest in the result of a case submitted to the Court. Natural or legal persons shall not intervene in cases between Member States, between institutions of the Union or between Member States and institutions of the Union.

Without prejudice to the second paragraph, the States, other than the Member States, which are parties to the Agreement on the European Economic Area, and also the EFTA Surveillance Authority referred to in that Agreement, may intervene in cases before the Court where one of the fields of application of that Agreement is concerned.

An application to intervene shall be limited to supporting the form of order sought by one of the parties.

Article 41

Where the defending party, after having been duly summoned, fails to file written submissions in defence, judgment shall be given against that party by default. An objection may be lodged against the judgment within one month of it being notified. The objection shall not have the effect of staying enforcement of the judgment by default unless the Court of Justice decides otherwise.

Article 42

Member States, institutions, bodies, offices and agencies of the Union and any other natural or legal persons may, in cases and under conditions to be determined by the Rules of Procedure, institute third-party proceedings to contest a judgment rendered without their being heard, where the judgment is prejudicial to their rights.

Article 43

If the meaning or scope of a judgment is in doubt, the Court of Justice shall construe it on application by any party or any institution of the Union establishing an interest therein.

Article 44

An application for revision of a judgment may be made to the Court of Justice only on discovery of a fact which is of such a nature as to be a decisive factor, and which, when the judgment was given, was unknown to the Court and to the party claiming the revision.

The revision shall be opened by a judgment of the Court expressly recording the existence of a new fact, recognising that it is of such a character as to lay the case open to revision and declaring the application admissible on this ground.

No application for revision may be made after the lapse of 10 years from the date of the judgment.

Article 45

Periods of grace based on considerations of distance shall be determined by the Rules of Procedure.

No right shall be prejudiced in consequence of the expiry of a time limit if the party concerned proves the existence of unforeseeable circumstances or of *force majeure*.

Article 46

Proceedings against the Union in matters arising from non-contractual liability shall be barred after a period of five years from the occurrence of the event giving rise thereto. The period of limitation shall be interrupted if proceedings are instituted before the Court of Justice or if prior to such proceedings an application is made by the aggrieved party to the relevant institution of the Union. In the latter event the proceedings must be instituted within the period of two months provided for in Article 263 of the Treaty on the Functioning of the European Union; the provisions of the second paragraph of Article 265 of the Treaty on the Functioning of the European Union shall apply where appropriate.

This Article shall also apply to proceedings against the European Central Bank regarding non-contractual liability.

TITLE IV

GENERAL COURT

Article 47

The first paragraph of Article 9, Articles 14 and 15, the first, second, fourth and fifth paragraphs of Article 17 and Article 18 shall apply to the General Court and its members.

The fourth paragraph of Article 3 and Articles 10, 11 and 14 shall apply to the Registrar of the General Court *mutatis mutandis*.

Article 48

The General Court shall consist of 27 Judges.

Article 49

The Members of the General Court may be called upon to perform the task of an Advocate-General.

It shall be the duty of the Advocate-General, acting with complete impartiality and independence, to make, in open court, reasoned submissions on certain cases brought before the General Court in order to assist the General Court in the performance of its task.

The criteria for selecting such cases, as well as the procedures for designating the Advocates-General, shall be laid down in the Rules of Procedure of the General Court.

A Member called upon to perform the task of Advocate-General in a case may not take part in the judgment of the case.

Article 50

The General Court shall sit in chambers of three or five Judges. The Judges shall elect the Presidents of the chambers from among their number. The Presidents of the chambers of five Judges shall be elected for three years. They may be re-elected once.

The composition of the chambers and the assignment of cases to them shall be governed by the Rules of Procedure. In certain cases governed by the Rules of Procedure, the General Court may sit as a full court or be constituted by a single Judge.

The Rules of Procedure may also provide that the General Court may sit in a Grand Chamber in cases and under the conditions specified therein.

Article 51

By way of derogation from the rule laid down in Article 256(1) of the Treaty on the Functioning of the European Union, jurisdiction shall be reserved to the Court of Justice in the actions referred to in Articles 263 and 265 of the Treaty on the Functioning of the European Union when they are brought by a Member State against:

- (a) an act of or failure to act by the European Parliament or the Council, or by those institutions acting jointly, except for:
 - decisions taken by the Council under the third subparagraph of Article 108(2) of the Treaty on the Functioning of the European Union;
 - acts of the Council adopted pursuant to a Council regulation concerning measures to protect trade within the meaning of Article 207 of the Treaty on the Functioning of the European Union;
 - acts of the Council by which the Council exercises implementing powers in accordance with the second paragraph of Article 291 of the Treaty on the Functioning of the European Union;

(b) against an act of or failure to act by the Commission under the first paragraph of Article 331 of the Treaty on the Functioning of the European Union.

Jurisdiction shall also be reserved to the Court of Justice in the actions referred to in the same Articles when they are brought by an institution of the Union against an act of or failure to act by the European Parliament, the Council, both those institutions acting jointly, or the Commission, or brought by an institution of the Union against an act of or failure to act by the European Central Bank.

Article 52

The President of the Court of Justice and the President of the General Court shall determine, by common accord, the conditions under which officials and other servants attached to the Court of Justice shall render their services to the General Court to enable it to function. Certain officials or other servants shall be responsible to the Registrar of the General Court under the authority of the President of the General Court.

Article 53

The procedure before the General Court shall be governed by Title III.

Such further and more detailed provisions as may be necessary shall be laid down in its Rules of Procedure. The Rules of Procedure may derogate from the fourth paragraph of Article 40 and from Article 41 in order to take account of the specific features of litigation in the field of intellectual property.

Notwithstanding the fourth paragraph of Article 20, the Advocate-General may make his reasoned submissions in writing.

Article 54

Where an application or other procedural document addressed to the General Court is lodged by mistake with the Registrar of the Court of Justice, it shall be transmitted immediately by that Registrar to the Registrar of the General Court; likewise, where an application or other procedural document addressed to the Court of Justice is lodged by mistake with the Registrar of the General Court, it shall be transmitted immediately by that Registrar to the Registrar of the Court of Justice.

Where the General Court finds that it does not have jurisdiction to hear and determine an action in respect of which the Court of Justice has jurisdiction, it shall refer that action to the Court of Justice; likewise, where the Court of Justice finds that an action falls within the jurisdiction of the General Court, it shall refer that action to the General Court, whereupon that Court may not decline jurisdiction.

Where the Court of Justice and the General Court are seised of cases in which the same relief is sought, the same issue of interpretation is raised or the validity of the same act is called in question, the General Court may, after hearing the parties, stay the proceedings before it until such time as the Court of Justice has delivered judgment or, where the action is one brought pursuant to Article 263 of the Treaty on the Functioning of the European Union, may decline jurisdiction so as to allow the Court of Justice to rule on such actions. In the same circumstances, the Court of Justice may also decide to stay the proceedings before it; in that event, the proceedings before the General Court shall continue.

Where a Member State and an institution of the Union are challenging the same act, the General Court shall decline jurisdiction so that the Court of Justice may rule on those applications.

Article 55

Final decisions of the General Court, decisions disposing of the substantive issues in part only or disposing of a procedural issue concerning a plea of lack of competence or inadmissibility, shall be notified by the Registrar of the General Court to all parties as well as all Member States and the institutions of the Union even if they did not intervene in the case before the General Court.

Article 56

An appeal may be brought before the Court of Justice, within two months of the notification of the decision appealed against, against final decisions of the General Court and decisions of that Court disposing of the substantive issues in part only or disposing of a procedural issue concerning a plea of lack of competence or inadmissibility.

Such an appeal may be brought by any party which has been unsuccessful, in whole or in part, in its submissions. However, interveners other than the Member States and the institutions of the Union may bring such an appeal only where the decision of the General Court directly affects them.

With the exception of cases relating to disputes between the Union and its servants, an appeal may also be brought by Member States and institutions of the Union which did not intervene in the proceedings before the General Court. Such Member States and institutions shall be in the same position as Member States or institutions which intervened at first instance.

Article 57

Any person whose application to intervene has been dismissed by the General Court may appeal to the Court of Justice within two weeks from the notification of the decision dismissing the application.

The parties to the proceedings may appeal to the Court of Justice against any decision of the General Court made pursuant to Article 278 or Article 279 or the fourth paragraph of Article 299 of the Treaty on the Functioning of the European Union or Article 157 or the third paragraph of Article 164 of the EAEC Treaty within two months from their notification.

The appeal referred to in the first two paragraphs of this Article shall be heard and determined under the procedure referred to in Article 39.

Article 58

An appeal to the Court of Justice shall be limited to points of law. It shall lie on the grounds of lack of competence of the General Court, a breach of procedure before it which adversely affects the interests of the appellant as well as the infringement of Union law by the General Court.

No appeal shall lie regarding only the amount of the costs or the party ordered to pay them.

Article 59

Where an appeal is brought against a decision of the General Court, the procedure before the Court of Justice shall consist of a written part and an oral part. In accordance with conditions laid down in the Rules of Procedure, the Court of Justice, having heard the Advocate-General and the parties, may dispense with the oral procedure.

Article 60

Without prejudice to Articles 278 and 279 of the Treaty on the Functioning of the European Union or Article 157 of the EAEC Treaty, an appeal shall not have suspensory effect.

By way of derogation from Article 280 of the Treaty on the Functioning of the European Union, decisions of the General Court declaring a regulation to be void shall take effect only as from the date of expiry of the period referred to in the first paragraph of Article 56 of this Statute or, if an appeal shall have been brought within that period, as from the date of dismissal of the appeal, without prejudice, however, to the right of a party to apply to the Court of Justice, pursuant to Articles 278 and 279 of the Treaty on the Functioning of the European Union or Article 157 of the EAEC Treaty, for the suspension of the effects of the regulation which has been declared void or for the prescription of any other interim measure.

Article 61

If the appeal is well founded, the Court of Justice shall quash the decision of the General Court. It may itself give final judgment in the matter, where the state of the proceedings so permits, or refer the case back to the General Court for judgment.

Where a case is referred back to the General Court, that Court shall be bound by the decision of the Court of Justice on points of law.

When an appeal brought by a Member State or an institution of the Union, which did not intervene in the proceedings before the General Court, is well founded, the Court of Justice may, if it considers this necessary, state which of the effects of the decision of the General Court which has been quashed shall be considered as definitive in respect of the parties to the litigation.

Article 62

In the cases provided for in Article 256(2) and (3) of the Treaty on the Functioning of the European Union, where the First Advocate-General considers that there is a serious risk of the unity or consistency of Union law being affected, he may propose that the Court of Justice review the decision of the General Court.

The proposal must be made within one month of delivery of the decision by the General Court. Within one month of receiving the proposal made by the First Advocate-General, the Court of Justice shall decide whether or not the decision should be reviewed.

Article 62a

The Court of Justice shall give a ruling on the questions which are subject to review by means of an urgent procedure on the basis of the file forwarded to it by the General Court.

Those referred to in Article 23 of this Statute and, in the cases provided for in Article 256(2) of the EC Treaty, the parties to the proceedings before the General Court shall be entitled to lodge statements or written observations with the Court of Justice relating to questions which are subject to review within a period prescribed for that purpose.

The Court of Justice may decide to open the oral procedure before giving a ruling.

Article 62b

In the cases provided for in Article 256(2) of the Treaty on the Functioning of the European Union, without prejudice to Articles 278 and 279 of the Treaty on the Functioning of the European Union, proposals for review and decisions to open the review procedure shall not have suspensory effect. If the Court of Justice finds that the decision of the General Court affects the unity or consistency of Union law, it shall refer the case back to the General Court which shall be bound by the points of law decided by the Court of Justice; the Court of Justice may state which of the effects of the decision of the General Court are to be considered as definitive in respect of the parties to the litigation. If, however, having regard to the result of the review, the outcome of the proceedings flows from the findings of fact on which the decision of the General Court was based, the Court of Justice shall give final judgment.

In the cases provided for in Article 256(3) of the Treaty on the Functioning of the European Union, in the absence of proposals for review or decisions to open the review procedure, the answer(s) given by the General Court to the questions submitted to it shall take effect upon expiry of the periods prescribed for that purpose in the second paragraph of Article 62. Should a review procedure be opened, the answer(s) subject to review shall take effect following that procedure, unless the Court of Justice decides otherwise. If the Court of Justice finds that the decision of the General Court affects the unity or consistency of Union law, the answer given by the Court of Justice to the questions subject to review shall be substituted for that given by the General Court.

TITLE IVa

SPECIALISED COURTS

Article 62c

The provisions relating to the jurisdiction, composition, organisation and procedure of the specialised courts established under Article 257 of the Treaty on the Functioning of the European Union are set out in an Annex to this Statute.

TITLE V

FINAL PROVISIONS

Article 63

The Rules of Procedure of the Court of Justice and of the General Court shall contain any provisions necessary for applying and, where required, supplementing this Statute.

Article 64

The rules governing the language arrangements applicable at the Court of Justice of the European Union shall be laid down by a regulation of the Council acting unanimously. This regulation shall be adopted either at the request of the Court of Justice and after consultation of the Commission and the European Parliament, or on a proposal from the Commission and after consultation of the Court of Justice and of the European Parliament.

Until those rules have been adopted, the provisions of the Rules of Procedure of the Court of Justice and of the Rules of Procedure of the General Court governing language arrangements shall continue to apply. By way of derogation from Articles 253 and 254 of the Treaty on the Functioning of the European Union, those provisions may only be amended or repealed with the unanimous consent of the Council.

ANNEX

THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL

Article 1

The European Union Civil Service Tribunal (hereafter 'the Civil Service Tribunal') shall exercise at first instance jurisdiction in disputes between the Union and its servants referred to in Article 270 of the Treaty on the Functioning of the European Union, including disputes between all bodies or agencies and their servants in respect of which jurisdiction is conferred on the Court of Justice of the European Union.

Article 2

The Civil Service Tribunal shall consist of seven judges. Should the Court of Justice so request, the Council, acting by a qualified majority, may increase the number of judges.

The judges shall be appointed for a period of six years. Retiring judges may be reappointed.

Any vacancy shall be filled by the appointment of a new judge for a period of six years.

Article 3

1. The judges shall be appointed by the Council, acting in accordance with the fourth paragraph of Article 257 of the Treaty on the Functioning of the European Union, after consulting the committee provided for by this Article. When appointing judges, the Council shall ensure a balanced composition of the Civil Service Tribunal on as broad a geographical basis as possible from among nationals of the Member States and with respect to the national legal systems represented.

2. Any person who is a Union citizen and fulfils the conditions laid down in the fourth paragraph of Article 257 of the Treaty on the Functioning of the European Union may submit an application. The Council, acting on a recommendation from the Court of Justice, shall determine the conditions and the arrangements governing the submission and processing of such applications.

3. A committee shall be set up comprising seven persons chosen from among former members of the Court of Justice and the General Court and lawyers of recognised competence. The committee's membership and operating rules shall be determined by the Council, acting on a recommendation by the President of the Court of Justice.

4. The committee shall give an opinion on candidates' suitability to perform the duties of judge at the Civil Service Tribunal. The committee shall append to its opinion a list of candidates having the most suitable high-level experience. Such list shall contain the names of at least twice as many candidates as there are judges to be appointed by the Council.

Article 4

1. The judges shall elect the President of the Civil Service Tribunal from among their number for a term of three years. He may be re-elected.

2. The Civil Service Tribunal shall sit in chambers of three judges. It may, in certain cases determined by its rules of procedure, sit in full court or in a chamber of five judges or of a single judge.

3. The President of the Civil Service Tribunal shall preside over the full court and the chamber of five judges. The Presidents of the chambers of three judges shall be designated as provided in paragraph 1. If the President of the Civil Service Tribunal is assigned to a chamber of three judges, he shall preside over that chamber.

4. The jurisdiction of and quorum for the full court as well as the composition of the chambers and the assignment of cases to them shall be governed by the Rules of Procedure.

Article 5

Articles 2 to 6, 14, 15, the first, second and fifth paragraphs of Article 17, and Article 18 of the Statute of the Court of Justice of the European Union shall apply to the Civil Service Tribunal and its members.

The oath referred to in Article 2 of the Statute shall be taken before the Court of Justice, and the decisions referred to in Articles 3, 4 and 6 thereof shall be adopted by the Court of Justice after consulting the Civil Service Tribunal.

Article 6

1. The Civil Service Tribunal shall be supported by the departments of the Court of Justice and of the General Court. The President of the Court of Justice or, in appropriate cases, the President of the General Court, shall determine by common accord with the President of the Civil Service Tribunal the conditions under which officials and other servants attached to the Court of Justice or the General Court shall render their services to the Civil Service Tribunal to enable it to function. Certain officials or other servants shall be responsible to the Registrar of the Civil Service Tribunal under the authority of the President of that Tribunal.

2. The Civil Service Tribunal shall appoint its Registrar and lay down the rules governing his service. The fourth paragraph of Article 3 and Articles 10, 11 and 14 of the Statute of the Court of Justice of the European Union shall apply to the Registrar of the Tribunal.

Article 7

1. The procedure before the Civil Service Tribunal shall be governed by Title III of the Statute of the Court of Justice of the European Union, with the exception of Articles 22 and 23. Such further and more detailed provisions as may be necessary shall be laid down in the Rules of Procedure.

2. The provisions concerning the General Court's language arrangements shall apply to the Civil Service Tribunal.

3. The written stage of the procedure shall comprise the presentation of the application and of the statement of defence, unless the Civil Service Tribunal decides that a second exchange of written pleadings is necessary. Where there is such second exchange, the Civil Service Tribunal may, with the agreement of the parties, decide to proceed to judgment without an oral procedure.

4. At all stages of the procedure, including the time when the application is filed, the Civil Service Tribunal may examine the possibilities of an amicable settlement of the dispute and may try to facilitate such settlement.

5. The Civil Service Tribunal shall rule on the costs of a case. Subject to the specific provisions of the Rules of Procedure, the unsuccessful party shall be ordered to pay the costs should the court so decide.

Article 8

1. Where an application or other procedural document addressed to the Civil Service Tribunal is lodged by mistake with the Registrar of the Court of Justice or General Court, it shall be transmitted immediately by that Registrar to the Registrar of the Civil Service Tribunal. Likewise, where an application or other procedural document addressed to the Court of Justice or to the General Court is lodged by mistake with the Registrar of the Civil Service Tribunal, it shall be transmitted immediately by that Registrar to the Registrar of the Court of Justice or General Court.

2. Where the Civil Service Tribunal finds that it does not have jurisdiction to hear and determine an action in respect of which the Court of Justice or the General Court has jurisdiction, it shall refer that action to the Court of Justice or to the General Court. Likewise, where the Court of Justice or the General Court finds that an action falls within the jurisdiction of the Civil Service Tribunal, the Court seised shall refer that action to the Civil Service Tribunal, whereupon that Tribunal may not decline jurisdiction.

3. Where the Civil Service Tribunal and the General Court are seised of cases in which the same issue of interpretation is raised or the validity of the same act is called in question, the Civil Service Tribunal, after hearing the parties, may stay the proceedings until the judgment of the General Court has been delivered.

Where the Civil Service Tribunal and the General Court are seised of cases in which the same relief is sought, the Civil Service Tribunal shall decline jurisdiction so that the General Court may act on those cases.

Article 9

An appeal may be brought before the General Court, within two months of notification of the decision appealed against, against final decisions of the Civil Service Tribunal and decisions of that Tribunal disposing of the substantive issues in part only or disposing of a procedural issue concerning a plea of lack of jurisdiction or inadmissibility.

Such an appeal may be brought by any party which has been unsuccessful, in whole or in part, in its submissions. However, interveners other than the Member States and the institutions of the Union may bring such an appeal only where the decision of the Civil Service Tribunal directly affects them.

Article 10

1. Any person whose application to intervene has been dismissed by the Civil Service Tribunal may appeal to the General Court within two weeks of notification of the decision dismissing the application.

2. The parties to the proceedings may appeal to the General Court against any decision of the Civil Service Tribunal made pursuant to Article 278 or Article 279 or the fourth paragraph of Article 299 of the Treaty on the Functioning of the European Union or Article 157 or the third paragraph of Article 164 of the EAEC Treaty within two months of its notification.

3. The President of the General Court may, by way of summary procedure, which may, in so far as necessary, differ from some of the rules contained in this Annex and which shall be laid down in the rules of procedure of the General Court, adjudicate upon appeals brought in accordance with paragraphs 1 and 2.

Article 11

1. An appeal to the General Court shall be limited to points of law. It shall lie on the grounds of lack of jurisdiction of the Civil Service Tribunal, a breach of procedure before it which adversely affects the interests of the appellant, as well as the infringement of Union law by the Tribunal.
2. No appeal shall lie regarding only the amount of the costs or the party ordered to pay them.

Article 12

1. Without prejudice to Articles 278 and 279 of the Treaty on the Functioning of the European Union or Article 157 of the EAEC Treaty, an appeal before the General Court shall not have suspensory effect.
2. Where an appeal is brought against a decision of the Civil Service Tribunal, the procedure before the General Court shall consist of a written part and an oral part. In accordance with conditions laid down in the rules of procedure, the General Court, having heard the parties, may dispense with the oral procedure.

Article 13

1. If the appeal is well founded, the General Court shall quash the decision of the Civil Service Tribunal and itself give judgment in the matter. It shall refer the case back to the Civil Service Tribunal for judgment where the state of the proceedings does not permit a decision by the Court.
 2. Where a case is referred back to the Civil Service Tribunal, the Tribunal shall be bound by the decision of the General Court on points of law.
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PROTOCOL (No 4)
**ON THE STATUTE OF THE EUROPEAN SYSTEM OF
CENTRAL BANKS AND OF THE EUROPEAN CENTRAL
BANK**

THE HIGH CONTRACTING PARTIES,

DESIRING to lay down the Statute of the European System of Central Banks and of the European Central Bank provided for in the second paragraph of Article 129 of the Treaty on the Functioning of the European Union,

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

CHAPTER I

THE EUROPEAN SYSTEM OF CENTRAL BANKS

Article 1

The European System of Central Banks

In accordance with Article 282(1) of the Treaty on the Functioning of the European Union, the European Central Bank (ECB) and the national central banks shall constitute the European System of Central Banks (ESCB). The ECB and the national central banks of those Member States whose currency is the euro shall constitute the Eurosystem.

The ESCB and the ECB shall perform their tasks and carry on their activities in accordance with the provisions of the Treaties and of this Statute.

CHAPTER II

OBJECTIVES AND TASKS OF THE ESCB

Article 2

Objectives

In accordance with Article 127(1) and Article 282(2) of the Treaty on the Functioning of the European Union, the primary objective of the ESCB shall be to maintain price stability. Without prejudice to the objective of price stability, it shall support the general economic policies in the Union with a view to contributing to the achievement of the objectives of the Union as laid down in Article 3 of the Treaty on European Union. The ESCB shall act in accordance with the principle of an open market economy with free competition, favouring an efficient allocation of resources, and in compliance with the principles set out in Article 119 of the Treaty on the Functioning of the European Union.

Article 3

Tasks

3.1. In accordance with Article 127(2) of the Treaty on the Functioning of the European Union, the basic tasks to be carried out through the ESCB shall be:

- to define and implement the monetary policy of the Union;
- to conduct foreign-exchange operations consistent with the provisions of Article 219 of that Treaty;
- to hold and manage the official foreign reserves of the Member States;
- to promote the smooth operation of payment systems.

3.2. In accordance with Article 127(3) of the Treaty on the Functioning of the European Union, the third indent of Article 3.1 shall be without prejudice to the holding and management by the governments of Member States of foreign-exchange working balances.

3.3. In accordance with Article 127(5) of the Treaty on the Functioning of the European Union, the ESCB shall contribute to the smooth conduct of policies pursued by the competent authorities relating to the prudential supervision of credit institutions and the stability of the financial system.

Article 4

Advisory functions

In accordance with Article 127(4) of the Treaty on the Functioning of the European Union:

(a) the ECB shall be consulted:

- on any proposed Union act in its fields of competence;
- by national authorities regarding any draft legislative provision in its fields of competence, but within the limits and under the conditions set out by the Council in accordance with the procedure laid down in Article 41;

(b) the ECB may submit opinions to the Union institutions, bodies, offices or agencies or to national authorities on matters in its fields of competence.

Article 5

Collection of statistical information

5.1. In order to undertake the tasks of the ESCB, the ECB, assisted by the national central banks, shall collect the necessary statistical information either from the competent national authorities or directly from economic agents. For these purposes it shall cooperate with the Union institutions, bodies, offices or agencies and with the competent authorities of the Member States or third countries and with international organisations.

5.2. The national central banks shall carry out, to the extent possible, the tasks described in Article 5.1.

5.3. The ECB shall contribute to the harmonisation, where necessary, of the rules and practices governing the collection, compilation and distribution of statistics in the areas within its fields of competence.

5.4. The Council, in accordance with the procedure laid down in Article 41, shall define the natural and legal persons subject to reporting requirements, the confidentiality regime and the appropriate provisions for enforcement.

Article 6

International cooperation

6.1. In the field of international cooperation involving the tasks entrusted to the ESCB, the ECB shall decide how the ESCB shall be represented.

6.2. The ECB and, subject to its approval, the national central banks may participate in international monetary institutions.

6.3. Articles 6.1 and 6.2 shall be without prejudice to Article 138 of the Treaty on the Functioning of the European Union.

CHAPTER III

ORGANISATION OF THE ESCB

Article 7

Independence

In accordance with Article 130 of the Treaty on the Functioning of the European Union, when exercising the powers and carrying out the tasks and duties conferred upon them by the Treaties and this Statute, neither the ECB, nor a national central bank, nor any member of their decision-making bodies shall seek or take instructions from Union institutions, bodies, offices or agencies, from any government of a Member State or from any other body. The Union institutions, bodies, offices or agencies and the governments of the Member States undertake to respect this principle and not to seek to influence the members of the decision-making bodies of the ECB or of the national central banks in the performance of their tasks.

Article 8

General principle

The ESCB shall be governed by the decision-making bodies of the ECB.

Article 9

The European Central Bank

9.1. The ECB which, in accordance with Article 282(3) of the Treaty on the Functioning of the European Union, shall have legal personality, shall enjoy in each of the Member States the most extensive legal capacity accorded to legal persons under its law; it may, in particular, acquire or dispose of movable and immovable property and may be a party to legal proceedings.

9.2. The ECB shall ensure that the tasks conferred upon the ESCB under Article 127(2), (3) and (5) of the Treaty on the Functioning of the European Union are implemented either by its own activities pursuant to this Statute or through the national central banks pursuant to Articles 12.1 and 14.

9.3. In accordance with Article 129(1) of the Treaty on the Functioning of the European Union, the decision making bodies of the ECB shall be the Governing Council and the Executive Board.

Article 10

The Governing Council

10.1. In accordance with Article 283(1) of the Treaty on the Functioning of the European Union, the Governing Council shall comprise the members of the Executive Board of the ECB and the governors of the national central banks of the Member States whose currency is the euro.

10.2. Each member of the Governing Council shall have one vote. As from the date on which the number of members of the Governing Council exceeds 21, each member of the Executive Board shall have one vote and the number of governors with a voting right shall be 15. The latter voting rights shall be assigned and shall rotate as follows:

- as from the date on which the number of governors exceeds 15, until it reaches 22, the governors shall be allocated to two groups, according to a ranking of the size of the share of their national central bank's Member State in the aggregate gross domestic product at market prices and in the total aggregated balance sheet of the monetary financial institutions of the Member States whose currency is the euro. The shares in the aggregate gross domestic product at market prices and in the total aggregated balance sheet of the monetary financial institutions shall be assigned weights of 5/6 and 1/6, respectively. The first group shall be composed of five governors and the second group of the remaining governors. The frequency of voting rights of the governors allocated to the first group shall not be lower than the frequency of voting rights of those of the second group. Subject to the previous sentence, the first group shall be assigned four voting rights and the second group eleven voting rights,
- as from the date on which the number of governors reaches 22, the governors shall be allocated to three groups according to a ranking based on the above criteria. The first group shall be composed of five governors and shall be assigned four voting rights. The second group shall be composed of half of the total number of governors, with any fraction rounded up to the nearest integer, and shall be assigned eight voting rights. The third group shall be composed of the remaining governors and shall be assigned three voting rights,

- within each group, the governors shall have their voting rights for equal amounts of time,
- for the calculation of the shares in the aggregate gross domestic product at market prices Article 29.2 shall apply. The total aggregated balance sheet of the monetary financial institutions shall be calculated in accordance with the statistical framework applying in the Union at the time of the calculation,
- whenever the aggregate gross domestic product at market prices is adjusted in accordance with Article 29.3, or whenever the number of governors increases, the size and/or composition of the groups shall be adjusted in accordance with the above principles,
- the Governing Council, acting by a two-thirds majority of all its members, with and without a voting right, shall take all measures necessary for the implementation of the above principles and may decide to postpone the start of the rotation system until the date on which the number of governors exceeds 18.

The right to vote shall be exercised in person. By way of derogation from this rule, the Rules of Procedure referred to in Article 12.3 may lay down that members of the Governing Council may cast their vote by means of teleconferencing. These rules shall also provide that a member of the Governing Council who is prevented from attending meetings of the Governing Council for a prolonged period may appoint an alternate as a member of the Governing Council.

The provisions of the previous paragraphs are without prejudice to the voting rights of all members of the Governing Council, with and without a voting right, under Articles 10.3, 40.2 and 40.3.

Save as otherwise provided for in this Statute, the Governing Council shall act by a simple majority of the members having a voting right. In the event of a tie, the President shall have the casting vote.

In order for the Governing Council to vote, there shall be a quorum of two-thirds of the members having a voting right. If the quorum is not met, the President may convene an extraordinary meeting at which decisions may be taken without regard to the quorum.

10.3. For any decisions to be taken under Articles 28, 29, 30, 32 and 33, the votes in the Governing Council shall be weighted according to the national central banks' shares in the subscribed capital of the ECB. The weights of the votes of the members of the Executive Board shall be zero. A decision requiring a qualified majority shall be adopted if the votes cast in favour represent at least two thirds of the subscribed capital of the ECB and represent at least half of the shareholders. If a Governor is unable to be present, he may nominate an alternate to cast his weighted vote.

10.4. The proceedings of the meetings shall be confidential. The Governing Council may decide to make the outcome of its deliberations public.

10.5. The Governing Council shall meet at least 10 times a year.

Article 11

The Executive Board

11.1. In accordance with the first subparagraph of Article 283(2) of the Treaty on the Functioning of the European Union, the Executive Board shall comprise the President, the Vice-President and four other members.

The members shall perform their duties on a full-time basis. No member shall engage in any occupation, whether gainful or not, unless exemption is exceptionally granted by the Governing Council.

11.2. In accordance with the second subparagraph of Article 283(2) of the Treaty on the Functioning of the European Union, the President, the Vice-President and the other members of the Executive Board shall be appointed by the European Council, acting by a qualified majority, from among persons of recognised standing and professional experience in monetary or banking matters, on a recommendation from the Council after it has consulted the European Parliament and the Governing Council.

Their term of office shall be eight years and shall not be renewable.

Only nationals of Member States may be members of the Executive Board.

11.3. The terms and conditions of employment of the members of the Executive Board, in particular their salaries, pensions and other social security benefits shall be the subject of contracts with the ECB and shall be fixed by the Governing Council on a proposal from a Committee comprising three members appointed by the Governing Council and three members appointed by the Council. The members of the Executive Board shall not have the right to vote on matters referred to in this paragraph.

11.4. If a member of the Executive Board no longer fulfils the conditions required for the performance of his duties or if he has been guilty of serious misconduct, the Court of Justice may, on application by the Governing Council or the Executive Board, compulsorily retire him.

11.5. Each member of the Executive Board present in person shall have the right to vote and shall have, for that purpose, one vote. Save as otherwise provided, the Executive Board shall act by a simple majority of the votes cast. In the event of a tie, the President shall have the casting vote. The voting arrangements shall be specified in the Rules of Procedure referred to in Article 12.3.

11.6. The Executive Board shall be responsible for the current business of the ECB.

11.7. Any vacancy on the Executive Board shall be filled by the appointment of a new member in accordance with Article 11.2.

Article 12

Responsibilities of the decision-making bodies

12.1. The Governing Council shall adopt the guidelines and take the decisions necessary to ensure the performance of the tasks entrusted to the ESCB under these Treaties and this Statute. The Governing Council shall formulate the monetary policy of the Union including, as appropriate, decisions relating to intermediate monetary objectives, key interest rates and the supply of reserves in the ESCB, and shall establish the necessary guidelines for their implementation.

The Executive Board shall implement monetary policy in accordance with the guidelines and decisions laid down by the Governing Council. In doing so the Executive Board shall give the necessary instructions to national central banks. In addition the Executive Board may have certain powers delegated to it where the Governing Council so decides.

To the extent deemed possible and appropriate and without prejudice to the provisions of this Article, the ECB shall have recourse to the national central banks to carry out operations which form part of the tasks of the ESCB.

12.2. The Executive Board shall have responsibility for the preparation of meetings of the Governing Council.

12.3. The Governing Council shall adopt Rules of Procedure which determine the internal organisation of the ECB and its decision-making bodies.

12.4. The Governing Council shall exercise the advisory functions referred to in Article 4.

12.5. The Governing Council shall take the decisions referred to in Article 6.

Article 13

The President

13.1. The President or, in his absence, the Vice-President shall chair the Governing Council and the Executive Board of the ECB.

13.2. Without prejudice to Article 38, the President or his nominee shall represent the ECB externally.

Article 14

National central banks

14.1. In accordance with Article 131 of the Treaty on the Functioning of the European Union, each Member State shall ensure that its national legislation, including the statutes of its national central bank, is compatible with these Treaties and this Statute.

14.2. The statutes of the national central banks shall, in particular, provide that the term of office of a Governor of a national central bank shall be no less than five years.

A Governor may be relieved from office only if he no longer fulfils the conditions required for the performance of his duties or if he has been guilty of serious misconduct. A decision to this effect may be referred to the Court of Justice by the Governor concerned or the Governing Council on grounds of infringement of these Treaties or of any rule of law relating to their application. Such proceedings shall be instituted within two months of the publication of the decision or of its notification to the plaintiff or, in the absence thereof, of the day on which it came to the knowledge of the latter, as the case may be.

14.3. The national central banks are an integral part of the ESCB and shall act in accordance with the guidelines and instructions of the ECB. The Governing Council shall take the necessary steps to ensure compliance with the guidelines and instructions of the ECB, and shall require that any necessary information be given to it.

14.4. National central banks may perform functions other than those specified in this Statute unless the Governing Council finds, by a majority of two thirds of the votes cast, that these interfere with the objectives and tasks of the ESCB. Such functions shall be performed on the responsibility and liability of national central banks and shall not be regarded as being part of the functions of the ESCB.

Article 15

Reporting commitments

15.1. The ECB shall draw up and publish reports on the activities of the ESCB at least quarterly.

15.2. A consolidated financial statement of the ESCB shall be published each week.

15.3. In accordance with Article 284(3) of the Treaty on the Functioning of the European Union, the ECB shall address an annual report on the activities of the ESCB and on the monetary policy of both the previous and the current year to the European Parliament, the Council and the Commission, and also to the European Council.

15.4. The reports and statements referred to in this Article shall be made available to interested parties free of charge.

Article 16

Banknotes

In accordance with Article 128(1) of the Treaty on the Functioning of the European Union, the Governing Council shall have the exclusive right to authorise the issue of euro banknotes within the Union. The ECB and the national central banks may issue such notes. The banknotes issued by the ECB and the national central banks shall be the only such notes to have the status of legal tender within the Union.

The ECB shall respect as far as possible existing practices regarding the issue and design of banknotes.

CHAPTER IV
MONETARY FUNCTIONS AND OPERATIONS OF THE ESCB

Article 17

Accounts with the ECB and the national central banks

In order to conduct their operations, the ECB and the national central banks may open accounts for credit institutions, public entities and other market participants and accept assets, including book entry securities, as collateral.

Article 18

Open market and credit operations

18.1. In order to achieve the objectives of the ESCB and to carry out its tasks, the ECB and the national central banks may:

- operate in the financial markets by buying and selling outright (spot and forward) or under repurchase agreement and by lending or borrowing claims and marketable instruments, whether in euro or other currencies, as well as precious metals;
- conduct credit operations with credit institutions and other market participants, with lending being based on adequate collateral.

18.2. The ECB shall establish general principles for open market and credit operations carried out by itself or the national central banks, including for the announcement of conditions under which they stand ready to enter into such transactions.

Article 19

Minimum reserves

19.1. Subject to Article 2, the ECB may require credit institutions established in Member States to hold minimum reserve on accounts with the ECB and national central banks in pursuance of monetary policy objectives. Regulations concerning the calculation and determination of the required minimum reserves may be established by the Governing Council. In cases of non-compliance the ECB shall be entitled to levy penalty interest and to impose other sanctions with comparable effect.

19.2. For the application of this Article, the Council shall, in accordance with the procedure laid down in Article 41, define the basis for minimum reserves and the maximum permissible ratios between those reserves and their basis, as well as the appropriate sanctions in cases of non-compliance.

Article 20

Other instruments of monetary control

The Governing Council may, by a majority of two thirds of the votes cast, decide upon the use of such other operational methods of monetary control as it sees fit, respecting Article 2.

The Council shall, in accordance with the procedure laid down in Article 41, define the scope of such methods if they impose obligations on third parties.

Article 21

Operations with public entities

21.1. In accordance with Article 123 of the Treaty on the Functioning of the European Union, overdrafts or any other type of credit facility with the ECB or with the national central banks in favour of Union institutions, bodies, offices or agencies, central governments, regional, local or other public authorities, other bodies governed by public law, or public undertakings of Member States shall be prohibited, as shall the purchase directly from them by the ECB or national central banks of debt instruments.

21.2. The ECB and national central banks may act as fiscal agents for the entities referred to in Article 21.1.

21.3. The provisions of this Article shall not apply to publicly owned credit institutions which, in the context of the supply of reserves by central banks, shall be given the same treatment by national central banks and the ECB as private credit institutions.

Article 22

Clearing and payment systems

The ECB and national central banks may provide facilities, and the ECB may make regulations, to ensure efficient and sound clearing and payment systems within the Union and with other countries.

Article 23

External operations

The ECB and national central banks may:

- establish relations with central banks and financial institutions in other countries and, where appropriate, with international organisations;
- acquire and sell spot and forward all types of foreign exchange assets and precious metals; the term 'foreign exchange asset' shall include securities and all other assets in the currency of any country or units of account and in whatever form held;

- hold and manage the assets referred to in this Article;
- conduct all types of banking transactions in relations with third countries and international organisations, including borrowing and lending operations.

Article 24

Other operations

In addition to operations arising from their tasks, the ECB and national central banks may enter into operations for their administrative purposes or for their staff.

CHAPTER V

PRUDENTIAL SUPERVISION

Article 25

Prudential supervision

25.1. The ECB may offer advice to and be consulted by the Council, the Commission and the competent authorities of the Member States on the scope and implementation of Union legislation relating to the prudential supervision of credit institutions and to the stability of the financial system.

25.2. In accordance with any regulation of the Council under Article 127(6) of the Treaty on the Functioning of the European Union, the ECB may perform specific tasks concerning policies relating to the prudential supervision of credit institutions and other financial institutions with the exception of insurance undertakings.

CHAPTER VI

FINANCIAL PROVISIONS OF THE ESCB

Article 26

Financial accounts

26.1. The financial year of the ECB and national central banks shall begin on the first day of January and end on the last day of December.

26.2. The annual accounts of the ECB shall be drawn up by the Executive Board, in accordance with the principles established by the Governing Council. The accounts shall be approved by the Governing Council and shall thereafter be published.

26.3. For analytical and operational purposes, the Executive Board shall draw up a consolidated balance sheet of the ESCB, comprising those assets and liabilities of the national central banks that fall within the ESCB.

26.4. For the application of this Article, the Governing Council shall establish the necessary rules for standardising the accounting and reporting of operations undertaken by the national central banks.

Article 27

Auditing

27.1. The accounts of the ECB and national central banks shall be audited by independent external auditors recommended by the Governing Council and approved by the Council. The auditors shall have full power to examine all books and accounts of the ECB and national central banks and obtain full information about their transactions.

27.2. The provisions of Article 287 of the Treaty on the Functioning of the European Union shall only apply to an examination of the operational efficiency of the management of the ECB.

Article 28

Capital of the ECB

28.1. The capital of the ECB shall be euro 5 000 million. The capital may be increased by such amounts as may be decided by the Governing Council acting by the qualified majority provided for in Article 10.3, within the limits and under the conditions set by the Council under the procedure laid down in Article 41.

28.2. The national central banks shall be the sole subscribers to and holders of the capital of the ECB. The subscription of capital shall be according to the key established in accordance with Article 29.

28.3. The Governing Council, acting by the qualified majority provided for in Article 10.3, shall determine the extent to which and the form in which the capital shall be paid up.

28.4. Subject to Article 28.5, the shares of the national central banks in the subscribed capital of the ECB may not be transferred, pledged or attached.

28.5. If the key referred to in Article 29 is adjusted, the national central banks shall transfer among themselves capital shares to the extent necessary to ensure that the distribution of capital shares corresponds to the adjusted key. The Governing Council shall determine the terms and conditions of such transfers.

Article 29

Key for capital subscription

29.1. The key for subscription of the ECB's capital, fixed for the first time in 1998 when the ESCB was established, shall be determined by assigning to each national central bank a weighting in this key equal to the sum of:

- 50 % of the share of its respective Member State in the population of the Union in the penultimate year preceding the establishment of the ESCB;
- 50 % of the share of its respective Member State in the gross domestic product at market prices of the Union as recorded in the last five years preceding the penultimate year before the establishment of the ESCB.

The percentages shall be rounded up or down to the nearest multiple of 0,0001 percentage points.

29.2. The statistical data to be used for the application of this Article shall be provided by the Commission in accordance with the rules adopted by the Council under the procedure provided for in Article 41.

29.3. The weightings assigned to the national central banks shall be adjusted every five years after the establishment of the ESCB by analogy with the provisions laid down in Article 29.1. The adjusted key shall apply with effect from the first day of the following year.

29.4. The Governing Council shall take all other measures necessary for the application of this Article.

Article 30

Transfer of foreign reserve assets to the ECB

30.1. Without prejudice to Article 28, the ECB shall be provided by the national central banks with foreign reserve assets, other than Member States' currencies, euro, IMF reserve positions and SDRs, up to an amount equivalent to euro 50 000 million. The Governing Council shall decide upon the proportion to be called up by the ECB following its establishment and the amounts called up at later dates. The ECB shall have the full right to hold and manage the foreign reserves that are transferred to it and to use them for the purposes set out in this Statute.

30.2. The contributions of each national central bank shall be fixed in proportion to its share in the subscribed capital of the ECB.

30.3. Each national central bank shall be credited by the ECB with a claim equivalent to its contribution. The Governing Council shall determine the denomination and remuneration of such claims.

30.4. Further calls of foreign reserve assets beyond the limit set in Article 30.1 may be effected by the ECB, in accordance with Article 30.2, within the limits and under the conditions set by the Council in accordance with the procedure laid down in Article 41.

30.5. The ECB may hold and manage IMF reserve positions and SDRs and provide for the pooling of such assets.

30.6. The Governing Council shall take all other measures necessary for the application of this Article.

Article 31

Foreign reserve assets held by national central banks

31.1. The national central banks shall be allowed to perform transactions in fulfilment of their obligations towards international organisations in accordance with Article 23.

31.2. All other operations in foreign reserve assets remaining with the national central banks after the transfers referred to in Article 30, and Member States' transactions with their foreign exchange working balances shall, above a certain limit to be established within the framework of Article 31.3, be subject to approval by the ECB in order to ensure consistency with the exchange rate and monetary policies of the Union.

31.3. The Governing Council shall issue guidelines with a view to facilitating such operations.

Article 32

Allocation of monetary income of national central banks

32.1. The income accruing to the national central banks in the performance of the ESCB's monetary policy function (hereinafter referred to as 'monetary income') shall be allocated at the end of each financial year in accordance with the provisions of this Article.

32.2. The amount of each national central bank's monetary income shall be equal to its annual income derived from its assets held against notes in circulation and deposit liabilities to credit institutions. These assets shall be earmarked by national central banks in accordance with guidelines to be established by the Governing Council.

32.3. If, after the introduction of the euro, the balance sheet structures of the national central banks do not, in the judgment of the Governing Council, permit the application of Article 32.2, the Governing Council, acting by a qualified majority, may decide that, by way of derogation from Article 32.2, monetary income shall be measured according to an alternative method for a period of not more than five years.

32.4. The amount of each national central bank's monetary income shall be reduced by an amount equivalent to any interest paid by that central bank on its deposit liabilities to credit institutions in accordance with Article 19.

The Governing Council may decide that national central banks shall be indemnified against costs incurred in connection with the issue of banknotes or in exceptional circumstances for specific losses arising from monetary policy operations undertaken for the ESCB. Indemnification shall be in a form deemed appropriate in the judgment of the Governing Council; these amounts may be offset against the national central banks' monetary income.

32.5. The sum of the national central banks' monetary income shall be allocated to the national central banks in proportion to their paid up shares in the capital of the ECB, subject to any decision taken by the Governing Council pursuant to Article 33.2.

32.6. The clearing and settlement of the balances arising from the allocation of monetary income shall be carried out by the ECB in accordance with guidelines established by the Governing Council.

32.7. The Governing Council shall take all other measures necessary for the application of this Article.

Article 33

Allocation of net profits and losses of the ECB

33.1. The net profit of the ECB shall be transferred in the following order:

- (a) an amount to be determined by the Governing Council, which may not exceed 20 % of the net profit, shall be transferred to the general reserve fund subject to a limit equal to 100 % of the capital;
- (b) the remaining net profit shall be distributed to the shareholders of the ECB in proportion to their paid-up shares.

33.2. In the event of a loss incurred by the ECB, the shortfall may be offset against the general reserve fund of the ECB and, if necessary, following a decision by the Governing Council, against the monetary income of the relevant financial year in proportion and up to the amounts allocated to the national central banks in accordance with Article 32.5.

CHAPTER VII

GENERAL PROVISIONS

Article 34

Legal acts

34.1. In accordance with Article 132 of the Treaty on the Functioning of the European Union, the ECB shall:

- make regulations to the extent necessary to implement the tasks defined in Article 3.1, first indent, Articles 19.1, 22 or 25.2 and in cases which shall be laid down in the acts of the Council referred to in Article 41;
- take decisions necessary for carrying out the tasks entrusted to the ESCB under these Treaties and this Statute;
- make recommendations and deliver opinions.

34.2. The ECB may decide to publish its decisions, recommendations and opinions.

34.3. Within the limits and under the conditions adopted by the Council under the procedure laid down in Article 41, the ECB shall be entitled to impose fines or periodic penalty payments on undertakings for failure to comply with obligations under its regulations and decisions.

Article 35

Judicial control and related matters

35.1. The acts or omissions of the ECB shall be open to review or interpretation by the Court of Justice of the European Union in the cases and under the conditions laid down in the Treaty on the Functioning of the European Union. The ECB may institute proceedings in the cases and under the conditions laid down in the Treaties.

35.2. Disputes between the ECB, on the one hand, and its creditors, debtors or any other person, on the other, shall be decided by the competent national courts, save where jurisdiction has been conferred upon the Court of Justice of the European Union.

35.3. The ECB shall be subject to the liability regime provided for in Article 340 of the Treaty on the Functioning of the European Union. The national central banks shall be liable according to their respective national laws.

35.4. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by or on behalf of the ECB, whether that contract be governed by public or private law.

35.5. A decision of the ECB to bring an action before the Court of Justice of the European Union shall be taken by the Governing Council.

35.6. The Court of Justice of the European Union shall have jurisdiction in disputes concerning the fulfilment by a national central bank of obligations under the Treaties and this Statute. If the ECB considers that a national central bank has failed to fulfil an obligation under the Treaties and this Statute, it shall deliver a reasoned opinion on the matter after giving the national central bank concerned the opportunity to submit its observations. If the national central bank concerned does not comply with the opinion within the period laid down by the ECB, the latter may bring the matter before the Court of Justice of the European Union.

Article 36

Staff

36.1. The Governing Council, on a proposal from the Executive Board, shall lay down the conditions of employment of the staff of the ECB.

36.2. The Court of Justice of the European Union shall have jurisdiction in any dispute between the ECB and its servants within the limits and under the conditions laid down in the conditions of employment.

Article 37 (ex Article 38)**Professional secrecy**

37.1. Members of the governing bodies and the staff of the ECB and the national central banks shall be required, even after their duties have ceased, not to disclose information of the kind covered by the obligation of professional secrecy.

37.2. Persons having access to data covered by Union legislation imposing an obligation of secrecy shall be subject to such legislation.

Article 38 (ex Article 39)**Signatories**

The ECB shall be legally committed to third parties by the President or by two members of the Executive Board or by the signatures of two members of the staff of the ECB who have been duly authorised by the President to sign on behalf of the ECB.

Article 39 (ex Article 40)**Privileges and immunities**

The ECB shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of its tasks, under the conditions laid down in the Protocol on the privileges and immunities of the European Union.

CHAPTER VIII

AMENDMENT OF THE STATUTE AND COMPLEMENTARY LEGISLATION

Article 40 (ex Article 41)**Simplified amendment procedure**

40.1. In accordance with Article 129(3) of the Treaty on the Functioning of the European Union, Articles 5.1, 5.2, 5.3, 17, 18, 19.1, 22, 23, 24, 26, 32.2, 32.3, 32.4, 32.6, 33.1(a) and 36 of this Statute may be amended by the European Parliament and the Council, acting in accordance with the ordinary legislative procedure either on a recommendation from the ECB and after consulting the Commission, or on a proposal from the Commission and after consulting the ECB.

40.2. Article 10.2 may be amended by a decision of the European Council, acting unanimously, either on a recommendation from the European Central Bank and after consulting the European Parliament and the Commission, or on a recommendation from the Commission and after consulting the European Parliament and the European Central Bank. These amendments shall not enter into force until they are approved by the Member States in accordance with their respective constitutional requirements.

40.3. A recommendation made by the ECB under this Article shall require a unanimous decision by the Governing Council.

Article 41 (ex Article 42)

Complementary legislation

In accordance with Article 129(4) of the Treaty on the Functioning of the European Union, the Council, either on a proposal from the Commission and after consulting the European Parliament and the ECB or on a recommendation from the ECB and after consulting the European Parliament and the Commission, shall adopt the provisions referred to in Articles 4, 5.4, 19.2, 20, 28.1, 29.2, 30.4 and 34.3 of this Statute.

CHAPTER IX

TRANSITIONAL AND OTHER PROVISIONS FOR THE ESCB

Article 42 (ex Article 43)

General provisions

42.1. A derogation as referred to in Article 139 of the Treaty on the Functioning of the European Union shall entail that the following Articles of this Statute shall not confer any rights or impose any obligations on the Member State concerned: 3, 6, 9.2, 12.1, 14.3, 16, 18, 19, 20, 22, 23, 26.2, 27, 30, 31, 32, 33, 34, and 49.

42.2. The central banks of Member States with a derogation as specified in Article 139(1) of the Treaty on the Functioning of the European Union shall retain their powers in the field of monetary policy according to national law.

42.3. In accordance with Article 139 of the Treaty on the Functioning of the European Union, 'Member States' shall be read as 'Member States whose currency is the euro' in the following Articles of this Statute: 3, 11.2 and 19.

42.4. 'National central banks' shall be read as 'central banks of Member States whose currency is the euro' in the following Articles of this Statute: 9.2, 10.2, 10.3, 12.1, 16, 17, 18, 22, 23, 27, 30, 31, 32, 33.2 and 49.

42.5. 'Shareholders' shall be read as 'central banks of Member States whose currency is the euro' in Articles 10.3 and 33.1.

42.6. 'Subscribed capital of the ECB' shall be read as 'capital of the ECB subscribed by the central banks of Member States whose currency is the euro' in Articles 10.3 and 30.2.

Article 43 (ex Article 44)

Transitional tasks of the ECB

The ECB shall take over the former tasks of the EMI referred to in Article 141(2) of the Treaty on the Functioning of the European Union which, because of the derogations of one or more Member States, still have to be performed after the introduction of the euro.

The ECB shall give advice in the preparations for the abrogation of the derogations specified in Article 140 of the Treaty on the Functioning of the European Union.

Article 44 (ex Article 45)

The General Council of the ECB

44.1. Without prejudice to Article 129(1) of the Treaty on the Functioning of the European Union, the General Council shall be constituted as a third decision-making body of the ECB.

44.2. The General Council shall comprise the President and Vice-President of the ECB and the Governors of the national central banks. The other members of the Executive Board may participate, without having the right to vote, in meetings of the General Council.

44.3. The responsibilities of the General Council are listed in full in Article 46 of this Statute.

Article 45 (ex Article 46)

Rules of Procedure of the General Council

45.1. The President or, in his absence, the Vice-President of the ECB shall chair the General Council of the ECB.

45.2. The President of the Council and a Member of the Commission may participate, without having the right to vote, in meetings of the General Council.

45.3. The President shall prepare the meetings of the General Council.

45.4. By way of derogation from Article 12.3, the General Council shall adopt its Rules of Procedure.

45.5. The Secretariat of the General Council shall be provided by the ECB.

Article 46 (ex Article 47)

Responsibilities of the General Council

46.1. The General Council shall:

— perform the tasks referred to in Article 43;

— contribute to the advisory functions referred to in Articles 4 and 25.1.

46.2. The General Council shall contribute to:

- the collection of statistical information as referred to in Article 5;
- the reporting activities of the ECB as referred to in Article 15;
- the establishment of the necessary rules for the application of Article 26 as referred to in Article 26.4;
- the taking of all other measures necessary for the application of Article 29 as referred to in Article 29.4;
- the laying down of the conditions of employment of the staff of the ECB as referred to in Article 36.

46.3. The General Council shall contribute to the necessary preparations for irrevocably fixing the exchange rates of the currencies of Member States with a derogation against the euro as referred to in Article 140(3) of the Treaty on the Functioning of the European Union.

46.4. The General Council shall be informed by the President of the ECB of decisions of the Governing Council.

Article 47 (ex Article 48)

Transitional provisions for the capital of the ECB

In accordance with Article 29.1, each national central bank shall be assigned a weighting in the key for subscription of the ECB's capital. By way of derogation from Article 28.3, central banks of Member States with a derogation shall not pay up their subscribed capital unless the General Council, acting by a majority representing at least two thirds of the subscribed capital of the ECB and at least half of the shareholders, decides that a minimal percentage has to be paid up as a contribution to the operational costs of the ECB.

Article 48 (ex Article 49)

Deferred payment of capital, reserves and provisions of the ECB

48.1. The central bank of a Member State whose derogation has been abrogated shall pay up its subscribed share of the capital of the ECB to the same extent as the central banks of other Member States whose currency is the euro, and shall transfer to the ECB foreign reserve assets in accordance with Article 30.1. The sum to be transferred shall be determined by multiplying the euro value at current exchange rates of the foreign reserve assets which have already been transferred to the ECB in accordance with Article 30.1, by the ratio between the number of shares subscribed by the national central bank concerned and the number of shares already paid up by the other national central banks.

48.2. In addition to the payment to be made in accordance with Article 48.1, the central bank concerned shall contribute to the reserves of the ECB, to those provisions equivalent to reserves, and to the amount still to be appropriated to the reserves and provisions corresponding to the balance of the profit and loss account as at 31 December of the year prior to the abrogation of the derogation.

The sum to be contributed shall be determined by multiplying the amount of the reserves, as defined above and as stated in the approved balance sheet of the ECB, by the ratio between the number of shares subscribed by the central bank concerned and the number of shares already paid up by the other central banks.

48.3. Upon one or more countries becoming Member States and their respective national central banks becoming part of the ESCB, the subscribed capital of the ECB and the limit on the amount of foreign reserve assets that may be transferred to the ECB shall be automatically increased. The increase shall be determined by multiplying the respective amounts then prevailing by the ratio, within the expanded capital key, between the weighting of the entering national central banks concerned and the weighting of the national central banks already members of the ESCB. Each national central bank's weighting in the capital key shall be calculated by analogy with Article 29.1 and in compliance with Article 29.2. The reference periods to be used for the statistical data shall be identical to those applied for the latest quinquennial adjustment of the weightings under Article 29.3.

Article 49 (ex Article 52)

Exchange of banknotes in the currencies of the Member States

Following the irrevocable fixing of exchange rates in accordance with Article 140 of the Treaty on the Functioning of the European Union, the Governing Council shall take the necessary measures to ensure that banknotes denominated in currencies with irrevocably fixed exchange rates are exchanged by the national central banks at their respective par values.

Article 50 (ex Article 53)

Applicability of the transitional provisions

If and as long as there are Member States with a derogation, Articles 42 to 47 shall be applicable.

PROTOCOL (No 5)
ON THE STATUTE OF THE EUROPEAN INVESTMENT
BANK

THE HIGH CONTRACTING PARTIES,

DESIRING to lay down the Statute of the European Investment Bank provided for in Article 308 of the Treaty on the Functioning of the European Union,

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

Article 1

The European Investment Bank established by Article 308 of the Treaty on the Functioning of the European Union (hereinafter called the ‘Bank’) is hereby constituted; it shall perform its functions and carry on its activities in accordance with the provisions of the Treaties and of this Statute.

Article 2

The task of the Bank shall be that defined in Article 309 of the Treaty on the Functioning of the European Union.

Article 3

In accordance with Article 308 of the Treaty on the Functioning of the European Union, the Bank’s members shall be the Member States.

Article 4

1. The capital of the Bank shall be EUR 232 392 989 000, subscribed by the Member States as follows:

Germany	37 578 019 000
France	37 578 019 000
Italy	37 578 019 000
United Kingdom	37 578 019 000
Spain	22 546 811 500
Belgium	10 416 365 500
Netherlands	10 416 365 500
Sweden	6 910 226 000
Denmark	5 274 105 000
Austria	5 170 732 500
Poland	4 810 160 500
Finland	2 970 783 000

Greece	2 825 416 500
Portugal	1 820 820 000
Czech Republic	1 774 990 500
Hungary	1 679 222 000
Ireland	1 318 525 000
Romania	1 217 626 000
Slovakia	604 206 500
Slovenia	560 951 500
Bulgaria	410 217 500
Lithuania	351 981 000
Luxembourg	263 707 000
Cyprus	258 583 500
Latvia	214 805 000
Estonia	165 882 000
Malta	98 429 500

The Member States shall be liable only up to the amount of their share of the capital subscribed and not paid up.

2. The admission of a new member shall entail an increase in the subscribed capital corresponding to the capital brought in by the new member.
3. The Board of Governors may, acting unanimously, decide to increase the subscribed capital.
4. The share of a member in the subscribed capital may not be transferred, pledged or attached.

Article 5

1. The subscribed capital shall be paid in by Member States to the extent of 5 % on average of the amounts laid down in Article 4(1).
2. In the event of an increase in the subscribed capital, the Board of Governors, acting unanimously, shall fix the percentage to be paid up and the arrangements for payment. Cash payments shall be made exclusively in euro.
3. The Board of Directors may require payment of the balance of the subscribed capital, to such extent as may be required for the Bank to meet its obligations.

Each Member State shall make this payment in proportion to its share of the subscribed capital.

Article 6

(ex Article 8)

The Bank shall be directed and managed by a Board of Governors, a Board of Directors and a Management Committee.

Article 7

(ex Article 9)

1. The Board of Governors shall consist of the ministers designated by the Member States.
2. The Board of Governors shall lay down general directives for the credit policy of the Bank, in accordance with the Union's objectives. The Board of Governors shall ensure that these directives are implemented.
3. The Board of Governors shall in addition:
 - (a) decide whether to increase the subscribed capital in accordance with Article 4(3) and Article 5(2);
 - (b) for the purposes of Article 9(1), determine the principles applicable to financing operations undertaken within the framework of the Bank's task;
 - (c) exercise the powers provided in Articles 9 and 11 in respect of the appointment and the compulsory retirement of the members of the Board of Directors and of the Management Committee, and those powers provided in the second subparagraph of Article 11(1);
 - (d) take decisions in respect of the granting of finance for investment operations to be carried out, in whole or in part, outside the territories of the Member States in accordance with Article 16(1);
 - (e) approve the annual report of the Board of Directors;
 - (f) approve the annual balance sheet and profit and loss account;
 - (g) exercise the other powers and functions conferred by this Statute;
 - (h) approve the rules of procedure of the Bank.
4. Within the framework of the Treaty and this Statute, the Board of Governors shall be competent to take, acting unanimously, any decisions concerning the suspension of the operations of the Bank and, should the event arise, its liquidation.

Article 8

(ex Article 10)

Save as otherwise provided in this Statute, decisions of the Board of Governors shall be taken by a majority of its members. This majority must represent at least 50 % of the subscribed capital.

A qualified majority shall require eighteen votes in favour and 68 % of the subscribed capital.

Abstentions by members present in person or represented shall not prevent the adoption of decisions requiring unanimity.

Article 9

(ex Article 11)

1. The Board of Directors shall take decisions in respect of granting finance, in particular in the form of loans and guarantees, and raising loans; it shall fix the interest rates on loans granted and the commission and other charges. It may, on the basis of a decision taken by a qualified majority, delegate some of its functions to the Management Committee. It shall determine the terms and conditions for such delegation and shall supervise its execution.

The Board of Directors shall see that the Bank is properly run; it shall ensure that the Bank is managed in accordance with the provisions of the Treaties and of this Statute and with the general directives laid down by the Board of Governors.

At the end of the financial year the Board of Directors shall submit a report to the Board of Governors and shall publish it when approved.

2. The Board of Directors shall consist of twenty-eight directors and eighteen alternate directors.

The directors shall be appointed by the Board of Governors for five years, one nominated by each Member State, and one nominated by the Commission.

The alternate directors shall be appointed by the Board of Governors for five years as shown below:

- two alternates nominated by the Federal Republic of Germany,
- two alternates nominated by the French Republic,
- two alternates nominated by the Italian Republic,
- two alternates nominated by the United Kingdom of Great Britain and Northern Ireland,
- one alternate nominated by common accord of the Kingdom of Spain and the Portuguese Republic,

- one alternate nominated by common accord of the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands,
- two alternates nominated by common accord of the Kingdom of Denmark, the Hellenic Republic, Ireland and Romania,
- two alternates nominated by common accord of the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Austria, the Republic of Finland and the Kingdom of Sweden,
- three alternates nominated by common accord of the Republic of Bulgaria, the Czech Republic, the Republic of Cyprus, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic,
- one alternate nominated by the Commission.

The Board of Directors shall co-opt six non-voting experts: three as members and three as alternates.

The appointments of the directors and the alternates shall be renewable.

The Rules of Procedure shall lay down arrangements for participating in the meetings of the Board of Directors and the provisions applicable to alternates and co-opted experts.

The President of the Management Committee or, in his absence, one of the Vice-Presidents, shall preside over meetings of the Board of Directors but shall not vote.

Members of the Board of Directors shall be chosen from persons whose independence and competence are beyond doubt; they shall be responsible only to the Bank.

3. A director may be compulsorily retired by the Board of Governors only if he no longer fulfils the conditions required for the performance of his duties; the Board must act by a qualified majority.

If the annual report is not approved, the Board of Directors shall resign.

4. Any vacancy arising as a result of death, voluntary resignation, compulsory retirement or collective resignation shall be filled in accordance with paragraph 2. A member shall be replaced for the remainder of his term of office, save where the entire Board of Directors is being replaced.

5. The Board of Governors shall determine the remuneration of members of the Board of Directors. The Board of Governors shall lay down what activities are incompatible with the duties of a director or an alternate.

Article 10

(ex Article 12)

1. Each director shall have one vote on the Board of Directors. He may delegate his vote in all cases, according to procedures to be laid down in the Rules of Procedure of the Bank.
2. Save as otherwise provided in this Statute, decisions of the Board of Directors shall be taken by at least one third of the members entitled to vote representing at least fifty per cent of the subscribed capital. A qualified majority shall require eighteen votes in favour and sixty-eight per cent of the subscribed capital. The rules of procedure of the Bank shall lay down the quorum required for the decisions of the Board of Directors to be valid.

Article 11

(ex Article 13)

1. The Management Committee shall consist of a President and eight Vice-Presidents appointed for a period of six years by the Board of Governors on a proposal from the Board of Directors.

Their appointments shall be renewable. The Board of Governors, acting unanimously, may vary the number of members on the Management Committee.

2. On a proposal from the Board of Directors adopted by a qualified majority, the Board of Governors may, acting in its turn by a qualified majority, compulsorily retire a member of the Management Committee.

3. The Management Committee shall be responsible for the current business of the Bank, under the authority of the President and the supervision of the Board of Directors.

It shall prepare the decisions of the Board of Directors, in particular decisions on the raising of loans and the granting of finance, in particular in the form of loans and guarantees; it shall ensure that these decisions are implemented.

4. The Management Committee shall act by a majority when delivering opinions on proposals for raising loans or granting of finance, in particular in the form of loans and guarantees.

5. The Board of Governors shall determine the remuneration of members of the Management Committee and shall lay down what activities are incompatible with their duties.

6. The President or, if he is prevented, a Vice-President shall represent the Bank in judicial and other matters.

7. The staff of the Bank shall be under the authority of the President. They shall be engaged and discharged by him. In the selection of staff, account shall be taken not only of personal ability and qualifications but also of an equitable representation of nationals of Member States. The Rules of Procedure shall determine which organ is competent to adopt the provisions applicable to staff.

8. The Management Committee and the staff of the Bank shall be responsible only to the Bank and shall be completely independent in the performance of their duties.

Article 12

(ex Article 14)

1. A Committee consisting of six members, appointed on the grounds of their competence by the Board of Governors, shall verify that the activities of the Bank conform to best banking practice and shall be responsible for the auditing of its accounts.

2. The Committee referred to in paragraph 1 shall annually ascertain that the operations of the Bank have been conducted and its books kept in a proper manner. To this end, it shall verify that the Bank's operations have been carried out in compliance with the formalities and procedures laid down by this Statute and the Rules of Procedure.

3. The Committee referred to in paragraph 1 shall confirm that the financial statements, as well as any other financial information contained in the annual accounts drawn up by the Board of Directors, give a true and fair view of the financial position of the Bank in respect of its assets and liabilities, and of the results of its operations and its cash flows for the financial year under review.

4. The Rules of Procedure shall specify the qualifications required of the members of the Committee and lay down the terms and conditions for the Committee's activity.

Article 13

(ex Article 15)

The Bank shall deal with each Member State through the authority designated by that State. In the conduct of financial operations the Bank shall have recourse to the national central bank of the Member State concerned or to other financial institutions approved by that State.

Article 14

(ex Article 16)

1. The Bank shall cooperate with all international organisations active in fields similar to its own.

2. The Bank shall seek to establish all appropriate contacts in the interests of cooperation with banking and financial institutions in the countries to which its operations extend.

Article 15

(ex Article 17)

At the request of a Member State or of the Commission, or on its own initiative, the Board of Governors shall, in accordance with the same provisions as governed their adoption, interpret or supplement the directives laid down by it under Article 7 of this Statute.

Article 16
(ex Article 18)

1. Within the framework of the task set out in Article 309 of the Treaty on the Functioning of the European Union, the Bank shall grant finance, in particular in the form of loans and guarantees to its members or to private or public undertakings for investments to be carried out in the territories of Member States, to the extent that funds are not available from other sources on reasonable terms.

However, by decision of the Board of Governors, acting by a qualified majority on a proposal from the Board of Directors, the Bank may grant financing for investment to be carried out, in whole or in part, outside the territories of Member States.

2. As far as possible, loans shall be granted only on condition that other sources of finance are also used.

3. When granting a loan to an undertaking or to a body other than a Member State, the Bank shall make the loan conditional either on a guarantee from the Member State in whose territory the investment will be carried out or on other adequate guarantees, or on the financial strength of the debtor.

Furthermore, in accordance with the principles established by the Board of Governors pursuant to Article 7(3)(b), and where the implementation of projects provided for in Article 309 of the Treaty on the Functioning of the European Union so requires, the Board of Directors shall, acting by a qualified majority, lay down the terms and conditions of any financing operation presenting a specific risk profile and thus considered to be a special activity.

4. The Bank may guarantee loans contracted by public or private undertakings or other bodies for the purpose of carrying out projects provided for in Article 309 of the Treaty on the Functioning of the European Union.

5. The aggregate amount outstanding at any time of loans and guarantees granted by the Bank shall not exceed 250 % of its subscribed capital, reserves, non-allocated provisions and profit and loss account surplus. The latter aggregate amount shall be reduced by an amount equal to the amount subscribed (whether or not paid in) for any equity participation of the Bank.

The amount of the Bank's disbursed equity participations shall not exceed at any time an amount corresponding to the total of its paid-in subscribed capital, reserves, non-allocated provisions and profit and loss account surplus.

By way of exception, the special activities of the Bank, as decided by the Board of Governors and the Board of Directors in accordance with paragraph 3, will have a specific allocation of reserve.

This paragraph shall also apply to the consolidated accounts of the Bank.

6. The Bank shall protect itself against exchange risks by including in contracts for loans and guarantees such clauses as it considers appropriate.

Article 17

(ex Article 19)

1. Interest rates on loans to be granted by the Bank and commission and other charges shall be adjusted to conditions prevailing on the capital market and shall be calculated in such a way that the income therefrom shall enable the Bank to meet its obligations, to cover its expenses and risks and to build up a reserve fund as provided for in Article 22.

2. The Bank shall not grant any reduction in interest rates. Where a reduction in the interest rate appears desirable in view of the nature of the investment to be financed, the Member State concerned or some other agency may grant aid towards the payment of interest to the extent that this is compatible with Article 107 of the Treaty on the Functioning of the European Union.

Article 18

(ex Article 20)

In its financing operations, the Bank shall observe the following principles:

1. It shall ensure that its funds are employed as rationally as possible in the interests of the Union.

It may grant loans or guarantees only:

(a) where, in the case of investments by undertakings in the production sector, interest and amortisation payments are covered out of operating profits or, in the case of other investments, either by a commitment entered into by the State in which the investment is made or by some other means; and

(b) where the execution of the investment contributes to an increase in economic productivity in general and promotes the attainment of the internal market.

2. It shall neither acquire any interest in an undertaking nor assume any responsibility in its management unless this is required to safeguard the rights of the Bank in ensuring recovery of funds lent.

However, in accordance with the principles determined by the Board of Governors pursuant to Article 7(3)(b), and where the implementation of operations provided for in Article 309 of the Treaty on the Functioning of the European Union so requires, the Board of Directors shall, acting by a qualified majority, lay down the terms and conditions for taking an equity participation in a commercial undertaking, normally as a complement to a loan or a guarantee, in so far as this is required to finance an investment or programme.

3. It may dispose of its claims on the capital market and may, to this end, require its debtors to issue bonds or other securities.

4. Neither the Bank nor the Member States shall impose conditions requiring funds lent by the Bank to be spent within a specified Member State.
5. The Bank may make its loans conditional on international invitations to tender being arranged.
6. The Bank shall not finance, in whole or in part, any investment opposed by the Member State in whose territory it is to be carried out.
7. As a complement to its lending activity, the Bank may provide technical assistance services in accordance with the terms and conditions laid down by the Board of Governors, acting by a qualified majority, and in compliance with this Statute.

Article 19
(ex Article 21)

1. Any undertaking or public or private entity may apply directly to the Bank for financing. Applications to the Bank may also be made either through the Commission or through the Member State on whose territory the investment will be carried out.
2. Applications made through the Commission shall be submitted for an opinion to the Member State in whose territory the investment will be carried out. Applications made through a Member State shall be submitted to the Commission for an opinion. Applications made direct by an undertaking shall be submitted to the Member State concerned and to the Commission.

The Member State concerned and the Commission shall deliver their opinions within two months. If no reply is received within this period, the Bank may assume that there is no objection to the investment in question.

3. The Board of Directors shall rule on financing operations submitted to it by the Management Committee.
4. The Management Committee shall examine whether financing operations submitted to it comply with the provisions of this Statute, in particular with Articles 16 and 18. Where the Management Committee is in favour of the financing operation, it shall submit the corresponding proposal to the Board of Directors; the Committee may make its favourable opinion subject to such conditions, as it considers essential. Where the Management Committee is against granting the finance, it shall submit the relevant documents together with its opinion to the Board of Directors.
5. Where the Management Committee delivers an unfavourable opinion, the Board of Directors may not grant the finance concerned unless its decision is unanimous.
6. Where the Commission delivers an unfavourable opinion, the Board of Directors may not grant the finance concerned unless its decision is unanimous, the director nominated by the Commission abstaining.

7. Where both the Management Committee and the Commission deliver an unfavourable opinion, the Board of Directors may not grant the finance.

8. In the event that a financing operation relating to an approved investment has to be restructured in order to safeguard the Bank's rights and interests, the Management Committee shall take without delay the emergency measures which it deems necessary, subject to immediate reporting thereon to the Board of Directors.

Article 20

(ex Article 22)

1. The Bank shall borrow on the capital markets the funds necessary for the performance of its tasks.

2. The Bank may borrow on the capital markets of the Member States in accordance with the legal provisions applying to those markets.

The competent authorities of a Member State with a derogation within the meaning of Article 139(1) of the Treaty on the Functioning of the European Union may oppose this only if there is reason to fear serious disturbances on the capital market of that State.

Article 21

(ex Article 23)

1. The Bank may employ any available funds which it does not immediately require to meet its obligations in the following ways:

(a) it may invest on the money markets;

(b) it may, subject to the provisions of Article 18(2), buy and sell securities;

(c) it may carry out any other financial operation linked with its objectives.

2. Without prejudice to the provisions of Article 23, the Bank shall not, in managing its investments, engage in any currency arbitrage not directly required to carry out its lending operations or fulfil commitments arising out of loans raised or guarantees granted by it.

3. The Bank shall, in the fields covered by this Article, act in agreement with the competent authorities or with the national central bank of the Member State concerned.

Article 22
(ex Article 24)

1. A reserve fund of up to 10 % of the subscribed capital shall be built up progressively. If the state of the liabilities of the Bank should so justify, the Board of Directors may decide to set aside additional reserves. Until such time as the reserve fund has been fully built up, it shall be fed by:

- (a) interest received on loans granted by the Bank out of sums to be paid up by the Member States pursuant to Article 5;

- (b) interest received on loans granted by the Bank out of funds derived from repayment of the loans referred to in (a);

to the extent that this income is not required to meet the obligations of the Bank or to cover its expenses.

2. The resources of the reserve fund shall be so invested as to be available at any time to meet the purpose of the fund.

Article 23
(ex Article 25)

1. The Bank shall at all times be entitled to transfer its assets in the currency of a Member State whose currency is not the euro in order to carry out financial operations corresponding to the task set out in Article 309 of the Treaty on the Functioning of the European Union, taking into account the provisions of Article 21 of this Statute. The Bank shall, as far as possible, avoid making such transfers if it has cash or liquid assets in the currency required.

2. The Bank may not convert its assets in the currency of a Member State whose currency is not the euro into the currency of a third country without the agreement of the Member State concerned.

3. The Bank may freely dispose of that part of its capital which is paid up and of any currency borrowed on markets outside the Union.

4. The Member States undertake to make available to the debtors of the Bank the currency needed to repay the capital and pay the interest on loans or commission on guarantees granted by the Bank for investments to be carried out in their territory.

Article 24

(ex Article 26)

If a Member State fails to meet the obligations of membership arising from this Statute, in particular the obligation to pay its share of the subscribed capital or to service its borrowings, the granting of loans or guarantees to that Member State or its nationals may be suspended by a decision of the Board of Governors, acting by a qualified majority.

Such decision shall not release either the State or its nationals from their obligations towards the Bank.

Article 25

(ex Article 27)

1. If the Board of Governors decides to suspend the operations of the Bank, all its activities shall cease forthwith, except those required to ensure the due realisation, protection and preservation of its assets and the settlement of its liabilities.

2. In the event of liquidation, the Board of Governors shall appoint the liquidators and give them instructions for carrying out the liquidation. It shall ensure that the rights of the members of staff are safeguarded.

Article 26

(ex Article 28)

1. In each of the Member States, the Bank shall enjoy the most extensive legal capacity accorded to legal persons under their laws; it may, in particular, acquire or dispose of movable or immovable property and may be a party to legal proceedings.

2. The property of the Bank shall be exempt from all forms of requisition or expropriation.

Article 27

(ex Article 29)

Disputes between the Bank on the one hand, and its creditors, debtors or any other person on the other, shall be decided by the competent national courts, save where jurisdiction has been conferred on the Court of Justice of the European Union. The Bank may provide for arbitration in any contract.

The Bank shall have an address for service in each Member State. It may, however, in any contract, specify a particular address for service.

The property and assets of the Bank shall not be liable to attachment or to seizure by way of execution except by decision of a court.

Article 28
(ex Article 30)

1. The Board of Governors may, acting unanimously, decide to establish subsidiaries or other entities, which shall have legal personality and financial autonomy.
 2. The Board of Governors shall establish the Statutes of the bodies referred to in paragraph 1. The Statutes shall define, in particular, their objectives, structure, capital, membership, the location of their seat, their financial resources, means of intervention and auditing arrangements, as well as their relationship with the organs of the Bank.
 3. The Bank shall be entitled to participate in the management of these bodies and contribute to their subscribed capital up to the amount determined by the Board of Governors, acting unanimously.
 4. The Protocol on the privileges and immunities of the European Union shall apply to the bodies referred to in paragraph 1 in so far as they are incorporated under the law of the Union, to the members of their organs in the performance of their duties as such and to their staff, under the same terms and conditions as those applicable to the Bank.
- Those dividends, capital gains or other forms of revenue stemming from such bodies to which the members, other than the European Union and the Bank, are entitled, shall however remain subject to the fiscal provisions of the applicable legislation.
5. The Court of Justice of the European Union shall, within the limits hereinafter laid down, have jurisdiction in disputes concerning measures adopted by organs of a body incorporated under Union law. Proceedings against such measures may be instituted by any member of such a body in its capacity as such or by Member States under the conditions laid down in Article 263 of the Treaty on the Functioning of the European Union.
 6. The Board of Governors may, acting unanimously, decide to admit the staff of bodies incorporated under Union law to joint schemes with the Bank, in compliance with the respective internal procedures.
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PROTOCOL (No 6)
ON THE LOCATION OF THE SEATS OF THE
INSTITUTIONS AND OF CERTAIN BODIES, OFFICES,
AGENCIES AND DEPARTMENTS OF THE EUROPEAN
UNION

THE REPRESENTATIVES OF THE GOVERNMENTS OF THE MEMBER STATES,

HAVING REGARD to Article 341 of the Treaty on the Functioning of the European Union and Article 189 of the Treaty establishing the European Atomic Energy Community,

RECALLING AND CONFIRMING the Decision of 8 April 1965, and without prejudice to the decisions concerning the seat of future institutions, bodies, offices, agencies and departments,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and to the Treaty establishing the European Atomic Energy Community:

Sole Article

- (a) The European Parliament shall have its seat in Strasbourg where the 12 periods of monthly plenary sessions, including the budget session, shall be held. The periods of additional plenary sessions shall be held in Brussels. The committees of the European Parliament shall meet in Brussels. The General Secretariat of the European Parliament and its departments shall remain in Luxembourg.
 - (b) The Council shall have its seat in Brussels. During the months of April, June and October, the Council shall hold its meetings in Luxembourg.
 - (c) The Commission shall have its seat in Brussels. The departments listed in Articles 7, 8 and 9 of the Decision of 8 April 1965 shall be established in Luxembourg.
 - (d) The Court of Justice of the European Union shall have its seat in Luxembourg.
 - (e) The Court of Auditors shall have its seat in Luxembourg.
 - (f) The Economic and Social Committee shall have its seat in Brussels.
 - (g) The Committee of the Regions shall have its seat in Brussels.
 - (h) The European Investment Bank shall have its seat in Luxembourg.
 - (i) The European Central Bank shall have its seat in Frankfurt.
 - (j) The European Police Office (Europol) shall have its seat in The Hague.
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PROTOCOL (No 7)
ON THE PRIVILEGES AND IMMUNITIES OF THE EUROPEAN UNION

THE HIGH CONTRACTING PARTIES,

CONSIDERING that, in accordance with Article 343 of the Treaty on the Functioning of the European Union and Article 191 of the Treaty establishing the European Atomic Energy Community ('EAEC'), the European Union and the EAEC shall enjoy in the territories of the Member States such privileges and immunities as are necessary for the performance of their tasks,

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community:

CHAPTER I

PROPERTY, FUNDS, ASSETS AND OPERATIONS OF THE EUROPEAN UNION

Article 1

The premises and buildings of the Union shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation. The property and assets of the Union shall not be the subject of any administrative or legal measure of constraint without the authorisation of the Court of Justice.

Article 2

The archives of the Union shall be inviolable.

Article 3

The Union, its assets, revenues and other property shall be exempt from all direct taxes.

The governments of the Member States shall, wherever possible, take the appropriate measures to remit or refund the amount of indirect taxes or sales taxes included in the price of movable or immovable property, where the Union makes, for its official use, substantial purchases the price of which includes taxes of this kind. These provisions shall not be applied, however, so as to have the effect of distorting competition within the Union.

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

Article 4

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

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

CHAPTER II

COMMUNICATIONS AND LAISSEZ-PASSER

Article 5

(ex Article 6)

For their official communications and the transmission of all their documents, the institutions of the Union shall enjoy in the territory of each Member State the treatment accorded by that State to diplomatic missions.

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

Article 6

(ex Article 7)

Laissez-passer in a form to be prescribed by the Council, acting by a simple majority, which shall be recognised as valid travel documents by the authorities of the Member States, may be issued to members and servants of the institutions of the Union by the Presidents of these institutions. These *laissez-passer* shall be issued to officials and other servants under conditions laid down in the Staff Regulations of Officials and the Conditions of Employment of other servants of the Union.

The Commission may conclude agreements for these *laissez-passer* to be recognised as valid travel documents within the territory of third countries.

CHAPTER III

MEMBERS OF THE EUROPEAN PARLIAMENT

Article 7

(ex Article 8)

No administrative or other restriction shall be imposed on the free movement of Members of the European Parliament travelling to or from the place of meeting of the European Parliament.

Members of the European Parliament shall, in respect of customs and exchange control, be accorded:

- (a) by their own government, the same facilities as those accorded to senior officials travelling abroad on temporary official missions;
- (b) by the government of other Member States, the same facilities as those accorded to representatives of foreign governments on temporary official missions.

Article 8

(ex Article 9)

Members of the European Parliament shall not be subject to any form of inquiry, detention or legal proceedings in respect of opinions expressed or votes cast by them in the performance of their duties.

Article 9

(ex Article 10)

During the sessions of the European Parliament, its Members shall enjoy:

- (a) in the territory of their own State, the immunities accorded to members of their parliament;
- (b) in the territory of any other Member State, immunity from any measure of detention and from legal proceedings.

Immunity shall likewise apply to Members while they are travelling to and from the place of meeting of the European Parliament.

Immunity cannot be claimed when a Member is found in the act of committing an offence and shall not prevent the European Parliament from exercising its right to waive the immunity of one of its Members.

CHAPTER IV

REPRESENTATIVES OF MEMBER STATES TAKING PART IN THE WORK OF THE INSTITUTIONS
OF THE EUROPEAN UNION

Article 10

(ex Article 11)

Representatives of Member States taking part in the work of the institutions of the Union, their advisers and technical experts shall, in the performance of their duties and during their travel to and from the place of meeting, enjoy the customary privileges, immunities and facilities.

This Article shall also apply to members of the advisory bodies of the Union.

CHAPTER V
OFFICIALS AND OTHER SERVANTS OF THE EUROPEAN UNION

Article 11
(ex Article 12)

In the territory of each Member State and whatever their nationality, officials and other servants of the Union shall:

- (a) subject to the provisions of the Treaties relating, on the one hand, to the rules on the liability of officials and other servants towards the Union and, on the other hand, to the jurisdiction of the Court of Justice of the European Union in disputes between the Union and its officials and other servants, be immune from legal proceedings in respect of acts performed by them in their official capacity, including their words spoken or written. They shall continue to enjoy this immunity after they have ceased to hold office;
- (b) together with their spouses and dependent members of their families, not be subject to immigration restrictions or to formalities for the registration of aliens;
- (c) in respect of currency or exchange regulations, be accorded the same facilities as are customarily accorded to officials of international organisations;
- (d) enjoy the right to import free of duty their furniture and effects at the time of first taking up their post in the country concerned, and the right to re-export free of duty their furniture and effects, on termination of their duties in that country, subject in either case to the conditions considered to be necessary by the government of the country in which this right is exercised;
- (e) have the right to import free of duty a motor car for their personal use, acquired either in the country of their last residence or in the country of which they are nationals on the terms ruling in the home market in that country, and to re-export it free of duty, subject in either case to the conditions considered to be necessary by the government of the country concerned.

Article 12
(ex Article 13)

Officials and other servants of the Union shall be liable to a tax for the benefit of the Union on salaries, wages and emoluments paid to them by the Union, in accordance with the conditions and procedure laid down by the European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure and after consultation of the institutions concerned.

They shall be exempt from national taxes on salaries, wages and emoluments paid by the Union.

Article 13
(ex Article 14)

In the application of income tax, wealth tax and death duties and in the application of conventions on the avoidance of double taxation concluded between Member States of the Union, officials and other servants of the Union who, solely by reason of the performance of their duties in the service of the Union, establish their residence in the territory of a Member State other than their country of domicile for tax purposes at the time of entering the service of the Union, shall be considered, both in the country of their actual residence and in the country of domicile for tax purposes, as having maintained their domicile in the latter country provided that it is a member of the Union. This provision shall also apply to a spouse, to the extent that the latter is not separately engaged in a gainful occupation, and to children dependent on and in the care of the persons referred to in this Article.

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

Any domicile acquired solely by reason of the performance of duties in the service of other international organisations shall not be taken into consideration in applying the provisions of this Article.

Article 14
(ex Article 15)

The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure and after consultation of the institutions concerned, shall lay down the scheme of social security benefits for officials and other servants of the Union.

Article 15
(ex Article 16)

The European Parliament and the Council, acting by means of regulations in accordance with the ordinary legislative procedure, and after consulting the other institutions concerned, shall determine the categories of officials and other servants of the Union to whom the provisions of Article 11, the second paragraph of Article 12, and Article 13 shall apply, in whole or in part.

The names, grades and addresses of officials and other servants included in such categories shall be communicated periodically to the governments of the Member States.

CHAPTER VI

PRIVILEGES AND IMMUNITIES OF MISSIONS OF THIRD COUNTRIES ACCREDITED TO THE EUROPEAN UNION

Article 16

(ex Article 17)

The Member State in whose territory the Union has its seat shall accord the customary diplomatic immunities and privileges to missions of third countries accredited to the Union.

CHAPTER VII

GENERAL PROVISIONS

Article 17

(ex Article 18)

Privileges, immunities and facilities shall be accorded to officials and other servants of the Union solely in the interests of the Union.

Each institution of the Union shall be required to waive the immunity accorded to an official or other servant wherever that institution considers that the waiver of such immunity is not contrary to the interests of the Union.

Article 18

(ex Article 19)

The institutions of the Union shall, for the purpose of applying this Protocol, cooperate with the responsible authorities of the Member States concerned.

Article 19

(ex Article 20)

Articles 11 to 14 and Article 17 shall apply to the President of the European Council.

They shall also apply to Members of the Commission.

Article 20

(ex Article 21)

Articles 11 to 14 and Article 17 shall apply to the Judges, the Advocates-General, the Registrars and the Assistant Rapporteurs of the Court of Justice of the European Union, without prejudice to the provisions of Article 3 of the Protocol on the Statute of the Court of Justice of the European Union relating to immunity from legal proceedings of Judges and Advocates-General.

Article 21
(ex Article 22)

This Protocol shall also apply to the European Investment Bank, to the members of its organs, to its staff and to the representatives of the Member States taking part in its activities, without prejudice to the provisions of the Protocol on the Statute of the Bank.

The European Investment Bank shall in addition be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the Bank has its seat. Similarly, its dissolution or liquidation shall not give rise to any imposition. Finally, the activities of the Bank and of its organs carried on in accordance with its Statute shall not be subject to any turnover tax.

Article 22
(ex Article 23)

This Protocol shall also apply to the European Central Bank, to the members of its organs and to its staff, without prejudice to the provisions of the Protocol on the Statute of the European System of Central Banks and the European Central Bank.

The European Central Bank shall, in addition, be exempt from any form of taxation or imposition of a like nature on the occasion of any increase in its capital and from the various formalities which may be connected therewith in the State where the bank has its seat. The activities of the Bank and of its organs carried on in accordance with the Statute of the European System of Central Banks and of the European Central Bank shall not be subject to any turnover tax.

PROTOCOL (No 8)
RELATING TO ARTICLE 6(2) OF THE TREATY ON EUROPEAN UNION
ON THE ACCESSION OF THE UNION TO THE EUROPEAN
CONVENTION ON THE PROTECTION OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS

THE HIGH CONTRACTING PARTIES,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

Article 1

The agreement relating to the accession of the Union to the European Convention on the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as the 'European Convention') provided for in Article 6(2) of the Treaty on European Union shall make provision for preserving the specific characteristics of the Union and Union law, in particular with regard to:

- (a) the specific arrangements for the Union's possible participation in the control bodies of the European Convention;
- (b) the mechanisms necessary to ensure that proceedings by non-Member States and individual applications are correctly addressed to Member States and/or the Union as appropriate.

Article 2

The agreement referred to in Article 1 shall ensure that accession of the Union shall not affect the competences of the Union or the powers of its institutions. It shall ensure that nothing therein affects the situation of Member States in relation to the European Convention, in particular in relation to the Protocols thereto, measures taken by Member States derogating from the European Convention in accordance with Article 15 thereof and reservations to the European Convention made by Member States in accordance with Article 57 thereof.

Article 3

Nothing in the agreement referred to in Article 1 shall affect Article 344 of the Treaty on the Functioning of the European Union.

PROTOCOL (No 9)
ON THE DECISION OF THE COUNCIL RELATING
TO THE IMPLEMENTATION OF ARTICLE 16(4) OF THE
TREATY ON EUROPEAN UNION AND ARTICLE 238(2)
OF THE TREATY ON THE FUNCTIONING OF THE
EUROPEAN UNION BETWEEN 1 NOVEMBER 2014
AND 31 MARCH 2017 ON THE ONE HAND, AND AS
FROM 1 APRIL 2017 ON THE OTHER

THE HIGH CONTRACTING PARTIES,

TAKING INTO ACCOUNT the fundamental importance that agreeing on the Decision of the Council relating to the implementation of Article 16(4) of the Treaty on European Union and Article 238(2) of the Treaty on the Functioning of the European Union between 1 November 2014 and 31 March 2017 on the one hand, and as from 1 April 2017 on the other (hereinafter 'the Decision'), had when approving the Treaty of Lisbon,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

Sole Article

Before the examination by the Council of any draft which would aim either at amending or abrogating the Decision or any of its provisions, or at modifying indirectly its scope or its meaning through the modification of another legal act of the Union, the European Council shall hold a preliminary deliberation on the said draft, acting by consensus in accordance with Article 15(4) of the Treaty on European Union.

PROTOCOL (No 10)
**ON PERMANENT STRUCTURED COOPERATION
ESTABLISHED BY ARTICLE 42 OF THE TREATY ON
EUROPEAN UNION**

THE HIGH CONTRACTING PARTIES,

HAVING REGARD TO Article 42(6) and Article 46 of the Treaty on European Union,

RECALLING that the Union is pursuing a common foreign and security policy based on the achievement of growing convergence of action by Member States,

RECALLING that the common security and defence policy is an integral part of the common foreign and security policy; that it provides the Union with operational capacity drawing on civil and military assets; that the Union may use such assets in the tasks referred to in Article 43 of the Treaty on European Union outside the Union for peace-keeping, conflict prevention and strengthening international security in accordance with the principles of the United Nations Charter; that the performance of these tasks is to be undertaken using capabilities provided by the Member States in accordance with the principle of a single set of forces,

RECALLING that the common security and defence policy of the Union does not prejudice the specific character of the security and defence policy of certain Member States,

RECALLING that the common security and defence policy of the Union respects the obligations under the North Atlantic Treaty of those Member States which see their common defence realised in the North Atlantic Treaty Organisation, which remains the foundation of the collective defence of its members, and is compatible with the common security and defence policy established within that framework,

CONVINCED that a more assertive Union role in security and defence matters will contribute to the vitality of a renewed Atlantic Alliance, in accordance with the Berlin Plus arrangements,

DETERMINED to ensure that the Union is capable of fully assuming its responsibilities within the international community,

RECOGNISING that the United Nations Organisation may request the Union's assistance for the urgent implementation of missions undertaken under Chapters VI and VII of the United Nations Charter,

RECOGNISING that the strengthening of the security and defence policy will require efforts by Member States in the area of capabilities,

CONSCIOUS that embarking on a new stage in the development of the European security and defence policy involves a determined effort by the Member States concerned,

RECALLING the importance of the High Representative of the Union for Foreign Affairs and Security Policy being fully involved in proceedings relating to permanent structured cooperation,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

Article 1

The permanent structured cooperation referred to in Article 42(6) of the Treaty on European Union shall be open to any Member State which undertakes, from the date of entry into force of the Treaty of Lisbon, to:

- (a) proceed more intensively to develop its defence capacities through the development of its national contributions and participation, where appropriate, in multinational forces, in the main European equipment programmes, and in the activity of the Agency in the field of defence capabilities development, research, acquisition and armaments (European Defence Agency), and
- (b) have the capacity to supply by 2010 at the latest, either at national level or as a component of multinational force groups, targeted combat units for the missions planned, structured at a tactical level as a battle group, with support elements including transport and logistics, capable of carrying out the tasks referred to in Article 43 of the Treaty on European Union, within a period of five to 30 days, in particular in response to requests from the United Nations Organisation, and which can be sustained for an initial period of 30 days and be extended up to at least 120 days.

Article 2

To achieve the objectives laid down in Article 1, Member States participating in permanent structured cooperation shall undertake to:

- (a) cooperate, as from the entry into force of the Treaty of Lisbon, with a view to achieving approved objectives concerning the level of investment expenditure on defence equipment, and regularly review these objectives, in the light of the security environment and of the Union's international responsibilities;
- (b) bring their defence apparatus into line with each other as far as possible, particularly by harmonising the identification of their military needs, by pooling and, where appropriate, specialising their defence means and capabilities, and by encouraging cooperation in the fields of training and logistics;
- (c) take concrete measures to enhance the availability, interoperability, flexibility and deployability of their forces, in particular by identifying common objectives regarding the commitment of forces, including possibly reviewing their national decision-making procedures;
- (d) work together to ensure that they take the necessary measures to make good, including through multinational approaches, and without prejudice to undertakings in this regard within the North Atlantic Treaty Organisation, the shortfalls perceived in the framework of the 'Capability Development Mechanism';

- (e) take part, where appropriate, in the development of major joint or European equipment programmes in the framework of the European Defence Agency.

Article 3

The European Defence Agency shall contribute to the regular assessment of participating Member States' contributions with regard to capabilities, in particular contributions made in accordance with the criteria to be established, *inter alia*, on the basis of Article 2, and shall report thereon at least once a year. The assessment may serve as a basis for Council recommendations and decisions adopted in accordance with Article 46 of the Treaty on European Union.

PROTOCOL (No 11)
ON ARTICLE 42 OF THE TREATY ON EUROPEAN
UNION

THE HIGH CONTRACTING PARTIES,

BEARING IN MIND the need to implement fully the provisions of Article 42(2) of the Treaty on European Union,

BEARING IN MIND that the policy of the Union in accordance with Article 42 shall not prejudice the specific character of the security and defence policy of certain Member States and shall respect the obligations of certain Member States, which see their common defence realised in NATO, under the North Atlantic Treaty and be compatible with the common security and defence policy established within that framework,

HAVE AGREED UPON the following provision, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

The European Union shall draw up, together with the Western European Union, arrangements for enhanced cooperation between them.

PROTOCOL (No 12)
ON THE EXCESSIVE DEFICIT PROCEDURE

THE HIGH CONTRACTING PARTIES,

DESIRING TO lay down the details of the excessive deficit procedure referred to in Article 126 of the Treaty on the Functioning of the European Union,

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

Article 1

The reference values referred to in Article 126(2) of the Treaty on the Functioning of the European Union are:

- 3 % for the ratio of the planned or actual government deficit to gross domestic product at market prices;
- 60 % for the ratio of government debt to gross domestic product at market prices.

Article 2

In Article 126 of the said Treaty and in this Protocol:

- ‘government’ means general government, that is central government, regional or local government and social security funds, to the exclusion of commercial operations, as defined in the European System of Integrated Economic Accounts;
- ‘deficit’ means net borrowing as defined in the European System of Integrated Economic Accounts;
- ‘investment’ means gross fixed capital formation as defined in the European System of Integrated Economic Accounts;
- ‘debt’ means total gross debt at nominal value outstanding at the end of the year and consolidated between and within the sectors of general government as defined in the first indent.

Article 3

In order to ensure the effectiveness of the excessive deficit procedure, the governments of the Member States shall be responsible under this procedure for the deficits of general government as

defined in the first indent of Article 2. The Member States shall ensure that national procedures in the budgetary area enable them to meet their obligations in this area deriving from these Treaties. The Member States shall report their planned and actual deficits and the levels of their debt promptly and regularly to the Commission.

Article 4

The statistical data to be used for the application of this Protocol shall be provided by the Commission.

PROTOCOL (No 13)
ON THE CONVERGENCE CRITERIA

THE HIGH CONTRACTING PARTIES,

DESIRING to lay down the details of the convergence criteria which shall guide the Union in taking decisions to end the derogations of those Member States with a derogation, referred to in Article 140 of the Treaty on the Functioning of the European Union,

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

Article 1

The criterion on price stability referred to in the first indent of Article 140(1) of the Treaty on the Functioning of the European Union shall mean that a Member State has a price performance that is sustainable and an average rate of inflation, observed over a period of one year before the examination, that does not exceed by more than 1 ½ percentage points that of, at most, the three best performing Member States in terms of price stability. Inflation shall be measured by means of the consumer price index on a comparable basis taking into account differences in national definitions.

Article 2

The criterion on the government budgetary position referred to in the second indent of Article 140(1) of the said Treaty shall mean that at the time of the examination the Member State is not the subject of a Council decision under Article 126(6) of the said Treaty that an excessive deficit exists.

Article 3

The criterion on participation in the Exchange Rate mechanism of the European Monetary System referred to in the third indent of Article 140(1) of the said Treaty shall mean that a Member State has respected the normal fluctuation margins provided for by the exchange-rate mechanism on the European Monetary System without severe tensions for at least the last two years before the examination. In particular, the Member State shall not have devalued its currency's bilateral central rate against the euro on its own initiative for the same period.

Article 4

The criterion on the convergence of interest rates referred to in the fourth indent of Article 140(1) of the said Treaty shall mean that, observed over a period of one year before the examination, a Member State has had an average nominal long-term interest rate that does not exceed by more

than two percentage points that of, at most, the three best performing Member States in terms of price stability. Interest rates shall be measured on the basis of long-term government bonds or comparable securities, taking into account differences in national definitions.

Article 5

The statistical data to be used for the application of this Protocol shall be provided by the Commission.

Article 6

The Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament, the ECB and the Economic and Financial Committee, adopt appropriate provisions to lay down the details of the convergence criteria referred to in Article 140(1) of the said Treaty, which shall then replace this Protocol.

PROTOCOL (No 14)
ON THE EURO GROUP

THE HIGH CONTRACTING PARTIES,

DESIRING to promote conditions for stronger economic growth in the European Union and, to that end, to develop ever-closer coordination of economic policies within the euro area,

CONSCIOUS of the need to lay down special provisions for enhanced dialogue between the Member States whose currency is the euro, pending the euro becoming the currency of all Member States of the Union,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

Article 1

The Ministers of the Member States whose currency is the euro shall meet informally. Such meetings shall take place, when necessary, to discuss questions related to the specific responsibilities they share with regard to the single currency. The Commission shall take part in the meetings. The European Central Bank shall be invited to take part in such meetings, which shall be prepared by the representatives of the Ministers with responsibility for finance of the Member States whose currency is the euro and of the Commission.

Article 2

The Ministers of the Member States whose currency is the euro shall elect a president for two and a half years, by a majority of those Member States.

PROTOCOL (No 15)
ON CERTAIN PROVISIONS RELATING TO THE
UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND

THE HIGH CONTRACTING PARTIES,

RECOGNISING that the United Kingdom shall not be obliged or committed to adopt the euro without a separate decision to do so by its government and parliament,

GIVEN that on 16 October 1996 and 30 October 1997 the United Kingdom government notified the Council of its intention not to participate in the third stage of economic and monetary union,

NOTING the practice of the government of the United Kingdom to fund its borrowing requirement by the sale of debt to the private sector,

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

1. Unless the United Kingdom notifies the Council that it intends to adopt the euro, it shall be under no obligation to do so.
2. In view of the notice given to the Council by the United Kingdom government on 16 October 1996 and 30 October 1997, paragraphs 3 to 8 and 10 shall apply to the United Kingdom.
3. The United Kingdom shall retain its powers in the field of monetary policy according to national law.
4. Articles 119, second paragraph, 126(1), (9) and (11), 127(1) to (5), 128, 130, 131, 132, 133, 138, 140(3), 219, 282(2), with the exception of the first and last sentences thereof, 282(5), and 283 of the Treaty on the Functioning of the European Union shall not apply to the United Kingdom. The same applies to Article 121(2) of this Treaty as regards the adoption of the parts of the broad economic policy guidelines which concern the euro area generally. In these provisions references to the Union or the Member States shall not include the United Kingdom and references to national central banks shall not include the Bank of England.
5. The United Kingdom shall endeavour to avoid an excessive government deficit.

Articles 143 and 144 of the Treaty on the Functioning of the European Union shall continue to apply to the United Kingdom. Articles 134(4) and 142 shall apply to the United Kingdom as if it had a derogation.

6. The voting rights of the United Kingdom shall be suspended in respect of acts of the Council referred to in the Articles listed in paragraph 4 and in the instances referred to in the first subparagraph of Article 139(4) of the Treaty on the Functioning of the European Union. For this purpose the second subparagraph of Article 139(4) of the Treaty shall apply.

The United Kingdom shall also have no right to participate in the appointment of the President, the Vice-President and the other members of the Executive Board of the ECB under the second subparagraph of Article 283(2) of the said Treaty.

7. Articles 3, 4, 6, 7, 9.2, 10.1, 10.3, 11.2, 12.1, 14, 16, 18 to 20, 22, 23, 26, 27, 30 to 34 and 49 of the Protocol on the Statute of the European System of Central Banks and of the European Central Bank ('the Statute') shall not apply to the United Kingdom.

In those Articles, references to the Union or the Member States shall not include the United Kingdom and references to national central banks or shareholders shall not include the Bank of England.

References in Articles 10.3 and 30.2 of the Statute to 'subscribed capital of the ECB' shall not include capital subscribed by the Bank of England.

8. Article 141(1) of the Treaty on the Functioning of the European Union and Articles 43 to 47 of the Statute shall have effect, whether or not there is any Member State with a derogation, subject to the following amendments:

- (a) References in Article 43 to the tasks of the ECB and the EMI shall include those tasks that still need to be performed in the third stage owing to any decision of the United Kingdom not to adopt the euro.
- (b) In addition to the tasks referred to in Article 46, the ECB shall also give advice in relation to and contribute to the preparation of any decision of the Council with regard to the United Kingdom taken in accordance with paragraphs 9(a) and 9(c).
- (c) The Bank of England shall pay up its subscription to the capital of the ECB as a contribution to its operational costs on the same basis as national central banks of Member States with a derogation.

9. The United Kingdom may notify the Council at any time of its intention to adopt the euro. In that event:

- (a) The United Kingdom shall have the right to adopt the euro provided only that it satisfies the necessary conditions. The Council, acting at the request of the United Kingdom and under the conditions and in accordance with the procedure laid down in Article 140(1) and (2) of the Treaty on the Functioning of the European Union, shall decide whether it fulfils the necessary conditions.
- (b) The Bank of England shall pay up its subscribed capital, transfer to the ECB foreign reserve assets and contribute to its reserves on the same basis as the national central bank of a Member State whose derogation has been abrogated.

(c) The Council, acting under the conditions and in accordance with the procedure laid down in Article 140(3) of the said Treaty, shall take all other necessary decisions to enable the United Kingdom to adopt the euro.

If the United Kingdom adopts the euro pursuant to the provisions of this Protocol, paragraphs 3 to 8 shall cease to have effect.

10. Notwithstanding Article 123 of the Treaty on the Functioning of the European Union and Article 21.1 of the Statute, the Government of the United Kingdom may maintain its 'ways and means' facility with the Bank of England if and so long as the United Kingdom does not adopt the euro.

PROTOCOL (No 16)
ON CERTAIN PROVISIONS RELATING TO DENMARK

THE HIGH CONTRACTING PARTIES,

TAKING INTO ACCOUNT that the Danish Constitution contains provisions which may imply a referendum in Denmark prior to Denmark renouncing its exemption,

GIVEN THAT, on 3 November 1993, the Danish Government notified the Council of its intention not to participate in the third stage of economic and monetary union,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

1. In view of the notice given to the Council by the Danish Government on 3 November 1993, Denmark shall have an exemption. The effect of the exemption shall be that all Articles and provisions of the Treaties and the Statute of the ESCB referring to a derogation shall be applicable to Denmark.
 2. As for the abrogation of the exemption, the procedure referred to in Article 140 shall only be initiated at the request of Denmark.
 3. In the event of abrogation of the exemption status, the provisions of this Protocol shall cease to apply.
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PROTOCOL (No 17)
ON DENMARK

THE HIGH CONTRACTING PARTIES,

DESIRING to settle certain particular problems relating to Denmark,

HAVE AGREED upon the following provisions, which shall be annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union:

The provisions of Article 14 of the Protocol on the Statute of the European System of Central Banks and of the European Central Bank shall not affect the right of the National Bank of Denmark to carry out its existing tasks concerning those parts of the Kingdom of Denmark which are not part of the Union.

PROTOCOL (No 18)
ON FRANCE

THE HIGH CONTRACTING PARTIES,

DESIRING to take into account a particular point relating to France,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

France will keep the privilege of monetary emission in New Caledonia, French Polynesia and Wallis and Futuna under the terms established by its national laws, and will be solely entitled to determine the parity of the CFP franc.

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PROTOCOL (No 19)
**ON THE SCHENGEN ACQUIS INTEGRATED INTO THE
FRAMEWORK OF THE EUROPEAN UNION**

THE HIGH CONTRACTING PARTIES,

NOTING that the Agreements on the gradual abolition of checks at common borders signed by some Member States of the European Union in Schengen on 14 June 1985 and on 19 June 1990, as well as related agreements and the rules adopted on the basis of these agreements, have been integrated into the framework of the European Union by the Treaty of Amsterdam of 2 October 1997,

DESIRING to preserve the Schengen *acquis*, as developed since the entry into force of the Treaty of Amsterdam, and to develop this *acquis* in order to contribute towards achieving the objective of offering citizens of the Union an area of freedom, security and justice without internal borders,

TAKING INTO ACCOUNT the special position of Denmark,

TAKING INTO ACCOUNT the fact that Ireland and the United Kingdom of Great Britain and Northern Ireland do not participate in all the provisions of the Schengen *acquis*; that provision should, however, be made to allow those Member States to accept other provisions of this *acquis* in full or in part,

RECOGNISING that, as a consequence, it is necessary to make use of the provisions of the Treaties concerning closer cooperation between some Member States,

TAKING INTO ACCOUNT the need to maintain a special relationship with the Republic of Iceland and the Kingdom of Norway, both States being bound by the provisions of the Nordic passport union, together with the Nordic States which are members of the European Union,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

Article 1

The Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland and the Kingdom of Sweden shall be authorised to establish closer cooperation among themselves in areas covered by provisions defined by the Council which constitute the Schengen *acquis*. This cooperation shall be conducted within the institutional and legal framework of the European Union and with respect for the relevant provisions of the Treaties.

Article 2

The Schengen *acquis* shall apply to the Member States referred to in Article 1, without prejudice to Article 3 of the Act of Accession of 16 April 2003 or to Article 4 of the Act of Accession of 25 April 2005. The Council will substitute itself for the Executive Committee established by the Schengen agreements.

Article 3

The participation of Denmark in the adoption of measures constituting a development of the Schengen *acquis*, as well as the implementation of these measures and their application to Denmark, shall be governed by the relevant provisions of the Protocol on the position of Denmark.

Article 4

Ireland and the United Kingdom of Great Britain and Northern Ireland may at any time request to take part in some or all of the provisions of the Schengen *acquis*.

The Council shall decide on the request with the unanimity of its members referred to in Article 1 and of the representative of the Government of the State concerned.

Article 5

1. Proposals and initiatives to build upon the Schengen *acquis* shall be subject to the relevant provisions of the Treaties.

In this context, where either Ireland or the United Kingdom has not notified the Council in writing within a reasonable period that it wishes to take part, the authorisation referred to in Article 329 of the Treaty on the Functioning of the European Union shall be deemed to have been granted to the Member States referred to in Article 1 and to Ireland or the United Kingdom where either of them wishes to take part in the areas of cooperation in question.

2. Where either Ireland or the United Kingdom is deemed to have given notification pursuant to a decision under Article 4, it may nevertheless notify the Council in writing, within three months, that it does not wish to take part in such a proposal or initiative. In that case, Ireland or the United Kingdom shall not take part in its adoption. As from the latter notification, the procedure for adopting the measure building upon the Schengen *acquis* shall be suspended until the end of the procedure set out in paragraphs 3 or 4 or until the notification is withdrawn at any moment during that procedure.

3. For the Member State having made the notification referred to in paragraph 2, any decision taken by the Council pursuant to Article 4 shall, as from the date of entry into force of the proposed measure, cease to apply to the extent considered necessary by the Council and under the conditions to be determined in a decision of the Council acting by a qualified majority on a proposal from the Commission. That decision shall be taken in accordance with the following criteria: the Council shall

seek to retain the widest possible measure of participation of the Member State concerned without seriously affecting the practical operability of the various parts of the Schengen *acquis*, while respecting their coherence. The Commission shall submit its proposal as soon as possible after the notification referred to in paragraph 2. The Council shall, if needed after convening two successive meetings, act within four months of the Commission proposal.

4. If, by the end of the period of four months, the Council has not adopted a decision, a Member State may, without delay, request that the matter be referred to the European Council. In that case, the European Council shall, at its next meeting, acting by a qualified majority on a proposal from the Commission, take a decision in accordance with the criteria referred to in paragraph 3.

5. If, by the end of the procedure set out in paragraphs 3 or 4, the Council or, as the case may be, the European Council has not adopted its decision, the suspension of the procedure for adopting the measure building upon the Schengen *acquis* shall be terminated. If the said measure is subsequently adopted any decision taken by the Council pursuant to Article 4 shall, as from the date of entry into force of that measure, cease to apply for the Member State concerned to the extent and under the conditions decided by the Commission, unless the said Member State has withdrawn its notification referred to in paragraph 2 before the adoption of the measure. The Commission shall act by the date of this adoption. When taking its decision, the Commission shall respect the criteria referred to in paragraph 3.

Article 6

The Republic of Iceland and the Kingdom of Norway shall be associated with the implementation of the Schengen *acquis* and its further development. Appropriate procedures shall be agreed to that effect in an Agreement to be concluded with those States by the Council, acting by the unanimity of its Members mentioned in Article 1. Such Agreement shall include provisions on the contribution of Iceland and Norway to any financial consequences resulting from the implementation of this Protocol.

A separate Agreement shall be concluded with Iceland and Norway by the Council, acting unanimously, for the establishment of rights and obligations between Ireland and the United Kingdom of Great Britain and Northern Ireland on the one hand, and Iceland and Norway on the other, in domains of the Schengen *acquis* which apply to these States.

Article 7

For the purposes of the negotiations for the admission of new Member States into the European Union, the Schengen *acquis* and further measures taken by the institutions within its scope shall be regarded as an *acquis* which must be accepted in full by all States candidates for admission.

PROTOCOL (No 20)
**ON THE APPLICATION OF CERTAIN ASPECTS OF ARTICLE 26
OF THE TREATY ON THE FUNCTIONING
OF THE EUROPEAN UNION TO THE UNITED
KINGDOM AND TO IRELAND**

THE HIGH CONTRACTING PARTIES,

DESIRING to settle certain questions relating to the United Kingdom and Ireland,

HAVING REGARD to the existence for many years of special travel arrangements between the United Kingdom and Ireland,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union:

Article 1

The United Kingdom shall be entitled, notwithstanding Articles 26 and 77 of the Treaty on the Functioning of the European Union, any other provision of that Treaty or of the Treaty on European Union, any measure adopted under those Treaties, or any international agreement concluded by the Union or by the Union and its Member States with one or more third States, to exercise at its frontiers with other Member States such controls on persons seeking to enter the United Kingdom as it may consider necessary for the purpose:

- (a) of verifying the right to enter the United Kingdom of citizens of Member States and of their dependants exercising rights conferred by Union law, as well as citizens of other States on whom such rights have been conferred by an agreement by which the United Kingdom is bound; and
- (b) of determining whether or not to grant other persons permission to enter the United Kingdom.

Nothing in Articles 26 and 77 of the Treaty on the Functioning of the European Union or in any other provision of that Treaty or of the Treaty on European Union or in any measure adopted under them shall prejudice the right of the United Kingdom to adopt or exercise any such controls. References to the United Kingdom in this Article shall include territories for whose external relations the United Kingdom is responsible.

Article 2

The United Kingdom and Ireland may continue to make arrangements between themselves relating to the movement of persons between their territories ("the Common Travel Area"), while fully respecting the rights of persons referred to in Article 1, first paragraph, point (a) of this Protocol.

Accordingly, as long as they maintain such arrangements, the provisions of Article 1 of this Protocol shall apply to Ireland under the same terms and conditions as for the United Kingdom. Nothing in Articles 26 and 77 of the Treaty on the Functioning of the European Union, in any other provision of that Treaty or of the Treaty on European Union or in any measure adopted under them, shall affect any such arrangements.

Article 3

The other Member States shall be entitled to exercise at their frontiers or at any point of entry into their territory such controls on persons seeking to enter their territory from the United Kingdom or any territories whose external relations are under its responsibility for the same purposes stated in Article 1 of this Protocol, or from Ireland as long as the provisions of Article 1 of this Protocol apply to Ireland.

Nothing in Articles 26 and 77 of the Treaty on the Functioning of the European Union or in any other provision of that Treaty or of the Treaty on European Union or in any measure adopted under them shall prejudice the right of the other Member States to adopt or exercise any such controls.

PROTOCOL (No 21)
**ON THE POSITION OF THE UNITED KINGDOM AND
IRELAND IN RESPECT OF THE AREA OF FREEDOM,
SECURITY AND JUSTICE**

THE HIGH CONTRACTING PARTIES,

DESIRING to settle certain questions relating to the United Kingdom and Ireland,

HAVING REGARD to the Protocol on the application of certain aspects of Article 26 of the Treaty on the Functioning of the European Union to the United Kingdom and to Ireland,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union:

Article 1

Subject to Article 3, the United Kingdom and Ireland shall not take part in the adoption by the Council of proposed measures pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union. The unanimity of the members of the Council, with the exception of the representatives of the governments of the United Kingdom and Ireland, shall be necessary for decisions of the Council which must be adopted unanimously.

For the purposes of this Article, a qualified majority shall be defined in accordance with Article 238(3) of the Treaty on the Functioning of the European Union.

Article 2

In consequence of Article 1 and subject to Articles 3, 4 and 6, none of the provisions of Title V of Part Three of the Treaty on the Functioning of the European Union, no measure adopted pursuant to that Title, no provision of any international agreement concluded by the Union pursuant to that Title, and no decision of the Court of Justice interpreting any such provision or measure shall be binding upon or applicable in the United Kingdom or Ireland; and no such provision, measure or decision shall in any way affect the competences, rights and obligations of those States; and no such provision, measure or decision shall in any way affect the Community or Union *acquis* nor form part of Union law as they apply to the United Kingdom or Ireland.

Article 3

1. The United Kingdom or Ireland may notify the President of the Council in writing, within three months after a proposal or initiative has been presented to the Council pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union, that it wishes to take part in the adoption and application of any such proposed measure, whereupon that State shall be entitled to do so.

The unanimity of the members of the Council, with the exception of a member which has not made such a notification, shall be necessary for decisions of the Council which must be adopted unanimously. A measure adopted under this paragraph shall be binding upon all Member States which took part in its adoption.

Measures adopted pursuant to Article 70 of the Treaty on the Functioning of the European Union shall lay down the conditions for the participation of the United Kingdom and Ireland in the evaluations concerning the areas covered by Title V of Part Three of that Treaty.

For the purposes of this Article, a qualified majority shall be defined in accordance with Article 238(3) of the Treaty on the Functioning of the European Union.

2. If after a reasonable period of time a measure referred to in paragraph 1 cannot be adopted with the United Kingdom or Ireland taking part, the Council may adopt such measure in accordance with Article 1 without the participation of the United Kingdom or Ireland. In that case Article 2 applies.

Article 4

The United Kingdom or Ireland may at any time after the adoption of a measure by the Council pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union notify its intention to the Council and to the Commission that it wishes to accept that measure. In that case, the procedure provided for in Article 331(1) of the Treaty on the Functioning of the European Union shall apply *mutatis mutandis*.

Article 4a

1. The provisions of this Protocol apply for the United Kingdom and Ireland also to measures proposed or adopted pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union amending an existing measure by which they are bound.

2. However, in cases where the Council, acting on a proposal from the Commission, determines that the non-participation of the United Kingdom or Ireland in the amended version of an existing measure makes the application of that measure inoperable for other Member States or the Union, it may urge them to make a notification under Article 3 or 4. For the purposes of Article 3, a further period of two months starts to run as from the date of such determination by the Council.

If at the expiry of that period of two months from the Council's determination the United Kingdom or Ireland has not made a notification under Article 3 or Article 4, the existing measure shall no longer be binding upon or applicable to it, unless the Member State concerned has made a notification under Article 4 before the entry into force of the amending measure. This shall take effect from the date of entry into force of the amending measure or of expiry of the period of two months, whichever is the later.

For the purpose of this paragraph, the Council shall, after a full discussion of the matter, act by a qualified majority of its members representing the Member States participating or having participated in the adoption of the amending measure. A qualified majority of the Council shall be defined in accordance with Article 238(3)(a) of the Treaty on the Functioning of the European Union.

3. The Council, acting by a qualified majority on a proposal from the Commission, may determine that the United Kingdom or Ireland shall bear the direct financial consequences, if any, necessarily and unavoidably incurred as a result of the cessation of its participation in the existing measure.

4. This Article shall be without prejudice to Article 4.

Article 5

A Member State which is not bound by a measure adopted pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union shall bear no financial consequences of that measure other than administrative costs entailed for the institutions, unless all members of the Council, acting unanimously after consulting the European Parliament, decide otherwise.

Article 6

Where, in cases referred to in this Protocol, the United Kingdom or Ireland is bound by a measure adopted by the Council pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union, the relevant provisions of the Treaties shall apply to that State in relation to that measure.

Article 6a

The United Kingdom and Ireland shall not be bound by the rules laid down on the basis of Article 16 of the Treaty on the Functioning of the European Union which relate to the processing of personal data by the Member States when carrying out activities which fall within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of that Treaty where the United Kingdom and Ireland are not bound by the rules governing the forms of judicial cooperation in criminal matters or police cooperation which require compliance with the provisions laid down on the basis of Article 16.

Article 7

Articles 3, 4 and 4a shall be without prejudice to the Protocol on the Schengen *acquis* integrated into the framework of the European Union.

Article 8

Ireland may notify the Council in writing that it no longer wishes to be covered by the terms of this Protocol. In that case, the normal treaty provisions will apply to Ireland.

Article 9

With regard to Ireland, this Protocol shall not apply to Article 75 of the Treaty on the Functioning of the European Union.

PROTOCOL (No 22)
ON THE POSITION OF DENMARK

THE HIGH CONTRACTING PARTIES,

RECALLING the Decision of the Heads of State or Government, meeting within the European Council at Edinburgh on 12 December 1992, concerning certain problems raised by Denmark on the Treaty on European Union,

HAVING NOTED the position of Denmark with regard to Citizenship, Economic and Monetary Union, Defence Policy and Justice and Home Affairs as laid down in the Edinburgh Decision,

CONSCIOUS of the fact that a continuation under the Treaties of the legal regime originating in the Edinburgh decision will significantly limit Denmark's participation in important areas of cooperation of the Union, and that it would be in the best interest of the Union to ensure the integrity of the *acquis* in the area of freedom, security and justice,

WISHING therefore to establish a legal framework that will provide an option for Denmark to participate in the adoption of measures proposed on the basis of Title V of Part Three of the Treaty on the Functioning of the European Union and welcoming the intention of Denmark to avail itself of this option when possible in accordance with its constitutional requirements,

NOTING that Denmark will not prevent the other Member States from further developing their cooperation with respect to measures not binding on Denmark,

BEARING IN MIND Article 3 of the Protocol on the Schengen *acquis* integrated into the framework of the European Union,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union:

PART I

Article 1

Denmark shall not take part in the adoption by the Council of proposed measures pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union. The unanimity of the members of the Council, with the exception of the representative of the government of Denmark, shall be necessary for the decisions of the Council which must be adopted unanimously.

For the purposes of this Article, a qualified majority shall be defined in accordance with Article 238(3) of the Treaty on the Functioning of the European Union.

Article 2

None of the provisions of Title V of Part Three of the Treaty on the Functioning of the European Union, no measure adopted pursuant to that Title, no provision of any international agreement concluded by the Union pursuant to that Title, and no decision of the Court of Justice of the European Union interpreting any such provision or measure or any measure amended or amendable pursuant to that Title shall be binding upon or applicable in Denmark; and no such provision, measure or decision shall in any way affect the competences, rights and obligations of Denmark; and no such provision, measure or decision shall in any way affect the Community or Union *acquis* nor form part of Union law as they apply to Denmark. In particular, acts of the Union in the field of police cooperation and judicial cooperation in criminal matters adopted before the entry into force of the Treaty of Lisbon which are amended shall continue to be binding upon and applicable to Denmark unchanged.

Article 2a

Article 2 of this Protocol shall also apply in respect of those rules laid down on the basis of Article 16 of the Treaty on the Functioning of the European Union which relate to the processing of personal data by the Member States when carrying out activities which fall within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of that Treaty.

Article 3

Denmark shall bear no financial consequences of measures referred to in Article 1, other than administrative costs entailed for the institutions.

Article 4

1. Denmark shall decide within a period of six months after the Council has decided on a proposal or initiative to build upon the Schengen *acquis* covered by this Part, whether it will implement this measure in its national law. If it decides to do so, this measure will create an obligation under international law between Denmark and the other Member States bound by the measure.

2. If Denmark decides not to implement a measure of the Council as referred to in paragraph 1, the Member States bound by that measure and Denmark will consider appropriate measures to be taken.

PART II

Article 5

With regard to measures adopted by the Council pursuant to Article 26(1), Article 42 and Articles 43 to 46 of the Treaty on European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications. Therefore

Denmark shall not participate in their adoption. Denmark will not prevent the other Member States from further developing their cooperation in this area. Denmark shall not be obliged to contribute to the financing of operational expenditure arising from such measures, nor to make military capabilities available to the Union.

The unanimity of the members of the Council, with the exception of the representative of the government of Denmark, shall be necessary for the acts of the Council which must be adopted unanimously.

For the purposes of this Article, a qualified majority shall be defined in accordance with Article 238(3) of the Treaty on the Functioning of the European Union.

PART III

Article 6

Articles 1, 2 and 3 shall not apply to measures determining the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States, or measures relating to a uniform format for visas.

PART IV

Article 7

At any time Denmark may, in accordance with its constitutional requirements, inform the other Member States that it no longer wishes to avail itself of all or part of this Protocol. In that event, Denmark will apply in full all relevant measures then in force taken within the framework of the European Union.

Article 8

1. At any time and without prejudice to Article 7, Denmark may, in accordance with its constitutional requirements, notify the other Member States that, with effect from the first day of the month following the notification, Part I shall consist of the provisions in the Annex. In that case Articles 5 to 8 shall be renumbered in consequence.

2. Six months after the date on which the notification referred to in paragraph 1 takes effect all Schengen *acquis* and measures adopted to build upon this *acquis*, which until then have been binding on Denmark as obligations under international law, shall be binding upon Denmark as Union law.

ANNEX

Article 1

Subject to Article 3, Denmark shall not take part in the adoption by the Council of measures proposed pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union. The unanimity of the members of the Council, with the exception of the representative of the government of Denmark, shall be necessary for the acts of the Council which must be adopted unanimously.

For the purposes of this Article, a qualified majority shall be defined in accordance with Article 238(3) of the Treaty on the Functioning of the European Union.

Article 2

Pursuant to Article 1 and subject to Articles 3, 4 and 8, none of the provisions in Title V of Part Three of the Treaty on the Functioning of the European Union, no measure adopted pursuant to that Title, no provision of any international agreements concluded by the Union pursuant to that Title, no decision of the Court of Justice of the European Union interpreting any such provision or measure shall be binding upon or applicable in Denmark; and no such provision, measure or decision shall in any way affect the competences, rights and obligations of Denmark; and no such provision, measure or decision shall in any way affect the Community or Union *acquis* nor form part of Union law as they apply to Denmark.

Article 3

1. Denmark may notify the President of the Council in writing, within three months after a proposal or initiative has been presented to the Council pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union, that it wishes to take part in the adoption and application of any such proposed measure, whereupon Denmark shall be entitled to do so.

2. If after a reasonable period of time a measure referred to in paragraph 1 cannot be adopted with Denmark taking part, the Council may adopt that measure referred to in paragraph 1 in accordance with Article 1 without the participation of Denmark. In that case Article 2 applies.

Article 4

Denmark may at any time after the adoption of a measure pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union notify its intention to the Council and the Commission that it wishes to accept that measure. In that case, the procedure provided for in Article 331(1) of that Treaty shall apply *mutatis mutandis*.

Article 5

1. The provisions of this Protocol apply for Denmark also to measures proposed or adopted pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union amending an existing measure by which it is bound.

2. However, in cases where the Council, acting on a proposal from the Commission, determines that the non-participation of Denmark in the amended version of an existing measure makes the application of that measure inoperable for other Member States or the Union, it may urge it to make a notification under Article 3 or 4. For the purposes of Article 3 a further period of two months starts to run as from the date of such determination by the Council.

If, at the expiry of that period of two months from the Council's determination, Denmark has not made a notification under Article 3 or Article 4, the existing measure shall no longer be binding upon or applicable to it, unless it has made a notification under Article 4 before the entry into force of the amending measure. This shall take effect from the date of entry into force of the amending measure or of expiry of the period of two months, whichever is the later.

For the purpose of this paragraph, the Council shall, after a full discussion of the matter, act by a qualified majority of its members representing the Member States participating or having participated in the adoption of the amending measure. A qualified majority of the Council shall be defined in accordance with Article 238(3)(a) of the Treaty on the Functioning of the European Union.

3. The Council, acting by a qualified majority on a proposal from the Commission, may determine that Denmark shall bear the direct financial consequences, if any, necessarily and unavoidably incurred as a result of the cessation of its participation in the existing measure.

4. This Article shall be without prejudice to Article 4.

Article 6

1. Notification pursuant to Article 4 shall be submitted no later than six months after the final adoption of a measure if this measure builds upon the Schengen *acquis*.

If Denmark does not submit a notification in accordance with Articles 3 or 4 regarding a measure building upon the Schengen *acquis*, the Member States bound by that measure and Denmark will consider appropriate measures to be taken.

2. A notification pursuant to Article 3 with respect to a measure building upon the Schengen *acquis* shall be deemed irrevocably to be a notification pursuant to Article 3 with respect to any further proposal or initiative aiming to build upon that measure to the extent that such proposal or initiative builds upon the Schengen *acquis*.

Article 7

Denmark shall not be bound by the rules laid down on the basis of Article 16 of the Treaty on the Functioning of the European Union which relate to the processing of personal data by the Member States when carrying out activities which fall within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of that Treaty where Denmark is not bound by the rules governing the forms of judicial cooperation in criminal matters or police cooperation which require compliance with the provisions laid down on the basis of Article 16.

Article 8

Where, in cases referred to in this Part, Denmark is bound by a measure adopted by the Council pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union, the relevant provisions of the Treaties shall apply to Denmark in relation to that measure.

Article 9

Where Denmark is not bound by a measure adopted pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union, it shall bear no financial consequences of that measure other than administrative costs entailed for the institutions unless the Council, with all its Members acting unanimously after consulting the European Parliament, decides otherwise.

PROTOCOL (No 23)
ON EXTERNAL RELATIONS OF THE MEMBER STATES
WITH REGARD TO THE CROSSING OF EXTERNAL
BORDERS

THE HIGH CONTRACTING PARTIES,

TAKING INTO ACCOUNT the need of the Member States to ensure effective controls at their external borders, in cooperation with third countries where appropriate,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

The provisions on the measures on the crossing of external borders included in Article 77(2)(b) of the Treaty on the Functioning of the European Union shall be without prejudice to the competence of Member States to negotiate or conclude agreements with third countries as long as they respect Union law and other relevant international agreements.

PROTOCOL (No 24)
ON ASYLUM FOR NATIONALS OF MEMBER STATES
OF THE EUROPEAN UNION

THE HIGH CONTRACTING PARTIES,

WHEREAS, in accordance with Article 6(1) of the Treaty on European Union, the Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights,

WHEREAS pursuant to Article 6(3) of the Treaty on European Union, fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms, constitute part of the Union's law as general principles,

WHEREAS the Court of Justice of the European Union has jurisdiction to ensure that in the interpretation and application of Article 6, paragraphs (1) and (3) of the Treaty on European Union the law is observed by the European Union,

WHEREAS pursuant to Article 49 of the Treaty on European Union any European State, when applying to become a Member of the Union, must respect the values set out in Article 2 of the Treaty on European Union,

BEARING IN MIND that Article 7 of the Treaty on European Union establishes a mechanism for the suspension of certain rights in the event of a serious and persistent breach by a Member State of those values,

RECALLING that each national of a Member State, as a citizen of the Union, enjoys a special status and protection which shall be guaranteed by the Member States in accordance with the provisions of Part Two of the Treaty on the Functioning of the European Union,

BEARING IN MIND that the Treaties establish an area without internal frontiers and grant every citizen of the Union the right to move and reside freely within the territory of the Member States,

WISHING to prevent the institution of asylum being resorted to for purposes alien to those for which it is intended,

WHEREAS this Protocol respects the finality and the objectives of the Geneva Convention of 28 July 1951 relating to the status of refugees,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

Sole Article

Given the level of protection of fundamental rights and freedoms by the Member States of the European Union, Member States shall be regarded as constituting safe countries of origin in respect of each other for all legal and practical purposes in relation to asylum matters. Accordingly, any application for asylum made by a national of a Member State may be taken into consideration or declared admissible for processing by another Member State only in the following cases:

- (a) if the Member State of which the applicant is a national proceeds after the entry into force of the Treaty of Amsterdam, availing itself of the provisions of Article 15 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, to take measures derogating in its territory from its obligations under that Convention;
 - (b) if the procedure referred to Article 7(1) of the Treaty on European Union has been initiated and until the Council, or, where appropriate, the European Council, takes a decision in respect thereof with regard to the Member State of which the applicant is a national;
 - (c) if the Council has adopted a decision in accordance with Article 7(1) of the Treaty on European Union in respect of the Member State of which the applicant is a national or if the European Council has adopted a decision in accordance with Article 7(2) of that Treaty in respect of the Member State of which the applicant is a national;
 - (d) if a Member State should so decide unilaterally in respect of the application of a national of another Member State; in that case the Council shall be immediately informed; the application shall be dealt with on the basis of the presumption that it is manifestly unfounded without affecting in any way, whatever the cases may be, the decision-making power of the Member State.
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PROTOCOL (No 25)
ON THE EXERCISE OF SHARED COMPETENCE

THE HIGH CONTRACTING PARTIES,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

Sole Article

With reference to Article 2(2) of the Treaty on the Functioning of the European Union on shared competence, when the Union has taken action in a certain area, the scope of this exercise of competence only covers those elements governed by the Union act in question and therefore does not cover the whole area.

PROTOCOL (No 26)
ON SERVICES OF GENERAL INTEREST

THE HIGH CONTRACTING PARTIES,

WISHING to emphasise the importance of services of general interest,

HAVE AGREED UPON the following interpretative provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

Article 1

The shared values of the Union in respect of services of general economic interest within the meaning of Article 14 of the Treaty on the Functioning of the European Union include in particular:

- the essential role and the wide discretion of national, regional and local authorities in providing, commissioning and organising services of general economic interest as closely as possible to the needs of the users;
- the diversity between various services of general economic interest and the differences in the needs and preferences of users that may result from different geographical, social or cultural situations;
- a high level of quality, safety and affordability, equal treatment and the promotion of universal access and of user rights.

Article 2

The provisions of the Treaties do not affect in any way the competence of Member States to provide, commission and organise non-economic services of general interest.

PROTOCOL (No 27)
ON THE INTERNAL MARKET AND COMPETITION

THE HIGH CONTRACTING PARTIES,

CONSIDERING that the internal market as set out in Article 3 of the Treaty on European Union includes a system ensuring that competition is not distorted,

HAVE AGREED that:

To this end, the Union shall, if necessary, take action under the provisions of the Treaties, including under Article 352 of the Treaty on the Functioning of the European Union.

This protocol shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union.

PROTOCOL (No 28)
ON ECONOMIC, SOCIAL AND TERRITORIAL
COHESION

THE HIGH CONTRACTING PARTIES,

RECALLING that Article 3 of the Treaty on European Union includes the objective of promoting economic, social and territorial cohesion and solidarity between Member States and that the said cohesion figures among the areas of shared competence of the Union listed in Article 4(2)(c) of the Treaty on the Functioning of the European Union,

RECALLING that the provisions of Part Three, Title XVIII, on economic, social and territorial cohesion as a whole provide the legal basis for consolidating and further developing the Union's action in the field of economic, social and territorial cohesion, including the creation of a new fund,

RECALLING that the provisions of Article 177 of the Treaty on the Functioning of the European Union envisage setting up a Cohesion Fund,

NOTING that the European Investment Bank is lending large and increasing amounts for the benefit of the poorer regions,

NOTING the desire for greater flexibility in the arrangements for allocations from the Structural Funds,

NOTING the desire for modulation of the levels of Union participation in programmes and projects in certain countries,

NOTING the proposal to take greater account of the relative prosperity of Member States in the system of own resources,

REAFFIRM that the promotion of economic, social and territorial cohesion is vital to the full development and enduring success of the Union,

REAFFIRM their conviction that the Structural Funds should continue to play a considerable part in the achievement of Union objectives in the field of cohesion,

REAFFIRM their conviction that the European Investment Bank should continue to devote the majority of its resources to the promotion of economic, social and territorial cohesion, and declare their willingness to review the capital needs of the European Investment Bank as soon as this is necessary for that purpose,

AGREE that the Cohesion Fund will provide Union financial contributions to projects in the fields of environment and trans-European networks in Member States with a per capita GNP of less than 90 % of the Union average which have a programme leading to the fulfilment of the conditions of economic convergence as set out in Article 126,

DECLARE their intention of allowing a greater margin of flexibility in allocating financing from the Structural Funds to specific needs not covered under the present Structural Funds regulations,

DECLARE their willingness to modulate the levels of Union participation in the context of programmes and projects of the Structural Funds, with a view to avoiding excessive increases in budgetary expenditure in the less prosperous Member States,

RECOGNISE the need to monitor regularly the progress made towards achieving economic, social and territorial cohesion and state their willingness to study all necessary measures in this respect,

DECLARE their intention of taking greater account of the contributive capacity of individual Member States in the system of own resources, and of examining means of correcting, for the less prosperous Member States, regressive elements existing in the present own resources system,

AGREE to annex this Protocol to the Treaty on European Union and the Treaty on the Functioning of the European Union.

PROTOCOL (No 29)
ON THE SYSTEM OF PUBLIC BROADCASTING IN THE
MEMBER STATES

THE HIGH CONTRACTING PARTIES,

CONSIDERING that the system of public broadcasting in the Member States is directly related to the democratic, social and cultural needs of each society and to the need to preserve media pluralism,

HAVE AGREED UPON the following interpretive provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

The provisions of the Treaties shall be without prejudice to the competence of Member States to provide for the funding of public service broadcasting and in so far as such funding is granted to broadcasting organisations for the fulfilment of the public service remit as conferred, defined and organised by each Member State, and in so far as such funding does not affect trading conditions and competition in the Union to an extent which would be contrary to the common interest, while the realisation of the remit of that public service shall be taken into account.

PROTOCOL (No 30)
**ON THE APPLICATION OF THE CHARTER OF
FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION
TO POLAND AND TO THE UNITED KINGDOM**

THE HIGH CONTRACTING PARTIES,

WHEREAS in Article 6 of the Treaty on European Union, the Union recognises the rights, freedoms and principles set out in the Charter of Fundamental Rights of the European Union,

WHEREAS the Charter is to be applied in strict accordance with the provisions of the aforementioned Article 6 and Title VII of the Charter itself,

WHEREAS the aforementioned Article 6 requires the Charter to be applied and interpreted by the courts of Poland and of the United Kingdom strictly in accordance with the explanations referred to in that Article,

WHEREAS the Charter contains both rights and principles,

WHEREAS the Charter contains both provisions which are civil and political in character and those which are economic and social in character,

WHEREAS the Charter reaffirms the rights, freedoms and principles recognised in the Union and makes those rights more visible, but does not create new rights or principles,

RECALLING the obligations devolving upon Poland and the United Kingdom under the Treaty on European Union, the Treaty on the Functioning of the European Union, and Union law generally,

NOTING the wish of Poland and the United Kingdom to clarify certain aspects of the application of the Charter,

DESIROUS therefore of clarifying the application of the Charter in relation to the laws and administrative action of Poland and of the United Kingdom and of its justiciability within Poland and within the United Kingdom,

REAFFIRMING that references in this Protocol to the operation of specific provisions of the Charter are strictly without prejudice to the operation of other provisions of the Charter,

REAFFIRMING that this Protocol is without prejudice to the application of the Charter to other Member States,

REAFFIRMING that this Protocol is without prejudice to other obligations devolving upon Poland and the United Kingdom under the Treaty on European Union, the Treaty on the Functioning of the European Union, and Union law generally,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

Article 1

1. The Charter does not extend the ability of the Court of Justice of the European Union, or any court or tribunal of Poland or of the United Kingdom, to find that the laws, regulations or administrative provisions, practices or action of Poland or of the United Kingdom are inconsistent with the fundamental rights, freedoms and principles that it reaffirms.

2. In particular, and for the avoidance of doubt, nothing in Title IV of the Charter creates justiciable rights applicable to Poland or the United Kingdom except in so far as Poland or the United Kingdom has provided for such rights in its national law.

Article 2

To the extent that a provision of the Charter refers to national laws and practices, it shall only apply to Poland or the United Kingdom to the extent that the rights or principles that it contains are recognised in the law or practices of Poland or of the United Kingdom.

PROTOCOL (No 31)
CONCERNING IMPORTS INTO THE EUROPEAN UNION OF
PETROLEUM PRODUCTS REFINED IN THE NETHERLANDS ANTILLES

THE HIGH CONTRACTING PARTIES,

BEING DESIROUS of giving fuller details about the system of trade applicable to imports into the European Union of petroleum products refined in the Netherlands Antilles,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

Article 1

This Protocol is applicable to petroleum products coming under the Brussels Nomenclature numbers 27.10, 27.11, 27.12, ex 27.13 (paraffin wax, petroleum or shale wax and paraffin residues) and 27.14, imported for use in Member States.

Article 2

Member States shall undertake to grant to petroleum products refined in the Netherlands Antilles the tariff preferences resulting from the association of the latter with the Union, under the conditions provided for in this Protocol. These provisions shall hold good whatever may be the rules of origin applied by the Member States.

Article 3

1. When the Commission, at the request of a Member State or on its own initiative, establishes that imports into the Union of petroleum products refined in the Netherlands Antilles under the system provided for in Article 2 above are giving rise to real difficulties on the market of one or more Member States, it shall decide that customs duties on the said imports shall be introduced, increased or re-introduced by the Member States in question, to such an extent and for such a period as may be necessary to meet that situation. The rates of the customs duties thus introduced, increased or re-introduced may not exceed the customs duties applicable to third countries for these same products.

2. The provisions of paragraph 1 can in any case be applied when imports into the Union of petroleum products refined in the Netherlands Antilles reach two million metric tons a year.

3. The Council shall be informed of decisions taken by the Commission in pursuance of paragraphs 1 and 2, including those directed at rejecting the request of a Member State. The Council shall, at the request of any Member State, assume responsibility for the matter and may at any time amend or revoke them.

Article 4

1. If a Member State considers that imports of petroleum products refined in the Netherlands Antilles, made either directly or through another Member State under the system provided for in Article 2 above, are giving rise to real difficulties on its market and that immediate action is necessary to meet them, it may on its own initiative decide to apply customs duties to such imports, the rate of which may not exceed those of the customs duties applicable to third countries in respect of the same products. It shall notify its decision to the Commission which shall decide within one month whether the measures taken by the State should be maintained or must be amended or cancelled. The provisions of Article 3(3) shall be applicable to such decision of the Commission.

2. When the quantities of petroleum products refined in the Netherlands Antilles imported either directly or through another Member State, under the system provided for in Article 2 above, into a Member State or States of the European Union exceed during a calendar year the tonnage shown in the Annex to this Protocol, the measures taken in pursuance of paragraph 1 by that or those Member States for the current year shall be considered to be justified; the Commission shall, after assuring itself that the tonnage fixed has been reached, formally record the measures taken. In such a case the other Member States shall abstain from formally placing the matter before the Council.

Article 5

If the Union decides to apply quantitative restrictions to petroleum products, no matter whence they are imported, these restrictions may also be applied to imports of such products from the Netherlands Antilles. In such a case preferential treatment shall be granted to the Netherlands Antilles as compared with third countries.

Article 6

1. The provisions of Articles 2 to 5 shall be reviewed by the Council, by unanimous decision, after consulting the European Parliament and the Commission, when a common definition of origin for petroleum products from third countries and associated countries is adopted, or when decisions are taken within the framework of a common commercial policy for the products in question or when a common energy policy is established.

2. When such revision is made, however, equivalent preferences must in any case be maintained in favour of the Netherlands Antilles in a suitable form and for a minimum quantity of 21½ million metric tons of petroleum products.

3. The Union's commitments in regard to equivalent preferences as mentioned in paragraph 2 of this Article may, if necessary, be broken down country by country taking into account the tonnage indicated in the Annex to this Protocol.

Article 7

For the implementation of this Protocol, the Commission is responsible for following the pattern of imports into the Member States of petroleum products refined in the Netherlands Antilles. Member States shall communicate to the Commission, which shall see that it is circulated, all useful information to that end in accordance with the administrative conditions recommended by it.

ANNEX TO THE PROTOCOL

For the implementation of Article 4(2) of the Protocol concerning imports into the European Union of petroleum products refined in the Netherlands Antilles, the High Contracting Parties have decided that the quantity of 2 million metric tons of petroleum products from the Antilles shall be allocated among the Member States as follows:

Germany	625 000 metric tons
Belgo-Luxembourg Economic Union	200 000 metric tons
France	75 000 metric tons
Italy	100 000 metric tons
Netherlands	1 000 000 metric tons

PROTOCOL (No 32)
ON THE ACQUISITION OF PROPERTY IN DENMARK

THE HIGH CONTRACTING PARTIES,

DESIRING to settle certain particular problems relating to Denmark,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

Notwithstanding the provisions of the Treaties, Denmark may maintain the existing legislation on the acquisition of second homes.

PROTOCOL (No 33)
CONCERNING ARTICLE 157 OF THE TREATY ON THE
FUNCTIONING OF THE EUROPEAN UNION

THE HIGH CONTRACTING PARTIES,

HAVE AGREED upon the following provision, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

For the purposes of Article 157 of the Treaty on the Functioning of the European Union, benefits under occupational social security schemes shall not be considered as remuneration if and in so far as they are attributable to periods of employment prior to 17 May 1990, except in the case of workers or those claiming under them who have before that date initiated legal proceedings or introduced an equivalent claim under the applicable national law.

PROTOCOL (No 34)
ON SPECIAL ARRANGEMENTS FOR GREENLAND

Sole Article

1. The treatment on import into the Union of products subject to the common organisation of the market in fishery products, originating in Greenland, shall, while complying with the mechanisms of the internal market organisation, involve exemption from customs duties and charges having equivalent effect and the absence of quantitative restrictions or measures having equivalent effect if the possibilities for access to Greenland fishing zones granted to the Union pursuant to an agreement between the Union and the authority responsible for Greenland are satisfactory to the Union.
 2. All measures relating to the import arrangements for such products, including those relating to the adoption of such measures, shall be adopted in accordance with the procedure laid down in Article 43 of the Treaty establishing the European Union.
-

PROTOCOL (No 35)
ON ARTICLE 40.3.3 OF THE CONSTITUTION OF IRELAND

THE HIGH CONTRACTING PARTIES,

HAVE AGREED upon the following provision, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community:

Nothing in the Treaties, or in the Treaty establishing the European Atomic Energy Community, or in the Treaties or Acts modifying or supplementing those Treaties, shall affect the application in Ireland of Article 40.3.3 of the Constitution of Ireland.

PROTOCOL (No 36)
ON TRANSITIONAL PROVISIONS

THE HIGH CONTRACTING PARTIES,

WHEREAS, in order to organise the transition from the institutional provisions of the Treaties applicable prior to the entry into force of the Treaty of Lisbon to the provisions contained in that Treaty, it is necessary to lay down transitional provisions,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community:

Article 1

In this Protocol, the words ‘the Treaties’ shall mean the Treaty on European Union, the Treaty on the Functioning of the European Union and the Treaty establishing the European Atomic Energy Community.

TITLE I

PROVISIONS CONCERNING THE EUROPEAN PARLIAMENT

Article 2

1. For the period of the 2009-2014 parliamentary term remaining at the date of entry into force of this Article, and by way of derogation from Articles 189, second paragraph, and 190(2) of the Treaty establishing the European Community and Articles 107, second paragraph, and 108(2) of the Treaty establishing the European Atomic Energy Community, which were in force at the time of the European Parliament elections in June 2009, and by way of derogation from the number of seats provided for in the first subparagraph of Article 14(2) of the Treaty on European Union, the following 18 seats shall be added to the existing 736 seats, thus provisionally bringing the total number of members of the European Parliament to 754 until the end of the 2009-2014 parliamentary term:

Bulgaria	1	Netherlands	1
Spain	4	Austria	2
France	2	Poland	1
Italy	1	Slovenia	1
Latvia	1	Sweden	2
Malta	1	United Kingdom	1

2. By way of derogation from Article 14(3) of the Treaty on European Union, the Member States concerned shall designate the persons who will fill the additional seats referred to in paragraph 1, in accordance with the legislation of the Member States concerned and provided that the persons in question have been elected by direct universal suffrage:

(a) in *ad hoc* elections by direct universal suffrage in the Member State concerned, in accordance with the provisions applicable for elections to the European Parliament;

- (b) by reference to the results of the European Parliament elections from 4 to 7 June 2009; or
- (c) by designation, by the national parliament of the Member State concerned from among its members, of the requisite number of members, according to the procedure determined by each of those Member States.

3. In accordance with the second subparagraph of Article 14(2) of the Treaty on European Union, the European Council shall adopt a decision determining the composition of the European Parliament in good time before the 2014 European Parliament elections.

TITLE II

PROVISIONS CONCERNING THE QUALIFIED MAJORITY

Article 3

1. In accordance with Article 16(4) of the Treaty on European Union, the provisions of that paragraph and of Article 238(2) of the Treaty on the Functioning of the European Union relating to the definition of the qualified majority in the European Council and the Council shall take effect on 1 November 2014.

2. Between 1 November 2014 and 31 March 2017, when an act is to be adopted by qualified majority, a member of the Council may request that it be adopted in accordance with the qualified majority as defined in paragraph 3. In that case, paragraphs 3 and 4 shall apply.

3. Until 31 October 2014, the following provisions shall remain in force, without prejudice to the second subparagraph of Article 235(1) of the Treaty on the Functioning of the European Union.

For acts of the European Council and of the Council requiring a qualified majority, members' votes shall be weighted as follows:

Belgium	12	Luxembourg	4
Bulgaria	10	Hungary	12
Czech Republic	12	Malta	3
Denmark	7	Netherlands	13
Germany	29	Austria	10
Estonia	4	Poland	27
Ireland	7	Portugal	12
Greece	12	Romania	14
Spain	27	Slovenia	4
France	29	Slovakia	7
Italy	29	Finland	7
Cyprus	4	Sweden	10
Latvia	4	United Kingdom	29
Lithuania	7		

Acts shall be adopted if there are at least 255 votes in favour representing a majority of the members where, under the Treaties, they must be adopted on a proposal from the Commission. In other cases decisions shall be adopted if there are at least 255 votes in favour representing at least two thirds of the members.

A member of the European Council or the Council may request that, where an act is adopted by the European Council or the Council by a qualified majority, a check is made to ensure that the Member States comprising the qualified majority represent at least 62 % of the total population of the Union. If that proves not to be the case, the act shall not be adopted.

4. Until 31 October 2014, the qualified majority shall, in cases where, under the Treaties, not all the members of the Council participate in voting, namely in the cases where reference is made to the qualified majority as defined in Article 238(3) of the Treaty on the Functioning of the European Union, be defined as the same proportion of the weighted votes and the same proportion of the number of the Council members and, if appropriate, the same percentage of the population of the Member States concerned as laid down in paragraph 3 of this Article.

TITLE III

PROVISIONS CONCERNING THE CONFIGURATIONS OF THE COUNCIL

Article 4

Until the entry into force of the decision referred to in the first subparagraph of Article 16(6) of the Treaty on European Union, the Council may meet in the configurations laid down in the second and third subparagraphs of that paragraph and in the other configurations on the list established by a decision of the General Affairs Council, acting by a simple majority.

TITLE IV

PROVISIONS CONCERNING THE COMMISSION, INCLUDING THE HIGH REPRESENTATIVE OF THE UNION FOR FOREIGN AFFAIRS AND SECURITY POLICY

Article 5

The members of the Commission in office on the date of entry into force of the Treaty of Lisbon shall remain in office until the end of their term of office. However, on the day of the appointment of the High Representative of the Union for Foreign Affairs and Security Policy, the term of office of the member having the same nationality as the High Representative shall end.

TITLE V

PROVISIONS CONCERNING THE SECRETARY-GENERAL OF THE COUNCIL, HIGH REPRESENTATIVE FOR THE COMMON FOREIGN AND SECURITY POLICY, AND THE DEPUTY SECRETARY-GENERAL OF THE COUNCIL

Article 6

The terms of office of the Secretary-General of the Council, High Representative for the common foreign and security policy, and the Deputy Secretary-General of the Council shall end on the date of entry into force of the Treaty of Lisbon. The Council shall appoint a Secretary-General in conformity with Article 240(2) of the Treaty on the Functioning of the European Union.

TITLE VI

PROVISIONS CONCERNING ADVISORY BODIES

Article 7

Until the entry into force of the decision referred to in Article 301 of the Treaty on the Functioning of the European Union, the allocation of members of the Economic and Social Committee shall be as follows:

Belgium	12	Luxembourg	6
Bulgaria	12	Hungary	12
Czech Republic	12	Malta	5
Denmark	9	Netherlands	12
Germany	24	Austria	12
Estonia	7	Poland	21
Ireland	9	Portugal	12
Greece	12	Romania	15
Spain	21	Slovenia	7
France	24	Slovakia	9
Italy	24	Finland	9
Cyprus	6	Sweden	12
Latvia	7	United Kingdom	24
Lithuania	9		

Article 8

Until the entry into force of the decision referred to in Article 305 of the Treaty on the Functioning of the European Union, the allocation of members of the Committee of the Regions shall be as follows:

Belgium	12	Luxembourg	6
Bulgaria	12	Hungary	12
Czech Republic	12	Malta	5
Denmark	9	Netherlands	12
Germany	24	Austria	12
Estonia	7	Poland	21
Ireland	9	Portugal	12
Greece	12	Romania	15
Spain	21	Slovenia	7
France	24	Slovakia	9
Italy	24	Finland	9
Cyprus	6	Sweden	12
Latvia	7	United Kingdom	24
Lithuania	9		

TITLE VII

**TRANSITIONAL PROVISIONS CONCERNING ACTS ADOPTED ON THE BASIS OF
TITLES V AND VI OF THE TREATY ON EUROPEAN UNION PRIOR TO THE ENTRY
INTO FORCE OF THE TREATY OF LISBON***Article 9*

The legal effects of the acts of the institutions, bodies, offices and agencies of the Union adopted on the basis of the Treaty on European Union prior to the entry into force of the Treaty of Lisbon shall be preserved until those acts are repealed, annulled or amended in implementation of the Treaties. The same shall apply to agreements concluded between Member States on the basis of the Treaty on European Union.

Article 10

1. As a transitional measure, and with respect to acts of the Union in the field of police cooperation and judicial cooperation in criminal matters which have been adopted before the entry into force of the Treaty of Lisbon, the powers of the institutions shall be the following at the date of entry into force of that Treaty: the powers of the Commission under Article 258 of the Treaty on the Functioning of the European Union shall not be applicable and the powers of the Court of Justice of the European Union under Title VI of the Treaty on European Union, in the version in force before the entry into force of the Treaty of Lisbon, shall remain the same, including where they have been accepted under Article 35(2) of the said Treaty on European Union.

2. The amendment of an act referred to in paragraph 1 shall entail the applicability of the powers of the institutions referred to in that paragraph as set out in the Treaties with respect to the amended act for those Member States to which that amended act shall apply.

3. In any case, the transitional measure mentioned in paragraph 1 shall cease to have effect five years after the date of entry into force of the Treaty of Lisbon.

4. At the latest six months before the expiry of the transitional period referred to in paragraph 3, the United Kingdom may notify to the Council that it does not accept, with respect to the acts referred to in paragraph 1, the powers of the institutions referred to in paragraph 1 as set out in the Treaties. In case the United Kingdom has made that notification, all acts referred to in paragraph 1 shall cease to apply to it as from the date of expiry of the transitional period referred to in paragraph 3. This subparagraph shall not apply with respect to the amended acts which are applicable to the United Kingdom as referred to in paragraph 2.

The Council, acting by a qualified majority on a proposal from the Commission, shall determine the necessary consequential and transitional arrangements. The United Kingdom shall not participate in the adoption of this decision. A qualified majority of the Council shall be defined in accordance with Article 238(3)(a) of the Treaty on the Functioning of the European Union.

The Council, acting by a qualified majority on a proposal from the Commission, may also adopt a decision determining that the United Kingdom shall bear the direct financial consequences, if any, necessarily and unavoidably incurred as a result of the cessation of its participation in those acts.

5. The United Kingdom may, at any time afterwards, notify the Council of its wish to participate in acts which have ceased to apply to it pursuant to paragraph 4, first subparagraph. In that case, the relevant provisions of the Protocol on the Schengen *acquis* integrated into the framework of the European Union or of the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, as the case may be, shall apply. The powers of the institutions with regard to those acts shall be those set out in the Treaties. When acting under the relevant Protocols, the Union institutions and the United Kingdom shall seek to re-establish the widest possible measure of participation of the United Kingdom in the *acquis* of the Union in the area of freedom, security and justice without seriously affecting the practical operability of the various parts thereof, while respecting their coherence.

PROTOCOL (No 37)
ON THE FINANCIAL CONSEQUENCES OF THE EXPIRY
OF THE ECSC TREATY AND ON THE RESEARCH
FUND FOR COAL AND STEEL

THE HIGH CONTRACTING PARTIES,

RECALLING that all assets and liabilities of the European Coal and Steel Community, as they existed on 23 July 2002, were transferred to the European Community on 24 July 2002,

TAKING ACCOUNT of the desire to use these funds for research in sectors related to the coal and steel industry and therefore the necessity to provide for certain special rules in this regard,

HAVE AGREED UPON the following provisions, which shall be annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union:

Article 1

1. The net worth of these assets and liabilities, as they appear in the balance sheet of the ECSC of 23 July 2002, subject to any increase or decrease which may occur as a result of the liquidation operations, shall be considered as assets intended for research in the sectors related to the coal and steel industry, referred to as the 'ECSC in liquidation'. On completion of the liquidation they shall be referred to as the 'assets of the Research Fund for Coal and Steel'.

2. The revenue from these assets, referred to as the 'Research Fund for Coal and Steel', shall be used exclusively for research, outside the research framework programme, in the sectors related to the coal and steel industry in accordance with the provisions of this Protocol and of acts adopted on the basis hereof.

Article 2

The Council, acting in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, shall adopt all the necessary provisions for the implementation of this Protocol, including essential principles.

The Council shall adopt, on a proposal from the Commission and after consulting the European Parliament, measures establishing multiannual financial guidelines for managing the assets of the Research Fund for Coal and Steel and technical guidelines for the research programme of the Research Fund for Coal and Steel.

Article 3

Except as otherwise provided in this Protocol and in the acts adopted on the basis hereof, the provisions of the Treaties shall apply.

ANNEXES

ANNEX I

LIST REFERRED TO IN ARTICLE 38 OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION

(1) No in the Brussels nomenclature	(2) Description of products
Chapter 1	Live animals
Chapter 2	Meat and edible meat offal
Chapter 3	Fish, crustaceans and molluscs
Chapter 4	Dairy produce; birds' eggs; natural honey
Chapter 5	
05.04	Guts, bladders and stomachs of animals (other than fish), whole and pieces thereof
05.15	Animal products not elsewhere specified or included; dead animals of Chapter 1 or Chapter 3, unfit for human consumption
Chapter 6	Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage
Chapter 7	Edible vegetables and certain roots and tubers
Chapter 8	Edible fruit and nuts; peel of melons or citrus fruit
Chapter 9	Coffee, tea and spices, excluding maté (heading No 09.03)
Chapter 10	Cereals
Chapter 11	Products of the milling industry; malt and starches; gluten; inulin
Chapter 12	Oil seeds and oleaginous fruit; miscellaneous grains, seeds and fruit; industrial and medical plants; straw and fodder
Chapter 13	
ex 13.03	Pectin
Chapter 15	
15.01	Lard and other rendered pig fat; rendered poultry fat
15.02	Unrendered fats of bovine cattle, sheep or goats; tallow (including 'premier jus') produced from those fats
15.03	Lard stearin, oleostearin and tallow stearin; lard oil, oleo-oil and tallow oil, not emulsified or mixed or prepared in any way
15.04	Fats and oil, of fish and marine mammals, whether or not refined
15.07	Fixed vegetable oils, fluid or solid, crude, refined or purified
15.12	Animal or vegetable fats and oils, hydrogenated, whether or not refined, but not further prepared

(1) No in the Brussels nomenclature	(2) Description of products
15.13	Margarine, imitation lard and other prepared edible fats
15.17	Residues resulting from the treatment of fatty substances or animal or vegetable waxes
Chapter 16	Preparations of meat, of fish, of crustaceans or molluscs
Chapter 17	
17.01	Beet sugar and cane sugar, solid
17.02	Other sugars; sugar syrups; artificial honey (whether or not mixed with natural honey); caramel
17.03	Molasses, whether or not decolourised
17.05 (*)	Flavoured or coloured sugars, syrups and molasses (including vanilla sugar or vanillin), with the exception of fruit juice containing added sugar in any proportion
Chapter 18	
18.01	Cocoa beans, whole or broken, raw or roasted
18.02	Cocoa shells, husks, skins and waste
Chapter 20	Preparations of vegetables, fruit or other parts of plants
Chapter 22	
22.04	Grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol
22.05	Wine of fresh grapes; grape must with fermentation arrested by the addition of alcohol
22.07	Other fermented beverages (for example, cider, perry and mead)
ex 22.08 (*)	Ethyl alcohol or neutral spirits, whether or not denatured, of any strength, obtained from agricultural products listed in Annex I, excluding liqueurs and other spirituous beverages and compound alcoholic preparations (known as 'concentrated extracts') for the manufacture of beverages
ex 22.09 (*)	
22.10 (*)	Vinegar and substitutes for vinegar
Chapter 23	Residues and waste from the food industries; prepared animal fodder
Chapter 24	
24.01	Unmanufactured tobacco, tobacco refuse
Chapter 45	
45.01	Natural cork, unworked, crushed, granulated or ground; waste cork

(1) No in the Brussels nomenclature	(2) Description of products
Chapter 54 54.01	Flax, raw or processed but not spun; flax tow and waste (including pulled or garnetted rags)
Chapter 57 57.01	

(*) Entry added by Article 1 of Regulation No 7a of the Council of the European Economic Community of 18 December 1959 (OJ No 7, 30.1.1961, p. 71/61).

*ANNEX II***OVERSEAS COUNTRIES AND TERRITORIES TO WHICH THE PROVISIONS OF PART FOUR OF THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION APPLY**

- Greenland,
 - New Caledonia and Dependencies,
 - French Polynesia,
 - French Southern and Antarctic Territories,
 - Wallis and Futuna Islands,
 - Mayotte,
 - Saint Pierre and Miquelon,
 - Aruba,
 - Netherlands Antilles:
 - Bonaire,
 - Curaçao,
 - Saba,
 - Sint Eustatius,
 - Sint Maarten,
 - Anguilla,
 - Cayman Islands,
 - Falkland Islands,
 - South Georgia and the South Sandwich Islands,
 - Montserrat,
 - Pitcairn,
 - Saint Helena and Dependencies,
 - British Antarctic Territory,
 - British Indian Ocean Territory,
 - Turks and Caicos Islands,
 - British Virgin Islands,
 - Bermuda.
-

DECLARATIONS

**ANNEXED TO THE FINAL ACT OF THE INTERGOVERNMENTAL
CONFERENCE WHICH ADOPTED THE TREATY OF LISBON,**

signed on 13 December 2007

A. **DECLARATIONS CONCERNING PROVISIONS OF THE TREATIES**

1. **Declaration concerning the Charter of Fundamental Rights of the European Union**

The Charter of Fundamental Rights of the European Union, which has legally binding force, confirms the fundamental rights guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms and as they result from the constitutional traditions common to the Member States.

The Charter does not extend the field of application of Union law beyond the powers of the Union or establish any new power or task for the Union, or modify powers and tasks as defined by the Treaties.

2. **Declaration on Article 6(2) of the Treaty on European Union**

The Conference agrees that the Union's accession to the European Convention for the Protection of Human Rights and Fundamental Freedoms should be arranged in such a way as to preserve the specific features of Union law. In this connection, the Conference notes the existence of a regular dialogue between the Court of Justice of the European Union and the European Court of Human Rights; such dialogue could be reinforced when the Union accedes to that Convention.

3. **Declaration on Article 8 of the Treaty on European Union**

The Union will take into account the particular situation of small-sized countries which maintain specific relations of proximity with it.

4. **Declaration on the composition of the European Parliament**

The additional seat in the European Parliament will be attributed to Italy.

5. **Declaration on the political agreement by the European Council concerning the draft Decision on the composition of the European Parliament**

The European Council will give its political agreement on the revised draft Decision on the composition of the European Parliament for the legislative period 2009-2014, based on the proposal from the European Parliament.

6. Declaration on Article 15(5) and (6), Article 17(6) and (7) and Article 18 of the Treaty on European Union

In choosing the persons called upon to hold the offices of President of the European Council, President of the Commission and High Representative of the Union for Foreign Affairs and Security Policy, due account is to be taken of the need to respect the geographical and demographic diversity of the Union and its Member States.

7. Declaration on Article 16(4) of the Treaty on European Union and Article 238(2) of the Treaty on the Functioning of the European Union

The Conference declares that the decision relating to the implementation of Article 16(4) of the Treaty on European Union and Article 238(2) of the Treaty on the Functioning of the European Union will be adopted by the Council on the date of the signature of the Treaty of Lisbon and will enter into force on the day that Treaty enters into force. The draft decision is set out below:

Draft Decision of the Council

relating to the implementation of Article 16(4) of the Treaty on European Union and Article 238(2) of the Treaty on the Functioning of the European Union between 1 November 2014 and 31 March 2017 on the one hand, and as from 1 April 2017 on the other

THE COUNCIL OF THE EUROPEAN UNION,

Whereas:

- (1) Provisions should be adopted allowing for a smooth transition from the system for decision-making in the Council by a qualified majority as defined in Article 3(3) of the Protocol on the transitional provisions, which will continue to apply until 31 October 2014, to the voting system provided for in Article 16(4) of the Treaty on European Union and Article 238(2) of the Treaty on the Functioning of the European Union, which will apply with effect from 1 November 2014, including, during a transitional period until 31 March 2017, specific provisions laid down in Article 3(2) of that Protocol.
- (2) It is recalled that it is the practice of the Council to devote every effort to strengthening the democratic legitimacy of decisions taken by a qualified majority,

HAS DECIDED AS FOLLOWS:

Section 1

Provisions to be applied from 1 November 2014 to 31 March 2017

Article 1

From 1 November 2014 to 31 March 2017, if members of the Council, representing:

- (a) at least three quarters of the population, or
- (b) at least three quarters of the number of Member States

necessary to constitute a blocking minority resulting from the application of Article 16(4), first subparagraph, of the Treaty on European Union or Article 238(2) of the Treaty on the Functioning of the European Union, indicate their opposition to the Council adopting an act by a qualified majority, the Council shall discuss the issue.

Article 2

The Council shall, in the course of these discussions, do all in its power to reach, within a reasonable time and without prejudicing obligatory time limits laid down by Union law, a satisfactory solution to address concerns raised by the members of the Council referred to in Article 1.

Article 3

To this end, the President of the Council, with the assistance of the Commission and in compliance with the Rules of Procedure of the Council, shall undertake any initiative necessary to facilitate a wider basis of agreement in the Council. The members of the Council shall lend him or her their assistance.

Section 2

Provisions to be applied as from 1 April 2017

Article 4

As from 1 April 2017, if members of the Council, representing:

- (a) at least 55 % of the population, or
- (b) at least 55 % of the number of Member States

necessary to constitute a blocking minority resulting from the application of Article 16(4), first subparagraph, of the Treaty on European Union or Article 238(2) of the Treaty on the Functioning of the European Union, indicate their opposition to the Council adopting an act by a qualified majority, the Council shall discuss the issue.

Article 5

The Council shall, in the course of these discussions, do all in its power to reach, within a reasonable time and without prejudicing obligatory time limits laid down by Union law, a satisfactory solution to address concerns raised by the members of the Council referred to in Article 4.

Article 6

To this end, the President of the Council, with the assistance of the Commission and in compliance with the Rules of Procedure of the Council, shall undertake any initiative necessary to facilitate a wider basis of agreement in the Council. The members of the Council shall lend him or her their assistance.

Section 3

Entry into force

Article 7

This Decision shall enter into force on the date of the entry into force of the Treaty of Lisbon.

8. Declaration on practical measures to be taken upon the entry into force of the Treaty of Lisbon as regards the Presidency of the European Council and of the Foreign Affairs Council

In the event that the Treaty of Lisbon enters into force later than 1 January 2009, the Conference requests the competent authorities of the Member State holding the six-monthly Presidency of the Council at that time, on the one hand, and the person elected President of the European Council and the person appointed High Representative of the Union for Foreign Affairs and Security Policy, on the other hand, to take the necessary specific measures, in consultation with the following six-monthly Presidency, to allow an efficient handover of the material and organisational aspects of the Presidency of the European Council and of the Foreign Affairs Council.

9. Declaration on Article 16(9) of the Treaty on European Union concerning the European Council decision on the exercise of the Presidency of the Council

The Conference declares that the Council should begin preparing the decision establishing the procedures for implementing the decision on the exercise of the Presidency of the Council as soon as the Treaty of Lisbon is signed, and should give its political approval within six months. A draft decision of the European Council, which will be adopted on the date of entry into force of the said Treaty, is set out below:

Draft decision of the European Council on the exercise of the Presidency of the Council

Article 1

1. The Presidency of the Council, with the exception of the Foreign Affairs configuration, shall be held by pre-established groups of three Member States for a period of 18 months. The groups shall be made up on a basis of equal rotation among the Member States, taking into account their diversity and geographical balance within the Union.

2. Each member of the group shall in turn chair for a six-month period all configurations of the Council, with the exception of the Foreign Affairs configuration. The other members of the group shall assist the Chair in all its responsibilities on the basis of a common programme. Members of the team may decide alternative arrangements among themselves.

Article 2

The Committee of Permanent Representatives of the Governments of the Member States shall be chaired by a representative of the Member State chairing the General Affairs Council.

The Chair of the Political and Security Committee shall be held by a representative of the High Representative of the Union for Foreign Affairs and Security Policy.

The chair of the preparatory bodies of the various Council configurations, with the exception of the Foreign Affairs configuration, shall fall to the member of the group chairing the relevant configuration, unless decided otherwise in accordance with Article 4.

Article 3

The General Affairs Council shall ensure consistency and continuity in the work of the different Council configurations in the framework of multiannual programmes in cooperation with the Commission. The Member States holding the Presidency shall take all necessary measures for the organisation and smooth operation of the Council's work, with the assistance of the General Secretariat of the Council.

Article 4

The Council shall adopt a decision establishing the measures for the implementation of this decision.

10. Declaration on Article 17 of the Treaty on European Union

The Conference considers that when the Commission no longer includes nationals of all Member States, the Commission should pay particular attention to the need to ensure full transparency in relations with all Member States. Accordingly, the Commission should liaise closely with all Member States, whether or not they have a national serving as member of the Commission, and in this context pay special attention to the need to share information and consult with all Member States.

The Conference also considers that the Commission should take all the necessary measures to ensure that political, social and economic realities in all Member States, including those which have no national serving as member of the Commission, are fully taken into account. These measures should include ensuring that the position of those Member States is addressed by appropriate organisational arrangements.

11. Declaration on Article 17(6) and (7) of the Treaty on European Union

The Conference considers that, in accordance with the provisions of the Treaties, the European Parliament and the European Council are jointly responsible for the smooth running of the process leading to the election of the President of the European Commission. Prior to the decision of the European Council, representatives of the European Parliament and of the European Council will thus conduct the necessary consultations in the framework deemed the most appropriate. These consultations will focus on the backgrounds of the candidates for President of the Commission, taking account of the elections to the European Parliament, in accordance with the first subparagraph of Article 17(7). The arrangements for such consultations may be determined, in due course, by common accord between the European Parliament and the European Council.

12. Declaration on Article 18 of the Treaty on European Union

1. The Conference declares that, in the course of the preparatory work preceding the appointment of the High Representative of the Union for Foreign Affairs and Security Policy which is due to take place on the date of entry into force of the Treaty of Lisbon in accordance with Article 18 of the Treaty on European Union and Article 5 of the Protocol on transitional provisions and whose term of office will be from that date until the end of the term of office of the Commission in office on that date, appropriate contacts will be made with the European Parliament.

2. Furthermore, the Conference recalls that, as regards the High Representative of the Union for Foreign Affairs and Security Policy whose term of office will start in November 2009 at the same time and for the same duration as the next Commission, he or she will be appointed in accordance with the provisions of Articles 17 and 18 of the Treaty on European Union.

13. Declaration concerning the common foreign and security policy

The Conference underlines that the provisions in the Treaty on European Union covering the Common Foreign and Security Policy, including the creation of the office of High Representative of the Union for Foreign Affairs and Security Policy and the establishment of an External Action Service, do not affect the responsibilities of the Member States, as they currently exist, for the formulation and conduct of their foreign policy nor of their national representation in third countries and international organisations.

The Conference also recalls that the provisions governing the Common Security and Defence Policy do not prejudice the specific character of the security and defence policy of the Member States.

It stresses that the European Union and its Member States will remain bound by the provisions of the Charter of the United Nations and, in particular, by the primary responsibility of the Security Council and of its Members for the maintenance of international peace and security.

14. Declaration concerning the common foreign and security policy

In addition to the specific rules and procedures referred to in paragraph 1 of Article 24 of the Treaty on European Union, the Conference underlines that the provisions covering the Common Foreign and Security Policy including in relation to the High Representative of the Union for Foreign Affairs and Security Policy and the External Action Service will not affect the existing legal basis, responsibilities, and powers of each Member State in relation to the formulation and conduct of its foreign policy, its national diplomatic service, relations with third countries and participation in international organisations, including a Member State's membership of the Security Council of the United Nations.

The Conference also notes that the provisions covering the Common Foreign and Security Policy do not give new powers to the Commission to initiate decisions nor do they increase the role of the European Parliament.

The Conference also recalls that the provisions governing the Common Security and Defence Policy do not prejudice the specific character of the security and defence policy of the Member States.

15. Declaration on Article 27 of the Treaty on European Union

The Conference declares that, as soon as the Treaty of Lisbon is signed, the Secretary-General of the Council, High Representative for the common foreign and security policy, the Commission and the Member States should begin preparatory work on the European External Action Service.

16. Declaration on Article 55(2) of the Treaty on European Union

The Conference considers that the possibility of producing translations of the Treaties in the languages mentioned in Article 55(2) contributes to fulfilling the objective of respecting the Union's rich cultural and linguistic diversity as set forth in the fourth subparagraph of Article 3(3). In this context, the Conference confirms the attachment of the Union to the cultural diversity of Europe and the special attention it will continue to pay to these and other languages.

The Conference recommends that those Member States wishing to avail themselves of the possibility recognised in Article 55(2) communicate to the Council, within six months from the date of the signature of the Treaty of Lisbon, the language or languages into which translations of the Treaties will be made.

17. Declaration concerning primacy

The Conference recalls that, in accordance with well settled case law of the Court of Justice of the European Union, the Treaties and the law adopted by the Union on the basis of the Treaties have primacy over the law of Member States, under the conditions laid down by the said case law.

The Conference has also decided to attach as an Annex to this Final Act the Opinion of the Council Legal Service on the primacy of EC law as set out in 11197/07 (JUR 260):

*'Opinion of the Council Legal Service
of 22 June 2007*

It results from the case-law of the Court of Justice that primacy of EC law is a cornerstone principle of Community law. According to the Court, this principle is inherent to the specific nature of the European Community. At the time of the first judgment of this established case law (Costa/ENEL, 15 July 1964, Case 6/641 ⁽¹⁾) there was no mention of primacy in the treaty. It is still the case today. The fact that the principle of primacy will not be included in the future treaty shall not in any way change the existence of the principle and the existing case-law of the Court of Justice.

⁽¹⁾ "It follows (...) that the law stemming from the treaty, an independent source of law, could not, because of its special and original nature, be overridden by domestic legal provisions, however framed, without being deprived of its character as Community law and without the legal basis of the Community itself being called into question."

18. Declaration in relation to the delimitation of competences

The Conference underlines that, in accordance with the system of division of competences between the Union and the Member States as provided for in the Treaty on European Union and the Treaty on the Functioning of the European Union, competences not conferred upon the Union in the Treaties remain with the Member States.

When the Treaties confer on the Union a competence shared with the Member States in a specific area, the Member States shall exercise their competence to the extent that the Union has not exercised, or has decided to cease exercising, its competence. The latter situation arises when the relevant EU institutions decide to repeal a legislative act, in particular better to ensure constant respect for the principles of subsidiarity and proportionality. The Council may, at the initiative of one or several of its members (representatives of Member States) and in accordance with Article 241 of the Treaty on the Functioning of the European Union, request the Commission to submit proposals for repealing a legislative act. The Conference welcomes the Commission's declaration that it will devote particular attention to these requests.

Equally, the representatives of the governments of the Member States, meeting in an Intergovernmental Conference, in accordance with the ordinary revision procedure provided for in Article 48(2) to (5) of the Treaty on European Union, may decide to amend the Treaties upon which the Union is founded, including either to increase or to reduce the competences conferred on the Union in the said Treaties.

19. Declaration on Article 8 of the Treaty on the Functioning of the European Union

The Conference agrees that, in its general efforts to eliminate inequalities between women and men, the Union will aim in its different policies to combat all kinds of domestic violence. The Member States should take all necessary measures to prevent and punish these criminal acts and to support and protect the victims.

20. Declaration on Article 16 of the Treaty on the Functioning of the European Union

The Conference declares that, whenever rules on protection of personal data to be adopted on the basis of Article 16 could have direct implications for national security, due account will have to be taken of the specific characteristics of the matter. It recalls that the legislation presently applicable (see in particular Directive 95/46/EC) includes specific derogations in this regard.

21. Declaration on the protection of personal data in the fields of judicial cooperation in criminal matters and police cooperation

The Conference acknowledges that specific rules on the protection of personal data and the free movement of such data in the fields of judicial cooperation in criminal matters and police cooperation based on Article 16 of the Treaty on the Functioning of the European Union may prove necessary because of the specific nature of these fields.

22. Declaration on Articles 48 and 79 of the Treaty on the Functioning of the European Union

The Conference considers that in the event that a draft legislative act based on Article 79(2) would affect important aspects of the social security system of a Member State, including its scope, cost or financial structure, or would affect the financial balance of that system as set out in the second paragraph of Article 48, the interests of that Member State will be duly taken into account.

23. Declaration on the second paragraph of Article 48 of the Treaty on the Functioning of the European Union

The Conference recalls that in that case, in accordance with Article 15(4) of the Treaty on European Union, the European Council acts by consensus.

24. Declaration concerning the legal personality of the European Union

The Conference confirms that the fact that the European Union has a legal personality will not in any way authorise the Union to legislate or to act beyond the competences conferred upon it by the Member States in the Treaties.

25. Declaration on Articles 75 and 215 of the Treaty on the Functioning of the European Union

The Conference recalls that the respect for fundamental rights and freedoms implies, in particular, that proper attention is given to the protection and observance of the due process rights of the individuals or entities concerned. For this purpose and in order to guarantee a thorough judicial review of decisions subjecting an individual or entity to restrictive measures, such decisions must be based on clear and distinct criteria. These criteria should be tailored to the specifics of each restrictive measure.

26. Declaration on non-participation by a Member State in a measure based on Title V of Part Three of the Treaty on the Functioning of the European Union

The Conference declares that, where a Member State opts not to participate in a measure based on Title V of Part Three of the Treaty on the Functioning of the European Union, the Council will hold a full discussion on the possible implications and effects of that Member State's non-participation in the measure.

In addition, any Member State may ask the Commission to examine the situation on the basis of Article 116 of the Treaty on the Functioning of the European Union.

The above paragraphs are without prejudice to the entitlement of a Member State to refer the matter to the European Council.

27. Declaration on Article 85(1), second subparagraph, of the Treaty on the Functioning of the European Union

The Conference considers that the regulations referred to in the second subparagraph of Article 85(1) of the Treaty on the Functioning of the European Union should take into account national rules and practices relating to the initiation of criminal investigations.

28. Declaration on Article 98 of the Treaty on the Functioning of the European Union

The Conference notes that the provisions of Article 98 shall be applied in accordance with the current practice. The terms 'such measures are required in order to compensate for the economic disadvantages caused by the division of Germany to the economy of certain areas of the Federal Republic affected by that division' shall be interpreted in accordance with the existing case law of the Court of Justice of the European Union.

29. Declaration on Article 107(2)(c) of the Treaty on the Functioning of the European Union

The Conference notes that Article 107(2)(c) shall be interpreted in accordance with the existing case law of the Court of Justice of the European Union regarding the applicability of the provisions to aid granted to certain areas of the Federal Republic of Germany affected by the former division of Germany.

30. Declaration on Article 126 of the Treaty on the Functioning of the European Union

With regard to Article 126, the Conference confirms that raising growth potential and securing sound budgetary positions are the two pillars of the economic and fiscal policy of the Union and the Member States. The Stability and Growth Pact is an important tool to achieve these goals.

The Conference reaffirms its commitment to the provisions concerning the Stability and Growth Pact as the framework for the coordination of budgetary policies in the Member States.

The Conference confirms that a rule-based system is the best guarantee for commitments to be enforced and for all Member States to be treated equally.

Within this framework, the Conference also reaffirms its commitment to the goals of the Lisbon Strategy: job creation, structural reforms, and social cohesion.

The Union aims at achieving balanced economic growth and price stability. Economic and budgetary policies thus need to set the right priorities towards economic reforms, innovation, competitiveness and strengthening of private investment and consumption in phases of weak economic growth. This should be reflected in the orientations of budgetary decisions at the national and Union level in

particular through restructuring of public revenue and expenditure while respecting budgetary discipline in accordance with the Treaties and the Stability and Growth Pact.

Budgetary and economic challenges facing the Member States underline the importance of sound budgetary policy throughout the economic cycle.

The Conference agrees that Member States should use periods of economic recovery actively to consolidate public finances and improve their budgetary positions. The objective is to gradually achieve a budgetary surplus in good times which creates the necessary room to accommodate economic downturns and thus contribute to the long-term sustainability of public finances.

The Member States look forward to possible proposals of the Commission as well as further contributions of Member States with regard to strengthening and clarifying the implementation of the Stability and Growth Pact. The Member States will take all necessary measures to raise the growth potential of their economies. Improved economic policy coordination could support this objective. This Declaration does not prejudge the future debate on the Stability and Growth Pact.

31. Declaration on Article 156 of the Treaty on the Functioning of the European Union

The Conference confirms that the policies described in Article 156 fall essentially within the competence of the Member States. Measures to provide encouragement and promote coordination to be taken at Union level in accordance with this Article shall be of a complementary nature. They shall serve to strengthen cooperation between Member States and not to harmonise national systems. The guarantees and practices existing in each Member State as regards the responsibility of the social partners will not be affected.

This Declaration is without prejudice to the provisions of the Treaties conferring competence on the Union, including in social matters.

32. Declaration on Article 168(4)(c) of the Treaty on the Functioning of the European Union

The Conference declares that the measures to be adopted pursuant to Article 168(4)(c) must meet common safety concerns and aim to set high standards of quality and safety where national standards affecting the internal market would otherwise prevent a high level of human health protection being achieved.

33. Declaration on Article 174 of the Treaty on the Functioning of the European Union

The Conference considers that the reference in Article 174 to island regions can include island States in their entirety, subject to the necessary criteria being met.

34. Declaration on Article 179 of the Treaty on the Functioning of the European Union

The Conference agrees that the Union's action in the area of research and technological development will pay due respect to the fundamental orientations and choices of the research policies of the Member States.

35. Declaration on Article 194 of the Treaty on the Functioning of the European Union

The Conference believes that Article 194 does not affect the right of the Member States to take the necessary measures to ensure their energy supply under the conditions provided for in Article 347.

36. Declaration on Article 218 of the Treaty on the Functioning of the European Union concerning the negotiation and conclusion of international agreements by Member States relating to the area of freedom, security and justice

The Conference confirms that Member States may negotiate and conclude agreements with third countries or international organisations in the areas covered by Chapters 3, 4 and 5 of Title V of Part Three in so far as such agreements comply with Union law.

37. Declaration on Article 222 of the Treaty on the Functioning of the European Union

Without prejudice to the measures adopted by the Union to comply with its solidarity obligation towards a Member State which is the object of a terrorist attack or the victim of natural or man-made disaster, none of the provisions of Article 222 is intended to affect the right of another Member State to choose the most appropriate means to comply with its own solidarity obligation towards that Member State.

38. Declaration on Article 252 of the Treaty on the Functioning of the European Union regarding the number of Advocates-General in the Court of Justice

The Conference declares that if, in accordance with Article 252, first paragraph, of the Treaty on the Functioning of the European Union, the Court of Justice requests that the number of Advocates-General be increased by three (eleven instead of eight), the Council will, acting unanimously, agree on such an increase.

In that case, the Conference agrees that Poland will, as is already the case for Germany, France, Italy, Spain and the United Kingdom, have a permanent Advocate-General and no longer take part in the rotation system, while the existing rotation system will involve the rotation of five Advocates-General instead of three.

39. Declaration on Article 290 of the Treaty on the Functioning of the European Union

The Conference takes note of the Commission's intention to continue to consult experts appointed by the Member States in the preparation of draft delegated acts in the financial services area, in accordance with its established practice.

40. Declaration on Article 329 of the Treaty on the Functioning of the European Union

The Conference declares that Member States may indicate, when they make a request to establish enhanced cooperation, if they intend already at that stage to make use of Article 333 providing for the extension of qualified majority voting or to have recourse to the ordinary legislative procedure.

41. Declaration on Article 352 of the Treaty on the Functioning of the European Union

The Conference declares that the reference in Article 352(1) of the Treaty on the Functioning of the European Union to objectives of the Union refers to the objectives as set out in Article 3(2) and (3) of the Treaty on European Union and to the objectives of Article 3(5) of the said Treaty with respect to external action under Part Five of the Treaty on the Functioning of the European Union. It is therefore excluded that an action based on Article 352 of the Treaty on the Functioning of the European Union would only pursue objectives set out in Article 3(1) of the Treaty on European Union. In this connection, the Conference notes that in accordance with Article 31(1) of the Treaty on European Union, legislative acts may not be adopted in the area of the Common Foreign and Security Policy.

42. Declaration on Article 352 of the Treaty on the Functioning of the European Union

The Conference underlines that, in accordance with the settled case law of the Court of Justice of the European Union, Article 352 of the Treaty on the Functioning of the European Union, being an integral part of an institutional system based on the principle of conferred powers, cannot serve as a basis for widening the scope of Union powers beyond the general framework created by the provisions of the Treaties as a whole and, in particular, by those that define the tasks and the activities of the Union. In any event, this Article cannot be used as a basis for the adoption of provisions whose effect would, in substance, be to amend the Treaties without following the procedure which they provide for that purpose.

43. Declaration on Article 355(6) of the Treaty on the Functioning of the European Union

The High Contracting Parties agree that the European Council, pursuant to Article 355(6), will take a decision leading to the modification of the status of Mayotte with regard to the Union in order to make this territory an outermost region within the meaning of Article 355(1) and Article 349, when the French authorities notify the European Council and the Commission that the evolution currently under way in the internal status of the island so allows.

B. DECLARATIONS CONCERNING PROTOCOLS ANNEXED TO THE TREATIES**44. Declaration on Article 5 of the Protocol on the Schengen *acquis* integrated into the framework of the European Union**

The Conference notes that where a Member State has made a notification under Article 5(2) of the Protocol on the Schengen *acquis* integrated into the framework of the European Union that it does not wish to take part in a proposal or initiative, that notification may be withdrawn at any moment before the adoption of the measure building upon the Schengen *acquis*.

45. Declaration on Article 5(2) of the Protocol on the Schengen *acquis* integrated into the framework of the European Union

The Conference declares that whenever the United Kingdom or Ireland indicates to the Council its intention not to participate in a measure building upon a part of the Schengen *acquis* in which it participates, the Council will have a full discussion on the possible implications of the non-participation of that Member State in that measure. The discussion within the Council should be conducted in the light of the indications given by the Commission concerning the relationship between the proposal and the Schengen *acquis*.

46. Declaration on Article 5(3) of the Protocol on the Schengen *acquis* integrated into the framework of the European Union

The Conference recalls that if the Council does not take a decision after a first substantive discussion of the matter, the Commission may present an amended proposal for a further substantive re-examination by the Council within the deadline of 4 months.

47. Declaration on Article 5(3), (4) and (5) of the Protocol on the Schengen *acquis* integrated into the framework of the European Union

The Conference notes that the conditions to be determined in the decision referred to in paragraphs 3, 4 or 5 of Article 5 of the Protocol on the Schengen *acquis* integrated into the framework of the European Union may determine that the Member State concerned shall bear the direct financial consequences, if any, necessarily and unavoidably incurred as a result of the cessation of its participation in some or all of the *acquis* referred to in any decision taken by the Council pursuant to Article 4 of the said Protocol.

48. Declaration concerning the Protocol on the position of Denmark

The Conference notes that with respect to legal acts to be adopted by the Council acting alone or jointly with the European Parliament and containing provisions applicable to Denmark as well as provisions not applicable to Denmark because they have a legal basis to which Part I of the Protocol on the position of Denmark applies, Denmark declares that it will not use its voting right to prevent the adoption of the provisions which are not applicable to Denmark.

Furthermore, the Conference notes that on the basis of the Declaration by the Conference on Article 222, Denmark declares that Danish participation in actions or legal acts pursuant to Article 222 will take place in accordance with Part I and Part II of the Protocol on the position of Denmark.

49. Declaration concerning Italy

The Conference notes that the Protocol on Italy annexed in 1957 to the Treaty establishing the European Economic Community, as amended upon adoption of the Treaty on European Union, stated that:

‘THE HIGH CONTRACTING PARTIES,

DESIRING to settle certain particular problems relating to Italy,

HAVE AGREED UPON the following provisions, which shall be annexed to this Treaty:

THE MEMBER STATES OF THE COMMUNITY

TAKE NOTE of the fact that the Italian Government is carrying out a ten-year programme of economic expansion designed to rectify the disequilibria in the structure of the Italian economy, in particular by providing an infrastructure for the less developed areas in Southern Italy and in the Italian islands and by creating new jobs in order to eliminate unemployment;

RECALL that the principles and objectives of this programme of the Italian Government have been considered and approved by organisations for international cooperation of which the Member States are members;

RECOGNISE that it is in their common interest that the objectives of the Italian programme should be attained;

AGREE, in order to facilitate the accomplishment of this task by the Italian Government, to recommend to the institutions of the Community that they should employ all the methods and procedures provided in this Treaty and, in particular, make appropriate use of the resources of the European Investment Bank and the European Social Fund;

ARE OF THE OPINION that the institutions of the Community should, in applying this Treaty, take account of the sustained effort to be made by the Italian economy in the coming years and of the desirability of avoiding dangerous stresses in particular within the balance of payments or the level of employment, which might jeopardise the application of this Treaty in Italy;

RECOGNISE that in the event of Articles 109 H and 109 I being applied it will be necessary to take care that any measures required of the Italian Government do not prejudice the completion of its programme for economic expansion and for raising the standard of living of the population.’.

50. Declaration concerning Article 10 of the Protocol on transitional provisions

The Conference invites the European Parliament, the Council and the Commission, within their respective powers, to seek to adopt, in appropriate cases and as far as possible within the five-year period referred to in Article 10(3) of the Protocol on transitional provisions, legal acts amending or replacing the acts referred to in Article 10(1) of that Protocol.

C. DECLARATIONS BY MEMBER STATES

51. Declaration by the Kingdom of Belgium on national Parliaments

Belgium wishes to make clear that, in accordance with its constitutional law, not only the Chamber of Representatives and Senate of the Federal Parliament but also the parliamentary assemblies of the Communities and the Regions act, in terms of the competences exercised by the Union, as components of the national parliamentary system or chambers of the national Parliament.

52. Declaration by the Kingdom of Belgium, the Republic of Bulgaria, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the Italian Republic, the Republic of Cyprus, the Republic of Lithuania, the Grand-Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Republic of Austria, the Portuguese Republic, Romania, the Republic of Slovenia and the Slovak Republic on the symbols of the European Union

Belgium, Bulgaria, Germany, Greece, Spain, Italy, Cyprus, Lithuania, Luxemburg, Hungary, Malta, Austria, Portugal, Romania, Slovenia and the Slovak Republic declare that the flag with a circle of twelve golden stars on a blue background, the anthem based on the 'Ode to Joy' from the Ninth Symphony by Ludwig van Beethoven, the motto 'United in diversity', the euro as the currency of the European Union and Europe Day on 9 May will for them continue as symbols to express the sense of community of the people in the European Union and their allegiance to it.

53. Declaration by the Czech Republic on the Charter of Fundamental Rights of the European Union

1. The Czech Republic recalls that the provisions of the Charter of Fundamental Rights of the European Union are addressed to the institutions and bodies of the European Union with due regard for the principle of subsidiarity and division of competences between the European Union and its Member States, as reaffirmed in Declaration (No 18) in relation to the delimitation of competences. The Czech Republic stresses that its provisions are addressed to the Member States only when they are implementing Union law, and not when they are adopting and implementing national law independently from Union law.

2. The Czech Republic also emphasises that the Charter does not extend the field of application of Union law and does not establish any new power for the Union. It does not diminish the field of application of national law and does not restrain any current powers of the national authorities in this field.

3. The Czech Republic stresses that, in so far as the Charter recognises fundamental rights and principles as they result from constitutional traditions common to the Member States, those rights and principles are to be interpreted in harmony with those traditions.

4. The Czech Republic further stresses that nothing in the Charter may be interpreted as restricting or adversely affecting human rights and fundamental freedoms as recognised, in their respective field of application, by Union law and by international agreements to which the Union or all the Member States are party, including the European Convention for the Protection of Human Rights and Fundamental Freedoms, and by the Member States' Constitutions.

54. Declaration by the Federal Republic of Germany, Ireland, the Republic of Hungary, the Republic of Austria and the Kingdom of Sweden

Germany, Ireland, Hungary, Austria and Sweden note that the core provisions of the Treaty establishing the European Atomic Energy Community have not been substantially amended since its entry into force and need to be brought up to date. They therefore support the idea of a Conference of the Representatives of the Governments of the Member States, which should be convened as soon as possible.

55. Declaration by the Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland

The Treaties apply to Gibraltar as a European territory for whose external relations a Member State is responsible. This shall not imply changes in the respective positions of the Member States concerned.

56. Declaration by Ireland on Article 3 of the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice

Ireland affirms its commitment to the Union as an area of freedom, security and justice respecting fundamental rights and the different legal systems and traditions of the Member States within which citizens are provided with a high level of safety.

Accordingly, Ireland declares its firm intention to exercise its right under Article 3 of the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice to take part in the adoption of measures pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union to the maximum extent it deems possible.

Ireland will, in particular, participate to the maximum possible extent in measures in the field of police cooperation.

Furthermore, Ireland recalls that in accordance with Article 8 of the Protocol it may notify the Council in writing that it no longer wishes to be covered by the terms of the Protocol. Ireland intends to review the operation of these arrangements within three years of the entry into force of the Treaty of Lisbon.

57. Declaration by the Italian Republic on the composition of the European Parliament

Italy notes that, pursuant to Articles 10 and 14 of the Treaty on European Union, the European Parliament is to be composed of representatives of the Union's citizens; this representation is to be degressively proportional.

Italy likewise notes that on the basis of Article 9 of the Treaty on European Union and Article 20 of the Treaty on the Functioning of the European Union, every national of a Member State is a citizen of the Union.

Italy therefore considers that, without prejudice to the decision on the 2009-2014 legislative period, any decision adopted by the European Council, at the initiative of the European Parliament and with its consent, establishing the composition of the European Parliament, must abide by the principles laid down out in the first subparagraph of Article 14.

58. Declaration by the Republic of Latvia, the Republic of Hungary and the Republic of Malta on the spelling of the name of the single currency in the Treaties

Without prejudice to the unified spelling of the name of the single currency of the European Union referred to in the Treaties as displayed on the banknotes and on the coins, Latvia, Hungary and Malta declare that the spelling of the name of the single currency, including its derivatives as applied throughout the Latvian, Hungarian and Maltese text of the Treaties, has no effect on the existing rules of the Latvian, Hungarian or Maltese languages.

59. Declaration by the Kingdom of the Netherlands on Article 312 of the Treaty on the Functioning of the European Union

The Kingdom of the Netherlands will agree to a decision as referred to in the second subparagraph of Article 312(2) of the Treaty on the Functioning of the European Union once a revision of the decision referred to in the third paragraph of Article 311 of that Treaty has provided the Netherlands with a satisfactory solution for its excessive negative net payment position *vis-à-vis* the Union budget.

60. Declaration by the Kingdom of the Netherlands on Article 355 of the Treaty on the Functioning of the European Union

The Kingdom of the Netherlands declares that an initiative for a decision, as referred to in Article 355(6) aimed at amending the status of the Netherlands Antilles and/or Aruba with regard to the Union, will be submitted only on the basis of a decision taken in conformity with the Charter for the Kingdom of the Netherlands.

61. Declaration by the Republic of Poland on the Charter of Fundamental Rights of the European Union

The Charter does not affect in any way the right of Member States to legislate in the sphere of public morality, family law, as well as the protection of human dignity and respect for human physical and moral integrity.

62. Declaration by the Republic of Poland concerning the Protocol on the application of the Charter of Fundamental Rights of the European Union in relation to Poland and the United Kingdom

Poland declares that, having regard to the tradition of social movement of 'Solidarity' and its significant contribution to the struggle for social and labour rights, it fully respects social and labour rights, as established by European Union law, and in particular those reaffirmed in Title IV of the Charter of Fundamental Rights of the European Union.

63. Declaration by the United Kingdom of Great Britain and Northern Ireland on the definition of the term "nationals"

In respect of the Treaties and the Treaty establishing the European Atomic Energy Community, and in any of the acts deriving from those Treaties or continued in force by those Treaties, the United Kingdom reiterates the Declaration it made on 31 December 1982 on the definition of the term 'nationals' with the exception that the reference to 'British Dependent Territories Citizens' shall be read as meaning 'British overseas territories citizens'.

64. Declaration by the United Kingdom of Great Britain and Northern Ireland on the franchise for elections to the European Parliament

The United Kingdom notes that Article 14 of the Treaty on European Union and other provisions of the Treaties are not intended to change the basis for the franchise for elections to the European Parliament.

65. Declaration by the United Kingdom of Great Britain and Northern Ireland on Article 75 of the Treaty on the Functioning of the European Union

The United Kingdom fully supports robust action with regard to adopting financial sanctions designed to prevent and combat terrorism and related activities. Therefore, the United Kingdom declares that it intends to exercise its right under Article 3 of the Protocol on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice to take part in the adoption of all proposals made under Article 75 of the Treaty on the Functioning of the European Union.

TABLES OF EQUIVALENCES (*)

Treaty on European Union

Old numbering of the Treaty on European Union	New numbering of the Treaty on European Union
TITLE I – COMMON PROVISIONS	TITLE I – COMMON PROVISIONS
Article 1	Article 1
	Article 2
Article 2	Article 3
Article 3 (repealed) ⁽¹⁾	
	Article 4
	Article 5 ⁽²⁾
Article 4 (repealed) ⁽³⁾	
Article 5 (repealed) ⁽⁴⁾	
Article 6	Article 6
Article 7	Article 7
	Article 8
TITLE II – PROVISIONS AMENDING THE TREATY ESTABLISHING THE EUROPEAN ECONOMIC COMMUNITY WITH A VIEW TO ESTABLISHING THE EUROPEAN COMMUNITY	TITLE II – PROVISIONS ON DEMOCRATIC PRINCIPLES
Article 8 (repealed) ⁽⁵⁾	Article 9
	Article 10 ⁽⁶⁾

⁽¹⁾ Replaced, in substance, by Article 7 of the Treaty on the Functioning of the European Union ('TFEU') and by Articles 13(1) and 21, paragraph 3, second subparagraph of the Treaty on European Union ('TEU').

⁽²⁾ Replaces Article 5 of the Treaty establishing the European Community ('TEC').

⁽³⁾ Replaced, in substance, by Article 15.

⁽⁴⁾ Replaced, in substance, by Article 13, paragraph 2.

⁽⁵⁾ Article 8 TEU, which was in force until the entry into force of the Treaty of Lisbon (hereinafter 'current'), amended the TEC. Those amendments are incorporated into the latter Treaty and Article 8 is repealed. Its number is used to insert a new provision.

⁽⁶⁾ Paragraph 4 replaces, in substance, the first subparagraph of Article 191 TEC.

(*) Tables of equivalences as referred to in Article 5 of the Treaty of Lisbon. The original centre column, which set out the intermediate numbering as used in that Treaty, has been omitted.

Old numbering of the Treaty on European Union	New numbering of the Treaty on European Union
	Article 11
	Article 12
TITLE III – PROVISIONS AMENDING THE TREATY ESTABLISHING THE EUROPEAN COAL AND STEEL COMMUNITY	TITLE III – PROVISIONS ON THE INSTITUTIONS
Article 9 (repealed) ⁽⁷⁾	Article 13
	Article 14 ⁽⁸⁾
	Article 15 ⁽⁹⁾
	Article 16 ⁽¹⁰⁾
	Article 17 ⁽¹¹⁾
	Article 18
	Article 19 ⁽¹²⁾
TITLE IV – PROVISIONS AMENDING THE TREATY ESTABLISHING THE EUROPEAN ATOMIC ENERGY COMMUNITY	TITLE IV – PROVISIONS ON ENHANCED COOPERATION
Article 10 (repealed) ⁽¹³⁾ Articles 27a to 27e (replaced) Articles 40 to 40b (replaced) Articles 43 to 45 (replaced)	Article 20 ⁽¹⁴⁾

⁽⁷⁾ The current Article 9 TEU amended the Treaty establishing the European Coal and Steel Community. This latter expired on 23 July 2002. Article 9 is repealed and the number thereof is used to insert another provision.

⁽⁸⁾ — Paragraphs 1 and 2 replace, in substance, Article 189 TEC;
— paragraphs 1 to 3 replace, in substance, paragraphs 1 to 3 of Article 190 TEC;
— paragraph 1 replaces, in substance, the first subparagraph of Article 192 TEC;
— paragraph 4 replaces, in substance, the first subparagraph of Article 197 TEC.

⁽⁹⁾ Replaces, in substance, Article 4.

⁽¹⁰⁾ — Paragraph 1 replaces, in substance, the first and second indents of Article 202 TEC;
— paragraphs 2 and 9 replace, in substance, Article 203 TEC;
— paragraphs 4 and 5 replace, in substance, paragraphs 2 and 4 of Article 205 TEC.

⁽¹¹⁾ — Paragraph 1 replaces, in substance, Article 211 TEC;
— paragraphs 3 and 7 replace, in substance, Article 214 TEC.
— paragraph 6 replaces, in substance, paragraphs 1, 3 and 4 of Article 217 TEC.

⁽¹²⁾ — Replaces, in substance, Article 220 TEC.
— the first subparagraph of paragraph 2 replaces, in substance, the first subparagraph of Article 221 TEC.

⁽¹³⁾ The current Article 10 TEU amended the Treaty establishing the European Atomic Energy Community. Those amendments are incorporated into the Treaty of Lisbon. Article 10 is repealed and the number thereof is used to insert another provision.

⁽¹⁴⁾ Also replaces Articles 11 and 11a TEC.

Old numbering of the Treaty on European Union	New numbering of the Treaty on European Union
TITLE V – PROVISIONS ON A COMMON FOREIGN AND SECURITY POLICY	TITLE V – GENERAL PROVISIONS ON THE UNION'S EXTERNAL ACTION AND SPECIFIC PROVISIONS ON THE COMMON FOREIGN AND SECURITY POLICY
	Chapter 1 – General provisions on the Union's external action
	Article 21
	Article 22
	Chapter 2 – Specific provisions on the common foreign and security policy
	Section 1 – Common provisions
	Article 23
Article 11	Article 24
Article 12	Article 25
Article 13	Article 26
	Article 27
Article 14	Article 28
Article 15	Article 29
<i>Article 22 (moved)</i>	Article 30
<i>Article 23 (moved)</i>	Article 31
Article 16	Article 32
Article 17 (moved)	<i>Article 42</i>
Article 18	Article 33
Article 19	Article 34
Article 20	Article 35
Article 21	Article 36
Article 22 (moved)	<i>Article 30</i>
Article 23 (moved)	<i>Article 31</i>
Article 24	Article 37

Old numbering of the Treaty on European Union	New numbering of the Treaty on European Union
Article 25	Article 38
	Article 39
Article 47 (<i>moved</i>)	Article 40
Article 26 (repealed)	
Article 27 (repealed)	
Article 27a (replaced) ⁽¹⁵⁾	Article 20
Article 27b (replaced) ⁽¹⁵⁾	Article 20
Article 27c (replaced) ⁽¹⁵⁾	Article 20
Article 27d (replaced) ⁽¹⁵⁾	Article 20
Article 27e (replaced) ⁽¹⁵⁾	Article 20
Article 28	Article 41
	Section 2 – Provisions on the common security and defence policy
Article 17 (<i>moved</i>)	Article 42
	Article 43
	Article 44
	Article 45
	Article 46
TITLE VI – PROVISIONS ON POLICE AND JUDICIAL COOPERATION IN CRIMINAL MATTERS (repealed) ⁽¹⁶⁾	
Article 29 (replaced) ⁽¹⁷⁾	
Article 30 (replaced) ⁽¹⁸⁾	
Article 31 (replaced) ⁽¹⁹⁾	

⁽¹⁵⁾ The current Articles 27a to 27e, on enhanced cooperation, are also replaced by Articles 326 to 334 TFEU.

⁽¹⁶⁾ The current provisions of Title VI of the TEU, on police and judicial cooperation in criminal matters, are replaced by the provisions of Chapters 1, 4 and 5 of Title IV (renumbered V) of Part Three of the TFEU.

⁽¹⁷⁾ Replaced by Article 67 TFEU.

⁽¹⁸⁾ Replaced by Articles 87 and 88 TFEU.

⁽¹⁹⁾ Replaced by Articles 82, 83 and 85 TFEU.

Old numbering of the Treaty on European Union	New numbering of the Treaty on European Union
Article 32 (replaced) ⁽²⁰⁾	
Article 33 (replaced) ⁽²¹⁾	
Article 34 (repealed)	
Article 35 (repealed)	
Article 36 (replaced) ⁽²²⁾	
Article 37 (repealed)	
Article 38 (repealed)	
Article 39 (repealed)	
Article 40 (replaced) ⁽²³⁾	<i>Article 20</i>
Article 40 A (replaced) ⁽²³⁾	<i>Article 20</i>
Article 40 B (replaced) ⁽²³⁾	<i>Article 20</i>
Article 41 (repealed)	
Article 42 (repealed)	
TITLE VII – PROVISIONS ON ENHANCED COOPERATION (replaced) ⁽²⁴⁾	<i>TITLE IV – PROVISIONS ON ENHANCED COOPERATION</i>
Article 43 (replaced) ⁽²⁴⁾	<i>Article 20</i>
Article 43 A (replaced) ⁽²⁴⁾	<i>Article 20</i>
Article 43 B (replaced) ⁽²⁴⁾	<i>Article 20</i>
Article 44 (replaced) ⁽²⁴⁾	<i>Article 20</i>
Article 44 A (replaced) ⁽²⁴⁾	<i>Article 20</i>
Article 45 (replaced) ⁽²⁴⁾	<i>Article 20</i>
TITRE VIII – FINAL PROVISIONS	<i>TITLE VI – FINAL PROVISIONS</i>
Article 46 (repealed)	
	<i>Article 47</i>

⁽²⁰⁾ Replaced by Article 89 TFEU.

⁽²¹⁾ Replaced by Article 72 TFEU.

⁽²²⁾ Replaced by Article 71 TFEU.

⁽²³⁾ The current Articles 40 to 40 B TEU, on enhanced cooperation, are also replaced by Articles 326 to 334 TFEU.

⁽²⁴⁾ The current Articles 43 to 45 and Title VII of the TEU, on enhanced cooperation, are also replaced by Articles 326 to 334 TFEU.

Old numbering of the Treaty on European Union	New numbering of the Treaty on European Union
Article 47 (replaced)	Article 40
Article 48	Article 48
Article 49	Article 49
	Article 50
	Article 51
	Article 52
Article 50 (repealed)	
Article 51	Article 53
Article 52	Article 54
Article 53	Article 55

Treaty on the Functioning of the European Union

Old numbering of the Treaty establishing the European Community	New numbering of the Treaty on the Functioning of the European Union
PART ONE – PRINCIPLES	PART ONE – PRINCIPLES
Article 1 (repealed)	
	Article 1
Article 2 (repealed) ⁽²⁵⁾	
	Title I – Categories and areas of union competence
	Article 2
	Article 3
	Article 4
	Article 5
	Article 6
	Title II – Provisions having general application

⁽²⁵⁾ Replaced, in substance, by Article 3 TEU.

Old numbering of the Treaty establishing the European Community	New numbering of the Treaty on the Functioning of the European Union
	Article 7
Article 3, paragraph 1 (repealed) ⁽²⁶⁾	
Article 3, paragraph 2	Article 8
Article 4 (moved)	Article 119
Article 5 (replaced) ⁽²⁷⁾	
	Article 9
	Article 10
Article 6	Article 11
Article 153, paragraph 2 (moved)	Article 12
	Article 13 ⁽²⁸⁾
Article 7 (repealed) ⁽²⁹⁾	
Article 8 (repealed) ⁽³⁰⁾	
Article 9 (repealed)	
Article 10 (repealed) ⁽³¹⁾	
Article 11 (replaced) ⁽³²⁾	Articles 326 to 334
Article 11a (replaced) ⁽³²⁾	Articles 326 to 334
Article 12 (moved)	Article 18
Article 13 (moved)	Article 19
Article 14 (moved)	Article 26
Article 15 (moved)	Article 27
Article 16	Article 14
Article 255 (moved)	Article 15
Article 286 (moved)	Article 16

⁽²⁶⁾ Replaced, in substance, by Articles 3 to 6 TFEU.

⁽²⁷⁾ Replaced by Article 5 TEU.

⁽²⁸⁾ Insertion of the operative part of the protocol on protection and welfare of animals.

⁽²⁹⁾ Replaced, in substance, by Article 13 TEU.

⁽³⁰⁾ Replaced, in substance, by Article 13 TEU and Article 282, paragraph 1, TFEU.

⁽³¹⁾ Replaced, in substance, by Article 4, paragraph 3, TEU.

⁽³²⁾ Also replaced by Article 20 TEU.

Old numbering of the Treaty establishing the European Community	New numbering of the Treaty on the Functioning of the European Union
	Article 17
PART TWO – CITIZENSHIP OF THE UNION	PART TWO – NONDISCRIMINATION AND CITIZENSHIP OF THE UNION
<i>Article 12 (moved)</i>	Article 18
<i>Article 13 (moved)</i>	Article 19
Article 17	Article 20
Article 18	Article 21
Article 19	Article 22
Article 20	Article 23
Article 21	Article 24
Article 22	Article 25
PART THREE – COMMUNITY POLICIES	PART THREE – POLICIES AND INTERNAL ACTIONS OF THE UNION
	Title I – The internal market
<i>Article 14 (moved)</i>	Article 26
<i>Article 15 (moved)</i>	Article 27
Title I – Free movement of goods	Title II – Free movement of goods
Article 23	Article 28
Article 24	Article 29
Chapter 1 – The customs union	Chapter 1 – The customs union
Article 25	Article 30
Article 26	Article 31
Article 27	Article 32
<i>Part Three, Title X, Customs cooperation (moved)</i>	Chapter 2 – Customs cooperation
<i>Article 135 (moved)</i>	Article 33
Chapter 2 – Prohibition of quantitative restrictions between Member States	Chapter 3 – Prohibition of quantitative restrictions between Member States
Article 28	Article 34

Old numbering of the Treaty establishing the European Community	New numbering of the Treaty on the Functioning of the European Union
Article 29	Article 35
Article 30	Article 36
Article 31	Article 37
Title II – Agriculture	Title III – Agriculture and fisheries
Article 32	Article 38
Article 33	Article 39
Article 34	Article 40
Article 35	Article 41
Article 36	Article 42
Article 37	Article 43
Article 38	Article 44
Title III – Free movement of persons, services and capital	Title IV – Free movement of persons, services and capital
Chapter 1 – Workers	Chapter 1 – Workers
Article 39	Article 45
Article 40	Article 46
Article 41	Article 47
Article 42	Article 48
Chapter 2 – Right of establishment	Chapter 2 – Right of establishment
Article 43	Article 49
Article 44	Article 50
Article 45	Article 51
Article 46	Article 52
Article 47	Article 53
Article 48	Article 54
Article 294 (<i>moved</i>)	Article 55
Chapter 3 – Services	Chapter 3 – Services
Article 49	Article 56

Old numbering of the Treaty establishing the European Community	New numbering of the Treaty on the Functioning of the European Union
Article 50	Article 57
Article 51	Article 58
Article 52	Article 59
Article 53	Article 60
Article 54	Article 61
Article 55	Article 62
Chapter 4 – Capital and payments	Chapter 4 – Capital and payments
Article 56	Article 63
Article 57	Article 64
Article 58	Article 65
Article 59	Article 66
Article 60 (moved)	Article 75
Title IV – Visas, asylum, immigration and other policies related to free movement of persons	Title V – Area of freedom, security and justice
	Chapter 1 – General provisions
Article 61	Article 67 ⁽³³⁾
	Article 68
	Article 69
	Article 70
	Article 71 ⁽³⁴⁾
Article 64, paragraph 1 (replaced)	Article 72 ⁽³⁵⁾
	Article 73
Article 66 (replaced)	Article 74
Article 60 (moved)	Article 75
	Article 76

⁽³³⁾ Also replaces the current Article 29 TEU.

⁽³⁴⁾ Replaces the current Article 36 TEU.

⁽³⁵⁾ Also replaces the current Article 33 TEU.

Old numbering of the Treaty establishing the European Community	New numbering of the Treaty on the Functioning of the European Union
	Chapter 2 – Policies on border checks, asylum and immigration
Article 62	Article 77
Article 63, points 1 et 2, and Article 64, paragraph 2 ⁽³⁶⁾	Article 78
Article 63, points 3 and 4	Article 79
	Article 80
Article 64, paragraph 1 (replaced)	Article 72
	Chapter 3 – Judicial cooperation in civil matters
Article 65	Article 81
Article 66 (replaced)	Article 74
Article 67 (repealed)	
Article 68 (repealed)	
Article 69 (repealed)	
	Chapter 4 – Judicial cooperation in criminal matters
	Article 82 ⁽³⁷⁾
	Article 83 ⁽³⁷⁾
	Article 84
	Article 85 ⁽³⁷⁾
	Article 86
	Chapter 5 – Police cooperation
	Article 87 ⁽³⁸⁾
	Article 88 ⁽³⁸⁾
	Article 89 ⁽³⁹⁾

⁽³⁶⁾ Points 1 and 2 of Article 63 EC are replaced by paragraphs 1 and 2 of Article 78 TFEU, and paragraph 2 of Article 64 is replaced by paragraph 3 of Article 78 TFEU.

⁽³⁷⁾ Replaces the current Article 31 TEU.

⁽³⁸⁾ Replaces the current Article 30 TEU.

⁽³⁹⁾ Replaces the current Article 32 TEU.

Old numbering of the Treaty establishing the European Community	New numbering of the Treaty on the Functioning of the European Union
Title V – Transport	Title VI – Transport
Article 70	Article 90
Article 71	Article 91
Article 72	Article 92
Article 73	Article 93
Article 74	Article 94
Article 75	Article 95
Article 76	Article 96
Article 77	Article 97
Article 78	Article 98
Article 79	Article 99
Article 80	Article 100
Title VI – Common rules on competition, taxation and approximation of laws	Title VII – Common rules on competition, taxation and approximation of laws
Chapter 1 – Rules on competition	Chapter 1 – Rules on competition
Section 1 – Rules applying to undertakings	Section 1 – Rules applying to undertakings
Article 81	Article 101
Article 82	Article 102
Article 83	Article 103
Article 84	Article 104
Article 85	Article 105
Article 86	Article 106
Section 2 – Aids granted by States	Section 2 – Aids granted by States
Article 87	Article 107
Article 88	Article 108
Article 89	Article 109
Chapter 2 – Tax provisions	Chapter 2 – Tax provisions

Old numbering of the Treaty establishing the European Community	New numbering of the Treaty on the Functioning of the European Union
Article 90	Article 110
Article 91	Article 111
Article 92	Article 112
Article 93	Article 113
Chapter 3 – Approximation of laws	Chapter 3 – Approximation of laws
<i>Article 95 (moved)</i>	Article 114
<i>Article 94 (moved)</i>	Article 115
Article 96	Article 116
Article 97	Article 117
	Article 118
Title VII – Economic and monetary policy	Title VIII – Economic and monetary policy
<i>Article 4 (moved)</i>	Article 2
Chapter 1 – Economic policy	Chapter 1 – Economic policy
Article 98	Article 120
Article 99	Article 121
Article 100	Article 122
Article 101	Article 123
Article 102	Article 124
Article 103	Article 125
Article 104	Article 126
Chapter 2 – monetary policy	Chapter 2 – monetary policy
Article 105	Article 127
Article 106	Article 128
Article 107	Article 129
Article 108	Article 130
Article 109	Article 131
Article 110	Article 132

Old numbering of the Treaty establishing the European Community	New numbering of the Treaty on the Functioning of the European Union
Article 111, paragraphs 1 to 3 and 5 (moved)	Article 219
Article 111, paragraph 4 (moved)	Article 138
	Article 133
Chapter 3 – Institutional provisions	Chapter 3 – Institutional provisions
Article 112 (moved)	Article 283
Article 113 (moved)	Article 284
Article 114	Article 134
Article 115	Article 135
	Chapter 4 – Provisions specific to Member States whose currency is the euro
	Article 136
	Article 137
Article 111, paragraph 4 (moved)	Article 138
Chapter 4 – Transitional provisions	Chapter 5 – Transitional provisions
Article 116 (repealed)	
	Article 139
Article 117, paragraphs 1, 2, sixth indent, and 3 to 9 (repealed)	
Article 117, paragraph 2, first five indents (moved)	Article 141, paragraph 2
Article 121, paragraph 1 (moved) Article 122, paragraph 2, second sentence (moved) Article 123, paragraph 5 (moved)	Article 140 ⁽⁴⁰⁾
Article 118 (repealed)	
Article 123, paragraph 3 (moved) Article 117, paragraph 2, first five indents (moved)	Article 141 ⁽⁴¹⁾

⁽⁴⁰⁾ — Article 140, paragraph 1 takes over the wording of paragraph 1 of Article 121.
— Article 140, paragraph 2 takes over the second sentence of paragraph 2 of Article 122.
— Article 140, paragraph 3 takes over paragraph 5 of Article 123.

⁽⁴¹⁾ — Article 141, paragraph 1 takes over paragraph 3 of Article 123.
— Article 141, paragraph 2 takes over the first five indents of paragraph 2 of Article 117.

Old numbering of the Treaty establishing the European Community	New numbering of the Treaty on the Functioning of the European Union
Article 124, paragraph 1 (moved)	Article 142
Article 119	Article 143
Article 120	Article 144
Article 121, paragraph 1 (moved)	Article 140, paragraph 1
Article 121, paragraphs 2 to 4 (repealed)	
Article 122, paragraphs 1, 2, first sentence, 3, 4, 5 and 6 (repealed)	
Article 122, paragraph 2, second sentence (moved)	Article 140, paragraph 2, first subparagraph
Article 123, paragraphs 1, 2 and 4 (repealed)	
Article 123, paragraph 3 (moved)	Article 141, paragraph 1
Article 123, paragraph 5 (moved)	Article 140, paragraph 3
Article 124, paragraph 1 (moved)	Article 142
Article 124, paragraph 2 (repealed)	
Title VIII – Employment	Title IX – Employment
Article 125	Article 145
Article 126	Article 146
Article 127	Article 147
Article 128	Article 148
Article 129	Article 149
Article 130	Article 150
Title IX – Common commercial policy (moved)	Part Five, Title II, common commercial policy
Article 131 (moved)	Article 206
Article 132 (repealed)	
Article 133 (moved)	Article 207
Article 134 (repealed)	
Title X – Customs cooperation (moved)	Part Three, Title II, Chapter 2, Customs cooperation

Old numbering of the Treaty establishing the European Community	New numbering of the Treaty on the Functioning of the European Union
Article 135 (moved)	Article 33
Title XI – Social policy, education, vocational training and youth	Title X – Social policy
Chapter 1 – social provisions (repealed)	
Article 136	Article 151
	Article 152
Article 137	Article 153
Article 138	Article 154
Article 139	Article 155
Article 140	Article 156
Article 141	Article 157
Article 142	Article 158
Article 143	Article 159
Article 144	Article 160
Article 145	Article 161
Chapter 2 – The European Social Fund	Title XI – The European Social Fund
Article 146	Article 162
Article 147	Article 163
Article 148	Article 164
Chapter 3 – Education, vocational training and youth	Title XII – Education, vocational training, youth and sport
Article 149	Article 165
Article 150	Article 166
Title XII – Culture	Title XIII – Culture
Article 151	Article 167
Title XIII – Public health	Title XIV – Public health
Article 152	Article 168
Title XIV – Consumer protection	Title XV – Consumer protection

Old numbering of the Treaty establishing the European Community	New numbering of the Treaty on the Functioning of the European Union
Article 153, paragraphs 1, 3, 4 and 5	Article 169
Article 153, paragraph 2 (moved)	Article 12
Title XV – Trans-European networks	Title XVI – Trans-European networks
Article 154	Article 170
Article 155	Article 171
Article 156	Article 172
Title XVI – Industry	Title XVII – Industry
Article 157	Article 173
Title XVII – Economic and social cohesion	Title XVIII – Economic, social and territorial cohesion
Article 158	Article 174
Article 159	Article 175
Article 160	Article 176
Article 161	Article 177
Article 162	Article 178
Title XVIII – Research and technological development	Title XIX – Research and technological development and space
Article 163	Article 179
Article 164	Article 180
Article 165	Article 181
Article 166	Article 182
Article 167	Article 183
Article 168	Article 184
Article 169	Article 185
Article 170	Article 186
Article 171	Article 187
Article 172	Article 188
	Article 189

Old numbering of the Treaty establishing the European Community	New numbering of the Treaty on the Functioning of the European Union
Article 173	Article 190
Title XIX – Environment	Title XX – Environment
Article 174	Article 191
Article 175	Article 192
Article 176	Article 193
	Titre XXI – Energy
	Article 194
	Title XXII – Tourism
	Article 195
	Title XXIII – Civil protection
	Article 196
	Title XXIV – Administrative cooperation
	Article 197
Title XX – Development cooperation (moved)	<i>Part Five, Title III, Chapter 1, Development cooperation</i>
Article 177 (moved)	<i>Article 208</i>
Article 178 (repealed) ⁽⁴²⁾	
Article 179 (moved)	<i>Article 209</i>
Article 180 (moved)	<i>Article 210</i>
Article 181 (moved)	<i>Article 211</i>
Title XXI – Economic, financial and technical cooperation with third countries (moved)	<i>Part Five, Title III, Chapter 2, Economic, financial and technical cooperation with third countries</i>
Article 181a (moved)	<i>Article 212</i>
PART FOUR – ASSOCIATION OF THE OVERSEAS COUNTRIES AND TERRITORIES	PART FOUR – ASSOCIATION OF THE OVERSEAS COUNTRIES AND TERRITORIES
Article 182	Article 198
Article 183	Article 199

⁽⁴²⁾ Replaced, in substance, by the second sentence of the second subparagraph of paragraph 1 of Article 208 TFEU.

Old numbering of the Treaty establishing the European Community	New numbering of the Treaty on the Functioning of the European Union
Article 184	Article 200
Article 185	Article 201
Article 186	Article 202
Article 187	Article 203
Article 188	Article 204
	PART FIVE – THE UNION'S EXTERNAL ACTION
	Title I – General provisions on the Union's external action
	Article 205
<i>Part Three, Title IX, Common commercial policy (moved)</i>	Title II – Common commercial policy
<i>Article 131 (moved)</i>	Article 206
<i>Article 133 (moved)</i>	Article 207
	Title III – Cooperation with third countries and humanitarian aid
<i>Part Three, Title XX, Development cooperation (moved)</i>	Chapter 1 – development cooperation
<i>Article 177 (moved)</i>	Article 208 ⁽⁴³⁾
<i>Article 179 (moved)</i>	Article 209
<i>Article 180 (moved)</i>	Article 210
<i>Article 181 (moved)</i>	Article 211
<i>Part Three, Title XXI, Economic, financial and technical cooperation with third countries (moved)</i>	Chapter 2 – Economic, financial and technical cooperation with third countries
<i>Article 181a (moved)</i>	Article 212
	Article 213
	Chapter 3 – Humanitarian aid
	Article 214
	Title IV – Restrictive measures

⁽⁴³⁾ The second sentence of the second subparagraph of paragraph 1 replaces, in substance, Article 178 TEC.

Old numbering of the Treaty establishing the European Community	New numbering of the Treaty on the Functioning of the European Union
<i>Article 301 (replaced)</i>	Article 215
	Title V – International agreements
	Article 216
<i>Article 310 (moved)</i>	Article 217
<i>Article 300 (replaced)</i>	Article 218
<i>Article 111, paragraphs 1 to 3 and 5 (moved)</i>	Article 219
	Title VI – The Union's relations with international organisations and third countries and the Union delegations
<i>Articles 302 to 304 (replaced)</i>	Article 220
	Article 221
	Title VII – Solidarity clause
	Article 222
PART FIVE – INSTITUTIONS OF THE COMMUNITY	PART SIX – INSTITUTIONAL AND FINANCIAL PROVISIONS
Title I – Institutional provisions	Title I – Institutional provisions
Chapter 1 – The institutions	Chapter 1 – The institutions
Section 1 – The European Parliament	Section 1 – The European Parliament
Article 189 (repealed) ⁽⁴⁴⁾	
Article 190, paragraphs 1 to 3 (repealed) ⁽⁴⁵⁾	
Article 190, paragraphs 4 and 5	Article 223
Article 191, first paragraph (repealed) ⁽⁴⁶⁾	
Article 191, second paragraph	Article 224
Article 192, first paragraph (repealed) ⁽⁴⁷⁾	
Article 192, second paragraph	Article 225
Article 193	Article 226

⁽⁴⁴⁾ Replaced, in substance, by Article 14, paragraphs 1 and 2, TEU.

⁽⁴⁵⁾ Replaced, in substance, by Article 14, paragraphs 1 to 3, TEU.

⁽⁴⁶⁾ Replaced, in substance, by Article 11, paragraph 4, TEU.

⁽⁴⁷⁾ Replaced, in substance, by Article 14, paragraph 1, TEU.

Old numbering of the Treaty establishing the European Community	New numbering of the Treaty on the Functioning of the European Union
Article 194	Article 227
Article 195	Article 228
Article 196	Article 229
Article 197, first paragraph (repealed) ⁽⁴⁸⁾	
Article 197, second, third and fourth paragraphs	Article 230
Article 198	Article 231
Article 199	Article 232
Article 200	Article 233
Article 201	Article 234
	Section 2 – The European Council
	Article 235
	Article 236
Section 2 – The Council	Section 3 – The Council
Article 202 (repealed) ⁽⁴⁹⁾	
Article 203 (repealed) ⁽⁵⁰⁾	
Article 204	Article 237
Article 205, paragraphs 2 and 4 (repealed) ⁽⁵¹⁾	
Article 205, paragraphs 1 and 3	Article 238
Article 206	Article 239
Article 207	Article 240
Article 208	Article 241
Article 209	Article 242
Article 210	Article 243
Section 3 – The Commission	Section 4 – The Commission

⁽⁴⁸⁾ Replaced, in substance, by Article 14, paragraph 4, TEU.

⁽⁴⁹⁾ Replaced, in substance, by Article 16, paragraph 1, TEU and by Articles 290 and 291 TFEU.

⁽⁵⁰⁾ Replaced, in substance, by Article 16, paragraphs 2 and 9 TEU.

⁽⁵¹⁾ Replaced, in substance, by Article 16, paragraphs 4 and 5 TEU.

Old numbering of the Treaty establishing the European Community	New numbering of the Treaty on the Functioning of the European Union
Article 211 (repealed) ⁽⁵²⁾	
	Article 244
Article 212 (moved)	Article 249, paragraph 2
Article 213	Article 245
Article 214 (repealed) ⁽⁵³⁾	
Article 215	Article 246
Article 216	Article 247
Article 217, paragraphs 1, 3 and 4 (repealed) ⁽⁵⁴⁾	
Article 217, paragraph 2	Article 248
Article 218, paragraph 1 (repealed) ⁽⁵⁵⁾	
Article 218, paragraph 2	Article 249
Article 219	Article 250
Section 4 – The Court of Justice	Section 5 – The Court of Justice of the European Union
Article 220 (repealed) ⁽⁵⁶⁾	
Article 221, first paragraph (repealed) ⁽⁵⁷⁾	
Article 221, second and third paragraphs	Article 251
Article 222	Article 252
Article 223	Article 253
Article 224 ⁽⁵⁸⁾	Article 254
	Article 255
Article 225	Article 256
Article 225a	Article 257

⁽⁵²⁾ Replaced, in substance, by Article 17, paragraph 1 TEU.

⁽⁵³⁾ Replaced, in substance, by Article 17, paragraphs 3 and 7 TEU.

⁽⁵⁴⁾ Replaced, in substance, by Article 17, paragraph 6, TEU.

⁽⁵⁵⁾ Replaced, in substance, by Article 295 TFEU.

⁽⁵⁶⁾ Replaced, in substance, by Article 19 TEU.

⁽⁵⁷⁾ Replaced, in substance, by Article 19, paragraph 2, first subparagraph, of the TEU.

⁽⁵⁸⁾ The first sentence of the first subparagraph is replaced, in substance, by Article 19, paragraph 2, second subparagraph of the TEU.

Old numbering of the Treaty establishing the European Community	New numbering of the Treaty on the Functioning of the European Union
Article 226	Article 258
Article 227	Article 259
Article 228	Article 260
Article 229	Article 261
Article 229a	Article 262
Article 230	Article 263
Article 231	Article 264
Article 232	Article 265
Article 233	Article 266
Article 234	Article 267
Article 235	Article 268
	Article 269
Article 236	Article 270
Article 237	Article 271
Article 238	Article 272
Article 239	Article 273
Article 240	Article 274
	Article 275
	Article 276
Article 241	Article 277
Article 242	Article 278
Article 243	Article 279
Article 244	Article 280
Article 245	Article 281
	Section 6 – The European Central Bank
	Article 282
<i>Article 112 (moved)</i>	Article 283

Old numbering of the Treaty establishing the European Community	New numbering of the Treaty on the Functioning of the European Union
Article 113 (<i>moved</i>)	Article 284
Section 5 – The Court of Auditors	Section 7 – The Court of Auditors
Article 246	Article 285
Article 247	Article 286
Article 248	Article 287
Chapter 2 – Provisions common to several institutions	Chapter 2 – Legal acts of the Union, adoption procedures and other provisions
	Section 1 – The legal acts of the Union
Article 249	Article 288
	Article 289
	Article 290 ⁽⁵⁹⁾
	Article 291 ⁽⁵⁹⁾
	Article 292
	Section 2 – Procedures for the adoption of acts and other provisions
Article 250	Article 293
Article 251	Article 294
Article 252 (<i>repealed</i>)	
	Article 295
Article 253	Article 296
Article 254	Article 297
	Article 298
Article 255 (<i>moved</i>)	Article 15
Article 256	Article 299
	Chapter 3 – The Union’s advisory bodies
	Article 300
Chapter 3 – The Economic and Social Committee	Section 1 – The Economic and Social Committee

⁽⁵⁹⁾ Replaces, in substance, the third indent of Article 202 TEC.

Old numbering of the Treaty establishing the European Community	New numbering of the Treaty on the Functioning of the European Union
Article 257 (repealed) ⁽⁶⁰⁾	
Article 258, first, second and fourth paragraphs	Article 301
Article 258, third paragraph (repealed) ⁽⁶¹⁾	
Article 259	Article 302
Article 260	Article 303
Article 261 (repealed)	
Article 262	Article 304
Chapter 4 – The Committee of the Regions	Section 2 – The Committee of the Regions
Article 263, first and fifth paragraphs (repealed) ⁽⁶²⁾	
Article 263, second to fourth paragraphs	Article 305
Article 264	Article 306
Article 265	Article 307
Chapter 5 – The European Investment Bank	Chapter 4 – The European Investment Bank
Article 266	Article 308
Article 267	Article 309
Title II – Financial provisions	Title II – Financial provisions
Article 268	Article 310
	Chapter 1 – The Union's own resources
Article 269	Article 311
Article 270 (repealed) ⁽⁶³⁾	
	Chapter 2 – The multiannual financial framework
	Article 312
	Chapter 3 – The Union's annual budget

⁽⁶⁰⁾ Replaced, in substance, by Article 300, paragraph 2 of the TFEU.

⁽⁶¹⁾ Replaced, in substance, by Article 300, paragraph 4 of the TFEU.

⁽⁶²⁾ Replaced, in substance, by Article 300, paragraphs 3 and 4, TFEU.

⁽⁶³⁾ Replaced, in substance, by Article 310, paragraph 4, TFEU.

Old numbering of the Treaty establishing the European Community	New numbering of the Treaty on the Functioning of the European Union
Article 272, paragraph 1 (<i>moved</i>)	Article 313
Article 271 (<i>moved</i>)	Article 316
Article 272, paragraph 1 (<i>moved</i>)	Article 313
Article 272, paragraphs 2 to 10	Article 314
Article 273	Article 315
Article 271 (<i>moved</i>)	Article 316
	Chapter 4 – Implementation of the budget and discharge
Article 274	Article 317
Article 275	Article 318
Article 276	Article 319
	Chapter 5 – Common provisions
Article 277	Article 320
Article 278	Article 321
Article 279	Article 322
	Article 323
	Article 324
	Chapter 6 – Combating fraud
Article 280	Article 325
	Title III – Enhanced cooperation
Articles 11 and 11a (<i>replaced</i>)	Article 326 ⁽⁶⁴⁾
Articles 11 and 11a (<i>replaced</i>)	Article 327 ⁽⁶⁴⁾
Articles 11 and 11a (<i>replaced</i>)	Article 328 ⁽⁶⁴⁾
Articles 11 and 11a (<i>replaced</i>)	Article 329 ⁽⁶⁴⁾
Articles 11 and 11a (<i>replaced</i>)	Article 330 ⁽⁶⁴⁾
Articles 11 and 11a (<i>replaced</i>)	Article 331 ⁽⁶⁴⁾
Articles 11 and 11a (<i>replaced</i>)	Article 332 ⁽⁶⁴⁾

⁽⁶⁴⁾ Also replaces the current Articles 27a to 27e, 40 to 40b, and 43 to 45 TEU.

Old numbering of the Treaty establishing the European Community	New numbering of the Treaty on the Functioning of the European Union
Articles 11 and 11a (replaced)	Article 333 ⁽⁶⁴⁾
Articles 11 and 11a (replaced)	Article 334 ⁽⁶⁴⁾
PART SIX – GENERAL AND FINAL PROVISIONS	PART SEVEN – GENERAL AND FINAL PROVISIONS
Article 281 (repealed) ⁽⁶⁵⁾	
Article 282	Article 335
Article 283	Article 336
Article 284	Article 337
Article 285	Article 338
Article 286 (replaced)	Article 16
Article 287	Article 339
Article 288	Article 340
Article 289	Article 341
Article 290	Article 342
Article 291	Article 343
Article 292	Article 344
Article 293 (repealed)	
Article 294 (moved)	Article 55
Article 295	Article 345
Article 296	Article 346
Article 297	Article 347
Article 298	Article 348
Article 299, paragraph 1 (repealed) ⁽⁶⁶⁾	
Article 299, paragraph 2, second, third and fourth subparagraphs	Article 349
Article 299, paragraph 2, first subparagraph, and paragraphs 3 to 6 (moved)	Article 355

⁽⁶⁴⁾ Also replaces the current Articles 27a to 27e, 40 to 40b, and 43 to 45 TEU.

⁽⁶⁵⁾ Replaced, in substance, by Article 47 TEU.

⁽⁶⁶⁾ Replaced, in substance by Article 52 TEU.

Old numbering of the Treaty establishing the European Community	New numbering of the Treaty on the Functioning of the European Union
Article 300 (replaced)	Article 218
Article 301 (replaced)	Article 215
Article 302 (replaced)	Article 220
Article 303 (replaced)	Article 220
Article 304 (replaced)	Article 220
Article 305 (repealed)	
Article 306	Article 350
Article 307	Article 351
Article 308	Article 352
	Article 353
Article 309	Article 354
Article 310 (moved)	Article 217
Article 311 (repealed) ⁽⁶⁷⁾	
Article 299, paragraph 2, first subparagraph, and paragraphs 3 to 6 (moved)	Article 355
Article 312	Article 356
Final Provisions	
Article 313	Article 357
	Article 358
Article 314 (repealed) ⁽⁶⁸⁾	

⁽⁶⁷⁾ Replaced, in substance by Article 51 TEU.

⁽⁶⁸⁾ Replaced, in substance by Article 55 TEU.