Official Journal of the European Union

L 311

English edition

Legislation

Volume 57

31 October 2014

Contents

[1] Text with EEA relevance

EN

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

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

[1] Text with EEA relevance

[1] Text with EEA relevance

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

Notice concerning the provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States of the one part and Ukraine, of the other part

The following parts of the Association Agreement between the European and the European Atomic Energy Community and their Member States of the one part, and Ukraine, of the other part, signed at Brussels on 21 March 2014 and on 27 June 2014, will be provisionally applied by virtue of Article 4 of the Council Decisions on the signing and provisional application of the Agreement ([1]), the second one as amended ([2]), as of 1 November 2014, to the extent that they cover matters falling within the Union's competence:

Title I;

Articles 4, 5 and 6 of Title II;

Title III: Articles 14 and 19;

Title V: Chapter 1 (with the exception of Article 338(k) and Articles 339 and 342), Chapter 6 (with the exception of Articles 361, Article 362(1)(c), Article 364, and points (a) and (c) of Article 365), Chapter 7 (with the exception of Article 368(3) and points (a) and (d) of Article 369 ([3])), Chapters 12 and 17 (with the exception of Article 404(h)), Chapter 18 (with the exception of Article 410(b) and Article 411), Chapters 20, 26 and 28, as well as Articles 353 and 428;

Title VI;

Title VII (with the exception of Article 479(1)), to the extent that the provisions of that Title are limited to the purpose of ensuring the provisional application of the Agreement;

Annex XXVI, Annex XXVII (with the exception of nuclear issues), Annexes XXVIII to XXXVI (with the exception of point 3 in Annex XXXII),

Annexes XXXVIII to XLI, Annexes XLIII and XLIV, as well as Protocol III.

([1]) OJ L 161, 29.5.2014, p. 1.
OJ L 278, 20.9.2014, p. 1.
([2]) OJ L 289, 3.10.2014, p. 1.
([3]) The reference in point (c) of Article 369 to the 'development of funding strategies focusing on maintenance, capacity constraints and missing link infrastructure' does not create any funding obligations on Member States.

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) No 1159/2014

of 30 October 2014

implementing Article 8a(1) of Regulation (EC) No 765/2006 concerning restrictive measures in respect of Belarus

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures in respect of Belarus [1], and in particular Article 8a(1) thereof,

Whereas:

(1) On 18 May 2006, the Council adopted Regulation (EC) No 765/2006.

(2) The Council considers that there are no longer grounds for keeping certain persons and entities on the list of persons and entities subject to restrictive measures as set out in Annex I to Regulation (EC) No 765/2006.

(3) Furthermore, the information relating to certain persons and entities on the list of persons and entities subject to restrictive measures as set out in Annex I to Regulation (EC) No 765/2006 should be updated.

(4) Annex I to Regulation (EC) No 765/2006 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 765/2006 is hereby amended as set out in the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 30 October 2014.

For the Council
The President
S. GOZI

[1] OJ L 134, 20.5.2006, p. 1.

ANNEX

I. The following persons and entities are deleted from the list set out in Annex I to Regulation (EC) No 765/2006:

A. **Persons**

No 2 Akulich, Sviatlana Rastsislavauna;

No 3 Aliaksandrau, Dzmitry Piatrovich;

No 34 Chasnouski, Mechyslau Edvardavich;

No 45 Gardzienka, Siarhei Aliaksandravich;

No 46 Guseu, Aliaksei Viktaravich;

No 70 Kaliada, Aliaksandr Mikhailavich;

No 76 Kastsian, Siarhei Ivanavich;

No 82 Khadanovich, Aliaksandr Alyaksandrauvich;

No 90 Kisialiova, Nadzeia Mikalaeuna;

No 99 Krot, Ihar Uladzimiravich;

No 100 Krukouski, Viachaslau Iafimavich;

No 102 Kukharchyk, Piotr Dzmitryevich;

No 132 Mikhalchanka, Aliaksei Yakaulevich;

No 141 Orda, Mikhail Siarheevich;

No 143 Padaliak, Eduard Vasilievich;

No 147 Peftsieu, Uladzimir Paulavich;

No 159 Reliava, Aksana Anatolyeuna;

No 172 Sheiko, Ina Valerieuna;

No 189 Stosh, Mikalai Mikalaevich;

No 197 Taranda, Aliaksandr Mikhailavich;

No 198 Tarapetskaia, Halina Mikhailauna;

No 199 Ternavsky, Anatoly Andreevich;

No 205 Tsitsiankova, Alena Viktarauna;

No 220 Yuferytsyn, Dzmitry Viktaravich.

B. **Entities**

No 2 Private Unitary Enterprise (PUE) BT Telecommunications;

No 6 JLLC Neftekhimtrading;

No 21 JLLC Triplepharm;

No 22 LLC Triple-Veles;

No 23 Univest-M;

No 24 FLLC Unis Oil;

No 25 JLLC UnivestStroyInvest.

II. The entries for the following persons and entities set out in Annex I to Regulation (EC) No 765/2006 are replaced by the following:

A. **Persons**

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
12.	Bakhmatau, Ihar Andreevich Bakhmatov, Igor Andreevich	БАХМАТАЎ, Ігар Андрэевіч	БАХМАТОВ, Игорь Андреевич	Address: БФСО 'Динамо' 220030, г. Минск, ул. Кирова 8 корп. 2	Has been actively involved in the repression of civil society in Belarus. As a former Deputy Head of the KGB, in charge of the staff and the organisation of their tasks, he was responsible for the repressive activity of the KGB against civil society and democratic opposition. Reassigned to the reserve forces in May 2012. Also a member of the Central Council of CJSC Dinamo-Minsk which is listed under item 20 of Section B.
33.	Charnyshou, Aleh Anatolievich Chernyshev, Oleg Anatolievich	ЧАРНЫШОЎ, Алег Анатольевіч	ЧЕРНЫШЕВ, Олег Анатольевич	Address: КГБ 210623, г. Минск, проспект Независимости, 17	Deputy Head of the KGB, in charge of foreign intelligence, since April 2014. Colonel, he was in charge of counter-terrorist unit of the KGB, the 'Alpha' unit. He personally participated in inhuman and degrading treatment of opposition activists in the KGB detention centre in Minsk after the crackdown on the post-election protest demonstration in Minsk on 19 December 2010. His actions constituted a direct violation of the international commitments of Belarus in the field of human rights.
35.	Chatviartkova, Natallia Alexeeuna Chetvertkova, Natalia Alexeevna (Chetvertkova, Natalya Alexeevna)	ЧАТВЯРТКОВА, Наталля Алексееўна	ЧЕТВЕРТКОВА, Наталья Алексеевна		Former Deputy President and judge of the Partizanski District Court of Minsk (until 18.6.2012). She dealt with the trial of ex-presidential candidate Andrei Sannikov, civil society activist Ilia Vasilevich, Fedor Mirzoianov, Oleg Gnedchik and Vladimir Yeriomenok. Her way of conducting the trial was a clear violation of the Code of Criminal Procedure. She sustained the use of evidence and testimonies irrelevant to the accused.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
40.	Dysko, Henadz Iosifavich Dysko, Gennadi Iosifovich	ДЫСКО, Генадзь Іосіфавіч	ДЫСКО, Генадий Иосифович	DOB: 1964 POB: Oshmiany, Hrodna region Address: 210601 г. Витебск, ул. Жесткова, 14a (ul. Zhestkova, 14a Vitebsk)	Prosecutor of the Region of Vitebsk until 2.8.2011. Responsible for the repression of civil society following the December 2010 elections. This includes responsibility for cases against Siarhei Kavalenka and Andrei Haidukow.
41.	Dzemiantsei, Vasil Ivanavich (Dzemyantsey, Vasil Ivanovich) Dementei, Vasili Ivanovich (Dementey, Vasili Ivanovich)	ДЗЕМЯНЦЕЙ, Васіль Іванавіч	ДЕМЕНТЕЙ, Василий Иванович	DOB: 20.9.1954 POB: Chashniki district, Vitebsk region ID: 3200954E045PB4 Address: Гродненская региональная таможня 230003, г. Гродно, ул. Карского, 53	Head of the Hrodna regional Customs committee, former First deputy Chairman of the KGB (2005-2007), former Deputy Head of the State Customs Committee. Responsible for the repressive activity of the KGB against civil society and democratic opposition, in particular in 2006-2007.
42.	Dziadkou, Leanid Mikalaevich Dedkov, Leonid Nikolaevich	ДЗЯДКОЎ, Леанід Мікалаевіч	ДЕДКОВ, Леонид Николаевич	DOB: 10.1964 ID: 3271064M000PB3 Address: КГБ 210623, г. Минск, проспект Независимости, 17	Former Deputy Head of the KGB (since July 2013), in charge of foreign intelligence. He shared responsibility for the repressive activity of the KGB against civil society and democratic opposition.
55.	Hureeu Siarhei Viktaravich (Hureyeu Siarhey Viktaravich) Gureev Sergei Viktorovich (Gureyev Sergey Viktorovich)	ГУРЭЕЎ, Сяргей Віктаравіч	ГУРЕЕВ, Сергей Викторович		Has been actively involved in the repression of civil society in Belarus. As a former Deputy Minister of Interior and Head of Preliminary Investigation, he was responsible for the violent suppression of protests and violations of human rights during investigation proceedings in relation to the December 2010 elections. Joined the reserve forces in February 2012. Currently a General in the reserve forces.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
62.	Iauseev, Ihar Uladzimiravich (Yauseev, Ihar Uladzimiravich; Yauseyev, Ihar Uladzimiravich) Evseev, Igor Vladimirovich (Yevseev, Igor Vladimirovich; Yevseyev, Igor Vladimirovich)	ЯЎСЕЕЎ, Ігар Уладзіміравіч	ЕВСЕЕВ, Игорь Владимирович	DOB: 1968 Address: г. Витебск, пр-т Фрунзе, д. 41а	Head of the regional Vitebsk police (since June 2012), police general (since 2013). Former Deputy Head of Minsk Police and Head of the Minsk anti-riot (OMON) operation team. He commanded the troops that put down the peaceful demonstrations on 19 December 2010 and personally took part in the brutality, for which he received an award and an acknowledgement letter from President Lukashenka in February 2011. In 2011, he also commanded the troops that repressed several other protests by political activists and peaceful citizens in Minsk.
68.	Kakunin, Aliaksandr Aliaksandravich (Kakunin, Aliaxandr Aliaxandravich) Kakunin, Aleksandr Aleksandravich (Kakunin, Alexandr Alexandrovich)	КАКУНИН, Александр Александрович	КАКУНІН, Аляксандр Аляксандровіч	Head of penal colony IK-2 in Bobruisk	Responsible for inhumane treatment of political prisoners A. Sannikau and A. Beliatski in penal colony IK-2 in Bobruisk. Opposition activists were tortured, denied access to lawyers and placed in solitary confinement in the penal colony under his supervision. Kakunin put pressure on A. Beliatski and A. Sannikau in order to force them to sign an appeal for pardon.
73.	Kanapliou, Uladzimir Mikalaevich Konoplev, Vladimir Nikolaevich	КАНАПЛЕЎ, Уладзімір Мікалаевіч	КОНОПЛЕВ, Владимир Николаевич	DOB: 3.1.1954 POB: Akulintsi, Mohilev region ID: 3030154A124PB9 Address: Национальный олимпийский комитет Республики Беларусь 220020 г. Минск ул. Радужная, 27	Has close ties with President Lukashenka with whom he worked closely during the 1980s and mainly in 1990s. Deputy Head of the National Olympic Committee (Head is Alexandr Lukashenka), Head of the Handball federation. Former Chairman of the Lower House of the Parliament, appointed by the President. He was one of the main actors in the fraudulent presidential election in 2006. Has been granted a residence in the Drozdy nomenklatura district in Minsk by the Presidential Administration.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
78.	Kavaliou, Aliaksandr Mikhailavich Kovalev, Aleksandr Mikhailovich	КАВАЛЕЎ, Аляксандр Міхайлавіч	КОВАЛЕВ, Александр Михайлович		Former Director of the prison camp in Horki. He was responsible for the inhuman treatment of the detainees, especially for persecution and torturous treatment of civil society activist Dmitri Dashkevich, who was imprisoned in relation to the 19 December 2010 elections and the crackdown on civil society and on the democratic opposition.
85.	Khmaruk, Siargei Konstantinovich Khmaruk, Sergei Konstantinovich (Khmaruk, Sergey Konstantinovich)	ХМАРУК, Сяргей Канстанцінавіч	ХМАРУК, Сергей Константинович	Address: Прокуратура г. Минска ул. Раковская 38	Prosecutor of the City of Minsk. Former Prosecutor of the Region of Brest. Responsible for the repression of civil society following the December 2010 elections. Promoted in February 2011.
93.	Konan, Viktar Aliaksandravich Konon, Viktor Aleksandrovich	КОНАН, Віктар Аляксандравіч	КОНОН, Виктор Александрович		Has actively undermined democracy in Belarus. In his former role of Deputy Prosecutor General until 2012, he was in charge and directly involved in all the intelligence activities carried out by the Prosecutor General's office against independent and opposition entities, including in 2010.
94.	Kornau, Uladzimir Uladzimiravich Kornov, Vladimir Vladimirovich	КОРНАЎ, Уладзімір Уладзіміравіч	КОРНОВ, Владимир Владимирович	Address: Суд Советского района г. Минска 220113, г. Минск, Логойский тракт, 3 Tel: +375 17 280 83 40	Head of the Sovetski District Court of Minsk, former judge at the City Court of Minsk who authorised the rejection of Byalyatski's appeal. Byalyatski was active in defending and providing assistance to those who suffered from repression in relation to the 19 December 2010 elections and the crackdown on civil society and on the democratic opposition.
95.	Korzh, Ivan Aliakseevich Korzh, Ivan Alekseevich	КОРЖ, Іван Аляксеевіч	КОРЖ, Иван Алексеевич		General, Head of the KGB of the Region of Hrodna. Responsible for the repressive activity of the KGB against civil society and democratic opposition in the region of Hrodna.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
97.	Krasheuski, Viktar Krashevski, Viktor	КРАШЭЎСКІ, Віктар	КРАШЕВСКИЙ, Виктор		General, Former Head of the GRU (Intelligence Department of the Ministry of Defence) and Deputy Chief of staff of the Armed Forces of Belarus (until February 2013). Responsible for the activity of the intelligence services in the repression of civil society and democratic opposition.
105.	Kuzniatsou, Ihar Nikonavich Kuznetsov, Igor Nikonovich	КУЗНЯЦОЎ, Ігар Ніконавіч	КУЗНЕЦОВ, Игорь Никонович	Address: KGB Training Centre Бядули 2, 220034, Минск	General, Head of KGB Training Centre, former Head of the KGB in the Minsk region and in Minsk city. As the person responsible for preparing and training KGB staff, he was responsible for the repressive activity of the KGB against civil society and the democratic opposition. In relation to his previous functions, he was responsible for the same repressive activity of the KGB in Minsk city and in the region of Minsk.
114.	Liabedzik, Mikhail Piatrovich Lebedik, Mikhail Petrovich	ЛЯБЕДЗІК, Міхаіл Пятровіч	ЛЕБЕДИК, Михаил Петрович	Address: Ул. Б. Хмельницкого, 10 а, Минск, 220013	During the 2010 Presidential electoral campaign he was appointed by the Head of the Central Electoral Committee. First Deputy Head (re-appointed on 21 January 2014) of the Supervisory Board in charge of monitoring the compliance with procedures and rules of election campaigning in the media, and, as such, has played an active role for the regime propaganda during the election campaigns of 2010 and 2012. On 26 October 2011 he was awarded the 'Order of Franzisk Skorina' by the President. In September 2012, he refused to include members of the independent media in the Board. First Deputy Editor of the newspaper of the President's Administration and main propaganda newspaper 'Sovietskaia Belarus'. Source of pro-governmental policy, falsifying facts and making unfair comments on the ongoing processes in Belarus against the democratic opposition and civil society, which have been systematically highlighted in a negative and derogatory way, in particular after the Presidential elections in 2010.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
115.	Liaskouski, Ivan Anatolievich Leskovski, Ivan Anatolievich	ЛЯСКОЎСКІ, Іван Анатольевіч	ЛЕСКОВСКИЙ, Иван Анатольевич		Former Head of the KGB for the region of Homel and former Deputy Head of the KGB for Homel. Responsible for the repressive activity of the KGB against civil society and democratic opposition in the region of Homel. He was removed from his position by the President on 2 April 2014 for improper conduct.
117.	Lomats, Zianon Kuzmich Lomat, Zenon Kuzmich	ЛОМАЦЬ, Зянон Кузьміч	ЛОМАТЬ, Зенон Кузьмич	DOB: 27.1.1944 POB: Karabani, Minsk region	Has actively undermined democracy in Belarus. In his former role as President of the State Control Committee (until 2010) he was one of the main persons involved in the case of Ales Byalyatski, one of the most prominent human rights defenders, Chief of the Belarusian Human Rights Centre 'Vyasna', Vice President of FIDH. A. Byalyatski was active in defending and providing assistance to those who suffered from repression in relation to the 19 December 2010 elections and the crackdown on civil society and on the democratic opposition.
118.	Lopatko, Alexander Alexandrovich	Александр Александрович Лопатко	Аляксандр Аляксандровіч Лапатка	Deputy Head of penal colony IK-9 in Mazyr	Responsible for inhumane treatment of D.Dashevich, including tortures and denial of access to legal representatives. Lopatko had a key position in the penal colony where Dashekevich was held and where psychological pressure, including denial of sleep and isolation, was applied to political prisoners including Mr Dashekevich.
120.	Lukashenka, Dzmitry Aliaksandravich Lukashenko, Dmitri Aleksandrovich	ЛУКАШЭНКА, Дзмітрый Аляксандравіч	ЛУКАШЕНКО, Дмитрий Александрович	DOB: 23.3.1980 Address: President's Sports Club 220029, г. Минск, ул. Старовиленская, 4.	Businessman, with active participation in financial operations involving the Lukashenka family. Chairman of the Presidential Sports Club.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
126.	Maltsau, Leanid Siamionavich Maltsev, Leonid Semenovich	МАЛЬЦАЎ, Леанід Сяменавіч	МАЛЬЦЕВ, Леонид Семенович	DOB: 29.8.1949 POB: Vetenevka, Slonim rayon, Hrodna Region (д. Ветеньевка, Слонимского района, Гродненской области) ID: 3290849A002PB5	Head of the State Border Committee, former Secretary of the Security Council.
137.	Navumau, Uladzimir Uladzimiravich Naumov, Vladimir Vladimirovich	НАВУМАЎ, Уладзімір Уладзіміравіч	НАУМОВ, Владимир Владимирович	DOB: 7.2.1956 POB: Smolensk (Russia)	Failed to take action to investigate the case of the unresolved disappearances of Yuri Zakharenko, Viktor Gonchar, Anatoly Krasovski and Dmitri Zavadski in Belarus in 1999-2000. Former Minister of Interior and also former Head of the President's Security Service. As a Minister of Interior he was responsible for the repression over peaceful demonstrations until his retirement on 6 April 2009 for health reasons. Received a residence in the Drozdy nomenklatura district in Minsk from the Presidential Administration.
146.	Paulichenka, Dzmitry Valerievich Pavlichenko, Dmitri Valerievich (Pavlichenko, Dmitriy Valeriyevich)	ПАЎЛІЧЭНКА, Дзмітрый Валер'евіч	ПАВЛИЧЕНКО, Дмитрий Валериевич	DOB: 1966 POB: Vitebsk Address: Белорусская ассоциация ветеранов спецподразделений войск МВД 'Честь' 220028, Минск Маяковского, 111	Key person in the unresolved disappearances of Yuri Zakharenko, Viktor Gonchar, Anatoly Krasovski and Dmitri Zavadski in Belarus in 1999-2000. Former Head of the Special Response Group at the Ministry of Interior (SOBR). Businessman, Head of 'Honour', the Ministry of Interior's Association of the veterans from special forces from the Ministry of Interior.
148.	Piakarski, Aleh Anatolievich Pekarski, Oleg Anatolievich	ПЯКАРСКІ, Алег Анатольевіч	ПЕКАРСКИЙ, Олег Анатольевич	ID: 3130564A041PB9	Has been actively involved in the repression of civil society in Belarus. As former first Deputy Minister of Interior (until 2012), he was responsible for the repression of civil society following the December 2010 elections. Colonel in the reserve forces.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
155.	Pykina, Natallia Mikhailauna (Pykina, Natalia Mikhailauna) Pikina, Natalia Mikhailovna (Pykina, Natalya Mikhailovna)	ПЫКІНА, Наталля Міхайлаўна	ПЫКИНА, Наталья Михайловна	DOB: 20.4.1971 POB: Rakov Address: Суд Партизанского района г. Минска 220027, г. Минск, ул. Семашко, 33	Responsible for implementing the politically-motivated administrative and criminal sanctions against representatives of civil society. Judge of the Partizanski District Court dealing with Likhovid's case. On 29 March 2011, she sentenced Mr Likhovid, an activist of 'The Movement for Freedom', to three-and-a-half years in prison. She has been appointed Deputy Chairman of the Partizanski District Court of Minsk.
157.	Rakhmanava, Maryna Iurievna Rakhmanova, Marina Iurievna	РАХМАНАВА, Марына Юр'еўна	РАХМАНОВА, Марина Юрьевна	DOB: 1970 POB: Hrodna	Member of the Central Electoral Commission (CEC) and Head of the Department of Public Requests in the Hrodna regional administration. As a Member of the Central Electoral Commission, she was responsible for the violations of international electoral standards in the Presidential elections on 19 December 2010 and in the Parliamentary elections of September 2012.
160.	Rubinau, Anatol Mikalaevich Rubinov, Anatoli Nikolaevich	РУБІНАЎ, Анатоль Мікалаевіч	РУБИНОВ, Анатолий Николаевич	DOB: 15.4.1939 Mohilev	Chairman of the Upper House of Parliament, former Deputy Head in charge of Media and Ideology of the President's Administration (2006-2008). In that position, he was one of the main sources and voices of state propaganda and ideological support for the regime. Member of the Security Council since March 2014.
161.	Rusak, Viktar Uladzimiravich Rusak, Viktor Vladimirovich	РУСАК, Віктар Уладзіміравіч	РУСАК, Виктор Владимирович	DOB: 4.5.1955 POB: Minsk Address: Палата представителей Национального собрания Республики Беларусь 220010, Республика Беларусь, г. Минск, ул. Советская, 11	Member of the Lower Chamber of the Parliament, Deputy Head of the Committee on National Security. Former Head of the KGB Board on Economic Security. He was responsible for the repressive activity of the KGB against civil society and democratic opposition.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
166.	Sauko, Valery Iosifavich Savko, Valeri Iosifovich	САЎКО, Валерый Іосіфавіч	САВКО, Валерий Иосифович		Head of the Hrodna branch of the pro-regime trade union. Former Head of Regional Election Commission (REC) of Hrodna Region for the Presidential election of 2010 and the local elections of March 2014. As Chairman of a Regional Electoral Commission, he was responsible for the violations of international electoral standards in the Presidential elections on 19 December 2010, and for the falsifications in the local elections of March 2014 in the Hrodna region.
167.	Shaeu, Valiantsin Piatrovich (Shayeu, Valyantsin Piatrovich) Shaev, Valentin Petrovich (Shayev, Valentin Petrovich)	ШАЕЎ, Валянцін Пятровіч	ШАЕВ, Валентин Петрович		Member of the Security Council, Head of the Investigation Committee, former Deputy Head of the Investigation Committee, former Prosecutor of the region of Homel. Responsible for the repression of civil society following the December 2010 elections.
171.	Shchurok, Ivan Antonavich Shchurok, Ivan Antonovich	ШЧУРОК, Іван Антонавіч	ЩУРОК, Иван Антонович		Member of the Central Electoral Commission (CEC) and Head of the Department of Education in the Vitebsk regional administration. As a Member of the Central Electoral Commission, he was responsible for the violations of international electoral standards in the Presidential elections on 19 December 2010 and in the Parliamentary elections of September 2012.
184.	Sirenka, Viktar Ivanavich Sirenko, Viktor Ivanovich	СІРЭНКА, Віктар Іванавіч	СИРЕНКО, Виктор Иванович	DOB: 4.3.1962 ID: 3040362B062PB7 Address: Комитет по здравоохранению Минского горисполкома ул. Маяковского, 22, корп. 2, 220006, г. Минск	Head of the Committee for Health Care of Minsk City and former Chief Surgeon of the Minsk Emergency Hospital. He did not oppose the kidnapping of the presidential candidate, Nekliayev, who was transported to his hospital after being severely beaten on 19 December 2010 and, by failing to call the police, cooperated with the unknown perpetrators. Such inaction led him to be promoted. As Head of the Committee for Health Care of Minsk City is responsible for supervising use of labour-sanitary institutions in the suppression of human rights.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
185.	Sivakau, Iury Leanidavich (Sivakau, Yury Leanidavich) Sivakov, Iury (Yurij, Yuri) Leonidovich	СІВАКАЎ, Юрый Леанідавіч	СИВАКОВ, Юрий Леонидович	DOB: 5.8.1946 POB: Onory, Sakhalin Region Address: Белорусская ассоциация ветеранов спецподразделений войск МВД 'Честь' 220028, Минск Маяковского, 111	Orchestrated the unresolved disappearances of Yuri Zakharenko, Viktor Gonchar, Anatoly Krasovski and Dmitri Zavadski in Belarus in 1999-2000. Former Minister of Tourism and Sports, former Minister of Interior and former Deputy Head of the Presidential Administration.
186.	Skurat, Viktar Vatslavavich Skurat, Viktor Vatslavovich	СКУРАТ, Віктар Вацлававіч	СКУРАТ, Виктор Вацлавович		Former Head of the Security Department of the Ministry of Interior. In this capacity responsible for severe human rights violations and the repression of civil society and democratic opposition, notably in the aftermath of the presidential elections of 2010. In February 2011, he received an award in the form of an acknowledgement certificate for his services. Retired since February 2013. Head of the security department of the holding company 'MZOR', which is a state owned company under the responsibility of the Ministry of Industry of the Republic of Belarus and therefore directly associated with the Lukashenka regime.
201.	Traulka, Pavel Traulko, Pavel	ТРАУЛЬКА, Павел	ТРАУЛЬКО, Павел		Lieutenant Colonel, former operative of the military counter-intelligence of the KGB (currently head of the press service of the Investigative Committee of Belarus). He falsified evidence and used threats in order to extort confessions from opposition activists in the KGB detention centre in Minsk after the crackdown on the post-election protest demonstration in Minsk on 19 December 2010. He was directly responsible for the use of cruel, inhuman and degrading treatment or punishment and for denying the right to a fair trial. His actions constituted a direct violation of the international commitments of Belarus in the field of human rights.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
202.	Trutka, Iury Igorevich (Trutka, Yury Igorevich) Trutko, Iury (Yurij, Yuri) Igorevich	ТРУТКА, Юрый Ігаравіч	ТРУТКО, Юрий Игоревич	Deputy Head of penal colony IK-2 in Bobruisk	Responsible for inhumane and cruel treatment of political prisoners A. Sannikau and A. Beliatski in penal colony IK-2 in Bobruisk. Opposition activists were tortured, denied access to legal representation and placed in the solitary confinement in the penal colony under his supervision. Trutko put pressure on A. Beliatski and A. Sannikau in order to force them to sign an appeal for pardon.
217.	Volkau, Siarhei Mikhailavich Volkov, Sergei Mikhailovich (Volkov, Sergey Mikhailovich)	ВОЛКАЎ, Сяргей Міхайлавіч	ВОЛКОВ, Сергей Михайлович		Has been actively involved in the repression of civil society in Belarus. As a former Head of the KGB Board of Intelligence, he shared responsibility for the repressive activity of the KGB against civil society and democratic opposition.
221.	Zaharouski, Anton Uladzimiravich Zagorovski, Anton Vladimirovich	ЗАГАРОЎСКІ, Антон Уладзіміравіч	ЗАГОРОВСКИЙ, Антон Владимирович		Prosecutor of the City of Minsk, former Prosecutor of the Frunzenski District of Minsk, dealing with the case of protestor Vasili Parfenkov in February 2011, and with the case against A. Sannikau in July 2011. Responsible for implementing the politically-motivated administrative and criminal sanctions against representatives of civil society.
222.	Zaitsau, Vadzim Iurievich Zaitsev, Vadim Iurievich	ЗАЙЦАЎ, Вадзім Юр'евіч	ЗАЙЦЕВ, Вадим Юрьевич	DOB: 1964 POB: Zhitomyr region, Ukraine (USSR)	CEO of the semi-private Cosmos TV since June 2013, appointed by the Government of Belarus as representative of the state. Former Head of the KGB (July 2008-November 2012). Responsible for transforming the KGB into the main organ of the repression of civil society and of the democratic opposition. Responsible for the dissemination, through the media, of false information about the demonstrators on 19 December 2010, alleging that they had brought materials to be used as weapons. He personally threatened the lives and health of the wife and child of former presidential candidate, Andrei Sannikov. He is the main initiator of orders for unlawful harassment of democratic opposition, the torture of political opponents and the mistreatment of prisoners.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
224.	Zakharau, Aliaksei Ivanavich Zakharov, Aleksei Ivanovich (Zakharov, Alexey Ivanovich)	ЗАХАРАЎ, Аляксей Іванавіч	ЗАХАРОВ, Алексей Иванович		Has been actively involved in the repression of civil society in Belarus. As a former Head of Military Counter-intelligence Board of the KGB (until 2012), he was responsible for the repressive activity of the KGB against civil society and the democratic opposition. Under his supervision, KGB staff took part in interrogations of political activists following the demonstration on 19 December 2010.
226.	Zhadobin, Iury Viktaravich (Zhadobin, Yury Viktaravich) Zhadobin, Iuri Viktorovich (Zhadobin, Yuri Viktorovich)	ЖАДОБІН, Юрый Віктаравіч	ЖАДОБИН, Юрий Викторович	DOB: 14.11.1954 POB: Dnipropetrovsk ID: 3141154A021PB0	Minister of Defence since December 2009. As a member of the Security Council, he approves the repressive decisions agreed at ministerial level, including the decision to repress the peaceful demonstrations on 19 December 2010. After December 2010, he praised the 'total defeat of destructive forces', when referring to the democratic opposition.
227.	Zhuk, Alena Siamionauna (Zhuk Alena Syamionauna) Zhuk Elena Semenovna (Zhuk Yelena Semyonovna)	ЖУК, Алена Сямёнаўна	ЖУК, Елена Семеновна		Judge of Pervomayskij district court in Vitsebsk. On 24 February 2012, she sentenced Syarhei Kavalenka, who was considered as a political prisoner in 2012-2013, to two years and one month in prison for violation of probation. Alena Zhuk was directly responsible for violations of the human rights of a person because she denied Syarhei Kavalenka the right to a fair trial. Syarhei Kavalenka was previously given a suspended sentence for hanging out a banned historical white-red-white flag, a symbol of the opposition movement, in Vitsebsk. The subsequent sentence given by Alena Zhuk was disproportionately harsh given the nature of the crime and not in line with the criminal code of Belarus. The actions of Alena Zhuk constituted a direct violation of the international commitments of Belarus in the field of human rights.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
228.	Zhuk, Dzmitry Aliaksandravich Zhuk, Dmitri Aleksandrovich	ЖУК, Дзмітрый Аляксандравіч	ЖУК, Дмитрий Александрович	DOB: 7.7.1970 ID: 3070770A081PB7 Address: БЕЛОРУССКОЕ ТЕЛЕГРАФНОЕ АГЕНТСТВО Республика Беларусь, 220030, Минск, ул. Кирова, 26	Director General (CEO) State News Agency BELTA since May 2003. Responsible for relaying state propaganda in the media, which has supported and justified the repression of the democratic opposition and of civil society on 19 December 2010 using falsified information.
230.	Zhukouski, Siarhei Kanstantsinavich Zhukovski, Sergei Konstantinovich	ЖУКОЎСКІ, Сяргей Канстанцінавіч	ЖУКОВСКИЙ, Сергей Константинович		Deputy Prosecutor of the Zavodskoi District of Minsk dealing with the case of Khalip Irina, Martselev Sergei, Severinets Pavel, outstanding civil society representatives. The accusation presented by him had a clear and imminent political motivation and was a clear violation of the Code of Criminal Procedure. It was based on an incorrect classification of the events of 19 December 2010, and not sustained by evidence, proof or testimonies of witnesses.

B. **Entities**

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
1.	Beltechexport		'ЗАО Белтехэкспорт'	Republic of Belarus, 220012, Minsk, Nezavisimost ave., 86-B Tel: (+375 17) 263-63-83, Fax: (+375 17) 263-90-12	Beltechexport benefits from the regime as a main exporter of arms and military equipment in Belarus, which requires authorisation from the Belarusian authorities.
3.	Beltech Holding	Белтех Холдинг			Beltech Holding benefits from the regime, in particular through Beltechexport, which is part of Beltech Holding. Beltechexport benefits from the regime as a main exporter of arms and military equipment in Belarus, which requires authorisation from the Belarusian authorities.

COMMISSION REGULATION (EU) No 1160/2014

of 30 October 2014

amending Annex II to Regulation (EC) No 998/2003 of the European Parliament and of the Council as regards the list of countries and territories

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 998/2003 of the European Parliament and of the Council of 26 May 2003 on the animal health requirements applicable to the non-commercial movement of pet animals and amending Council Directive 92/65/EEC ([1]), and in particular Articles 10 and 19 thereof,

Whereas:

(1) Regulation (EC) No 998/2003 lays down the animal health requirements applicable to the non-commercial movement of pet animals and the rules applicable to checks on such movements.

(2) Part C of Annex II to Regulation (EC) No 998/2003 lists the third countries and territories which are free of rabies and the third countries and territories in respect of which the risk of rabies spreading to the Union, as a result of non-commercial movements of pet animals from them, has been found to be no higher than the risk associated with such movements between Member States.

(3) To be included on that list, a third country should demonstrate its status with regard to rabies and that it complies with certain requirements relating to the notification of suspicion of rabies, the monitoring system, the structure and organisation of its veterinary services, the implementation of all regulatory measures for the prevention and control of rabies and the regulations on the marketing of anti-rabies vaccines.

(4) The former Yugoslav Republic of Macedonia has submitted information regarding its status with regard to rabies, as well as information concerning the compliance with the requirements laid down in Regulation (EC) No 998/2003. From the assessment of that information, it appears that the former Yugoslav Republic of Macedonia complies with the relevant requirements laid down in that Regulation and should therefore be included in the list set out in Part C of Annex II to Regulation (EC) No 998/2003.

(5) Regulation (EC) No 998/2003 should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on the Food Chain and Animal Health,

HAS ADOPTED THIS REGULATION:

Article 1

In Part C of Annex II to Regulation (EC) No 998/2003, the following entry is inserted between the entry for Saint Lucia and that for Montserrat:

'MK … the former Yugoslav Republic of Macedonia'.

([1]) OJ L 146, 13.6.2003, p. 1.

Article 2

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

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

Done at Brussels, 30 October 2014.

For the Commission

The President

José Manuel BARROSO

COMMISSION REGULATION (EU) No 1161/2014

of 30 October 2014

adapting to technical progress Council Regulation (EEC) No 3821/85 on recording equipment in road transport

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport ([1]), and in particular Article 17 thereof,

Whereas:

(1) Annex IB to Regulation (EEC) No 3821/85 on recording equipment in road transport sets out the technical specifications for the construction, testing, installation and inspection of digital tachographs.

(2) Commission Regulation (EC) No 68/2009 ([2]) introduced an adaptor as a temporary solution, until 31 December 2013, to make it possible to install tachographs in conformity with Annex IB to Regulation (EEC) No 3821/85 in Ml and N1 type vehicles.

(3) Regulation (EEC) No 3821/85 has been replaced by Regulation (EU) No 165/2014 of the European Parliament and of the Council ([3]) for which the legislative procedure was concluded on 15 January 2014.

(4) Recital 5 of Regulation (EU) No 165/2014 provides that the Commission will consider extending the period of validity of the adaptor for Ml and N1 vehicles until 2015 and give further consideration to a long-term solution for Ml and N1 vehicles before 2015.

(5) The Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 'Digital tachograph: Roadmap for future activities' ([4]), which accompanied the proposal for Regulation (EU) No 165/2014, foresees a time-frame of 2 years for the preparation and adoption of annexes and appendices, following the adoption of Regulation (EU) No 165/2014.

(6) A permanent solution concerning the adaptor should be laid down in the technical specifications of Regulation (EU) No 165/2014. In application of the principle of legitimate expectation, the possibility to use adaptors in Ml and N1 type vehicles should therefore be extended at least until the adoption of those technical annexes and appendices.

(7) Considering that Requirement 172 expired on 31 December 2013, the extension of the adaptor solution should be valid with retroactive effect from that date.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 18 of Regulation (EEC) No 3821/85,

([1]) OJ L 370, 31.12.1985, p. 8.
([2]) Commission Regulation (EC) No 68/2009 of 23 January 2009 adapting for the ninth time to technical progress Council Regulation (EEC) No 3821/85 on recording equipment in road transport (OJ L 21, 24.1.2009, p. 3).
([3]) Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport (OJ L 60, 28.2.2014, p. 1).
([4]) COM(2011)454 final.

HAS ADOPTED THIS REGULATION:

Article 1

Annex IB to Council Regulation (EEC) No 3821/85 is amended as follows:

In part I, Definitions, point (rr), first indent, the date of '31 December 2013' is replaced by '31 December 2015'.

Article 2

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

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

Done at Brussels, 30 October 2014.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING REGULATION (EU) No 1162/2014

of 30 October 2014

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

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

(1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.

(2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 30 October 2014.

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

[1] OJ L 347, 20.12.2013, p. 671.
[2] OJ L 157, 15.6.2011, p. 1.

ANNEX

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

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	AL	59,9
	MA	95,7
	MK	50,7
	ZZ	68,8
0707 00 05	AL	65,0
	MK	80,7
	TR	116,3
	ZZ	87,3
0709 93 10	MA	82,8
	TR	132,9
	ZZ	107,9
0805 50 10	AR	72,8
	TR	90,5
	UY	29,5
	ZZ	64,3
0806 10 10	BR	272,2
	MD	36,9
	PE	362,4
	TR	139,8
	US	406,3
	ZZ	243,5
0808 10 80	BR	53,2
	CL	87,3
	NZ	141,0
	ZA	214,7
	ZZ	124,1
0808 30 90	CN	68,8
	TR	99,6
	ZZ	84,2

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

REGULATION (EU) No 1163/2014 OF THE EUROPEAN CENTRAL BANK

of 22 October 2014

on supervisory fees

(ECB/2014/41)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions ([1]), and in particular the second subparagraph of Article 4(3), Article 30 and the second subparagraph of Article 33(2) thereof,

Having regard to the public consultation and to the analysis carried out in accordance with Article 30(2) of Regulation (EU) No 1024/2013,

Whereas:

(1) Regulation (EU) No 1024/2013 establishes a Single Supervisory Mechanism (SSM) composed of the European Central Bank (ECB) and national competent authorities (NCAs).

(2) Pursuant to Regulation (EU) No 1024/2013, the ECB is responsible for the effective and consistent functioning of the SSM for all credit institutions, financial holding companies and mixed financial holding companies in all euro area Member States as well as in non-euro area Member States which enter into close cooperation with the ECB. The rules and procedures governing the cooperation between the ECB and NCAs within the SSM and with national designated authorities are laid down in Regulation (EU) No 468/2014 of the European Central Bank (ECB/2014/17) ([2]).

(3) Article 30 of Regulation (EU) No 1024/2013 provides for the levying of an annual supervisory fee by the ECB on credit institutions established in the participating Member States and on branches established in a participating Member State by a credit institution established in a non-participating Member State. The fees levied by the ECB should cover, and not exceed, expenditure incurred by the ECB in relation to the tasks conferred on it under Articles 4 to 6 of Regulation (EU) No 1024/2013.

(4) The annual supervisory fee should comprise an amount to be paid annually by all credit institutions established in the participating Member States and branches established in a participating Member State by a credit institution established in a non-participating Member State that are supervised within the SSM.

(5) Within the SSM, the supervisory responsibilities of the ECB and each NCA are allocated on the basis of the significance of the supervised entities.

(6) The ECB has direct supervisory competence in respect of significant credit institutions, financial holding companies, mixed financial holding companies established in participating Member States, and branches located in participating Member States of significant credit institutions established in non-participating Member States.

(7) The ECB also oversees the functioning of the SSM, which includes all credit institutions, whether significant or less significant. The ECB is exclusively competent in relation to all credit institutions established in the participating Member States to authorise entities to take up the business of a credit institution, to withdraw authorisations and to assess acquisitions and disposals of qualifying holdings.

(8) The NCAs are responsible for the direct supervision of less significant supervised entities, without prejudice to the ECB's power to exercise direct supervision in specific cases where this is necessary for the consistent application of high supervisory standards. When allocating the amount to be recovered via supervisory fees between the categories of significant supervised entities and less significant supervised entities, this sharing of supervisory responsibilities within the SSM and the related expenditure incurred by the ECB is taken into account.

([1]) OJ L 287, 29.10.2013, p. 63.

([2]) Regulation (EU) No 468/2014 of the European Central Bank of 16 April 2014 establishing the framework for cooperation within the Single Supervisory Mechanism between the European Central Bank and national competent authorities and with national designated authorities (SSM Framework Regulation) (ECB/2014/17) (OJ L 141, 14.5.2014, p. 1).

(9) Article 33(2) of Regulation (EU) No 1024/2013 requires the ECB to publish by means of regulations and decisions the detailed operational arrangements for the implementation of the tasks conferred upon it by Regulation (EU) No 1024/2013.

(10) According to Article 30(3) of Regulation (EU) No 1024/2013 the fees are to be based on objective criteria relating to the importance and risk profile of the credit institutions concerned, including risk weighted assets.

(11) The fees are to be calculated at the highest level of consolidation within participating Member States. This means that when credit institutions are part of a supervised group established in the participating Member States, one fee shall be calculated and paid at group level.

(12) In calculating the annual supervisory fee, subsidiaries established in non-participating Member States should not be taken into account. In this respect, and in order to determine the relevant fee factors of a supervised group, sub-consolidated data for all subsidiaries and operations controlled by the parent undertaking in the participating Member States should be provided. However, the costs of producing such sub-consolidated data may be high and, for this reason, supervised entities should be able to opt for a fee calculated on the basis of data provided at the highest level of consolidation within the participating Member States including subsidiaries established in non-participating Member States, even if this might result in a higher fee.

(13) The institutions referred to in Article 2(5) of Directive 2013/36/EU of the European Parliament and of the Council [1] are excluded from the supervisory tasks conferred on the ECB in accordance with Regulation (EU) No 1024/2013 and, therefore, the ECB will not levy fees on them.

(14) A regulation has general application, is binding in its entirety and directly applicable in all euro area Member States. It is thus the appropriate legal instrument to lay down the practical arrangements for the implementation of Article 30 of Regulation (EU) No 1024/2013.

(15) In line with Article 30(5) of Regulation (EU) No 1024/2013, this Regulation is without prejudice to the right of NCAs to levy fees in accordance with national law and, to the extent supervisory tasks have not been conferred on the ECB, or in respect of costs of cooperating with and assisting the ECB and acting on its instructions, in accordance with relevant Union law and subject to the arrangements made for the implementation of Regulation (EU) No 1024/2013, including Articles 6 and 12 thereof,

HAS ADOPTED THIS REGULATION:

PART I

GENERAL PROVISIONS

Article 1

Subject matter and scope

1. This Regulation lays down:

(a) the arrangements for calculating the total amount of the annual supervisory fees to be levied in respect of supervised entities and supervised groups;

(b) the methodology and criteria for calculating the annual supervisory fee to be borne by each supervised entity and each supervised group;

(c) the procedure for the collection by the ECB of the annual supervisory fees.

[1] Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC (OJ L 176, 27.6.2013, p. 338).

2. The total amount of the annual supervisory fees shall encompass the annual supervisory fee in respect of each significant supervised entity or group and each less significant supervised entity or group and shall be calculated by the ECB at the highest level of consolidation within the participating Member States.

Article 2

Definitions

For the purposes of this Regulation, the definitions contained in Regulation (EU) No 1024/2013 and Regulation (EU) No 468/2014 (ECB/2014/17) shall apply, unless otherwise provided for, together with the following definitions:

1. 'annual supervisory fee' means the fee payable in respect of each supervised entity and each supervised group as calculated in accordance with the arrangements set out in Article 10(6);

2. 'annual costs' means the amount, as determined in accordance with the provisions of Article 5, to be recovered by the ECB via the annual supervisory fees for a specific fee period;

3. 'fee debtor' means the fee-paying credit institution or fee-paying branch determined in accordance with Article 4 and to which the fee notice is addressed;

4. 'fee factors' means the data related to a supervised entity or a supervised group defined in Article 10(3)(a) which are used to calculate the annual supervisory fee;

5. 'fee notice' means a notice specifying the annual supervisory fee payable by and issued to the relevant fee debtor in accordance with this Regulation;

6. 'fee-paying credit institution' means a credit institution established in a participating Member State;

7. 'fee-paying branch' means a branch established in a participating Member State by a credit institution established in a non-participating Member State;

8. 'fee period' means a calendar year;

9. 'first fee period' means the period of time between the date on which the ECB assumes the tasks conferred on it under Regulation (EU) No 1024/2013 and the end of the calendar year in which the ECB assumes these tasks;

10. 'group of fee-paying entities' means (i) a supervised group and (ii) a number of fee-paying branches that are deemed to be one branch in accordance with Article 3(3);

11. 'Member State' means a Member State of the Union;

12. 'total assets' means the total value of assets as determined in accordance with Article 51 of Regulation (EU) No 468/2014 (ECB/2014/17). In the case of a group of fee-paying entities, total assets excludes subsidiaries established in non-participating Member States and third countries;

13. 'total risk exposure' means, with reference to a group of fee-paying entities and to a fee-paying credit institution that is not part of a group of fee-paying entities, the amount determined at the highest level of consolidation within the participating Member States and calculated by application of Article 92(3) of Regulation (EU) No 575/2013 of the European Parliament and of the Council [1].

Article 3

General obligation to pay the annual supervisory fee

1. The ECB shall levy an annual supervisory fee in respect of each supervised entity and each supervised group for each fee period.

[1] Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).

2. The annual supervisory fee for each supervised entity and supervised group will be specified in a fee notice issued to and payable by the fee debtor. The fee debtor will be the addressee of the fee notice and of any notice or communication from the ECB with regard to supervisory fees. The fee debtor will be responsible for paying the annual supervisory fee.

3. Two or more fee-paying branches established by the same credit institution in the same participating Member State are deemed to be one branch. Fee-paying branches of the same credit institution established in different participating Member States are not deemed to be one branch.

4. Fee-paying branches shall be deemed to be separate from subsidiaries of the same credit institution established in the same participating Member State for the purposes of this Regulation.

Article 4

Fee debtor

1. The fee debtor in respect of the annual supervisory fee is:

(a) the fee-paying credit institution, in the case of a fee-paying credit institution that is not part of a supervised group;

(b) the fee-paying branch, in the case of a fee-paying branch that is not combined with another fee-paying branch;

(c) determined in accordance with the provisions of paragraph 2, in the case of a supervised group of fee-paying entities.

2. Without prejudice to the arrangements within a group of fee-paying entities with respect to the allocation of costs, a group of fee-paying entities shall be treated as one unit. Each group of fee-paying entities shall nominate the fee debtor for the whole group and shall notify the identity of the fee debtor to the ECB. The fee debtor shall be established in a participating Member State. Such notification shall be considered valid only if:

(a) it states the names of all supervised entities of the group covered by the notification;

(b) it is signed on behalf of all supervised entities of the group;

(c) it reaches the ECB by 1 July of each year at the latest, in order to be taken into account for the issuance of the fee notice in respect of the following fee period.

If more than one notification per group of fee-paying entities reaches the ECB in time, the notification received by the ECB closest to but prior to the deadline shall prevail.

3. Without prejudice to paragraph 2, the ECB reserves the right to determine the fee debtor.

PART II

EXPENDITURE AND COSTS

Article 5

Annual costs

1. The annual costs shall be the basis for determining the annual supervisory fees and they shall be recovered via the payment of such annual supervisory fees.

2. The amount of the annual costs shall be determined on the basis of the amount of the annual expenditure consisting of any expenses incurred by the ECB in the relevant fee period that are directly or indirectly related to its supervisory tasks.

The total amount of the annual supervisory fees shall cover, but not exceed, the expenditure incurred by the ECB in relation to its supervisory tasks in the relevant fee period.

3. When determining the annual costs, the ECB shall take into account:

(a) any fee amounts related to previous fee periods that were not collectible;

(b) any interest payments received in accordance with Article 14;

(c) any amounts received or refunded in accordance with Article 7(3).

Article 6

Estimating and determining the annual costs

1. Without prejudice to its reporting obligations under Regulation (EU) No 1024/2013, the ECB shall by the end of each calendar year calculate the estimated annual costs in respect of the fee period for the following calendar year.

2. Within four months after the end of each fee period the ECB shall determine the actual annual costs for that fee period.

3. The estimated annual costs and actual annual costs shall serve as a basis for the calculation of the total amount of the annual supervisory fees referred to in Article 9(1).

PART III

DETERMINING THE ANNUAL SUPERVISORY FEE

Article 7

New supervised entities or change of status

1. Where a supervised entity or a supervised group is supervised for only part of the fee period, the annual supervisory fee shall be calculated by reference to the number of full months of the fee period for which the supervised entity or the supervised group is supervised.

2. Where, following an ECB decision to such effect, the status of a supervised entity or a supervised group changes from significant to less significant, or vice versa, the annual supervisory fee shall be calculated on the basis of the number of months for which the supervised entity or the supervised group was a significant or less significant entity or group at the last day of the month.

3. Where the amount of the annual supervisory fee levied deviates from the amount of the fee calculated in accordance with paragraphs 1 or 2, a refund to the fee debtor shall be paid, or an additional invoice shall be issued by the ECB to be paid by the fee debtor.

Article 8

Split of annual costs between significant and less significant supervised entities

1. In order to calculate the annual supervisory fee payable in respect of each supervised entity and supervised group the annual costs shall be split into two parts, one for each category of supervised entities and supervised groups, as follows:

(a) the annual costs to be recovered from significant supervised entities;

(b) the annual costs to be recovered from less significant supervised entities.

2. The split of the annual costs in accordance with paragraph 1 shall be made on the basis of the costs allocated to the relevant functions which perform the direct supervision of significant supervised entities and the indirect supervision of less significant supervised entities.

Article 9

Amount to be levied

1. The total amount of the annual supervisory fees to be levied by the ECB shall be the sum of:

(a) the estimated annual costs for the current fee period based on the approved budget for the fee period;

(b) any surplus or deficit from the previous fee period determined by deducting the actual annual costs incurred in respect of the previous fee period from estimated annual costs levied for the previous fee period.

2. For each category of supervised entities and supervised groups, the ECB shall decide the total amount to be levied via the annual supervisory fees, which shall be published on its website by 30 April of the relevant fee period.

Article 10

Annual supervisory fee payable in respect of supervised entities or supervised groups

1. The annual supervisory fee payable in respect of each significant supervised entity or significant supervised group shall be determined by allocating the amount to be levied on the category of significant supervised entities and significant supervised groups to the individual significant supervised entities and significant supervised groups on the basis of their fee factors.

2. The annual supervisory fee payable in respect of each less significant supervised entity or less significant supervised group shall be determined by allocating the amount to be levied on the category of less significant supervised entities and less significant supervised groups to the individual less significant supervised entities and less significant supervised groups on the basis of their fee factors.

3. The fee factors at the highest level of consolidation within the participating Member States shall be calculated on the following basis.

(a) The fee factors used to determine the annual supervisory fee payable in respect of each supervised entity or supervised group shall be the amount at the reference date of:

  (i) total assets;

  (ii) total risk exposure. In the case of a fee-paying branch, total risk exposure is considered zero.

(b) The data regarding the fee factors shall be determined and collected in accordance with an ECB decision outlining the applicable methodology and procedures. This decision shall be published on the ECB website.

(c) For the purpose of the calculation of fee factors, supervised groups should — as a rule — exclude assets of subsidiaries located in non-participating Member States and third countries. Supervised groups may decide not to exclude such assets for the determination of fee factors.

(d) For supervised entities or supervised groups classified as less significant on the basis of Article 6(4) of Regulation (EU) No 1024/2013, the fee factor of total assets shall not exceed EUR 30 billion.

(e) The relative weighting used in respect of the fee factors shall be:

  (i) total assets: 50 %;

  (ii) total risk exposure: 50 %.

4. The fee debtors shall provide the fee factors with a reference date of 31 December of the preceding year and submit the required data to the NCA concerned for the calculation of the annual supervisory fees by the ECB by close of business on 1 July of the year following the said reference date or on the next business day if 1 July is not a business day. Where supervised entities prepare their annual accounts based on an accounting year-end which deviates from the calendar year, the fee debtors may provide fee factors with a reference date of their accounting year-end. NCAs shall submit these data to the ECB in accordance with procedures to be established by the ECB. The sum of all fee debtors' total assets and the sum of all fee debtors' total risk exposure shall be published on the ECB's website.

5. In the event that a fee debtor fails to provide the fee factors, the ECB shall determine the fee factors in accordance with the methodology set out in the ECB decision. Failure to provide the fee factors as provided in paragraph 4 of this Article shall be considered as a breach of this Regulation.

6. The calculation of the annual supervisory fee payable by each fee debtor shall be performed as outlined below.

(a) The annual supervisory fee is the sum of the minimum fee component and the variable fee component.

(b) The minimum fee component is calculated as a fixed percentage of the total amount of the annual supervisory fees for each category of supervised entities and supervised groups, as determined in accordance with Articles 8 and 9. For the category of significant supervised entities and significant supervised groups, the fixed percentage is 10 %. This amount is split equally among all fee debtors. For significant supervised entities and significant supervised groups with total assets of EUR 10 billion or less, the minimum fee component is halved. For the category of less significant supervised entities and less significant supervised groups, the fixed percentage is 10 %. This amount is split equally among all fee debtors. The minimum fee component represents the lower limit of the annual supervisory fee per fee debtor.

(c) The variable fee component is the difference between the total amount of the annual supervisory fees for each category of supervised entities, as determined in accordance with Articles 8 and 9, and the minimum fee component for the same category. The variable fee component is allocated to individual fee debtors in each category according to each fee debtor's share in the sum of all fee debtors' weighted fee factors as determined pursuant to paragraph 3.

On the basis of the calculation performed in accordance with the preceding paragraphs and of the fee factors provided in accordance with paragraph 4 of this Article, the ECB shall decide on the annual supervisory fee to be paid by each fee debtor. The annual supervisory fee to be paid will be communicated to the fee debtor via the fee notice.

PART IV

COOPERATION WITH NCAS

Article 11

Cooperation with NCAs

1. The ECB shall communicate with the NCAs before deciding on the final fee level to ensure that supervision remains cost-effective and reasonable for all credit institutions and branches concerned. For this purpose, the ECB shall develop and implement an appropriate channel of communication in cooperation with the NCAs.

2. NCAs shall assist the ECB in levying fees if the ECB so requests.

3. In the case of credit institutions in a participating non-euro area Member State whose close cooperation with the ECB is neither suspended nor terminated, the ECB shall issue instructions to the NCA of that Member State regarding the collection of fee factors and invoicing of the annual supervisory fee.

PART V

INVOICING

Article 12

Fee notice

1. A fee notice shall be issued annually by the ECB to each fee debtor.

2. The fee notice shall specify the means by which the annual supervisory fee shall be paid. The fee debtor shall comply with the requirements set out in the fee notice with respect to the payment of the annual supervisory fee.

3. The amount due under the fee notice shall be paid by the fee debtor within 35 days of the date of issuance of the fee notice.

Article 13

Notification of the fee notice

1. The fee debtor is responsible for keeping the contact details for the submission of the fee notice up to date and shall communicate to the ECB any changes in the contact details (i.e. name, function, organisational unit, address, e-mail address, telephone number, fax number). The fee debtor shall communicate any changes to the contact details to the ECB by 1 July of each fee period at the latest. These contact details shall refer to a natural person or preferably to a function within the fee debtor organisation.

2. The ECB shall notify the fee notice through any of the following means: (a) electronically or by other comparable means of communication, (b) by fax, (c) by express courier service, (d) by registered mail with a form for acknowledgement, (e) by service or delivery by hand. The fee notice is valid without signature.

Article 14

Interest in case of non-payment

Without prejudice to any other remedy available to the ECB, in the event of partial payment, non-payment or non-compliance with the conditions for payment specified in the fee notice, interest shall accrue on a daily basis on the outstanding amount of the annual supervisory fee at an interest rate of the ECB's main refinancing rate plus 8 percentage points from the date on which the payment was due.

PART VI

FINAL PROVISIONS

Article 15

Sanctions

In the event of a breach of this Regulation, the ECB may impose sanctions on supervised entities in accordance with Council Regulation (EC) No 2532/98 [1] complemented by Regulation (EU) No 468/2014 (ECB/2014/17).

Article 16

Transitional provisions

1. The fee notice for the first fee period shall be issued together with the fee notice for the 2015 fee period.

2. To enable the ECB to start levying the annual supervisory fee, each group of fee-paying entities shall nominate the fee debtor for the group and shall notify the identity of the fee debtor to the ECB by 31 December 2014, in accordance with Article 4(2).

3. The fee debtor shall submit the data mentioned in Article 13(1) for the first time by 1 March 2015.

Article 17

Report and review

1. In accordance with Article 20(2) of Regulation (EU) No 1024/2013, the ECB shall submit a report on the envisaged evolution of the structure and amount of the annual supervisory fees each year to the European Parliament, the Council of the European Union, the European Commission and the Euro Group.

2. The ECB shall conduct a review of this Regulation, in particular regarding the methodology and criteria for calculating the annual supervisory fees to be levied on each supervised entity and group, by 2017.

[1] Council Regulation (EC) No 2532/98 of 23 November 1998 concerning the powers of the European Central Bank to impose sanctions (OJ L 318, 27.11.1998, p. 4).

Article 18

Entry into force

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

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Frankfurt am Main, 22 October 2014.

For the Governing Council of the ECB

The President of the ECB

Mario DRAGHI

DIRECTIVES

COMMISSION DIRECTIVE 2014/101/EU

of 30 October 2014

amending Directive 2000/60/EC of the European Parliament and of the Council establishing a framework for Community action in the field of water policy

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to 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 [1], and in particular the first subparagraph of Article 20(1) thereof,

Whereas:

(1) The quality and comparability of the methods used for the monitoring of type parameters generated under Member States responsibility to perform water ecological monitoring pursuant to Article 8 of Directive 2000/60/EC should be ensured.

(2) Section 1.3.6 of Annex V to Directive 2000/60/EC requires that methods used for the monitoring of type parameters conform to the international standards listed therein or such other national or international standards which will ensure the provision of data of an equivalent scientific quality and comparability. The international standards listed in Annex V were those available at the time of adoption of that Directive.

(3) Since the publication of Directive 2000/60/EC, a number of new standards have been published by the European Committee for Standardisation (CEN), some of them jointly with the International Standards Organisation, addressing biological sampling of phytoplankton, macrophytes and phytobenthos, benthic invertebrates, fish and hydromorphological characteristics. Those standards should be added to Section 1.3.6 of Annex V to Directive 2000/60/EC.

(4) As a result of the continued process of development of new standards and update of existing ones, some of the standards listed in Section 1.3.6 of Annex V to Directive 2000/60/EC are no longer published by CEN Member Bodies and should therefore be removed.

(5) Two standards (EN ISO 8689-1:1999 and EN ISO 8689-2:1999 9) listed in Section 1.3.6 of Annex V to Directive 2000/60/EC addressed biological classification and not monitoring; they have been taken into account subsequently when developing protocols for setting class boundaries under the Common Implementation Strategy related to the Directive and can now be removed.

(6) Directive 2000/60/EC should therefore be amended accordingly.

(7) The measures provided for in this Directive are in accordance with the opinion of the Committee established by Article 21(1) of Directive 2000/60/EC,

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex V to Directive 2000/60/EC is amended in accordance with the Annex to this Directive.

[1] OJ L 327, 22.12.2000, p. 1.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 20 May 2016 at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 30 October 2014.

For the Commission

The President

José Manuel BARROSO

ANNEX

In Annex V to Directive 2000/60/EC, Section 1.3.6 is replaced by the following:

'1.3.6. *Standards for monitoring of quality elements*

Methods used for the monitoring of type parameters shall conform to the international standards listed below in so far as they cover monitoring, or to such other national or international standards which will ensure the provision of data of an equivalent scientific quality and comparability.

Standards for sampling of biological quality elements

Generic methods for use with the specific methods given in the standards relating to the following biological quality elements:

EN ISO 5667-3:2012	Water quality — Sampling — Part 3: Preservation and handling of samples

Standards for phytoplankton

EN 15204:2006	Water quality — Guidance standard on the enumeration of phytoplankton using inverted microscopy (Utermöhl technique)
EN 15972:2011	Water quality — Guidance on quantitative and qualitative investigations of marine phytoplankton
ISO 10260:1992	Water quality — Measurement of biochemical parameters —Spectrometric determination of the chlorophyll-a concentration

Standards for macrophyte and phytobenthos

EN 15460:2007	Water quality — Guidance standard for the surveying of macrophytes in lakes
EN 14184:2014	Water quality — Guidance for the surveying of aquatic macrophytes in running waters
EN 15708:2009	Water quality — Guidance standard for the surveying, sampling and laboratory analysis of phytobenthos in shallow running water
EN 13946:2014	Water quality — Guidance for the routine sampling and preparation of benthic diatoms from rivers and lakes
EN 14407:2014	Water quality — Guidance for the identification and enumeration of benthic diatom samples from rivers and lakes

Standards for benthic invertebrate

EN ISO 10870:2012	Water quality — Guidelines for the selection of sampling methods and devices for benthic macroinvertebrates in fresh waters
EN 15196:2006	Water quality — Guidance on sampling and processing of the pupal exuviae of Chironomidae (order Diptera) for ecological assessment
EN 16150:2012	Water quality — Guidance on pro rata multi-habitat sampling of benthic macro-invertebrates from wadeable rivers

EN ISO 19493:2007	Water quality — Guidance on marine biological surveys of hard-substrate communities
EN ISO 16665:2013	Water quality — Guidelines for quantitative sampling and sample processing of marine soft-bottom macro-fauna

Standards for fish

EN 14962:2006	Water quality — Guidance on the scope and selection of fish sampling methods
EN 14011:2003	Water quality — Sampling of fish with electricity
EN 15910:2014	Water quality — Guidance on the estimation of fish abundance with mobile hydroacoustic methods
EN 14757:2005	Water quality — Sampling of fish with multi-mesh gillnets

Standards for hydromorphological parameters

EN 14614:2004	Water quality — Guidance standard for assessing the hydromorphological features of rivers
EN 16039:2011	Water quality — Guidance standard on assessing the hydromorphological features of lakes

Standards for physico-chemical parameters

Any relevant CEN/ISO standards'.

DECISIONS

EUROPEAN COUNCIL DECISION

of 23 October 2014

appointing the European Commission

(2014/749/EU)

THE EUROPEAN COUNCIL,

Having regard to the Treaty on European Union, and in particular Article 17(3) and the third subparagraph of Article 17(7) thereof,

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

Whereas:

(1) The term of office of the Commission appointed by European Council Decision 2010/80/EU [1] comes to an end on 31 October 2014.

(2) In accordance with Article 17(5) of the Treaty on European Union, the European Council adopted Decision 2013/272/EU [2] concerning the number of members of the Commission.

(3) A new Commission, consisting of one national of each Member State, including its President and the High Representative of the Union for Foreign Affairs and Security Policy, who should be one of its Vice-Presidents, should be appointed for the period from the end of the current term of office of the Commission until 31 October 2019.

(4) The European Council nominated Mr Jean-Claude JUNCKER as the person put forward to the European Parliament as President of the Commission, and the European Parliament elected him as President of the Commission at its Plenary Session of 15 July 2014.

(5) By Decision 2014/648/EU, Euratom [3], the Council adopted, by common accord with the President-elect of the Commission, the list of the other persons whom it proposes for appointment as Members of the Commission. By Decision 2014/716/EU, Euratom [4] repealing and replacing Decision 2014/648/EU, Euratom, the Council adopted, by common accord with the President-elect of the Commission, a new list of the other persons whom it proposes for appointment as Members of the Commission.

(6) By means of a vote held on 22 October 2014, the European Parliament gave its consent to the appointment, as a body, of the President, the High Representative of the Union for Foreign Affairs and Security Policy and the other members of the Commission.

(7) The Commission should therefore be appointed,

---

[1] European Council Decision 2010/80/EU of 9 February 2010 appointing the European Commission (OJ L 38, 11.2.2010, p. 7).
[2] European Council Decision 2013/272/EU of 22 May 2013 concerning the number of members of the European Commission (OJ L 165, 18.6.2013, p. 98).
[3] Council Decision 2014/648/EU, Euratom, taken by common accord with the President-elect of the Commission, of 5 September 2014 adopting the list of the other persons whom the Council proposes for appointment as Members of the Commission (OJ L 268, 9.9.2014, p. 5).
[4] Council Decision 2014/716/EU, Euratom, taken by common accord with the President-elect of the Commission, of 15 October 2014 adopting the list of the other persons whom the Council proposes for appointment as Members of the Commission, repealing and replacing Decision 2014/648/EU, Euratom (OJ L 299, 17.10.2014, p. 29).

HAS ADOPTED THIS DECISION:

Article 1

The following are appointed to the European Commission for the period from 1 November 2014 to 31 October 2019:

— as President:

Mr Jean-Claude JUNCKER

— as Members:

Mr Vytenis Povilas ANDRIUKAITIS

Mr Andrus ANSIP

Mr Miguel ARIAS CAÑETE

Mr Dimitris AVRAMOPOULOS

Ms Elżbieta BIEŃKOWSKA

Ms Violeta BULC

Ms Corina CREȚU

Mr Valdis DOMBROVSKIS

Ms Kristalina GEORGIEVA

Mr Johannes HAHN

Mr Jonathan HILL

Mr Phil HOGAN

Ms Věra JOUROVÁ

Mr Jyrki KATAINEN

Ms Cecilia MALMSTRÖM

Mr Neven MIMICA

Mr Carlos MOEDAS

Mr Pierre MOSCOVICI

Mr Tibor NAVRACSICS

Mr Günther OETTINGER

Mr Maroš ŠEFČOVIČ

Mr Christos STYLIANIDES

Ms Marianne THYSSEN

Mr Frans TIMMERMANS

Mr Karmenu VELLA

Ms Margrethe VESTAGER

Ms Federica MOGHERINI, High Representative of the Union for Foreign Affairs and Security Policy

Article 2

This Decision shall enter into force on 1 November 2014.

It shall be published in the *Official Journal of the European Union*.

Done at Brussels, 23 October 2014.

For the European Council
The President
H. VAN ROMPUY

COUNCIL DECISION 2014/750/CFSP

of 30 October 2014

amending Council Decision 2012/642/CFSP concerning restrictive measures against Belarus

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Whereas:

(1) On 15 October 2012 the Council adopted Decision 2012/642/CFSP ([1]).

(2) On the basis of a review of Decision 2012/642/CFSP, the restrictive measures against Belarus should be extended until 31 October 2015.

(3) The Council considers that there are no longer grounds for keeping certain persons and entities on the list of persons and entities subject to restrictive measures as set out in the Annex to Decision 2012/642/CFSP.

(4) Furthermore, the information relating to certain persons and entities on the list of persons and entities subject to restrictive measures as set out in the Annex to Decision 2012/642/CFSP should be updated.

(5) Decision 2012/642/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2012/642/CFSP is hereby amended as follows:

(1) In Article 8, paragraph 2 is replaced by the following:

'2. This Decision shall apply until 31 October 2015. It shall be kept under constant review. It shall be renewed or amended, as appropriate, if the Council deems that its objectives have not been met.'.

(2) The Annex is hereby amended as set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 30 October 2014.

For the Council
The President
S. GOZI

([1]) Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures against Belarus (OJ L 285, 17.10.2012, p. 1).

ANNEX

I. The following persons and entities are deleted from the list set out in the Annex to Decision 2012/642/CFSP:

A. **Persons**

No. 2 Akulich, Sviatlana Rastsislavauna;

No. 3 Aliaksandrau, Dzmitry Piatrovich;

No. 34 Chasnouski, Mechyslau Edvardavich;

No. 45 Gardzienka, Siarhei Aliaksandravich;

No. 46 Guseu, Aliaksei Viktaravich;

No. 70 Kaliada, Aliaksandr Mikhailavich;

No. 76 Kastsian, Siarhei Ivanavich;

No. 82 Khadanovich, Aliaksandr Alyaksandrauvich;

No. 90 Kisialiova, Nadzeia Mikalaeuna;

No. 99 Krot, Ihar Uladzimiravich;

No. 100 Krukouski, Viachaslau Iafimavich;

No. 102 Kukharchyk, Piotr Dzmitryevich;

No. 132 Mikhalchanka, Aliaksei Yakaulevich;

No. 141 Orda, Mikhail Siarheevich;

No. 143 Padaliak, Eduard Vasilievich;

No. 147 Peftsieu, Uladzimir Paulavich;

No. 159 Reliava, Aksana Anatolyeuna;

No. 172 Sheiko, Ina Valerieuna;

No. 189 Stosh, Mikalai Mikalaevich;

No. 197 Taranda, Aliaksandr Mikhailavich;

No. 198 Tarapetskaia, Halina Mikhailauna;

No. 199 Ternavsky, Anatoly Andreevich;

No. 205 Tsitsiankova, Alena Viktarauna;

No. 220 Yuferytsyn, Dzmitry Viktaravich.

B. **Entities**

No. 2 Private Unitary Enterprise (PUE) BT Telecommunications;

No. 6 JLLC Neftekhimtrading;

No. 21 JLLC Triplepharm;

No. 22 LLC Triple-Veles;

No. 23 Univest-M;

No. 24 FLLC Unis Oil;

No. 25 JLLC UnivestStroyInvest.

II. The entries for the following persons and entities set out in the Annex to Decision 2012/642/CFSP are replaced by the following:

A. **Persons**

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
12.	Bakhmatau, Ihar Andreevich Bakhmatov, Igor Andreevich	БАХМАТАЎ, Ігар Андрэевіч	БАХМАТОВ, Игорь Андреевич	Address: БФСО 'Динамо' 220030, г. Минск, ул. Кирова 8 корп. 2	Has been actively involved in the repression of civil society in Belarus. As a former Deputy Head of the KGB, in charge of the staff and the organisation of their tasks, he was responsible for the repressive activity of the KGB against civil society and democratic opposition. Reassigned to the reserve forces in May 2012. Also a member of the Central Council of CJSC Dinamo-Minsk which is listed under item 20 of Section B.
33.	Charnyshou, Aleh Anatolievich Chernyshev, Oleg Anatolievich	ЧАРНЫШОЎ, Алег Анатольевіч	ЧЕРНЫШЕВ, Олег Анатольевич	Address: КГБ 210623, г. Минск, проспект Независимости, 17	Deputy Head of the KGB, in charge of foreign intelligence, since April 2014. Colonel, he was in charge of counter-terrorist unit of the KGB, the 'Alpha' unit. He personally participated in inhuman and degrading treatment of opposition activists in the KGB detention centre in Minsk after the crackdown on the post-election protest demonstration in Mins on 19 December 2010. His actions constituted a direct violation of the international commitments of Belarus in the field of human rights.
35.	Chatviartkova, Natallia Alexeeuna Chetvertkova, Natalia Alexeevna (Chetvertkova, Natalya Alexeevna)	ЧАТВЯРТКОВА, Наталля Алексееўна	ЧЕТВЕРТКОВА, Наталья Алексеевна		Former Deputy President and judge of the Partizanski District Court of Minsk (until 18.6.2012). She dealt with the trial of ex-presidential candidate Andrei Sannikov, civil society activist Ilia Vasilevich, Fedor Mirzoianov, Oleg Gnedchik and Vladimir Yeriomenok. Her way of conducting the trial was a clear violation of the Code of Criminal Procedure. She sustained the use of evidence and testimonies irrelevant to the accused.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
40.	Dysko, Henadz Iosifavich Dysko, Gennadi Iosifovich	ДЫСКО, Генадзь Іосіфавіч	ДЫСКО, Генадий Иосифович	DOB: 1964 POB: Oshmiany, Hrodna region Address: 210601 г. Витебск, ул. Жесткова, 14a (ul. Zhestkova, 14a Vitebsk)	Prosecutor of the Region of Vitebsk until 2.8.2011. Responsible for the repression of civil society following the December 2010 elections. This includes responsibility for cases against Siarhei Kavalenka and Andrei Haidukow.
41.	Dzemiantsei, Vasil Ivanavich (Dzemyantsey, Vasil Ivanovich) Dementei, Vasili Ivanovich (Dementey, Vasili Ivanovich)	ДЗЕМЯНЦЕЙ, Васіль Іванавіч	ДЕМЕНТЕЙ, Василий Иванович	DOB: 20.9.1954 POB: Chashniki district, Vitebsk region ID: 3200954E045PB4 Address: Гродненская региональная таможня 230003, г. Гродно, ул. Карского, 53	Head of the Hrodna regional Customs committee, former First deputy Chairman of the KGB (2005-2007), former Deputy Head of the State Customs Committee. Responsible for the repressive activity of the KGB against civil society and democratic opposition, in particular in 2006-2007.
42.	Dziadkou, Leanid Mikalaevich Dedkov, Leonid Nikolaevich	ДЗЯДКОЎ, Леанід Мікалаевіч	ДЕДКОВ, Леонид Николаевич	DOB: 10.1964 ID: 3271064M000PB3 Address: КГБ 210623, г. Минск, проспект Независимости, 17	Former Deputy Head of the KGB (since July 2013), in charge of foreign intelligence. He shared responsibility for the repressive activity of the KGB against civil society and democratic opposition.
55.	Hureeu Siarhei Viktaravich (Hureyeu Siarhey Viktaravich) Gureev Sergei Viktorovich (Gureyev Sergey Viktorovich)	ГУРЭЕЎ, Сяргей Віктаравіч	ГУРЕЕВ, Сергей Викторович		Has been actively involved in the repression of civil society in Belarus. As a former Deputy Minister of Interior and Head of Preliminary Investigation, he was responsible for the violent suppression of protests and violations of human rights during investigation proceedings in relation to the December 2010 elections. Joined the reserve forces in February 2012. Currently a General in the reserve forces.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
62.	Iauseev, Ihar Uladzimiravich (Yauseev, Ihar Uladzimiravich; Yauseyev, Ihar Uladzimiravich) Evseev, Igor Vladimirovich (Yevseev, Igor Vladimirovich; Yevseyev, Igor Vladimirovich)	ЯЎСЕЕЎ, Ігар Уладзіміравіч	ЕВСЕЕВ, Игорь Владимирович	DOB: 1968 Address: г.Витебск, пр-т Фрунзе, д.41а	Head of the regional Vitebsk police (since June 2012), police general (since 2013). Former Deputy Head of Minsk Police and Head of the Minsk anti-riot (OMON) operation team. He commanded the troops that put down the peaceful demonstrations on 19 December 2010 and personally took part in the brutality, for which he received an award and an acknowledgement letter from President Lukashenka in February 2011. In 2011, he also commanded the troops that repressed several other protests by political activists and peaceful citizens in Minsk.
68.	Kakunin, Aliaksandr Aliaksandravich (Kakunin, Aliaxandr Aliaxandravich) Kakunin, Aleksandr Aleksandravich (Kakunin, Alexandr Alexandrovich)	КАКУНИН, Александр Александрович	КАКУНІН, Аляксандр Аляксандровіч	Head of penal colony IK-2 in Bobruisk	Responsible for inhumane treatment of political prisoners A. Sannikau and A. Beliatski in penal colony IK-2 in Bobruisk. Opposition activists were tortured, denied access to lawyers and placed insolitary confinement in the penal colony under his supervision. Kakunin put pressure on A. Beliatski and A. Sannikau in order to force them to sign an appeal for pardon.
73.	Kanapliou, Uladzimir Mikalaevich Konoplev, Vladimir Nikolaevich	КАНАПЛЕЎ, Уладзімір Мікалаевіч	КОНОПЛЕВ, Владимир Николаевич	DOB: 3.1.1954 POB: Akulintsi, Mohilev region ID: 3030154A124PB9 Address: Национальный олимпийский комитет Республики Беларусь 220020 г. Минск ул. Радужная, 27	Has close ties with President Lukashenka with whom he worked closely during the 1980s and mainly in 1990s. Deputy Head of the National Olympic Committee (Head is Alexandr Lukashenka), Head of the Handball federation. Former Chairman of the Lower House of the Parliament, appointed by the President. He was one of the main actors in the fraudulent presidential election in 2006. Has been granted a residence in the Drozdy nomenklatura district in Minsk by the Presidential Administration.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
78.	Kavaliou, Aliaksandr Mikhailavich Kovalev, Aleksandr Mikhailovich	КАВАЛЕЎ, Аляксандр Міхайлавіч	КОВАЛЕВ, Александр Михайлович		Former Director of the prison camp in Horki. He was responsible for the inhuman treatment of the detainees, especially for persecution and torturous treatment of civil society activist Dmitri Dashkevich, who was imprisoned in relation to the 19 December 2010 elections and the crackdown on civil society and on the democratic opposition.
85.	Khmaruk, Siargei Konstantinovich Khmaruk, Sergei Konstantinovich (Khmaruk, Sergey Konstantinovich)	ХМАРУК, Сяргей Канстанцінавіч	ХМАРУК, Сергей Константинович	Address: Прокуратура г. Минска ул. Раковская 38	Prosecutor of the City of Minsk. Former Prosecutor of the Region of Brest. Responsible for the repression of civil society following the December 2010 elections. Promoted in February 2011.
93.	Konan, Viktar Aliaksandravich Konon, Viktor Aleksandrovich	КОНАН, Віктар Аляксандравіч	КОНОН, Виктор Александрович		Has actively undermined democracy in Belarus. In his former role of Deputy Prosecutor General until 2012, he was in charge and directly involved in all the intelligence activities carried out by the Prosecutor General's office against independent and opposition entities, including in 2010.
94.	Kornau, Uladzimir Uladzimiravich Kornov, Vladimir Vladimirovich	КОРНАЎ, Уладзімір Уладзіміравіч	КОРНОВ, Владимир Владимирович	Address: Суд Советского района г. Минска 220113, г. Минск, Логойский тракт, 3 Tel: +375 17 280 83 40	Head of the Sovetski District Court of Minsk, former judge at the City Court of Minsk who authorised the rejection of Byalyatski's appeal. Byalyatski was active in defending and providing assistance to those who suffered from repression in relation to the 19 December 2010 elections and the crackdown on civil society and on the democratic opposition.
95.	Korzh, Ivan Aliakseevich Korzh, Ivan Alekseevich	КОРЖ, Іван Аляксеевіч	КОРЖ, Иван Алексеевич		General, Head of the KGB of the Region of Hrodna. Responsible for the repressive activity of the KGB against civil society and democratic opposition in the region of Hrodna.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
97.	Krasheuski, Viktar Krashevski, Viktor	КРАШЭЎСКІ, Віктар	КРАШЕВСКИЙ, Виктор		General, Former Head of the GRU (Intelligence Department of the Ministry of Defense) and Deputy Chief of staff of the Armed Forces of Belarus (until February 2013). Responsible for the activity of the intelligence services in the repression of civil society and democratic opposition.
105.	Kuzniatsou, Ihar Nikonavich Kuznetsov, Igor Nikonovich	КУЗНЯЦОЎ, Ігар Ніконавіч	КУЗНЕЦОВ, Игорь Никонович	Address: KGB Training Centre Бядули 2, 220034, Минск	General, Head of KGB Training Centre, former Head of the KGB in the Minsk region and in Minsk city. As the person responsible for preparing and training KGB staff, he was responsible for the repressive activity of the KGB against civil society and the democratic opposition. In relation to his previous functions, he was responsible for the same repressive activity of the KGB in Minsk city and in the region of Minsk.
114.	Liabedzik, Mikhail Piatrovich Lebedik, Mikhail Petrovich	ЛЯБЕДЗІК, Міхаіл Пятровіч	ЛЕБЕДИК, Михаил Петрович	Address: Ул. Б. Хмельницкого, 10 а, Минск, 220013	During the 2010 Presidential electoral campaign he was appointed by the Head of the Central Electoral Committee. First Deputy Head (re-appointed on 21 January 2014) of the Supervisory Board in charge of monitoring the compliance with procedures and rules of election campaigning in the media, and, as such, has played an active role for the regime propaganda during the election campaigns of 2010 and 2012. On 26 October 2011 he was awarded the 'Order of Franzisk Skorina' by the President. In September 2012, he refused to include members of the independent media in the Board. First Deputy Editor of the newspaper of the President's Administration and main propaganda newspaper 'Sovietskaia Belarus'. Source of progovernmental policy, falsifying facts and making unfair comments on the ongoing processes in Belarus against the democratic opposition and civil society, which have been systematically highlighted in a negative and derogatory way, in particular after the Presidential elections in 2010.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
115.	Liaskouski, Ivan Anatolievich Leskovski, Ivan Anatolievich	ЛЯСКОЎСКІ, Іван Анатольевіч	ЛЕСКОВСКИЙ, Иван Анатольевич		Former Head of the KGB for the region of Homel and former Deputy Head of the KGB for Homel. Responsible for the repressive activity of the KGB against civil society and democratic opposition in the region of Homel. He was removed from his position by the President on 2 April 2014 for improper conduct.
117.	Lomats, Zianon Kuzmich Lomat, Zenon Kuzmich	ЛОМАЦЬ, Зянон Кузьміч	ЛОМАТЬ, Зенон Кузьмич	DOB: 27.1.1944 POB: Karabani, Minsk region	Has actively undermined democracy in Belarus. In his former role as President of the State Control Committee (until 2010) he was one of the main persons involved in the case of Ales Byalyatski, one of the most prominent human rights defenders, Chief of the Belarusian Human Rights Centre 'Vyasna', Vice President of FIDH. A. Byalyatski was active in defending and providing assistance to those who suffered from repression in relation to the 19 December 2010 elections and the crackdown on civil society and on the democratic opposition.
118.	Lopatko, Alexander Alexandrovich	Александр Александрович Лопатко	Аляксандр Аляксандровіч Лапатка	Deputy Head of penal colony IK-9 in Mazyr	Responsible for inhumane treatment of D.Dashevich, including tortures and denial of access to legal representatives. Lopatko had a key position in the penal colony where Dashekevich was held and where psychological pressure, including denial of sleep and isolation, was applied to political prisoners including Mr Dashekevich.
120.	Lukashenka, Dzmitry Aliaksandravich Lukashenko, Dmitri Aleksandrovich	ЛУКАШЭНКА, Дзмітрый Аляксандравіч	ЛУКАШЕНКО, Дмитрий Александрович	DOB: 23.3.1980 Address: President's Sports Club 220029, г. Минск, ул. Старовиленская, 4.	Businessman, with active participation in financial operations involving the Lukashenka family. Chairman of the Presidential Sports Club.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
126.	Maltsau, Leanid Siamionavich Maltsev, Leonid Semenovich	МАЛЬЦАЎ, Леанід Сяменавіч	МАЛЬЦЕВ, Леонид Семенович	DOB: 29.8.1949 POB: Vetenevka, Slonim rayon, Hrodna Region (д. Ветеньевка, Слонимского района, Гродненской области) ID: 3290849A002PB5	Head of the State Border Committee, former Secretary of the Security Council.
137.	Navumau, Uladzimir Uladzimiravich Naumov, Vladimir Vladimirovich	НАВУМАЎ, Уладзімір Уладзіміравіч	НАУМОВ, Владимир Владимирович	DOB: 7.2.1956 POB: Smolensk (Russia)	Failed to take action to investigate the case of the unresolved disappearances of Yuri Zakharenko, Viktor Gonchar, Anatoly Krasovski and Dmitri Zavadski in Belarus in 1999-2000. Former Minister of Interior and also former Head of the President's Security Service. As a Minister of Interior he was responsible for the repression over peaceful demonstrations until his retirement on 6 April 2009 for health reasons. Received a residence in the Drozdy nomenklatura district in Minsk from the Presidential Administration.
146.	Paulichenka, Dzmitry Valerievich Pavlichenko, Dmitri Valerievich (Pavlichenko, Dmitriy Valeriyevich)	ПАЎЛІЧЭНКА, Дзмітрый Валер'евіч	ПАВЛИЧЕНКО, Дмитрий Валериевич	DOB: 1966 POB: Vitebsk Address: Белорусская ассоциация ветеранов спецподразделений войск МВД 'Честь' 220028, Минск Маяковского, 111	Key person in the unresolved disappearances of Yuri Zakharenko, Viktor Gonchar, Anatoly Krasovski and Dmitri Zavadski in Belarus in 1999-2000. Former Head of the Special Response Group at the Ministry of Interior (SOBR). Businessman, Head of 'Honour', the Ministry of Interior's Association of the veterans from special forces from the Ministry of Interior.
148.	Piakarski, Aleh Anatolievich Pekarski, Oleg Anatolievich	ПЯКАРСКІ, Алег Анатольевіч	ПЕКАРСКИЙ, Олег Анатольевич	ID: 3130564A041PB9	Has been actively involved in the repression of civil society in Belarus. As former first Deputy Minister of Interior (until 2012), he was responsible for the repression of civil society following the December 2010 elections. Colonel in the reserve forces.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
155.	Pykina, Natallia Mikhailauna (Pykina, Natalia Mikhailauna) Pikina, Natalia Mikhailovna (Pykina, Natalya Mikhailovna)	ПЫКІНА, Наталля Міхайлаўна	ПЫКИНА, Наталья Михайловна	DOB: 20.4.1971 POB: Rakov Address: Суд Партизанского района г. Минска 220027, г. Минск, ул. Семашко, 33	Responsible for implementing the politically-motivated administrative and criminal sanctions against representatives of civil society. Judge of the Partizanski District Court dealing with Likhovid's case. On 29 March 2011, she sentenced Mr. Likhovid, an activist of 'The Movement for Freedom', to three-and-a-half years in prison. She has been appointed Deputy Chairman of the Partizanski District Court of Minsk.
157.	Rakhmanava, Maryna Iurievna Rakhmanova, Marina Iurievna	РАХМАНАВА, Марына Юр'еўна	РАХМАНОВА, Марина Юрьевна	DOB: 1970 POB: Hrodna	Member of the Central Electoral Commission (CEC) and Head of the Department of Public Requests in the Hrodna regional administration. As a Member of the Central Electoral Commission, she was responsible for the violations of international electoral standards in the Presidential elections on 19 December 2010 and in the Parliamentary elections of September 2012.
160.	Rubinau, Anatol Mikalaevich Rubinov, Anatoli Nikolaevich	РУБІНАЎ, Анатоль Мікалаевіч	РУБИНОВ, Анатолий Николаевич	DOB: 15.4.1939 Mohilev	Chairman of the Upper House of Parliament, former Deputy Head in charge of Media and Ideology of the President's Administration (2006-2008). In that position, he was one of the main sources and voices of state propaganda and ideological support for the regime. Member of the Security Council since March 2014.
161.	Rusak, Viktar Uladzimiravich Rusak, Viktor Vladimirovich	РУСАК, Віктар Уладзіміравіч	РУСАК, Виктор Владимирович	DOB: 4.5.1955 POB: Minsk Address: Палата представителей Национального собрания Республики Беларусь 220010, Республика Беларусь, г. Минск, ул. Советская, 11	Member of the Lower Chamber of the Parliament, Deputy Head of the Committee on National Security. Former Head of the KGB Board on Economic Security. He was responsible for the repressive activity of the KGB against civil society and democratic opposition.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
166.	Sauko, Valery Iosifavich Savko, Valeri Iosifovich	САЎКО, Валерый Іосіфавіч	САВКО, Валерий Иосифович		Head of the Hrodna branch of the pro-regime trade union. Former Head of Regional Election Commission (REC) of Hrodna Region for the Presidential election of 2010 and the local elections of March 2014. As Chairman of a Regional Electoral Commission, he was responsible for the violations of international electoral standards in the Presidential elections on 19 December 2010, and for the falsifications in the local elections of March 2014 in the Hrodna region.
167.	Shaeu, Valiantsin Piatrovich (Shayeu, Valyantsin Piatrovich) Shaev, Valentin Petrovich (Shayev, Valentin Petrovich)	ШАЕЎ, Валянцін Пятровіч	ШАЕВ, Валентин Петрович		Member of the Security Council, Head of the Investigation Committee, former Deputy Head of the Investigation Committee, former Prosecutor of the region of Homel. Responsible for the repression of civil society following the December 2010 elections.
171.	Shchurok, Ivan Antonavich Shchurok, Ivan Antonovich	ШЧУРОК, Іван Антонавіч	ЩУРОК, Иван Антонович		Member of the Central Electoral Commission (CEC) and Head of the Department of Education in the Vitebsk regional administration. As a Member of the Central Electoral Commission, he was responsible for the violations of international electoral standards in the Presidential elections on 19 December 2010 and in the Parliamentary elections of September 2012.
184.	Sirenka, Viktar Ivanavich Sirenko, Viktor Ivanovich	СІРЭНКА, Віктар Іванавіч	СИРЕНКО, Виктор Иванович	DOB: 4.3.1962 ID: 3040362B062PB7 Address: Комитет по здравоохранению Минского горисполкома ул. Маяковского, 22, корп. 2, 220006, г. Минск	Head of the Committee for Health Care of Minsk City and former Chief Surgeon of the Minsk Emergency Hospital. He did not oppose the kidnapping of the presidential candidate, Nekliayev, who was transported to his hospital afterbeingseverelybeatenon19December 2010 and, by failing to call the police, cooperated with the unknown perpetrators. Such inaction led him to be promoted. As Head of the Committee for Health Care of Minsk City is responsible for supervising use of labour-sanitory institutions in the suppression of human rights.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
185.	Sivakau, Iury Leanidavich (Sivakau, Yury Leanidavich) Sivakov, Iury (Yurij, Yuri) Leonidovich	СІВАКАЎ, Юрый Леанідавіч	СИВАКОВ, Юрий Леонидович	DOB: 5.8.1946 POB: Onory, Sakhalin Region Address: Белорусская ассоциация ветеранов спецподразделений войск МВД 'Честь' 220028, Минск Маяковского, 111	Orchestrated the unresolved disappearances of Yuri Zakharenko, Viktor Gonchar, Anatoly Krasovski and Dmitri Zavadski in Belarus in 1999-2000. Former Minister of Tourism and Sports, former Minister of Interior and former Deputy Head of the Presidential Administration.
186.	Skurat, Viktar Vatslavavich Skurat, Viktor Vatslavovich	СКУРАТ, Віктар Вацлававіч	СКУРАТ, Виктор Вацлавович		Former Head of the Security Department of the Ministry of Interior. In this capacity responsible for severe human rights violations and the repression of civil society and democratic opposition, notably in the aftermath of the presidential elections of 2010. In February 2011, he received an award in the form of an acknowledgement certificate for his services. Retired since February 2013. Head of the security department of the holding company 'MZOR', which is a state owned company under the responsibility of the Ministry of Industry of the Republic of Belarus and therefore directly associated with the Lukashenka regime.
201.	Traulka, Pavel Traulko, Pavel	ТРАУЛЬКА, Павел	ТРАУЛЬКО, Павел		Lieutenant Colonel, former operative of the military counter-intelligence of the KGB (currently head of the press service of the Investigative Committee of Belarus). He falsified evidence and used threats in order to extort confessions from opposition activists in the KGB detention centre in Minsk after the crackdown on the post-election protest demonstration in Minsk on 19 December 2010. He was directly responsible for the use of cruel, inhuman and degrading treatment or punishment and for denying the right to a fair trial. His actions constituted a direct violation of the international commitments of Belarus in the field of human rights.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
202.	Trutka, Iury Igorevich (Trutka, Yury Igorevich) Trutko, Iury (Yurij, Yuri) Igorevich	ТРУТКА, Юрый Ігаравіч	ТРУТКО, Юрий Игоревич	Deputy Head of penal colony IK-2 in Bobruisk	Responsible for inhumane and cruel treatment of political prisoners A. Sannikau and A. Beliatski in penal colony IK-2 in Bobruisk. Opposition activists were tortured, denied access to legal representation and placed in the solitary confinement in the penal colony under his supervision. Trutko put pressure on A. Beliatski and A. Sannikau in order to force them to sign an appeal for pardon.
217.	Volkau, Siarhei Mikhailavich Volkov, Sergei Mikhailovich (Volkov, Sergey Mikhailovich)	ВОЛКАЎ, Сяргей Міхайлавіч	ВОЛКОВ, Сергей Михайлович		Has been actively involved in the repression of civil society in Belarus. As a former Head of the KGB Board of Intelligence, he shared responsibility for the repressive activity of the KGB against civil society and democratic opposition.
221.	Zaharouski, Anton Uladzimiravich Zagorovski, Anton Vladimirovich	ЗАГАРОЎСКІ, Антон Уладзіміравіч	ЗАГОРОВСКИЙ, Антон Владимирович		Prosecutor of the City of Minsk, former Prosecutor of the Frunzenski District of Minsk, dealing with the case of protestor Vasili Parfenkov in February 2011, and with the case against A. Sannikau in July 2011. Responsible for implementing the politically-motivated administrative and criminal sanctions against representatives of civil society.
222.	Zaitsau, Vadzim Iurievich Zaitsev, Vadim Iurievich	ЗАЙЦАЎ, Вадзім Юр'евіч	ЗАЙЦЕВ, Вадим Юрьевич	DOB: 1964 POB: Zhitomyr region, Ukraine (USSR)	CEO of the semi-private Cosmos TV since June 2013, appointed by the Government of Belarus as representative of the state. Former Head of the KGB (July 2008-November 2012). Responsible for transforming the KGB into the main organ of the repression of civil society and of the democratic opposition. Responsible for the dissemination, through the media, of false information about the demonstrators on 19 December 2010, alleging that they had brought materials to be used as weapons. He personally threatened the lives and health of the wife and child of former presidential candidate, Andrei Sannikov. He is the main initiator of orders for unlawful harassment of democratic opposition, the torture of political opponents and the mistreatment of prisoners.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
224.	Zakharau, Aliaksei Ivanavich Zakharov, Aleksei Ivanovich (Zakharov, Alexey Ivanovich)	ЗАХАРАЎ, Аляксей Іванавіч	ЗАХАРОВ, Алексей Иванович		Has been actively involved in the repression of civil society in Belarus. As a former Head of Military Counter-intelligence Board of the KGB (until 2012), he was responsible for the repressive activity of the KGB against civil society and the democratic opposition. Under his supervision, KGB staff took part in interrogations of political activists following the demonstration on 19 December 2010.
226.	Zhadobin, Iury Viktaravich (Zhadobin, Yury Viktaravich) Zhadobin, Iuri Viktorovich (Zhadobin, Yuri Viktorovich)	ЖАДОБІН, Юрый Віктаравіч	ЖАДОБИН, Юрий Викторович	DOB: 14.11.1954 POB: Dnipropetrovsk ID: 3141154A021PB0	Minister of Defence since December 2009. As a member of the Security Council, he approves the repressive decisions agreed at ministerial level, including the decision to repress the peaceful demonstrations on 19 December 2010. After December 2010, he praised the 'total defeat of destructive forces', when referring to the democratic opposition.
227.	Zhuk, Alena Siamionauna (Zhuk Alena Syamionauna) Zhuk Elena Semenovna (Zhuk Yelena Semyonovna)	ЖУК, Алена Сямёнаўна	ЖУК, Елена Семеновна		Judge of Pervomayskij district court in Vitsebsk. On 24 February 2012, she sentenced Syarhei Kavalenka, who was considered as a political prisoner in 2012-2013, to two years and one month in prison for violation of probation. Alena Zhuk was directly responsible for violations of the human rights of a person because she denied Syarhei Kavalenka the right to a fair trial. Syarhei Kavalenka was previously given a suspended sentence for hanging out a banned historical white-red-white flag, a symbol of the opposition movement, in Vitsebsk. The subsequent sentence given by Alena Zhuk was disproportionately harsh given the nature of the crime and not in line with the criminal code of Belarus. The actions of Alena Zhuk constituted a direct violation of the international commitments of Belarus in the field of human rights.

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
228.	Zhuk, Dzmitry Aliaksandravich Zhuk, Dmitri Aleksandrovich	ЖУК, Дзмітрый Аляксандравіч	ЖУК, Дмитрий Александрович	DOB: 7.7.1970 ID: 3070770A081PB7 Address: БЕЛОРУССКОЕ ТЕЛЕГРАФНОЕ АГЕНТСТВО Республика Беларусь, 220030, Минск, ул. Кирова, 26	Director General (CEO) State News Agency BELTA since May 2003. Responsible for relaying state propaganda in the media, which has supported and justified the repression of the democratic opposition and of civil society on 19 December 2010 using falsified information.
230.	Zhukouski, Siarhei Kanstantsinavich Zhukovski, Sergei Konstantinovich	ЖУКОЎСКІ, Сяргей Канстанцінавіч	ЖУКОВСКИЙ, Сергей Константинович		Deputy Prosecutor of the Zavodskoi District of Minsk dealing with the case of Khalip Irina, Martselev Sergei, Severinets Pavel, outstanding civil society representatives. The accusation presented by him had a clear and imminent political motivation and was a clear violation of the Code of Criminal Procedure. It was based on an incorrect classification of the events of 19 December 2010, and not sustained by evidence, proof or testimonies of witnesses.

B. **Entities**

	Names Transcription of Belarusian spelling Transcription of Russian spelling	Name (Belarussian spelling)	Name (Russian Spelling)	Identifying Information	Reasons
1.	Beltechexport		'ЗАО Белтехэкспорт'	Republic of Belarus, 220012, Minsk, Nezavisimost ave., 86-B Tel: (+375 17) 263-63-83, Fax: (+375 17) 263-90-12	Beltechexport benefits from the regime as a main exporter of arms and military equipment in Belarus, which requires authorisation from the Belarusian authorities.
3.	Beltech Holding	Белтех Холдинг			Beltech Holding benefits from the regime, in particular through Beltechexport, which is part of Beltech Holding. Beltechexport benefits from the regime as a main exporter of arms and military equipment in Belarus, which requires authorisation from the Belarusian authorities.

COUNCIL DECISION 2014/751/CFSP

of 30 October 2014

amending Decision 2010/573/CFSP concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Whereas:

(1) On 27 September 2010, the Council adopted Decision 2010/573/CFSP [1].

(2) On the basis of a review of Decision 2010/573/CFSP, the restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova should be extended until 31 October 2015.

(3) Decision 2010/573/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 4(2) of Decision 2010/573/CFSP is hereby replaced by the following:

'2. This Decision shall apply until 31 October 2015. It shall be kept under constant review. It shall be renewed or amended, as appropriate, if the Council deems that its objectives have not been met.'.

Article 2

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

Done at Brussels, 30 October 2014.

For the Council
The President
S. GOZI

[1] Council Decision 2010/573/CFSP of 27 September 2010 concerning restrictive measures against the leadership of the Transnistrian region of the Republic of Moldova (OJ L 253, 28.9.2010, p. 54).

COMMISSION IMPLEMENTING DECISION

of 30 October 2014

on the equivalence of the regulatory framework of Japan for central counterparties to the requirements of Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories

(2014/752/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories [1], and in particular Article 25(6) thereof,

Whereas:

(1) The procedure for recognition of central counterparties ('CCPs') established in third countries set out in Article 25 of Regulation (EU) No 648/2012 aims to allow CCPs established and authorised in third countries whose regulatory standards are equivalent to those laid down in that Regulation to provide clearing services to clearing members or trading venues established in the Union. That recognition procedure and the equivalence decision provided for therein thus contribute to the achievement of the overarching aim of Regulation (EU) No 648/2012 to reduce systemic risk by extending the use of safe and sound CCPs to clear over-the-counter ('OTC') derivative contracts, including where those CCPs are established and authorised in a third country.

(2) In order for a third country legal regime to be considered equivalent to the legal regime of the Union in respect of CCPs, the substantial outcome of the applicable legal and supervisory arrangements should be equivalent to Union requirements in respect of the regulatory objectives they achieve. The purpose of this equivalence assessment is therefore to verify that the legal and supervisory arrangements of Japan ensure that CCPs established and authorised therein do not expose clearing members and trading venues established in the Union to a higher level of risk than the latter could be exposed to by CCPs authorised in the Union and, consequently, do not pose unacceptable levels of systemic risk in the Union.

(3) On 1 September 2013, the Commission received the technical advice of the European Securities and Markets Authority ('ESMA') on the legal and supervisory arrangements applicable to CCPs established in Japan. A supplement to this advice was received on 27 January 2014. The technical advice identified a number of differences between the legally binding requirements applicable, at a jurisdictional level, to CCPs in Japan and the legally binding requirements applicable to CCPs under Regulation (EU) No 648/2012. This Decision is not only based, however, on a comparative analysis of the legally binding requirements applicable to CCPs in Japan, but also on an assessment of the outcome of those requirements in terms of the level of risk mitigation they achieve.

(4) In accordance with Article 25(6) of Regulation (EU) No 648/2012, three conditions need to be fulfilled in order to determine that the legal and supervisory arrangements of a third country regarding CCPs authorised therein are equivalent to those laid down in that Regulation.

(5) According to the first condition, CCPs authorised in a third country must comply with legally binding requirements which are equivalent to the requirements laid down in Title IV of Regulation (EU) No 648/2012.

(6) The legally binding requirements of Japan for clearing organisations ('COs') authorised therein consist of the Financial Instruments and Exchange Act 2006 ('FIEA'), which establishes the supervisory framework for organisations clearing securities and financial derivatives, and the Commodity Derivatives Act 2009 ('CDA'), which provides the supervisory framework for organisations clearing commodities. The present decision only covers the regime set out in the FIEA.

(7) The FIEA provides that before granting a licence to carry out the activities of clearing, the Prime Minister of Japan must be satisfied that the CO has business rules —the internal rules and procedures of the clearing organisation- which conform to the applicable laws and regulations; that the financial standing of the CO is sufficient for

[1] OJ L 201, 27.7.2012, p. 1.

undertaking the clearing of financial instruments; that the expected income and expenditure pertaining to the business of the CO are favourable; that the CO's staff has sufficient knowledge and experience for conducting the clearing of financial instruments appropriately and with certainty; and that the structure and system of the CO are adequately developed so that settlement can function adequately. Pursuant to Article 194-7(1) of the FIEA, the Prime Minister delegates to the Commissioner of the Financial Services Agency of Japan (JFSA) the powers vested under the FIEA. Therefore, the Commissioner of the JFSA has the responsibility for granting a licence for clearing.

(8) Moreover, in December 2013, the JFSA published the Comprehensive Guidelines for Supervision of Financial Market Infrastructures ('the Guidelines'), which detail the supervisory framework with regard to financial market infrastructures, including COs, and in particular the way in which the FIEA will have to be complied with by the COs. The Guidelines are implemented in the internal rules and procedures of COs.

(9) The legally binding requirements in Japan therefore comprise a two-tiered structure. The core principles for COs laid down in the FIEA (the 'primary rules') set out the high-level standards with which COs must comply in order to obtain a licence to provide clearing services in Japan. Those primary rules comprise the first tier of the legally binding requirements in Japan. In order to prove compliance with the primary rules, a CO must submit its internal rules and procedures to the Commissioner of the JFSA for approval. Those internal rules and procedures comprise the second tier of the legally binding requirements in Japan, which must provide prescriptive detail regarding the way in which the applicant CO will meet those standards in accordance with the Guidelines. Moreover, the internal rules and procedures of COs contain additional provisions which complement the primary rules. Once approved by the Commissioner of the JFSA, those internal rules and procedures become legally binding upon the CO. Those rules therefore form an integral part of the legal and supervisory arrangements that CCPs established in Japan must comply with. In the case of non-compliance with the primary rules or the CO's internal rules and procedures, the Commissioner of the JFSA has the power to take administrative actions against the CO, including issuing of orders to improve business operations or rescinding all or part of the CO's licence.

(10) The primary rules applicable to COs complemented by their internal rules and procedures deliver substantial results equivalent to the effects of the rules contained in Title IV of Regulation (EU) No 648/2012. In particular, the legally binding requirements applicable to COs regarding the number of defaults to be covered by total financial resources require COs clearing more than 95 % of the volumes cleared in Japan to cover the default of at least the two clearing members to which they have the largest exposures under extreme but plausible market conditions (the 'cover 2 principle'). That requirement ensures an equivalent degree of risk mitigation to that pursued by the requirements set out under Title IV of Regulation (EU) No 648/2012 and therefore should be considered equivalent.

(11) The legally binding requirements applicable to COs regarding liquidity risk require COs clearing more than 95 % of the volumes cleared in Japan to apply the 'cover 2 principle'. That requirement ensures an equivalent degree of risk mitigation to that pursued by the requirements set out under Title IV of Regulation (EU) No 648/2012 and should therefore be considered equivalent. Finally, the legally binding requirements applicable to all COs regarding business continuity, collateral requirements, investment policy, settlement risk, segregation and portability, calculation of initial margins and governance, including organisational requirements, requirements relating to senior management, risk committee, record keeping, qualifying holdings, information transmitted to the competent authority, conflict of interests, outsourcing and conduct of business deliver substantial results equivalent to those laid down in Regulation (EU) No 648/2012 and therefore should be considered equivalent.

(12) The Commission therefore concludes that the legal and supervisory arrangements of Japan ensure that COs authorised therein comply with legally binding requirements which are equivalent to the requirements laid down in Title IV of Regulation (EU) No 648/2012.

(13) According to the second condition under Article 25(6), the legal and supervisory arrangements of Japan in respect of CCPs authorised therein must provide for effective supervision and enforcement of those CCPs on an ongoing basis.

(14) The JFSA is responsible for the supervision of financial market infrastructures. The JFSA conducts ongoing monitoring of COs' compliance with risk management requirements through surveillance and risk-based examination procedures including testing of prudential requirements. In particular, the JFSA can request COs to provide information, reports and other materials concerning their business and can inspect the business, records and books of COs. It also assess COs' compliance with their obligations. Those examination exercises result in a report which identifies any deficiencies perceived. Various measures are available to the JFSA to ensure that COs appropriately address any identified issues, including requiring COs to demonstrate, in writing, timely correction of such issues.

The JFSA has additional means to enforce compliance, including the ability to issue orders to improve business operations and the enforcement of such orders. The JFSA can also rescind all or part of the CO's licence.

(15) The Commission therefore concludes that the legal and supervisory arrangements of Japan in respect of CCPs authorised therein provide for effective supervision and enforcement of CCPs on an ongoing basis.

(16) According to the third condition under Article 25(6) of Regulation (EU) No 648/2012, the legal and supervisory arrangements of Japan must include an effective equivalent system for the recognition of CCPs authorised under third country legal regimes ('third-country CCPs').

(17) Third-country CCPs may apply for a 'foreign CCP' licence enabling them to provide the same services in Japan as they are authorised to provide in that third country. The criteria applied to a third-country CCP applying for a licence are similar to the criteria applied to the licensing of Japanese clearing organisations. In particular, the applicant third-country CCP, on the basis of the legal and supervisory arrangements applicable in the third country, should have sufficient financial basis, sufficient knowledge and experienced personnel as well as a sufficient system and structure for carrying out clearing activities appropriately and with certainty. Moreover, third-country CCPs are exempted from certain requirements applicable to domestic CCPs authorised in Japan where they have been granted an equivalent licence from foreign authorities with whom the JFSA has concluded cooperative agreements.

(18) It should therefore be considered that the legal and supervisory arrangements of Japan provide for an effective equivalent system for the recognition of third-country CCPs.

(19) The conditions laid down in Article 25(6) of Regulation (EU) No 648/2012 can therefore be considered to be met by the legal and supervisory arrangements of Japan regarding COs and those legal and supervisory arrangements should be considered to be equivalent to the requirements laid down in Regulation (EU) No 648/2012. The Commission, informed by ESMA, should continue monitoring the evolution of the Japanese legal and supervisory framework for CCPs and the fulfilment of the conditions on the basis of which this decision has been taken.

(20) The measures provided for in this Decision are in accordance with the opinion of the European Securities Committee,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of Article 25(6) of Regulation (EU) No 648/2012, the legal and supervisory arrangements of Japan consisting of the Financial Instruments and Exchange Act 2006 (FIEA) as complemented by the Comprehensive Guidelines for Supervision of Financial Market Infrastructures and applicable to clearing organisations ('COs') authorised therein shall be considered to be equivalent to the requirements laid down in Regulation (EU) No 648/2012.

Article 2

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

Done at Brussels, 30 October 2014.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING DECISION

of 30 October 2014

on the equivalence of the regulatory framework of Singapore for central counterparties to the requirements of Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories

(2014/753/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories [1], and in particular Article 25(6) thereof,

Whereas:

(1) The procedure for recognition of central counterparties ('CCPs') established in third countries set out in Article 25 of Regulation (EU) No 648/2012 aims to allow CCPs established and authorised in third countries whose regulatory standards are equivalent to those laid down in that Regulation to provide clearing services to clearing members or trading venues established in the Union. That recognition procedure and the equivalence decision provided for therein thus contribute to the achievement of the overarching aim of Regulation (EU) No 648/2012 to reduce systemic risk by extending the use of safe and sound CCPs to clear over-the-counter ('OTC') derivative contracts, including where those CCPs are established and authorised in a third country.

(2) In order for a third country legal regime to be considered equivalent to the legal regime of the Union in respect of CCPs, the substantial outcome of the applicable legal and supervisory arrangements should be equivalent to Union requirements in respect of the regulatory objectives they achieve. The purpose of this equivalence assessment is therefore to verify that the legal and supervisory arrangements of Singapore ensure that CCPs established and authorised therein do not expose clearing members and trading venues established in the Union to a higher level of risk than the latter could be exposed to by CCPs authorised in the Union and, consequently, do not pose unacceptable levels of systemic risk in the Union.

(3) On 1 September 2013, the Commission received the technical advice of the European Securities and Markets Authority ('ESMA') on the legal and supervisory arrangements applicable to CCPs authorised in Singapore. The technical advice identified a number of differences between the legally binding requirements applicable, at a jurisdictional level, to CCPs in Singapore and the legally binding requirements applicable to CCPs under Regulation (EU) No 648/2012. This Decision is not only based, however, on a comparative analysis of the legally binding requirements applicable to CCPs in Singapore, but also on an assessment of the outcome of those requirements, and their adequacy to mitigate the risks that clearing members and trading venues established in the Union may be exposed to in a manner considered equivalent to the outcome of the requirements laid down in Regulation (EU) No 648/2012. The significantly lower risks inherent in clearing activities carried out in financial markets that are smaller than the Union financial market should thereby, in particular, be taken into account.

(4) In accordance with Article 25(6) of Regulation (EU) No 648/2012, three conditions need to be fulfilled in order to determine that the legal and supervisory arrangements of a third country regarding CCPs authorised therein are equivalent to those laid down in that Regulation.

(5) According to the first condition, CCPs authorised in a third country must comply with legally binding requirements which are equivalent to the requirements laid down in Title IV of Regulation (EU) No 648/2012.

(6) The legally binding requirements of Singapore for CCPs authorised therein consist of Chapter 289 of the Securities and Futures Act ('SFA') and the Securities and Futures (Clearing Facilities) Regulations 2013 ('SFA Regulations'). The SFA aims at promoting safe and efficient clearing facilities and reducing systemic risk. The SFA

[1] OJ L 201, 27.7.2012, p. 1.

Regulations develop and implement the SFA requirements. The SFA introduces an authorisation regime for all systemically important clearing facilities performing the role of CCPs, which have to be authorised by the Monetary Authority of Singapore ('MAS') as Approved Clearing Houses ('ACHs'). Other clearing facilities, including overseas CCPs, are authorised by MAS as Recognised Clearing Houses ('RCHs').

(7) In January 2013, MAS also issued the Monograph on Supervision of Financial Market Infrastructures ('the Monograph') which sets out standards applicable to CCPs in implementation of the Principles for Financial Market Infrastructures (PFMIs) issued by the Committee on Payment and Settlement Systems ([1]) ('CPSS') and the International Organization of Securities Commissions ('IOSCO') in April 2012. In particular, the Monograph explains how MAS expects ACHs to comply with their obligations under the SFA, and it is taken into account by MAS in assessing compliance with the SFA obligations by ACHs.

(8) To be authorised as ACHs, clearing houses have to fulfil specific requirements set out in the SFA and in the SFA Regulations. MAS may impose conditions or restrictions for the authorisation of ACHs and may at any time add or vary or revoke any condition or restriction imposed on them. ACHs have to operate clearing facilities safely and effectively, and they have to manage prudently the risks associated with their business and operations. They also must have sufficient financial, human and system resources.

(9) Moreover, under the SFA, ACHs have to adopt, on an individual basis, internal rules and procedures ensuring the proper and efficient operation of the clearing facility and the proper regulation and supervision of its members. ACHs' internal rules and procedures must contain specific issues prescribed by MAS including requirements related to the risks in the operation of clearing facilities, the handling of defaults and the criteria and conditions to be fulfilled by their members. In this respect, the Monograph is implemented in the internal rules and procedures of ACHs. ACHs' internal rules and procedures, as well as any amendment, have to be submitted to MAS prior to their implementation. MAS can disallow, alter or supplement the internal rules and procedures or any part of the proposed amendment. In addition, under the SFA Regulations, prior approval by MAS is explicitly required for any change to the ACHs' risk management frameworks, including the type of collaterals accepted, the methodologies for collateral valuation and the determination of margins to manage ACHs' risk exposure to its participants, as well as the size of the financial resources available to cover a default of their members (excluding margins held with the ACH). The SFA provides for penalties where ACHs' internal rules and procedures are amended in a way no longer compliant with the requirements set out by MAS. Under the SFA, internal rules and procedures of ACHs are therefore binding upon ACHs.

(10) The legally binding requirements of Singapore therefore comprise a two-tiered structure. The core requirements for ACHs laid down in the SFA and the SFA Regulations ('the primary rules'), set out the high-level standards with which ACHs must comply in order to obtain authorisation to provide clearing services in Singapore. Those primary rules comprise the first tier of the legally binding requirements in Singapore. In order to prove compliance with the primary rules, ACHs must submit their internal rules and procedures to MAS prior to their implementation and MAS can disallow, alter or supplement them. Those internal rules and procedures comprise the second tier of the legally binding requirements of Singapore, which must provide prescriptive detail regarding the way in which the applicant ACH meets those high-level standards in accordance with the Monograph. Moreover, the internal rules and procedures of ACHs contain additional provisions which complement the primary rules.

(11) The equivalence assessment of the legal and supervisory arrangements applicable to ACHs should also take account of the risk mitigation outcome that they ensure in terms of the level of risk to which clearing members and trading venues established in the Union are exposed to due to their participation in ACHs. The risk mitigation outcome is determined by both the level of risk inherent in the clearing activities carried out by the CCP concerned which depend on the size of the financial market in which it operates, and the appropriateness of the legal and supervisory arrangements applicable to CCPs to mitigate that level of risk. In order to achieve the same risk mitigation outcome, more stringent risk mitigation requirements are needed for CCPs carrying out their activities in bigger financial markets whose inherent level of risk is higher than for CCPs carrying out their activities in smaller financial markets whose inherent level of risk is lower.

([1]) As of 1 September 2014 the Committee on Payment and Settlement Systems has changed its name to Committee on Payment and Market Infrastructures ('CPMI').

(12) The size of the financial markets in which ACHs carry out their clearing activities is significantly smaller than that in which CCPs established in the Union carry out theirs. In particular, over the past three years, the total value of transactions cleared in Singapore represented less than 1 % of the total value of transaction cleared in the Union's Member-States which are part of the G10. Therefore, participation in ACHs exposes clearing members and trading venues established in the Union to significantly lower risks than their participation in CCPs authorised in the Union.

(13) The legal and supervisory arrangements applicable to ACHs may therefore be considered as equivalent where they are appropriate to mitigate that lower level of risk. The primary rules applicable to ACHs, complemented by their internal rules and procedures which implement the PFMIs, mitigate the lower level of risk existing in Singapore and achieve a risk mitigation outcome equivalent to that pursued by Regulation (EU) No 648/2012.

(14) The Commission therefore concludes that the legal and supervisory arrangements of Singapore ensure that ACHs authorised therein comply with legally binding requirements which are equivalent to the requirements laid down in Title IV of Regulation (EU) No 648/2012.

(15) According to the second condition under Article 25(6) of Regulation (EU) No 648/2012, the legal and supervisory arrangements of Singapore in respect of CCPs authorised therein must provide for effective supervision and enforcement of those CCPs on an ongoing basis.

(16) MAS can issue directions, whether of a general or specific nature, for ensuring the safe and efficient operation of ACHs and, in particular, for ensuring compliance with obligations or requirements under the SFA or with the requirements prescribed by MAS which have to be incorporated in the ACHs' internal rules and procedures. The SFA provides for penalties where the ACH concerned does not comply with the directions issued by MAS. Regarding enforcement of ACHs' internal rules and procedures, MAS may apply to the High Court to issue an order requesting an ACH to comply with, observe, enforce or give effect to its internal rules and procedures. Finally, MAS may revoke the authorisation of ACHs in case of non-compliance with the requirements it prescribes, any condition or restriction imposed on authorisation, any direction issued by MAS under the SFA or any provision of the SFA, among others.

(17) In addition, ACHs are required under the SFA Regulations to submit to MAS an annual report on how they have discharged their responsibilities under the SFA during the financial year. They also have to submit to MAS the auditors' long form report of the ACH, which has to include the findings and recommendations of the auditors, if any, on the internal controls of the ACH and on any non-compliance of the ACH with any provision of the SFA and any direction issued by MAS under the SFA.

(18) The Commission therefore concludes that the legal and supervisory arrangements of Singapore in respect of CCPs authorised therein provide for effective supervision and enforcement on an ongoing basis.

(19) According to the third condition under Article 25(6) of Regulation (EU) No 648/2012, the legal and supervisory arrangements of Singapore must include an effective equivalent system for the recognition of CCPs authorised under third country legal regimes ('third country CCPs').

(20) Third country CCPs may apply for a RCH authorisation enabling them to provide the same services in Singapore as those they are authorised to provide in the third country.

(21) Before granting a RCH authorisation, MAS assesses whether the regulatory regime of the third country in which the CCP is authorised is comparable to the legal and supervisory arrangements applied to CCPs established in Singapore, including whether the PFMIs are applied. The establishment of cooperation arrangements between MAS and the relevant foreign supervisory authority is also required to grant an RCH authorisation.

(22) While noting that the structure of the recognition procedure of the legal regime of Singapore applicable to third country CCPs differs from the procedure laid down in Regulation (EU) No 648/2012, it should nonetheless be considered as providing for an effective equivalent system for the recognition of third country CCPs.

(23) The conditions laid down in Article 25(6) of Regulation (EU) No 648/2012 can therefore be considered to be met by the legal and supervisory arrangements of Singapore regarding ACHs and those legal and supervisory arrangements should be considered to be equivalent to the requirements laid down in Regulation (EU) No 648/2012. The Commission, informed by ESMA, should continue monitoring the evolution of the Singapore legal and supervisory framework for CCPs and the fulfilment of the conditions on the basis of which this decision has been taken.

(24) The measures provided for in this Decision are in accordance with the opinion of the European Securities Committee,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of Article 25 of Regulation (EU) No 648/2012, the legal and supervisory arrangements of Singapore consisting of Chapter 289 of the Securities and Futures Act and the Securities and Futures (Clearing Facilities) Regulations 2013 as complemented by the 'Monograph on Supervision of Financial Market Infrastructures' and applicable to Approved Clearing Houses ('ACHs') authorised therein shall be considered to be equivalent to the requirements laid down in Regulation (EU) No 648/2012.

Article 2

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

Done at Brussels, 30 October 2014.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING DECISION

of 30 October 2014

on the equivalence of the regulatory framework of Hong Kong for central counterparties to the requirements of Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories

(2014/754/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories [1] and in particular Article 25(6) thereof,

Whereas:

(1) The procedure for recognition of central counterparties ('CCPs') established in third countries set out in Article 25 of Regulation (EU) No 648/2012 aims to allow CCPs established and authorised in third countries whose regulatory standards are equivalent to those laid down in that Regulation to provide clearing services to clearing members or trading venues established in the Union. That recognition procedure and the equivalence decision provided for therein thus contribute to the achievement of the overarching aim of Regulation (EU) No 648/2012 to reduce systemic risk by extending the use of safe and sound CCPs to clear over-the-counter ('OTC') derivative contracts, including where those CCPs are established and authorised in a third country.

(2) In order for a third country legal regime to be considered equivalent to the legal regime of the Union in respect of CCPs, the substantial outcome of the applicable legal and supervisory arrangements should be equivalent to Union requirements in respect of the regulatory objectives they achieve. The purpose of this equivalence assessment is therefore to verify that the legal and supervisory arrangements of Hong Kong ensure that CCPs established and authorised therein do not expose clearing members and trading venues established in the Union to a higher level of risk than the latter could be exposed to by CCPs authorised in the Union and, consequently, do not pose unacceptable levels of systemic risk in the Union.

(3) On 1 September 2013, the Commission received the technical advice of the European Securities and Markets Authority ('ESMA') on the legal and supervisory arrangements applicable to CCPs authorised in Hong Kong. The technical advice identified a number of differences between the legally binding requirements applicable, at a jurisdictional level, to CCPs in Hong Kong and the legally binding requirements applicable to CCPs under Regulation (EU) No 648/2012. This Decision is not only based, however, on a comparative analysis of the legally binding requirements applicable to CCPs in Hong Kong, but also on an assessment of the outcome of those requirements, and their adequacy to mitigate the risks that clearing members and trading venues established in the Union may be exposed to in a manner considered equivalent to the outcome of the requirements laid down in Regulation (EU) No 648/2012. The significantly lower risks inherent in clearing activities carried out in financial markets that are smaller than the Union financial market should thereby, in particular, be taken into account.

(4) In accordance with Article 25(6) of Regulation (EU) No 648/2012, three conditions need to be fulfilled in order to determine that the legal and supervisory arrangements of a third country regarding CCPs authorised therein are equivalent to those laid down in that Regulation.

(5) According to the first condition, CCPs authorised in a third country must comply with legally binding requirements which are equivalent to the requirements laid down in Title IV of Regulation (EU) No 648/2012.

(6) The legally binding requirements of Hong Kong for CCPs authorised therein consist of the Clearing and Settlement Systems Ordinance ('CSSO') and the Securities and Futures Ordinance ('SFO'). Entities authorised under the CSSO are regulated by the Hong Kong Monetary Authority ('HKMA') and entities authorised under the SFO are

[1] OJ L 201, 27.7.2012, p. 1.

regulated by the Hong Kong Securities and Futures Commission ('SFC'). CCPs in Hong Kong have been authorised under the SFO only. This Decision should be therefore limited to the regime set out under the SFO.

(7) Under Part III of the SFO, the SFC has the power to authorise CCP as a Recognised Clearing House ('RCH'). When considering the authorisation of a CCP as an RCH, the SFC must take the 'interest of the investing public' and the 'proper regulation of markets' into account. The SFC may also specify 'such conditions as it considers appropriate' before authorising a specific CCP as an RCH and may change those conditions by notice if 'satisfied that it is appropriate'. In determining what is appropriate, the SFC is required to refer to its statutory mandates of maintaining financial stability and reducing systemic risk.

(8) The SFO sets out the duties and requirements with which an RCH must comply. The SFC issued guidelines pursuant to Section 399(1) of the SFO ('the Guidelines'), which implement the international standards set out under the Principles for Financial Market Infrastructures ('PFMIs') issued in April 2012 by the Committee on Payment and Settlement Systems [1] ('CPSS') and the International Organisation of Securities Commissions ('IOSCO'). When assessing whether RCHs comply with their obligations under the SFO, the SFC takes into account the Guidelines. Where an RCH fails to comply with its obligations under the SFO as complemented by the Guidelines, the SFC may adopt measures to remedy that situation.

(9) The SFO also requires an RCH to adopt internal rules and procedures as are necessary for the proper regulation of its clearing and settlement facilities and for the proper regulation of its clearing members. Requirements of the SFO and the Guidelines are thus implemented in the internal rules and procedures of the RCHs. Under the SFO, any internal rules and procedures adopted by an RCH and amendments thereto must be approved by the SFC.

(10) The legally binding requirements in Hong Kong therefore comprise a two-tiered structure. The core principles for RCHs set out in the SFO (the 'primary rules'), set out the high-level standards with which RCHs must comply in order to obtain authorisation to provide clearing services in Hong Kong. Those primary rules comprise the first tier of the legally binding requirements in Hong Kong. In order to prove compliance with the primary rules, RCHs must submit their internal rules and procedures to the SFC for approval. Those internal rules and procedures comprise the second tier of the legally binding requirements in Hong Kong, which must provide prescriptive detail regarding the way in which the RCH will meet those standards in accordance with the Guidelines. Once approved by the SFC, the internal rules and procedures become legally binding upon the RCH.

(11) The equivalence assessment of the legal and supervisory arrangements applicable to RCHs should also take account of the risk mitigation outcome that they ensure in terms of the level of risk to which clearing members and trading venues established in the Union are exposed to due to their participation in RCHs. The risk mitigation outcome is determined by both the level of risk inherent in the clearing activities carried out by the CCP concerned which depends on the size of financial market in which it operates, and the appropriateness of the legal and supervisory arrangements applicable to CCPs to mitigate that level of risk. In order to achieve the same risk mitigation outcome, more stringent risk mitigation requirements are needed for CCPs carrying out their activities in bigger financial markets whose inherent level of risk is higher than for CCPs carrying out their activities in smaller financial markets whose inherent level of risk is lower.

(12) The size of the financial market in which RCHs carry out their clearing activities is significantly smaller than that in which CCPs established in the Union carry out theirs. In particular, over the past three years, the annual notional value of listed derivative contracts traded in Hong Kong represented less than 1 % of the annual notional value of listed derivative contracts traded in the Union. Over the same period, the market capitalisation of securities traded on exchange in Hong Kong represented on average less than 25 % of the Union's market capitalisation. Moreover, clearing by RCHs of more complex products like OTC derivatives is at an early stage since clearing services for OTC derivative contracts were only launched on 25 November 2013. Therefore, participation in RCHs exposes clearing members and trading venues established in the Union to significantly lower risks than their participation in CCPs authorised in the Union.

[1] As of 1 September 2014 the Committee on Payment and Settlement Systems has changed its name to Committee on Payment and Market Infrastructures ('CPMI').

(13) The legal and supervisory arrangements applicable to RCHs may therefore be considered as equivalent where they are appropriate to mitigate that lower level of risk. The primary rules applicable to RCHs, complemented by their internal rules and procedures which implement the PFMIs, mitigate the lower level of risk existing in Hong Kong and achieve a risk mitigation outcome equivalent to that pursued by Regulation (EU) No 648/2012.

(14) The Commission therefore concludes that the legal and supervisory arrangements of Hong Kong ensure that RCHs authorised therein comply with legally binding requirements which are equivalent to the requirements laid down in Title IV of Regulation (EU) No 648/2012.

(15) According to the second condition under Article 25(6) of Regulation (EU) No 648/2012, the legal and supervisory arrangements of Hong Kong in respect of CCPs authorised therein must provide for effective supervision and enforcement of those CCPs on an ongoing basis.

(16) The SFC conducts ongoing monitoring of RCHs' compliance with risk management requirements through surveillance and risk-based examination procedures including testing of prudential requirements. The SFC has additional means to enforce compliance. In particular, the SFC has the power to direct RCHs to cease to provide or operate clearing or settlement facilities or to withdraw their authorisation. In addition, the SFC may also request RCHs to make certain amendments to their rules as deemed necessary, and is empowered to make such rule changes unilaterally where the RCH concerned does not comply with the request. The SFC has the power to request RCHs to provide books and records kept by them in connection with or for the purposes of their business or in respect of any clearing and settlement arrangements for any transactions in securities or futures contracts as well as other information relating to their business or any clearing and settlement arrangements for any transactions in securities or futures contracts that the SFC may reasonably require for the performance of its functions. Failure to provide that information or documentation, without reasonable justification, may result in the imposition of fines.

(17) The Commission therefore concludes that the legal and supervisory arrangements of Hong Kong in respect of CCPs authorised therein provide for effective supervision and enforcement on an ongoing basis.

(18) According to the third condition under Article 25(6) of Regulation (EU) No 648/2012, the legal and supervisory arrangements of Hong Kong must include an effective equivalent system for the recognition of CCPs authorised under third-country legal regimes ('third-country CCPs').

(19) To operate as a CCP in Hong Kong, an entity is required to be designated either as a RCH or recognised as a provider of 'Automated Trading Services' ('ATS') under the SFO. ATS are defined as entities providing, by means of electronic facilities, services to trade or clear securities or futures contracts. In March 2014, the Hong Kong Legislative Council passed an Amendment Ordinance to expand the scope of the ATS definition to include OTC derivatives as well.

(20) The ATS regime is suited to third-country CCPs wishing to provide services to Hong Kong participants. Third-country CCPs may apply to be recognised in Hong Kong as ATS, enabling them to provide the same services in Hong Kong as they are authorised to provide in the third country.

(21) When processing the ATS application from a third-country CCP, the SFC assesses the compliance of the third-country CCP with the PFMIs as a benchmark. The conclusion of a memorandum of understanding between the SFC and the competent third-country supervisory authority of the applicant CCP is also required before the ATS application is approved as the SFC relies on the home regulator for day-to-day supervision of the third-country CCP.

(22) While noting that the structure of the recognition procedure of the legal regime of Hong Kong applicable to third-country CCPs differs from the procedure laid down in Regulation (EU) No 648/2012, it should nonetheless be considered as providing for an effective equivalent system for the recognition of third-country CCPs.

(23) The conditions laid down in Article 25(6) of Regulation (EU) No 648/2012 can therefore be considered to be met by the legal and supervisory arrangements of Hong Kong regarding RCHs, and those legal and supervisory arrangements should be considered to be equivalent to the requirements laid down in Regulation (EU) No 648/2012. The Commission, informed by ESMA, should continue monitoring the evolution of the Hong Kong legal and supervisory framework for CCPs and the fulfilment of the conditions on the basis of which this decision has been taken.

(24) The measures provided for in this Decision are in accordance with the opinion of the European Securities Committee,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of Article 25 of Regulation (EU) No 648/2012, the legal and supervisory arrangements of Hong Kong consisting of the Securities and Futures Ordinance (SFO) as complemented by the Guidelines adopted pursuant to Section 399(1) of the SFO and applicable to Recognised Clearing Houses ('RCHs') authorised therein shall be considered to be equivalent to the requirements laid down in Regulation (EU) No 648/2012.

Article 2

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

Done at Brussels, 30 October 2014.

For the Commission
The President
José Manuel BARROSO

COMMISSION IMPLEMENTING DECISION

of 30 October 2014

on the equivalence of the regulatory framework of Australia for central counterparties to the requirements of Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories

(2014/755/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories [1], and in particular Article 25(6) thereof,

Whereas:

(1) The procedure for recognition of central counterparties ('CCPs') established in third countries set out in Article 25 of Regulation (EU) No 648/2012 aims to allow CCPs established and authorised in third countries whose regulatory standards are equivalent to those laid down in that Regulation to provide clearing services to clearing members or trading venues established in the Union. That recognition procedure and the equivalence decision provided for therein thus contribute to the achievement of the overarching aim of Regulation (EU) No 648/2012 to reduce systemic risk by extending the use of safe and sound CCPs to clear over-the-counter ('OTC') derivative contracts, including where those CCPs are established and authorised in a third country.

(2) In order for a third country legal regime to be considered equivalent to the legal regime of the Union in respect of CCPs, the substantial outcome of the applicable legal and supervisory arrangements should be equivalent to Union requirements in respect of the regulatory objectives they achieve. The purpose of this equivalence assessment is therefore to verify that the legal and supervisory arrangements of Australia ensure that CCPs established and authorised therein do not expose clearing members and trading venues established in the Union to a higher level of risk than the latter could be exposed to by CCPs authorised in the Union and, consequently, do not pose unacceptable levels of systemic risk in the Union.

(3) On 1 September 2013, the Commission received the technical advice of the European Securities and Markets Authority ('ESMA') on the legal and supervisory arrangements applicable to CCPs authorised in Australia. The technical advice concludes that all of the provisions in Title IV of Regulation (EU) No 648/2012 are replicated by corresponding legally binding requirements which are applicable, at a jurisdictional level, to CCPs authorised in Australia.

(4) In accordance with Article 25(6) of Regulation (EU) No 648/2012, three conditions need to be fulfilled in order to determine that the legal and supervisory arrangements of a third country regarding CCPs authorised therein are equivalent to those laid down in that Regulation.

(5) According to the first condition, CCPs authorised in a third country must comply with legally binding requirements which are equivalent to the requirements laid down in Title IV of Regulation (EU) No 648/2012.

(6) The legally binding requirements of Australia for CCPs authorised therein consist of the Corporations Act 2001 ('Corporations Act'), which together with the Corporations Regulations 2001 ('Corporations Regulations'), establish the legal framework for clearing and settlement facilities ('CS facilities'). Part 7.3 of the Corporations Act provides that before granting a licence to carry out the activities of clearing or settlement, the Minister must be satisfied, among other things, that the CCP concerned has adequate operating rules and procedures which conform to the applicable laws and regulations to ensure, as far as it is reasonably practicable, that systemic risk is reduced and that the CCP is operated in a fair and effective manner. The CCP must also have adequate arrangements for handling conflicts of interest and for enforcing its internal rules and procedures. The Australian Securities and Investments Commission ('ASIC') and the Reserve Bank of Australia ('RBA') advise the Minister regarding the granting of CS facilities' licences and changes of their internal rules and procedures, and are in charge of assessing, and in the case of ASIC of enforcing, CCPs' compliance with their obligations under the Corporations Act.

[1] OJ L 201, 27.7.2012, p. 1.

(7) ASIC provides regulatory guidance to regulated entities to explain specific issues already covered by legislation. In particular, ASIC revised its regulatory guidance on licensing and oversight of CS facilities' licences in December 2012 under the updated Regulatory Guide 211 'Clearing and settlement facilities: Australian and overseas operators' ('RG 211'). ASIC's RG 211 implements the Principles for Financial Market Infrastructures ('PFMIs') issued in April 2012 by the Committee on Payment and Settlement Systems ([1]) ('CPSS') and the International Organization of Securities Commission ('IOSCO'), which are relevant for the obligations set out in the Corporations Act, and provides guidance to CCPs on how to comply with their obligations under the Corporations Act. Therefore, failure to comply with the Corporations Act as explained in RG 211 could entail enforcement action and sanctioning measures.

(8) RBA has the power, under the Corporations Act, to determine financial stability standards for the purpose of ensuring that CCPs operate in a way that causes or promotes the overall stability of the Australian financial system. In particular, in November 2012, RBA's Payments System Board approved the determination of new financial stability standards, the Financial Stability Standards for Central Counterparties ('FSS'), which comprise 21 standards for CCPs, with accompanying sub-standards and guidance. Other than certain sub-standards, which came into effect on 31 March 2014, the FSS became effective in March 2013. The FSS are to be complied with by all licensed CCPs.

(9) The core principles for CS facilities set out in Part 7.3 of the Corporations Act and the Corporations Regulations, as explained under ASIC's RG 211, and the FSS determined by RBA (together 'the primary rules'), set out the high-level standards with which CCPs must comply in order to obtain authorisation to provide clearing services in Australia. Those primary rules comprise the first tier of the legally binding requirements in Australia. In order to comply with the primary rules, CCPs adopt, in addition, their internal rules and procedures which must conform with the specific requirements set out in the Corporations Act and the Corporations Regulations, as explained under RG 211, and the FSS, which are submitted to the Minister prior to authorisation as a CS facility. Changes to the internal rules and procedures of CCPs must be notified to the Minister. The Minister can disallow changes in the internal rules and procedures of CCPs. The internal rules and procedures of CCPs have the effect of a contract and are legally binding on CCPs and their respective participants.

(10) The legally binding requirements set out in the primary rules applicable to CCPs authorised in Australia deliver substantial results equivalent to those of the requirements laid down in Title IV of Regulation (EU) No 648/2012.

(11) The Commission therefore concludes that the legal and supervisory arrangements of Australia ensure that CCPs authorised therein comply with legally binding requirements which are equivalent to the requirements laid down in Title IV of Regulation (EU) No 648/2012.

(12) According to the second condition under Article 25(6) of Regulation (EU) No 648/2012, the legal and supervisory arrangements of Australia in respect of CCPs authorised therein must provide for effective supervision and enforcement of those CCPs on an ongoing basis.

(13) CCPs authorised in Australia are subject to on-going supervision and oversight by ASIC and RBA. ASIC is responsible for enforcing CCPs' compliance with their obligations under the Corporations Act and in this respect, it conducts periodic assessments of compliance by CCPs with their licence obligations, other than their obligations relating to FSS and systemic risk reduction, and in particular with their duty to operate in a fair and effective manner to the extent it is reasonable to do so, and submits a report to the Minister, which is published. RBA monitors compliance by CCPs with their obligations under their respective licences and relating to financial stability and reduction of systemic risk, conducts periodic assessments of compliance by each CCP with the FSS and submits a report to the Minister, which is also published. CCPs authorised in Australia may receive written directions from the Minister and from ASIC. If a CCP fails to comply with a written direction, ASIC may apply to the courts which may order the CCP to comply with the written direction.

(14) The Commission therefore concludes that the legal and supervisory arrangements of Australia in respect of CCPs authorised therein provide for effective supervision and enforcement on an ongoing basis.

([1]) As of 1 September 2014 the Committee on Payment and Settlement Systems has changed its name to Committee on Payment and Market Infrastructures ('CPMI').

(15) According to the third condition under Article 25(6) of Regulation (EU) No 648/2012, the legal and supervisory arrangements of Australia must include an effective equivalent system for the recognition of CCPs authorised under third country legal regimes ('third country CCPs').

(16) Third country CCPs may apply for an 'overseas clearing and settlement facility licence' ('an overseas CCP licence') enabling them to provide in Australia some or all of the clearing services they are authorised to provide in their home country.

(17) The criteria applied to third country CCPs applying for an overseas CCP licence in Australia are comparable to those provided for third country CCPs applying for recognition under Article 25 of Regulation (EU) No 648/2012. As a prerequisite for recognition, the regulatory regime of the third country in which the CCP is authorised must be deemed 'sufficiently equivalent', in relation to the degree of protection from systemic risk and level of effectiveness and fairness of services it achieves, to the Australian regulatory regime for comparable domestic CCPs. The assessment of 'sufficient equivalence' involves similar considerations as those assessed under Regulation (EU) No 648/2012. The establishment of cooperation arrangements between the Australian authorities and the relevant foreign supervisory authorities is also required to grant an overseas CCP licence.

(18) It should therefore be considered that the legal and supervisory arrangements of Australia provide for an effective equivalent system for the recognition of third country CCPs.

(19) The conditions laid down in Article 25(6) of Regulation (EU) No 648/2012 can therefore be considered to be met by the legal and supervisory arrangements of Australia regarding CCPs authorised therein and those legal and supervisory arrangements should be considered to be equivalent to the requirements laid down in Regulation (EU) No 648/2012. The Commission, informed by ESMA, should continue monitoring the evolution of the Australian legal and supervisory framework for CCPs and the fulfilment of the conditions on the basis of which this decision has been taken.

(20) The measures provided for in this Decision are in accordance with the opinion of the European Securities Committee,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of Article 25 of Regulation (EU) No 648/2012, the legal and supervisory arrangements of Australia applicable to CCPs authorised therein, consisting of Part 7.3 of the Corporations Act 2001 and the Corporations Regulations 2001, as explained under Regulatory Guidance 211 'Clearing and settlement facilities: Australian and overseas operators', and the Financial Stability Standards for Central Counterparties, shall be considered to be equivalent to the requirements laid down in Regulation (EU) No 648/2012.

Article 2

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

Done at Brussels, 30 October 2014.

For the Commission

The President

José Manuel BARROSO

COMMISSION IMPLEMENTING DECISION

of 29 October 2014

concerning restrictions of the authorisations of biocidal products containing IPBC and propiconazole notified by Germany in accordance with Directive 98/8/EC of the European Parliament and of the Council

(notified under document C(2014) 7909)

(Text with EEA relevance)

(2014/756/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ([1]), and in particular Article 36(3) thereof,

Whereas:

(1) Annex I to Directive 98/8/EC of the European Parliament and of the Council ([2]) contained the list of active substances approved at Union level for inclusion in biocidal products. Commission Directives 2008/78/EC ([3]) and 2008/79/EC ([4]) added the active substances propiconazole and IPBC, respectively, for use in products belonging to product-type 8, wood preservatives, as defined in Annex V to Directive 98/8/EC. By virtue of Article 86 of Regulation (EU) No 528/2012, those substances are therefore approved active substances included in the list referred to in Article 9(2) of that Regulation.

(2) In accordance with Article 8 of Directive 98/8/EC, the company Janssen PMP submitted applications to the United Kingdom for authorisation of three wood preservative biocidal products containing IPBC and propiconazole ('the contested products'). The product authorisations granted by the United Kingdom covered different application methods, including automated dipping for industrial use and spraying (indoors and outdoors) for professional and non-professional use. A number of Member States have subsequently authorised the contested products through mutual recognition.

(3) Janssen PMP ('the applicant') submitted complete applications to Germany for mutual recognition of the authorisations of the contested products granted by the United Kingdom.

(4) Germany notified the Commission, the other Member States and the applicant on 28 August 2013 of its proposal to restrict the authorisations in accordance with Article 4(4) of Directive 98/8/EC. Germany considers that the contested products do not meet the requirements of Article 5(1) of Directive 98/8/EC with regard to human health and the environment.

(5) According to Germany, the authorisation of the application method by spraying outdoors was not appropriately assessed by the United Kingdom in terms of environmental risks. The assessment performed by Germany for the three products concluded in unacceptable risks for the distant soil compartment.

([1]) OJ L 167, 27.6.2012, p. 1.
([2]) Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).
([3]) Commission Directive 2008/78/EC of 25 July 2008 amending Directive 98/8/EC of the European Parliament and of the Council to include propiconazole as an active substance in Annex I thereto (OJ L 198, 26.7.2008, p. 44).
([4]) Commission Directive 2008/79/EC of 28 July 2008 amending Directive 98/8/EC of the European Parliament and of the Council to include IPBC as an active substance in Annex I thereto (OJ L 200, 29.7.2008, p. 12).

(6) Germany also considers that for one of the products, the application by automated dipping should be limited to systems with a sufficiently high degree of automation due to unacceptable risks for the health of professional users.

(7) The Commission invited the other Member States and the applicant to submit comments to the notifications in writing within 90 days in accordance with Article 27(1) of Directive 98/8/EC. Comments were submitted within that deadline by Germany, the United Kingdom and the applicant. The notification was also discussed between the Commission and Member States' Competent Authorities for biocidal products on 24 September 2013 in the meeting of the coordination group established under Article 35 of Regulation (EU) No 528/2012.

(8) With regard to the risks for the environment, from those discussions and comments it follows that the conclusions of the environmental assessment carried out by the United Kingdom were based on the relevant scenario of the Series on Emission Scenario Documents of the Organisation for Economic Co-operation and Development (OECD) ([1]) available at the time of the evaluation.

(9) It also follows that the conclusions from Germany are based on a revised scenario of the OECD Series on Emission Scenario Documents ([2]), available since the authorisations were granted by the United Kingdom and also since the notification made by Germany.

(10) In addition, according to agreed guidance by the 47th meeting of representatives of Members States Competent Authorities for the implementation of Directive 98/8/EC concerning the placing of biocidal products on the market ([3]), new guidance can only be taken into consideration if it was available before the date of submission of the application for product authorisation, unless scientific progress shows that the reliance on old guidance gives rise to serious concern. This guidance further establishes that a serious concern would trigger revision of existing authorisations. However, neither the United Kingdom nor the other Member States having approved the products through mutual recognition considered that the concern was such as to justify a revision of existing authorisations.

(11) In the light of the above comments, the Commission supports the conclusions of the evaluation carried out by the United Kingdom and the other Member States having approved the products through mutual recognition, considering that the contested products fulfil the requirements set by Article 5(1) of Directive 98/8/EC with regard to the environment. The Commission therefore considers that the request by Germany to restrict the authorisations cannot be justified on the grounds put forward.

(12) With regard to the application by automated dipping, the Commission considers that the contested product should be subject to the provisions established by a previous Commission Decision ([4]) addressing the protection of the health of professional users when applying IPBC containing products by this application method. Consequently, the contested product should be authorised subject to instructions on the label restricting the use to fully automated dipping processes and the product authorisation should be amended accordingly.

(13) Regulation (EU) No 528/2012 applies to the contested product in accordance with the provisions of Article 92(2) of that Regulation. Since the legal basis for this Decision is Article 36(3) of that Regulation, this Decision should be addressed to all Member States by virtue of Article 36(4) of that Regulation.

(14) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

---

([1]) See Emission scenarios for outdoor treatments from Part II of OECD Emission Scenario Document (ESD) for Wood Preservatives (2003), available on the website http://echa.europa.eu/documents/10162/16908203/pt8_wood_preservatives_2_en.pdf

([2]) See Outdoor spraying emission scenario from OECD Revised Emission Scenario Document for Wood Preservatives (ENV/JM/MONO (2013)21), available on the website http://search.oecd.org/officialdocuments/displaydocumentpdf/?cote=env/jm/mono(2013)21&doclanguage=en

([3]) See document CA-July12-Doc.6.2d — Final on Relevance of new guidance becoming available during the process of authorisation and mutual recognition of authorisations of biocidal products, available on the website https://circabc.europa.eu/w/browse/03bce60b-cf04-49aa-8172-e9c6a75205a7

([4]) Commission Implementing Decision 2014/402/EU of 25 June 2014 regarding restrictions of authorisations of biocidal products containing IPBC notified by Germany in accordance with Directive 98/8/EC of the European Parliament and of the Council (OJ L 188, 27.6.2014, p. 85).

HAS ADOPTED THIS DECISION:

Article 1

This Decision applies to products identified by the following application reference numbers in the Reference Member State, as provided for by the Register for Biocidal Products:

2010/2709/7626/UK/AA/8666
2010/2709/8086/UK/AA/9499
2010/2709/7307/UK/AA/8801

Article 2

The proposal by Germany not to authorise the biocidal products referred to in Article 1 for spraying outdoors, is rejected.

Article 3

Where used for automated dipping, authorisations of biocidal products identified by the application reference number 2010/2709/7626/UK/AA/8666 shall include a condition that the label of the products contains the following instruction:

'Product (insert name of the product) must only be used in fully automated dipping processes where all steps in the treatment and drying process are mechanised and no manual handling takes place, including when the treated articles are transported through the dip tank to the draining/drying and storage (if not already surface dry before moving to storage). Where appropriate, the wooden articles to be treated must be fully secured (e.g. via tension belts or clamping devices) prior to treatment and during the dipping process, and must not be manually handled until after the treated articles are surface dry.'

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 29 October 2014.

For the Commission
Janez POTOČNIK
Member of the Commission

COMMISSION IMPLEMENTING DECISION

of 29 October 2014

concerning restrictions of the authorisation of a biocidal product containing IPBC notified by Germany in accordance with Directive 98/8/EC of the European Parliament and of the Council

(notified under document C(2014) 7914)

(Text with EEA relevance)

(2014/757/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ([1]), and in particular Article 36(3) thereof,

Whereas:

(1) Annex I to Directive 98/8/EC of the European Parliament and of the Council ([2]) contained the list of active substances approved at Union level for inclusion in biocidal products. Commission Directive 2008/79/EC ([3]) added the active substance IPBC for use in products belonging to product-type 8, wood preservatives, as defined in Annex V to Directive 98/8/EC. By virtue of Article 86 of Regulation (EU) No 528/2012, this substance is therefore an approved active substance included in the list referred to in Article 9(2) of that Regulation.

(2) In accordance with Article 8 of Directive 98/8/EC, the company ISP Cologne Holding GmbH submitted on 22 December 2010 an application to Denmark for authorisation of a wood preservative biocidal product containing IPBC ('the contested product'). Denmark authorised the contested product on 19 December 2011 for Use classes 2 and 3 of the treated wood, as described in the Technical Notes for Guidance on Product Evaluation ([4]). The product authorisation covers different application methods, including automated dipping for professional use. Two Member States have subsequently authorised the contested product through mutual recognition.

(3) ISP Cologne Holding GmbH ('the applicant') submitted on 20 February 2012 a complete application to Germany for mutual recognition of the authorisation of the contested product granted by Denmark.

(4) Germany has notified the Commission, the other Member States and the applicant on 30 August 2013 of its proposal to restrict the authorisation in accordance with Article 4(4) of Directive 98/8/EC. Germany considers that the contested product does not meet the requirements of Article 5(1) of Directive 98/8/EC with regard to the human health and the environment.

(5) According to Germany, the assessment performed by Denmark did not appropriately address the environmental concerns raised by the contested product. The environmental risk assessment performed by Germany of the service life of treated wood under Use Class 3 conditions concluded in an unacceptable risk for the soil compartment at day 30 ('time 1') regardless of the application method. As a result, Germany proposes not to authorise the use of wood treated with the contested product under Use class 3 conditions.

(6) Germany also considers that the application by automated dipping should be limited to systems with a sufficiently high degree of automation due to unacceptable risks on the human health of professional users.

(7) The Commission invited the other Member States and the applicant to submit comments to the notification in writing within 90 days in accordance with Article 27(1) of Directive 98/8/EC. Comments were submitted within that deadline by Germany, Denmark and the applicant. The notification was also discussed between the Commission and Member States' Competent Authorities for biocidal products on 24 September 2013 in the meeting of the coordination group established under Article 35 of Regulation (EU) No 528/2012.

([1]) OJ L 167, 27.6.2012, p. 1.
([2]) Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).
([3]) Commission Directive 2008/79/EC of 28 July 2008 amending Directive 98/8/EC of the European Parliament and of the Council to include IPBC as an active substance in Annex I thereto (OJ L 200, 29.7.2008, p. 12).
([4]) Available on the website http://echa.europa.eu/documents/10162/16960215/bpd_guid_tnsg-product-evaluation_en.pdf

(8) With regard to the risks for the environment, from those discussions and comments it follows that the evaluation carried out by Denmark is compatible with current guidance ([1]). Where a risk is identified at time 1 as a result of a worst-case assumption, safe use of treated wood under Use classes 2 and 3 conditions can be assumed when the risk for the environment at the end of the service life is deemed acceptable.

(9) The Commission also notes that cases where an unacceptable risk is identified at time 1 are currently under discussion at Union level in order to establish a harmonised approach. Against this background the Commission considers that, until such an approach is formally adopted, the conclusions of the assessment of the contested product by the Denmark should be considered as valid until the renewal of the product authorisation.

(10) In the light of those comments, the Commission supports the conclusions of the evaluation carried out by Denmark and the other Member States having approved the product through mutual recognition, considering that the contested product fulfils the requirements set by Article 5(1) of Directive 98/8/EC with regard to the environment. The Commission therefore considers that the request by Germany to restrict the authorisation cannot be justified on the grounds put forward.

(11) With regard to the application by automated dipping, the Commission considers that the contested product should be subject to the provisions established by a previous Commission Decision ([2]) addressing the protection of the health of professional users when applying IPBC containing products by this application method. Consequently, the contested product should be authorised subject to instructions on the label restricting the use to fully automated dipping processes and the product authorisation should be amended accordingly.

(12) Regulation (EU) No 528/2012 applies to the contested product in accordance with the provisions of Article 92(2) of that Regulation. Since the legal basis for this Decision is Article 36(3) of that Regulation, this decision should be addressed to all Member States by virtue of Article 36(4) of that Regulation.

(13) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

HAS ADOPTED THIS DECISION:

Article 1

This Decision applies to products identified by the following application reference number in the Reference Member State, as provided for by the Register for Biocidal Products:

2010/5411/6906/DK/AA/8325

Article 2

The proposal by Germany to restrict the authorisation granted by Denmark on 19 December 2011 of the products referred to in the Article 1, is rejected.

Article 3

Where used for automated dipping, authorisations of biocidal products identified by the application reference number listed in Article 1 shall include a condition that the label of the products contains the following instruction:

'Product (insert name of the product) must only be used in fully automated dipping processes where all steps in the treatment and drying process are mechanised and no manual handling takes place, including when the treated articles are transported through the dip tank to the draining/drying and storage (if not already surface dry before moving to storage). Where appropriate, the wooden articles to be treated must be fully secured (e.g. via tension belts or clamping devices) prior to treatment and during the dipping process, and must not be manually handled until after the treated articles are surface dry.'

([1]) Report of leaching workshop (Arona, Italy, 13-14 June 2005), available on the website http://ihcp.jrc.ec.europa.eu/our_activities/public-health/risk_assessment_of_Biocides/doc/ESD/ESD_PT/PT_08/PT_8_Leaching_Workshop_2005.pdf/at_download/file

([2]) Commission Implementing Decision 2014/402/EU of 25 June 2014 regarding restrictions of authorisations of biocidal products containing IPBC notified by Germany in accordance with Directive 98/8/EC of the European Parliament and of the Council (OJ L 188, 27.6.2014, p. 85).

Article 4

This Decision is addressed to the Member States.

Done at Brussels, 29 October 2014.

For the Commission
Janez POTOČNIK
Member of the Commission

COMMISSION IMPLEMENTING DECISION

of 29 October 2014

rejecting the refusal of the authorisation of a biocidal product notified by Germany in accordance with Directive 98/8/EC of the European Parliament and of the Council

(notified under document C(2014) 7915)

(Text with EEA relevance)

(2014/758/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products ([1]), and in particular Article 36(3) thereof,

Whereas:

(1) Annex I to Directive 98/8/EC of the European Parliament and of the Council ([2]) contained the list of active substances approved at Union level for inclusion in biocidal products. Commission Directives 2008/78/EC ([3]), 2008/79/EC ([4]) and 2008/86/EC ([5]) added the active substances propiconazole, IPBC and tebuconazole, respectively, for use in products belonging to product-type 8, wood preservatives, as defined in Annex V to Directive 98/8/EC. By virtue of Article 86 of Regulation (EU) No 528/2012, these substances are therefore approved active substances included in the list referred to in Article 9(2) of that Regulation.

(2) In accordance with Article 8 of Directive 98/8/EC, the company Arch Timber Protection Ltd submitted on 2 April 2010 an application to The United Kingdom for authorisation of a wood preservative biocidal product containing propiconazole, IPBC and tebuconazole ('the contested product'). The United Kingdom authorised the contested product on 7 June 2012 for industrial use and temporary protection of freshly sawn/felled wood and unseasoned timber only, also indicating that wood treated with this product can be used for Use Classes 2 and 3 as described in the Technical Notes for Guidance on Product Evaluation ([6]). The product consists of two packs to be mixed and diluted at industrial premises depending on site-specific application conditions by dipping or enclosed deluge. Ten Member States have subsequently authorised the contested product through mutual recognition.

(3) Arch Timber Protection Ltd ('the applicant') submitted on 16 July 2012 a complete application to Germany for mutual recognition of the authorisation of the contested product granted by the United Kingdom.

(4) Germany notified the Commission, the other Member States and the applicant on 19 August 2013 of its proposal to refuse the authorisation in accordance with Article 4(4) of Directive 98/8/EC. Germany considered that the contested product does not meet the requirements of Article 5(1) of Directive 98/8/EC with regard to the environment.

(5) According to Germany, the authorisation did not reflect well that the product was intended for temporary wood protection and the product was not appropriately assessed by the United Kingdom in terms of environmental risks. The assessment performed by Germany concluded in an unacceptable risk for the environment at day 30 following the application of the product ('time 1'), which also raised concerns regarding the potential use of wood treated with the contested product under Use Classes 2 and 3 conditions.

([1]) OJ L 167, 27.6.2012, p. 1.
([2]) Directive 98/8/EC of the European Parliament and of the Council of 16 February 1998 concerning the placing of biocidal products on the market (OJ L 123, 24.4.1998, p. 1).
([3]) Commission Directive 2008/78/EC of 25 July 2008 amending Directive 98/8/EC of the European Parliament and of the Council to include propiconazole as an active substance in Annex I thereto (OJ L 198, 26.7.2008, p. 44).
([4]) Commission Directive 2008/79/EC of 28 July 2008 amending Directive 98/8/EC of the European Parliament and of the Council to include IPBC as an active substance in Annex I thereto (OJ L 200, 29.7.2008, p. 12).
([5]) Commission Directive 2008/86/EC of 5 September 2008 amending Directive 98/8/EC of the European Parliament and of the Council to include tebuconazole as an active substance in Annex I thereto (OJ L 239, 6.9.2008, p. 9).
([6]) Available on the website http://echa.europa.eu/documents/10162/16960215/bpd_guid_tnsg-product-evaluation_en.pdf

(6) Germany also considered that, since the ratio of the active substances and non-active substances in the working solutions of the product is variable, the product does not meet the definition of biocidal products in Article 2(a) of Directive 98/8/EC and should have been authorised as a frame formulation as defined by Article 2(j) of Directive 98/8/EC.

(7) The Commission invited other Member States and the applicant to submit comments to the notification in writing within 90 days in accordance with Article 27(1) of Directive 98/8/EC. Comments were submitted within that deadline by Germany, The United Kingdom and the applicant. The notification was also discussed on 24 September 2013 in the meeting of the coordination group established under Article 35 of Regulation (EU) No 528/2012.

(8) With regard to the risks for the environment, from those discussions and comments it follows that the evaluation carried out by the United Kingdom, in the absence of an agreed model for temporary wood protection, followed the best guidance available at the time ([1]), which is based on models for treated wood to be placed on the market under Use Classes 2 and 3 conditions. The assessment was also based on a worst-case assumption of a complete release of the active substances at time 1.

(9) It also follows that the evaluation performed by the United Kingdom following those models is compatible with current guidance ([2]). Where a risk is identified at time 1 as a result of a worst-case assumption, safe use of treated wood under Use Classes 2 and 3 conditions can be assumed when the risk for the environment at the end of the service life is considered acceptable.

(10) The Commission also notes that cases where an unacceptable risk is identified at time 1 are currently under discussion at Union level in order to establish a harmonised approach. Against this background the Commission considers that, until such an approach is formally adopted, the conclusions of the assessment of the contested product by the United Kingdom should be considered as valid until the renewal of the product authorisation.

(11) With regard to the identity of the product, from those discussions and comments it follows that the contested product, in the form in which it is supplied to the industrial users, has specific fixed concentrations of the active and non-active substances. The Commission considers that the fact that industrial users can prepare different solutions of the product at the work place, which are process dependant, cannot be interpreted in a way as if the authorisation holder was placing on the market a group of different biocidal products as referred to in Article 2(j) of Directive 98/8/EC.

(12) In the light of those arguments, the Commission supports the conclusions of the evaluation carried out by the United Kingdom and the other Member States having approved the product through mutual recognition, considering that the contested product meets the definition in Article 2(a) of Directive 98/8/EC and fulfils the requirements set by Article 5(1) of that Directive with regard to the environment. The Commission therefore considers that the request by Germany to refuse the authorisation cannot be justified on the grounds put forward.

(13) Finally, on the basis of the discussions held, it appears necessary to explicitly mention in the product authorisation that the use of the product is for temporary wood protection and to ensure, as a condition for the authorisation, that specific instructions for use of the product are provided to industrial users taking into consideration the characteristics of the industrial sites where the product is to be used.

(14) Regulation (EU) No 528/2012 applies to the contested product in accordance with the provisions of Article 92(2) of that Regulation. Since the legal basis for this Decision is Article 36(3) of that Regulation, this decision should be addressed to all Member States by virtue of Article 36(4) of that Regulation.

(15) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Biocidal Products,

([1]) See OECD Emission Scenario Documents (EDS) for Wood Preservatives: Part 1 — 4 (2003), available on the website http://echa.europa.eu/guidance-documents/guidance-on-biocides-legislation/emission-scenario-documents

([2]) Report of leaching workshop (Arona, Italy, 13-14 June 2005), available on the website http://ihcp.jrc.ec.europa.eu/our_activities/public-health/risk_assessment_of_Biocides/doc/ESD/ESD_PT/PT_08/PT_8_Leaching_Workshop_2005.pdf/at_download/file

HAS ADOPTED THIS DECISION:

Article 1

This Decision applies to products identified by the following application reference number in the Reference Member State, as provided for by the Register for Biocidal Products:

2010/2509/5687/UK/AA/6745

Article 2

The proposal by Germany to refuse the authorisation granted by the United Kingdom on 7 June 2012 of the products referred to in Article 1, is rejected.

Article 3

The intended use described in the product authorisation shall be amended as follows:

'For temporary wood protection use against wood staining fungi and surface moulds on freshly sawn/felled wood and unseasoned timber only. Wood treated with this product can be used for Use Classes 2 and 3 (i.e. timbers not in ground contact, either continually exposed to the weather or protected from the weather but subject to frequent wetting).'.

Article 4

The following condition for authorisation is imposed to the products referred to in Article 1:

'As a condition of the authorisation, the authorisation holder must ensure that detailed instructions for use of the product, taking into account the characteristics of the industrial site where the product is to be used, are provided to users at the site of application.'.

Article 5

This Decision is addressed to the Member States.

Done at Brussels, 29 October 2014.

For the Commission
Janez POTOČNIK
Member of the Commission

COMMISSION IMPLEMENTING DECISION

of 29 October 2014

amending Annex III to Decision 2007/777/EC as regards animal health requirements for *Trichinella* in the model veterinary certificate for imports into the Union of certain meat products derived from domestic porcine animals

(notified under document C(2014) 7921)

(Text with EEA relevance)

(2014/759/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption ([1]), and in particular Article 9(4) thereof,

Whereas:

(1) Commission Decision 2007/777/EC ([2]) lays down, inter alia, the model certificates for imports into the Union of certain meat products. It provides that only consignments of meat products complying with the requirements of the model animal and public health certificate set out in Annex III in that Decision are imported into the Union. That model includes guarantees for *Trichinella*.

(2) Commission Regulation (EC) No 2075/2005 ([3]) lays down rules for the sampling of carcases of species susceptible to *Trichinella* infection and for the determination of the status of holdings keeping domestic swine.

(3) Commission Regulation (EU) No 216/2014 ([4]) amending Regulation (EC) No 2075/2005 grants derogation from testing provisions at slaughter to holdings which are officially recognised as applying controlled housing conditions. In addition, the Regulation (EU) No 216/2014 lays down that a holding where domestic swine are kept, can only be recognised as applying controlled housing conditions if, inter alia, the food business operator introduces new domestic swine onto this holding only if they come from other holdings also officially recognised as applying controlled housing conditions.

(4) The model animal and public health certificate set out in Annex III to Decision 2007/777/EC should be amended to reflect the requirements relating to imports of meat products laid down in Regulation (EC) No 2075/2005, as amended by Regulation (EU) No 216/2014.

(5) Decision 2007/777/EC should therefore be amended accordingly.

(6) To avoid any disruption of imports into the Union of consignments of meat products from domestic porcine animals, the use of certificates issued in accordance with Decision 2007/777/EC in its version prior to the amendments being introduced by this Decision should be authorised during a transitional period subject to certain conditions.

(7) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

([1]) OJ L 18, 23.1.2003, p. 11.
([2]) Commission Decision 2007/777/EC of 29 November 2007 laying down the animal and public health conditions and model certificates for imports of certain meat products and treated stomachs, bladders and intestines for human consumption from third countries and repealing Decision 2005/432/EC (OJ L 312, 30.11.2007, p. 49).
([3]) Commission Regulation (EC) No 2075/2005 of 5 December 2005 laying down specific rules on official controls for Trichinella in meat (OJ L 338, 22.12.2005, p. 60).
([4]) Commission Regulation (EU) No 216/2014 of 7 March 2014 amending Regulation (EC) No 2075/2005 laying down specific rules on official controls of *Trichinella* in meat (OJ L 69, 8.3.2014, p. 85).

HAS ADOPTED THIS DECISION:

Article 1

The model animal and public health certificate in Annex III to Decision 2007/777/EC is amended as follows:

(1) point II.2.3.1 is replaced by the following:

'*either*	(2)[II.2.3.1.	the meat products have been obtained from domestic porcine animals meat which either has been subject to an examination for trichinosis with negative results or has been subject to a cold treatment in accordance with Regulation (EC) No 2075/2005;]
or	(2)(6)[II.2.3.1.	the meat products have been obtained from domestic porcine animals meat which is derived from domestic porcine animals either coming from a holding officially recognised as applying controlled housing conditions in accordance with Article 8 of Regulation (EC) No 2075/2005 or not weaned and less than 5 weeks of age;]';

(2) in Part II of the Notes, the following footnote is added after footnote (5):

'(6) Only for third countries with the entry "K" in column "SG" in Part 1 of Annex II to Regulation (EU) No 206/2010.'.

Article 2

For a transitional period until 31 March 2015, consignments of meat products accompanied by the relevant certificate issued no later than 1 March 2015 in accordance with the model animal and public health certificate set out in Annex III to Decision 2007/777/EC in its version before the entry into force of this Decision, may continue to be introduced into the Union.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 29 October 2014.

For the Commission
Tonio BORG
Member of the Commission

COMMISSION DECISION

of 29 October 2014

on a measure taken by Germany in accordance with Article 7 of Council Directive 89/686/EEC withdrawing from the market and prohibiting the placing on the market of heat protection suits 'Hitzeschutzanzug FW Typ 3'

(notified under document C(2014) 7977)

(2014/760/EU)

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 89/686/EEC of 21 December 1989 on the approximation of the laws of the Member States Relating to personal protective equipment [1], and in particular Article 7 thereof,

Whereas:

(1) In January 2014, the German authorities notified to the Commission a measure of withdrawal from the market and prohibition of placing on the market of a heat protection suit model 'Hitzeschutzanzug FW Typ 3' manufactured by KONTEX Textile Hitze- und Isolierprodukte GmbH, Olgastrasse 46-48, 73614 Schorndorf (Germany). The products bore CE marking, according to Directive 89/686/EEC on personal protective equipment, having been tested and type-examined according to harmonised standard EN 1486:2007 *Protective clothing for fire-fighters — Test method and requirements for reflective clothing for specialised fire-fighting*.

(2) Protective clothing for fire-fighters is personal protective equipment (PPE) classified as Certification Category III. PPE of this kind, which is designed to protect against fatal hazards or serious and irreversible risks to health, the direct effect of which the manufacturer assumes that users will be unable to recognise in time, are subject to an EC type-approval examination and an EC quality assurance check by the notified body commissioned by the manufacturer.

(3) The audit carried out by the Institut für Arbeitsschutz der Deutschen Gesetzlichen Unfallversicherung (IFA — *Institute for Occupational Health and Safety of the German Statutory Accident Insurance Fund*) in St Augustin (test ref. 2013 22805, 7 August 2013) showed that the values for heat transfer (radiant heat) under Section 6.2 and heat transfer (convective heat) under Section 6.3 of the above mentioned harmonised standard are not met. Therefore, the following basic health and safety requirements set out in Annex II to Directive 89/686/EEC were not met:

— 3.6.1 PPE constituent materials and other components,

— 3.6.2 Complete PPE ready for use.

(4) As a consequence, the heat protection suit presents the risk of transferring heat during fire-fighting, so that fire-fighters are exposed to life-threatening burns or the risk of being burned to death.

(5) In the opinion of the German authorities, since the relevant basic requirements concerning health and safety protections are not met and no valid EC type-examination certificate has been presented, the heat protection suit cannot be placed on the market. In fact, the heat protection suit does not meet the requirements of the German Order on the placing on the market of personal protective equipment (8th ProdSV) and its use endangers the safety, health and lives of fire-fighters and others.

(6) The Commission wrote to the manufacturer inviting him to communicate his observations on the measures taken by the German authorities. No answer has been received until the date.

(7) In light of the documentation available, the Commission considers that the heat protection suit Hitzeschutzanzug FW Typ 3 failed to comply with clauses § 6.2 and § 6.3 of the harmonised standard EN 1486:2007 referred to the basic health and safety requirements 3.6.1 PPE constituent materials and other components and 3.6.2 Complete PPE ready for use set out in Annex II to Directive 89/686/EEC,

[1] OJ L 399, 30.12.1989, p. 18.

HAS ADOPTED THIS DECISION:

Article 1

The measure taken by the German authorities, consisting of withdrawal from the market and prohibition of placing on the market of heat protection suits Hitzeschutzanzug FW Typ 3 manufactured by KONTEX Textile Hitze- und Isolierprodukte GmbH, is justified.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 29 October 2014.

For the Commission
Ferdinando NELLI FEROCI
Member of the Commission

RECOMMENDATIONS

COMMISSION RECOMMENDATION

of 29 October 2014

on the application of internal energy market rules between the EU Member States and the Energy Community Contracting Parties

(2014/761/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

(1) The European Union is a Party to the Energy Community which aims to create a single regulatory space for energy markets in Europe.

(2) The Contracting Parties ([1]) to the Energy Community aim at integrating their energy markets with the EU internal energy market by adapting the EU internal market legislation for gas and electricity and incorporating it into their national legislation.

(3) The key principles of the EU internal market legislation for gas and electricity are laid down in Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for internal market in electricity ([2]), Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas ([3]), Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity ([4]) and Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks ([5]), which are applicable in the Member States as of 3 March 2011. Important rules of the EU internal market legislation for gas and electricity are also set out in legally binding network codes and guidelines, adopted on the basis of the above legislation and partially under development.

(4) The Contracting Parties of the Energy Community are obliged to implement the above-mentioned directives and regulations 1 January 2015 ([6]) and apply the implementing measures as from the same date subject to few exceptions. Network codes and guidelines are also progressively incorporated into the legal order of the Energy Community.

(5) Further EU internal market legislation for gas and electricity is envisaged to be implemented by the Contracting Parties, notably Directive 2005/89/EC of the European Parliament and of the Council of 18 January 2006 concerning measures to safeguard security of electricity supply and infrastructure investment ([7]), Regulation (EU) No 994/2010 of the European Parliament and of the Council of 20 October 2010 concerning measures to safeguard security of gas supply and repealing Council Directive 2004/67/EC ([8]) and Regulation (EU) No 347/2013

([1]) The Republic of Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, republic of Moldova the Republic of Montenegro, the Republic of Serbia, Ukraine and The United Nations Interim Administration Mission in Kosovo pursuant to the United Nations Security Council Resolution 1244.
([2]) OJ L 211, 14.8.2009, p. 55.
([3]) OJ L 211, 14.8.2009, p. 94.
([4]) OJ L 211, 14.8.2009, p. 15.
([5]) OJ L 211, 14.8.2009, p. 36.
([6]) With some exceptions as specified in the Energy Community *acquis*. See for details http://www.energy-community.org/portal/page/portal/ENC_HOME/ENERGY_COMMUNITY/Legal/EU_Legislation/Consolidated_acts#GAS
([7]) OJ L 33, 4.2.2006, p. 22.
([8]) OJ L 295, 12.11.2010, p. 1.

of the European Parliament and of the Council of 17 April 2013 on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulations (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009 ([1]).

(6) The geographical application of the EU internal market legislation for gas and electricity comprises the entire territory of the EU.

(7) The Energy Community adopted on the 23 September 2014 an Interpretation by the Ministerial Council under Article 94 of the Energy Community Treaty in order to treat in the legal acts of the Energy Community incorporating European Union legislation the energy flows, imports and exports as well as commercial and balancing transactions, network capacities and interconnectors between Contracting Parties and EU Member States in the same way as the respective flows, imports, exports, transactions, capacities and infrastructure between Contracting Parties under Energy Community law.

(8) Uniform treatment of cross-border flows, cross-border transactions and cross-border infrastructure (interconnections) between all Parties to the Energy Community Treaty is an important element of the single regulatory space for trade in gas and electricity and is an indispensable element to achieve the goals of the Energy Community. Moreover, the cooperation between the Energy Community Regulatory Board and the Agency for Cooperation of Energy Regulators with regard to its decisions, is necessary in order to facilitate the integration of the Contracting Parties with the EU internal energy market.

HAS ADOPTED THIS RECOMMENDATION:

1. Member States, including the regulatory authorities they have to designate under the internal market legislation for gas and electricity, the Agency for Cooperation of Energy Regulators and economic operators are invited to cooperate with the national authorities and economic operators of the Contracting Parties to the Energy Community in the application of the EU internal market legislation for gas and electricity between the Contracting Parties and the EU Member States.

2. Member States, including the regulatory authorities they have to designate under the internal market legislation for gas and electricity, the Agency for Cooperation of Energy Regulators and economic operators are invited, when implementing the EU internal market legislation for gas and electricity, to apply any reference to:

   (a) energy flows, imports and exports as well as commercial and balancing transactions;

   (b) network capacity;

   (c) existing or new gas and electricity infrastructure

   crossing borders, zones, entry-exit or control areas between the Member States to the flows, imports, exports, transactions, capacities and infrastructure crossing borders between Contracting Parties and the EU Member States.

3. References in the EU internal market legislation for gas and electricity to cooperation and joint activities between national institutions, authorities and economic operators should be understood as including cooperation and joint activities between national institutions, authorities and economic operators of Member States and Contracting Parties.

4. Where the legal acts of the EU internal market legislation for gas and electricity refer to 'impacts' on one or more Member States, such reference should be understood also as an impact on Contracting Parties or on a Contacting party and a Member State.

5. Where it is competent to take decisions under the EU internal energy market legislation for gas and electricity, the Agency for Cooperation of Energy Regulators is invited to cooperate with the Energy Community Regulatory Board, where the Board is competent under Energy Community *acquis*, with the aim to allow adopting coherent acts of the two bodies.

([1]) OJ L 115, 25.4.2013, p. 39.

6. This Recommendation is addressed to the Member States, the Agency for Cooperation of Energy Regulators and economic operators and to Energy Community Regulatory Board.

Done at Brussels, 29 October 2014.

For the Commission
Günther OETTINGER
Vice-President

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)

Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN