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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.

DECISIONS

[1] Text with EEA relevance

[1] Text with EEA relevance

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

I

(Legislative acts)

DIRECTIVES

COUNCIL DIRECTIVE (EU) 2016/2258

of 6 December 2016

amending Directive 2011/16/EU as regards access to anti-money-laundering information by tax authorities

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 113 and 115 thereof,

Having regard to the proposal from the European Commission,

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

Having regard to the opinion of the European Parliament ([1]),

Having regard to the opinion of the European Economic and Social Committee ([2]),

Acting in accordance with a special legislative procedure,

Whereas:

(1) Council Directive 2014/107/EU ([3]), amending Directive 2011/16/EU ([4]), applies as of 1 January 2016 to 27 Member States and as of 1 January 2017 to Austria. That Directive implements the global Standard for Automatic Exchange of Financial Account Information in Tax Matters within the Union thereby ensuring that information on Account Holders of Financial Accounts is reported to the Member State where the Account Holder is resident.

(2) Directive 2011/16/EU stipulates that, where the Account Holder is an intermediary structure, Financial Institutions are to look through that structure, and identify and report on its beneficial owners. That important element in the application of that Directive relies on anti-money-laundering ('AML') information obtained pursuant to Directive (EU) 2015/849 of the European Parliament and of the Council ([5]) for the identification of the beneficial owners.

([1]) Opinion of 22 November 2016 (not yet published in the Official Journal).
([2]) Opinion of 19 October 2016 (not yet published in the Official Journal).
([3]) Council Directive 2014/107/EU of 9 December 2014 amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation (OJ L 359, 16.12.2014, p. 1).
([4]) Council Directive 2011/16/EU of 15 February 2011 on administrative cooperation in the field of taxation and repealing Directive 77/799/EEC (OJ L 64, 11.3.2011, p. 1).
([5]) Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).

(3) To ensure effective monitoring of the application by Financial Institutions of the due diligence procedures set out in Directive 2011/16/EU, the tax authorities need access to AML information. In the absence of such access, those authorities would not be able to monitor, confirm and audit that the Financial Institutions are applying Directive 2011/16/EU properly by correctly identifying and reporting on the beneficial owners of intermediary structures.

(4) Directive 2011/16/EU encompasses other exchanges of information and forms of administrative cooperation between Member States. Access to AML information held by entities pursuant to Directive (EU) 2015/849 within the framework of administrative cooperation in the field of taxation would ensure that tax authorities are better equipped to fulfil their obligations under Directive 2011/16/EU and to combat tax evasion and fraud more effectively.

(5) It is therefore necessary to ensure that tax authorities are able to access the AML information, procedures, documents and mechanisms for the performance of their duties in monitoring the proper application of Directive 2011/16/EU and for the functioning of all forms of administrative cooperation provided for in that Directive.

(6) This Directive respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union. Where this Directive requires that access to personal data by tax authorities be provided by law, this does not necessarily require an act of parliament, without prejudice to the constitutional order of the Member State concerned. However, such a law should be clear and precise, and its application should be clear and foreseeable to persons subject to it, in accordance with the case-law of the Court of Justice of the European Union and the European Court of Human Rights.

(7) Since the objective of this Directive, namely efficient administrative cooperation between Member States and the effective monitoring thereof under conditions compatible with the proper functioning of the internal market, cannot be sufficiently achieved by the Member States but can rather, by reason of the uniformity and effectiveness required, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.

(8) The customer due-diligence procedures carried out by Financial Institutions under Directive 2011/16/EU have already started, and the first exchanges of information are to be finalised by September 2017. Therefore, in order to ensure that the effective monitoring of the application of that Directive is not delayed, this amending Directive should enter into force and be transposed as soon as possible and no later than 1 January 2018.

(9) Directive 2011/16/EU should therefore be amended accordingly,

HAS ADOPTED THIS DIRECTIVE:

Article 1

In Article 22 of Directive 2011/16/EU, the following paragraph is inserted:

'(1a) For the purpose of the implementation and enforcement of the laws of the Member States giving effect to this Directive and to ensure the functioning of the administrative cooperation it establishes, Member States shall provide by law for access by tax authorities to the mechanisms, procedures, documents and information referred to in Articles 13, 30, 31 and 40 of Directive (EU) 2015/849 of the European Parliament and of the Council (*).

(*) Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC (OJ L 141, 5.6.2015, p. 73).'.

Article 2

1. Member States shall adopt and publish, by 31 December 2017 at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall immediately inform the Commission thereof.

They shall apply those measures from 1 January 2018.

When Member States adopt those measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

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

Article 3

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

Article 4

This Directive is addressed to the Member States.

Done at Brussels, 6 December 2016.

For the Council
The President
P. KAŽIMÍR

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2259

of 15 December 2016

amending Regulation (EC) No 1235/2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

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

Whereas:

(1) Annex III to Commission Regulation (EC) No 1235/2008 ([2]) sets out the list of third countries whose systems of production and control measures for organic production of agricultural products are recognised as equivalent to those laid down in Regulation (EC) No 834/2007.

(2) The Republic of Korea informed the Commission that its competent authority has withdrawn the recognition of one control body and added three other control bodies to the list of recognised control bodies.

(3) Annex IV to Regulation (EC) No 1235/2008 sets out the list of control authorities and control bodies competent to carry out controls and issue certificates in third countries for the purpose of equivalence.

(4) The Commission has received and examined a request from 'A CERT European Organization for Certification S.A.' to be included in the list in Annex IV to Regulation (EC) No 1235/2008. Based on the information received, the Commission has concluded that it is justified to recognise 'A CERT European Organization for Certification S.A.' for product categories A and D in respect of Albania, Azerbaijan, Bhutan, Belarus, Chile, China, the Dominican Republic, Ecuador, Egypt, Ethiopia, Grenada, Georgia, Indonesia, Iran, Jamaica, Jordan, Kenya, Kazakhstan, Lebanon, Morocco, Moldova, the former Yugoslav Republic of Macedonia, Papua New Guinea, the Philippines, Pakistan, Serbia, Russia, Rwanda, Saudi Arabia, Thailand, Turkey, Taiwan, Tanzania, Ukraine, Uganda and South Africa.

(5) The Commission has received and examined a request from 'Bioagricert S.r.l.' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product category A to Indonesia and Senegal and for product categories A and D to Albania and Bangladesh and to extend the scope of its recognition to product category E in respect of Albania and Thailand.

([1]) OJ L 189, 20.7.2007, p. 1.
([2]) Commission Regulation (EC) No 1235/2008 of 8 December 2008 laying down detailed rules for implementation of Council Regulation (EC) No 834/2007 as regards the arrangements for imports of organic products from third countries (OJ L 334, 12.12.2008, p. 25).

(6) 'Caucacert' has informed the Commission of an error in its corporate name which should be changed into 'Caucascert'.

(7) The Commission has received and examined a request from 'CCPB Srl' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A, B, D, E and F to Georgia, Iran, Jordan and Saudi Arabia, for product category B to China, Iraq, Mali, the Philippines and Syria, for product category C to Morocco and Tunisia, for product category E to Tunisia and for product categories E and F to China, Egypt, Iraq, Lebanon, Morocco, Mali, the Philippines, San Marino, Syria, and Turkey.

(8) The Commission has received and examined a request from 'CERES Certification of Environmental Standards GmbH' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A, B and D to Armenia, for product categories A and D to Belarus, Malawi, Sierra Leone, Somalia and Tajikistan and for product category B to Guatemala, Honduras, Nicaragua and El Salvador.

(9) The Commission has received and examined a request from 'Control Union Certifications' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A, B, C, D, E and F to Burundi, Somalia and South Sudan, for product categories B and C to Angola, Belarus, Djibouti, Eritrea, Fiji, Liberia, Niger, Chad and Kosovo and for product categories B, C and D to the Democratic Republic of the Congo and Madagascar.

(10) The Commission has received and examined a request from 'Ecocert SA' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product category B to Mozambique and for product category C to Bangladesh, Chile, Hong Kong, Honduras, Peru and Vietnam.

(11) Ecocert SA has informed the Commission that its subsidiary 'ECOCERT IMO Denetim ve Belgelendirme Ltd Ști' had ceased its certification activities in all third countries for which it was recognised. 'ECOCERT IMO Denetim ve Belgelendirme Ltd Ști' should therefore no longer be listed in Annex IV to Regulation (EC) No 1235/2008.

(12) The Commission has received and examined a request from 'Ekoagros' to be included in the list in Annex IV to Regulation (EC) No 1235/2008. Based on the information received, the Commission has concluded that it is justified to recognise 'Ekoagros' for product category A in respect of Russia, for product categories A and B in respect of Belarus and Ukraine, for product categories A and D in respect of Tajikistan and for product categories A and F in respect of Kazakhstan.

(13) The Commission has received and examined a request from 'Florida Certified Organic Growers and Consumers, Inc. (FOG), DBA as Quality Certification Services (QCS)' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A and D to Jamaica and Vietnam and for product category D to Ecuador.

(14) The Commission has received and examined a request from 'IMOswiss AG' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product category A to the United Arab Emirates, for product categories A and D to Burundi, for product category B to Mexico and Peru and for product category C to Brunei, China, Hong Kong, Honduras, Madagascar and the United States. In addition, 'IMOswiss AG' has informed the Commission that it has ceased its certification activities in Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Uzbekistan, Russia and Tajikistan. It should therefore no longer be listed for those countries in Annex IV to Regulation (EC) No 1235/2008.

(15) The Commission has received and examined a request from 'Kiwa BCS Öko-Garantie GmbH' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A and D to Zambia, for product category B to Laos, Myanmar/Burma and Thailand, for product category C to Hong Kong, Indonesia and Sri Lanka and for product categories C and E to Bangladesh.

(16) The Commission has received and examined a request from 'Mayacert' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product category A to Colombia, the Dominican Republic and El Salvador, for product categories A and D to Belize and Peru and for product category B to Guatemala, Honduras and Nicaragua.

(17) The Commission has received and examined a request from 'OneCert International PVT Ltd' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A and D to Bangladesh, China, Ghana, Cambodia, Laos, Myanmar/Burma, Oman, Russia and Saudi Arabia.

(18) The Commission has received and examined a request from 'Oregon Tilth' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the scope of its recognition to product category E in respect of Mexico.

(19) The Commission has received and examined a request from 'Organic Certifiers' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product categories A and D to Indonesia.

(20) The Commission has received and examined a request from 'Organska Kontrola' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the scope of its recognition to product category B for all countries.

(21) 'QC&I GmbH' has informed the Commission that it has ceased its certification activities in all third countries for which it was recognised. It should therefore no longer be listed in Annex IV to Regulation (EC) No 1235/2008.

(22) The Commission has received and examined a request from 'Suolo e Salute srl' to amend its specifications. Based on the information received, the Commission has concluded that it is justified to extend the geographical scope of its recognition for product category A to the Dominican Republic and Egypt and to extend the scope of its recognition to product category D in respect of the Dominican Republic.

(23) Any reference to Taiwan in Annex IV to Regulation (EC) No 1235/2008 should be understood as a reference to the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.

(24) Annexes III and IV to Regulation (EC) No 1235/2008 should therefore be amended accordingly.

(25) The measures provided for in this Regulation are in accordance with the opinion of the Committee on organic production,

HAS ADOPTED THIS REGULATION:

Article 1

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

(1) Annex III is amended in accordance with Annex I to this Regulation;

(2) Annex IV is amended in accordance with Annex II to this Regulation.

Article 2

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

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

Done at Brussels, 15 December 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX I

In Annex III to Regulation (EC) No 1235/2008, in the entry relating to the Republic of Korea, point 5 is amended as follows:

(1) the row relating to code number KR-ORG-003 (Bookang tech) is deleted;

(2) the following rows are added:

'KR-ORG-013	Hansol Food, Agriculture, Fisher-Forest Certification Center	www.hansolnonglim.com
KR-ORG-021	ISC Agriculture development research institute	www.isc-cert.com
KR-ORG-022	Greenstar Agrifood Certification Center	www.그린스타.com'

ANNEX II

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

(1) after the entry relating to '**Abcert AG**' the following new entry is inserted:

"'A CERT European Organization for Certification S.A."

1. Address: 2 Tilou street, 54638 Thessaloniki, Greece

2. Internet address: www.a-cert.org

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
AL-BIO-171	Albania	x	—	—	x	—	—
AZ-BIO-171	Azerbaijan	x	—	—	x	—	—
BT-BIO-171	Bhutan	x	—	—	x	—	—
BY-BIO-171	Belarus	x	—	—	x	—	—
CL-BIO-171	Chile	x	—	—	x	—	—
CN-BIO-171	China	x	—	—	x	—	—
DO-BIO-171	Dominican Republic	x	—	—	x	—	—
EC-BIO-171	Ecuador	x	—	—	x	—	—
EG-BIO-171	Egypt	x	—	—	x	—	—
ET-BIO-171	Ethiopia	x	—	—	x	—	—
GD-BIO-171	Grenada	x	—	—	x	—	—
GE-BIO-171	Georgia	x	—	—	x	—	—
ID-BIO-171	Indonesia	x	—	—	x	—	—
IR-BIO-171	Iran	x	—	—	x	—	—
JM-BIO-171	Jamaica	x	—	—	x	—	—
JO-BIO-171	Jordan	x	—	—	x	—	—
KE-BIO-171	Kenya	x	—	—	x	—	—
KZ-BIO-171	Kazakhstan	x	—	—	x	—	—
LB-BIO-171	Lebanon	x	—	—	x	—	—

Code number	Third country	Category of products					
		A	B	C	D	E	F
MA-BIO-171	Morocco	x	—	—	x	—	—
MD-BIO-171	Moldova	x	—	—	x	—	—
MK-BIO-171	the former Yugoslav Republic of Macedonia	x	—	—	x	—	—
PG-BIO-171	Papua New Guinea	x	—	—	x	—	—
PH-BIO-171	Philippines	x	—	—	x	—	—
PK-BIO-171	Pakistan	x	—	—	x	—	—
RS-BIO-171	Serbia	x	—	—	x	—	—
RU-BIO-171	Russia	x	—	—	x	—	—
RW-BIO-171	Rwanda	x	—	—	x	—	—
SA-BIO-171	Saudi Arabia	x	—	—	x	—	—
TH-BIO-171	Thailand	x	—	—	x	—	—
TR-BIO-171	Turkey	x	—	—	x	—	—
TW-BIO-171	Taiwan	x	—	—	x	—	—
TZ-BIO-171	Tanzania	x	—	—	x	—	—
UA-BIO-171	Ukraine	x	—	—	x	—	—
UG-BIO-171	Uganda	x	—	—	x	—	—
ZA-BIO-171	South Africa	x	—	—	x	—	—

4. Exceptions: in-conversion products.

5. Duration of inclusion: until 30 June 2018.';

(2) in the entry relating to '**Bioagricert S.r.l**', point 3 is amended as follows:

(a) the following rows are inserted in the order of the code numbers:

'AL-BIO-132	Albania	x	—	—	x	x	—
BD-BIO-132	Bangladesh	x	—	—	x	—	—
ID-BIO-132	Indonesia	x	—	—	—	—	—
SN-BIO-132	Senegal	x	—	—	—	—	—';

(b) in the row concerning Thailand a cross is added in column E;

(3) in the entry relating to '**Caucacert Ltd**', the title is replaced by '**Caucascert Ltd**';

(4) in the entry relating to '**CCPB Srl**', point 3 is amended as follows:

(a) the following rows are inserted in the order of the code numbers:

'GE-BIO-102	Georgia	x	x	—	x	x	x
IR-BIO-102	Iran	x	x	—	x	x	x
JO-BIO-102	Jordan	x	x	—	x	x	x
SA-BIO-102	Saudi Arabia	x	x	—	x	x	x';

(b) in the rows concerning China, Iraq, Mali, Philippines and Syria, a cross is added in column B;

(c) in the rows concerning Morocco and Tunisia, a cross is added in column C;

(d) in the rows concerning Tunisia, a cross is added in column E;

(e) in the rows concerning China, Egypt, Iraq, Lebanon, Morocco, Mali, Philippines, San Marino, Syria and Turkey, a cross is added in columns E and F;

(5) in the entry relating to '**CERES Certification of Environmental Standards GmbH**', point 3 is amended as follows:

(a) the following rows are inserted in the order of the code numbers:

'AM-BIO-140	Armenia	x	x	—	x	—	—
BY-BIO-140	Belarus	x	—	—	x	—	—
MW-BIO-140	Malawi	x	—	—	x	—	—
SL-BIO-140	Sierra Leone	x	—	—	x	—	—
SO-BIO-140	Somalia	x	—	—	x	—	—
TJ-BIO-140	Tajikistan	x	—	—	x	—	—';

(b) in the rows concerning Guatemala, Honduras, Nicaragua and El Salvador a cross is added in column B;

(6) in the entry relating to '**Control Union Certifications**', in point 3, the following rows are inserted in the order of the code numbers:

'AO-BIO-149	Angola	—	x	x	—	—	—
BI-BIO-149	Burundi	x	x	x	x	x	x
BY-BIO-149	Belarus	—	x	x	—	—	—
CD-BIO-149	Democratic Republic of Congo	—	x	x	x	—	—

DJ-BIO-149	Djibouti	—	x	x	—	—	—
ER-BIO-149	Eritrea	—	x	x	—	—	—
FJ-BIO-149	Fiji	—	x	x	—	—	—
LR-BIO-149	Liberia	—	x	x	—	—	—
MG-BIO-149	Madagascar	—	x	x	x	—	—
NE-BIO-149	Niger	—	x	x	—	—	—
SO-BIO-149	Somalia	x	x	x	x	x	x
SS-BIO-149	South Sudan	x	x	x	x	x	x
TD-BIO-149	Chad	—	x	x	—	—	—
XK-BIO-149	Kosovo (**)	—	x	x	—	—	—

(**) This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.';

(7) in the entry relating to '**Ecocert SA**', point 3 is amended as follows:

(a) in the row concerning Mozambique, a cross is added in column B;

(b) in the rows concerning Bangladesh, Chile, Hong Kong, Honduras, Peru and Vietnam, a cross is added in column C;

(8) the entire entry relating to '**ECOCERT IMO Denetim ve Belgelendirme Ltd Şti**' is deleted;

(9) after the entry relating to '**Egyptian Center of Organic Agriculture (ECOA)**', the following new entry is inserted:

'"Ekoagros"

1. Address: K. Donelaičio g. 33, 44240 Kaunas, Lithuania

2. Internet address: http://www.ekoagros.lt

3. Code numbers, third countries and product categories concerned:

Code number	Third country	Category of products					
		A	B	C	D	E	F
BY-BIO-170	Belarus	x	x	—	—	—	—
KZ-BIO-170	Kazakhstan	x	—	—	—	—	x
RU-BIO-170	Russia	x	—	—	—	—	—
TJ-BIO-170	Tajikistan	x	—	—	x	—	—
UA-BIO-170	Ukraine	x	x	—	—	—	—

4. Exceptions: in-conversion products and wine.

5. Duration of inclusion: until 30 June 2018.';

(10) in the entry relating to '**Florida Certified Organic Growers and Consumers, Inc. (FOG), DBA as Quality Certification Services (QCS)**', point 3 is amended as follows:

(a) the following rows are inserted in the order of the code numbers:

'JM-BIO-144	Jamaica	x	—	—	x	—	—
VN-BIO-144	Vietnam	x	—	—	x	—	—';

(b) in the row concerning Ecuador, a cross is added in column D;

(11) in the entry relating to '**IMOswiss AG**', point 3 is amended as follows:

(a) the following rows are inserted in the order of the code numbers:

'BI-BIO-143	Burundi	x	—	—	x	—	—
BN-BIO-143	Brunei	—	—	x	—	—	—
CN-BIO-143	China	—	—	x	—	—	—
HK-BIO-143	Hong Kong	—	—	x	—	—	—
MG-BIO-143	Madagascar	—	—	x	—	—	—
US-BIO-143	United States	—	—	x	—	—	—';

(b) in the row concerning United Arab Emirates, a cross is added in column A;

(c) in the row concerning Honduras, a cross is added in column C;

(d) in the rows concerning Mexico and Peru, a cross is added in column B;

(e) the rows concerning Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Uzbekistan, Russia and Tajikistan are deleted;

(12) in the entry relating to '**Kiwa BCS Öko-Garantie GmbH**', point 3 is amended as follows:

(a) the following row is inserted in the order of the code numbers:

'ZM-BIO-141	Zambia	x	—	—	x	—	—';

(b) in the row concerning Bangladesh, a cross is added in columns C and E;

(c) in the rows concerning Hong Kong, Indonesia and Sri Lanka, a cross is added in column C;

(d) in the rows concerning Laos, Myanmar/Burma and Thailand, a cross is added in column B;

(13) in the entry relating to '**Mayacert**', point 3 is amended as follows:

(a) the following rows are inserted in the order of the code numbers:

'BZ-BIO-169	Belize	x	—	—	x	—	—
PE-BIO-169	Peru	x	—	—	x	—	—';

(b) in the rows concerning Colombia, Dominican Republic and El Salvador, a cross is added in column A;

(c) in the rows concerning Guatemala, Honduras and Nicaragua, a cross is added in column B;

(14) in the entry relating to '**OneCert International PVT Ltd**', in point 3, the following rows are inserted in the order of the code numbers:

'BD-BIO-152	Bangladesh	x	—	—	x	—	—
CN-BIO-152	China	x	—	—	x	—	—
GH-BIO-152	Ghana	x	—	—	x	—	—
KH-BIO-152	Cambodia	x	—	—	x	—	—
LA-BIO-152	Laos	x	—	—	x	—	—
MM-BIO-152	Myanmar/Burma	x	—	—	x	—	—
OM-BIO-152	Oman	x	—	—	x	—	—
RU-BIO-152	Russia	x	—	—	x	—	—
SA-BIO-152	Saudi Arabia	x	—	—	x	—	—';

(15) in the entry relating to '**Oregon Tilth**', in point 3, in the row concerning Mexico, a cross is added in column E;

(16) in the entry relating to '**Organic Certifiers**', in point 3, the following row is inserted in the order of the code numbers:

'ID-BIO-106	Indonesia	x	—	—	x	—	—';

(17) in the entry relating to '**Organska Kontrola**', in point 3, in all rows, a cross is added in column B;

(18) the entire entry relating to '**QC&I GmbH**' is deleted;

(19) the entry relating to '**Suolo e Salute srl**' is amended as follows:

(a) in point 3, the following rows are inserted in the order of the code numbers:

'DO-BIO-150	Dominican Republic	x	—	—	x	—	—
EG-BIO-150	Egypt	x	—	—	—	—	—';

(b) point 4 is replaced by the following:

'4. Exceptions: in-conversion products and wine.'

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2260

of 15 December 2016

amending Regulations (EC) No 226/2007, (EC) No 1293/2008, (EC) No 910/2009, (EC) No 911/2009, (EU) No 1120/2010, (EU) No 212/2011 and Implementing Regulations (EU) No 95/2013 and (EU) No 413/2013 as regards the name of the holder of the authorisation of *Pediococcus acidilactici* CNCM MA 18/5M and *Saccharomyces cerevisiae* CNCM I-1077

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ([1]) and in particular Article 13(3) thereof,

Whereas:

(1) Lallemand SAS has submitted an application in accordance with Article 13(3) of Regulation (EC) No 1831/2003 proposing to change the name of the holder of the authorisation as regards Commission Regulations (EC) No 226/2007 ([2]), (EC) No 1293/2008 ([3]), (EC) No 910/2009 ([4]), (EC) No 911/2009 ([5]), (EU) No 1120/2010 ([6]), (EU) No 212/2011 ([7]) and Commission Implementing Regulations (EU) No 95/2013 ([8]) and (EU) No 413/2013 ([9]).

(2) The applicant claims that Danstar Ferment AG is the legal owner of the marketing rights for the feed additives *Pediococcus acidilactici* CNCM MA 18/5M and *Saccharomyces cerevisiae* CNCM I-1077. The applicant has submitted relevant data supporting its request.

(3) The proposed change of the authorisation holder is purely administrative in nature and does not entail a fresh assessment of the additives concerned. The European Food Safety Authority was informed of the application.

(4) To allow Danstar Ferment AG to exploit its marketing rights it is necessary to change the terms of the respective authorisations.

(5) Regulations (EC) No 226/2007, (EC) No 1293/2008, (EC) No 910/2009, (EC) No 911/2009, (EU) No 1120/2010, (EU) No 212/2011 and Implementing Regulations (EU) No 95/2013 and (EU) No 413/2013 should therefore be amended accordingly.

(6) Since safety reasons do not require the immediate application of the amendments made by this Regulation to Regulations (EC) No 226/2007, (EC) No 1293/2008, (EC) No 910/2009, (EC) No 911/2009, (EU) No 1120/2010, (EU) No 212/2011 and Implementing Regulations (EU) No 95/2013 and (EU) No 413/2013, it is appropriate to provide for a transitional period during which existing stocks may be used up.

([1]) OJ L 268, 18.10.2003, p. 29.

([2]) Commission Regulation (EC) No 226/2007 of 1 March 2007 concerning the authorisation of *Saccharomyces cerevisiae* CNCM I-1077 (Levucell SC20 and Levucell SC10 ME) as a feed additive (OJ L 64, 2.3.2007, p. 26).

([3]) Commission Regulation (EC) No 1293/2008 of 18 December 2008 concerning the authorisation of a new use of *Saccharomyces cerevisiae* CNCM I-1077 (Levucell SC20 and Levucell SC10 ME) as a feed additive (OJ L 340, 19.12.2008, p. 38).

([4]) Commission Regulation (EC) No 910/2009 of 29 September 2009 concerning the authorisation of a new use of the preparation of *Saccharomyces cerevisiae* CNCM I-1077 as a feed additive for horses (holder of authorisation Lallemand SAS) (OJ L 257, 30.9.2009, p. 7).

([5]) Commission Regulation (EC) No 911/2009 of 29 September 2009 concerning the authorisation of a new use of the preparation of *Pediococcus acidilactici* CNCM MA 18/5M as a feed additive for salmonids and shrimps (holder of authorisation Lallemand SAS) (OJ L 257, 30.9.2009, p. 10).

([6]) Commission Regulation (EU) No 1120/2010 of 2 December 2010 concerning the authorisation of *Pediococcus acidilactici* CNCM MA 18/5M as a feed additive for weaned piglets (holder of the authorisation Lallemand SAS) (OJ L 317, 3.12.2010, p. 12).

([7]) Commission Regulation (EU) No 212/2011 of 3 March 2011 concerning the authorisation of *Pediococcus acidilactici* CNCM MA 18/5M as a feed additive for laying hens (holder of authorisation Lallemand SAS) (OJ L 59, 4.3.2011, p. 1).

([8]) Commission Implementing Regulation (EU) No 95/2013 of 1 February 2013 concerning the authorisation of a preparation of *Pediococcus acidilactici* CNCM MA 18/5M as a feed additive for all fish other than salmonids (holder of authorisation Lallemand SAS) (OJ L 33, 2.2.2013, p. 19).

([9]) Commission Implementing Regulation (EU) No 413/2013 of 6 May 2013 concerning the authorisation of a preparation of *Pediococcus acidilactici* CNCM MA 18/5M as a feed additive for use in water for drinking for weaned piglets, pigs for fattening, laying hens and chickens for fattening (holder of authorisation Lallemand SAS) (OJ L 125, 7.5.2013, p. 1).

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

HAS ADOPTED THIS REGULATION:

Article 1

Amendment to Regulation (EC) No 226/2007

In column 2 of the Annex to Regulation (EC) No 226/2007 the term 'LALLEMAND SAS' is replaced by the term 'Danstar Ferment AG represented by Lallemand SAS'.

Article 2

Amendment to Regulation (EC) No 1293/2008

In column 2 of the Annex to Regulation (EC) No 1293/2008 the term 'LALLEMAND SAS' is replaced by the term 'Danstar Ferment AG represented by Lallemand SAS'.

Article 3

Amendment to Regulation (EC) No 910/2009

Regulation (EC) No 910/2009 is amended as follows:

(1) in the title, the term 'Lallemand SAS' is replaced by the term 'Danstar Ferment AG';

(2) in column 2 of the Annex, the term 'Lallemand SAS' is replaced by the term 'Danstar Ferment AG represented by Lallemand SAS'.

Article 4

Amendment to Regulation (EC) No 911/2009

Regulation (EC) No 911/2009 is amended as follows:

(1) in the title, the term 'Lallemand SAS' is replaced by the term 'Danstar Ferment AG';

(2) in column 2 of the Annex, the term 'Lallemand SAS' is replaced by the term 'Danstar Ferment AG represented by Lallemand SAS'.

Article 5

Amendment to Regulation (EU) No 1120/2010

Regulation (EU) No 1120/2010 is amended as follows:

(1) in the title, the term 'Lallemand SAS' is replaced by the term 'Danstar Ferment AG';

(2) in column 2 of the Annex, the term 'Lallemand SAS' is replaced by the term 'Danstar Ferment AG represented by Lallemand SAS'.

Article 6

Amendment to Regulation (EU) No 212/2011

Regulation (EU) No 212/2011 is amended as follows:

(1) in the title, the term 'Lallemand SAS' is replaced by the term 'Danstar Ferment AG';

(2) in column 2 of the Annex, the term 'Lallemand SAS' is replaced by the term 'Danstar Ferment AG represented by Lallemand SAS'.

Article 7

Amendment to Implementing Regulation (EU) No 95/2013

Implementing Regulation (EU) No 95/2013 is amended as follows:

(1) in the title, the term 'Lallemand SAS' is replaced by the term 'Danstar Ferment AG';

(2) in column 2 of the Annex, the term 'Lallemand SAS' is replaced by the term 'Danstar Ferment AG represented by Lallemand SAS'.

Article 8

Amendment to Implementing Regulation (EU) No 413/2013

Implementing Regulation (EU) No 413/2013 is amended as follows:

(1) in the title, the term 'Lallemand SAS' is replaced by the term 'Danstar Ferment AG';

(2) in column 2 of the Annex, the term 'Lallemand SAS' is replaced by the term 'Danstar Ferment AG represented by Lallemand SAS'.

Article 9

Transitional measures

Existing stocks of the additives which are in conformity with the provisions applying before the date of entry into force of this Regulation may continue to be placed on the market and used until they are exhausted.

Article 10

Entry into force

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

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

Done at Brussels, 15 December 2016.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2261

of 15 December 2016

concerning the authorisation of copper(I) oxide as a feed additive for all animal species

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ([1]), and in particular Article 9(2) thereof,

Whereas:

(1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.

(2) In accordance with Article 7 of Regulation (EC) No 1831/2003, an application was submitted for the authorisation of dicopper oxide accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.

(3) That application concerns the authorisation of dicopper oxide as a feed additive for all animal species, to be classified in the additive category 'nutritional additives'.

(4) The European Food Safety Authority ('the Authority') concluded in its opinion of 25 May 2016 ([2]) that, under the proposed conditions of use, dicopper oxide does not have an adverse effect on animal or consumer health and that no safety concerns for users would arise provided that appropriate protective measures are taken.

(5) The Authority furthermore concluded that dicopper oxide does not pose additional risks to the environment than the other copper sources and that it may be considered as an efficacious source of copper for all animal species. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Article 21 of Regulation (EC) No 1831/2003.

(6) The name of the additive in the application is dicopper oxide. However, the International Union of Pure and Applied Chemistry (IUPAC) name of the additive is copper(I) oxide. In line with the Authority`s recommendation in its opinion on cupric oxide ([3]) the additive should be named copper(I) oxide.

(7) The assessment of copper(I) oxide shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that substance should be authorised as specified in the Annex to this Regulation.

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

HAS ADOPTED THIS REGULATION:

Article 1

The substance specified in the Annex, belonging to the additive category 'nutritional additives' and to the functional group 'compounds of trace elements', is authorised as an additive in animal nutrition, subject to the conditions laid down in that Annex.

([1]) OJ L 268, 18.10.2003, p. 29.
([2]) EFSA Journal 2016;14(6):4509.
([3]) EFSA Journal 2015;13(4):4057.

Article 2

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

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

Done at Brussels, 15 December 2016.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Content of Cu in mg/kg of complete feedingstuff with a moisture content of 12 %			
Category of nutritional additives. Functional group: compounds of trace elements									
3b412	—	Copper(I) oxide	*Characterisation of the additive* Preparation of copper(I) oxide with — a minimum copper content of 73 %, — Sodium lignosulfonates between 12 % and 17 %, — 1 % Bentonite. Granulated form with particles < 50 µm: below 10 % *Characterisation of the active substance* Copper(I) oxide Chemical formula: Cu_2O CAS number: 1317-39-1 *Analytical methods* [1] For the identification of Cu_2O in the additive: — X-Ray diffraction (XRD).	All animal species	—	—	Bovines: — Bovines before the start of rumination: 15 (total); — Other bovines: 35 (total). Ovines: 15 (total). Piglets up to 12 weeks: 170 (total). Crustaceans: 50 (total). Other animals: 25 (total).	1. The additive shall be incorporated into feed in the form of a premixture. 2. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks by inhalation, dermal contact or eyes contact. Where those risks cannot be eliminated or reduced to a minimum level by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including breathing protection, safety glasses and gloves.	5 January 2027

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						Content of Cu in mg/kg of complete feedingstuff with a moisture content of 12 %			
			For the quantification of the total copper content in the additive: — Titrimetry; or — Inductively Coupled Plasma Atomic Emission Spectrometry (ICP-AES) — EN 15510. For the quantification of total copper content in premixtures: — Inductively Coupled Plasma Atomic Emission Spectrometry (ICP-AES) — EN 15510; or — Inductively Coupled Plasma Atomic Emission Spectrometry after pressure digestion (ICP-AES) — EN 15621. For the quantification of total copper content in feed materials and compound feed: — Atomic Absorption Spectrometry (AAS) — Commission Regulation (EC) No 152/2009; or — Inductively Coupled Plasma Atomic Emission Spectrometry (ICP-AES) — EN 15510; or — Inductively Coupled Plasma Atomic Emission Spectrometry after pressure digestion (ICP-AES) — EN 15621.					3. The following words shall be included in the labelling: — For feed for sheep if the level of copper in the feed exceeds 10 mg/kg: 'The level of copper in this feed may cause poisoning in certain breeds of sheep.' — For feed for bovines after the start of rumination if the level of copper in the feed is less than 20 mg/kg: 'The level of copper in this feed may cause copper deficiencies in cattle grazing pastures with high contents of molybdenum or sulphur.'	

(1) Details of the analytical methods are available at the following address of the Reference Laboratory: https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2262

of 15 December 2016

amending for the 257th time Council Regulation (EC) No 881/2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 881/2002 of 27 May 2002 imposing certain specific restrictive measures directed against certain persons and entities associated with the ISIL (Da'esh) and Al-Qaida organisations [1], and in particular Article 7(1)(a) and Article 7a(1) thereof,

Whereas:

(1) Annex I to Regulation (EC) No 881/2002 lists the persons, groups and entities covered by the freezing of funds and economic resources under that Regulation.

(2) On 12 December 2016, the Sanctions Committee of the United Nations Security Council decided to add one natural person to the list of persons, groups and entities to whom the freezing of funds and economic resources should apply. Annex I to Regulation (EC) No 881/2002 should therefore be updated accordingly.

(3) In order to ensure that the measures provided for in this Regulation are effective, it should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 881/2002 is amended in accordance with the Annex to this Regulation.

Article 2

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

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

Done at Brussels, 15 December 2016.

For the Commission,
On behalf of the President,
Acting Head of the Service for Foreign Policy Instruments

[1] OJ L 139 29.5.2002, p. 9.

ANNEX

In Annex I to Regulation (EC) No 881/2002 the following entry shall be added under the heading 'Natural persons':

'Rustam Magomedovich Aselderov (original script: Рустам Магомедович Асельдеров) (alias (a) Abu Muhammad (original script: Абу Мухаммад), (b) Abu Muhammad Al-Kadari (original script: Абу Мухаммад Аль-Кадари), (c) Muhamadmuhtar (original script: Мухамадмухтар). Date of birth: 9.3.1981. Place of birth: Iki-Burul Village, Iki-Burulskiy District, Republic of Kalmykia, Russian Federation. Nationality: Russian Federation. Passport no.: Russian passport number 8208 No. 555627, issued by Leninskiy Office, Directorate of the Federal Migration Service of the Russian Federation for the Republic of Dagestan. Date of designation referred to in Article 7d(2)(i): 12.12.2016.'

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2263

of 15 December 2016

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

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 15 December 2016.

For the Commission,
On behalf of the President,
Jerzy PLEWA
Director-General
Directorate-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	MA	104,9
	SN	241,4
	TN	123,9
	TR	118,9
	ZZ	147,3
0707 00 05	MA	70,7
	TR	159,5
	ZZ	115,1
0709 93 10	MA	143,7
	TR	138,5
	ZZ	141,1
0805 10 20	IL	126,4
	TR	76,6
	ZZ	101,5
0805 20 10	MA	69,9
	ZZ	69,9
0805 20 30, 0805 20 50, 0805 20 70, 0805 20 90	IL	116,7
	JM	125,0
	MA	74,5
	TR	82,0
	ZZ	99,6
0805 50 10	TR	82,8
	ZZ	82,8
0808 10 80	US	100,7
	ZZ	100,7
0808 30 90	CN	89,4
	ZZ	89,4

(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'.

COMMISSION IMPLEMENTING REGULATION (EU) 2016/2264

of 15 December 2016

on the minimum selling price for skimmed milk powder for the first partial invitation to tender within the tendering procedure opened by Implementing Regulation (EU) 2016/2080

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) 2016/1240 of 18 May 2016 laying down rules for the application of Regulation (EU) No 1308/2013 of the European Parliament and of the Council with regard to public intervention and aid for private storage ([2]), and in particular Article 32 thereof,

Whereas:

(1) Commission Implementing Regulation (EU) 2016/2080 ([3]) has opened the sale of skimmed milk powder by a tendering procedure.

(2) In the light of the tenders received for the first partial invitation to tender, a minimum selling price should be fixed.

(3) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of the Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

For the first partial invitation to tender for the selling of skimmed milk powder within the tendering procedure opened by Implementing Regulation (EU) 2016/2080, in respect of which the period during which tenders were to be submitted ended on 13 December 2016, the minimum selling price shall be 215,10 EUR/100 kg.

Article 2

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

([1]) OJ L 347, 20.12.2013, p. 671.
([2]) OJ L 206, 30.7.2016, p. 71.
([3]) Commission Implementing Regulation (EU) 2016/2080 of 25 November 2016 opening the sale of skimmed milk powder by a tendering procedure (OJ L 321, 29.11.2016, p. 45).

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

Done at Brussels, 15 December 2016.

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

DECISIONS

COUNCIL IMPLEMENTING DECISION (EU) 2016/2265

of 6 December 2016

amending Decision 2007/884/EC authorising the United Kingdom to continue to apply a measure derogating from Articles 26(1)(a), 168 and 169 of Directive 2006/112/EC on the common system of value added tax

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax ([1]), and in particular Article 395 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) By virtue of Decision 2007/884/EC ([2]), the United Kingdom was authorised, until 31 December 2010, to restrict to 50 % the right of the hirer or lessee to deduct input value added tax ('VAT') on charges for the hire or lease of a car where that car was not used entirely for business purposes. The United Kingdom was also authorised not to treat as supplies of services for consideration the private use of a car hired or leased by a taxable person for his business purposes. Those measures ('the derogating measures') removed the need for the hirer or the lessee to keep records of private mileage travelled in business cars and to account for tax on the actual private mileage of such cars.

(2) Decision 2007/884/EC was subsequently amended by Implementing Decision 2011/37/EU ([3]) and by Implementing Decision 2013/681/EU ([4]), which extended the expiry date of the derogating measures to 31 December 2016.

(3) By letter registered with the Commission on 14 March 2016, the United Kingdom requested authorisation to extend the derogating measures.

(4) In accordance with the second subparagraph of Article 395(2) of Directive 2006/112/EC, the Commission informed the other Member States, by letter dated 28 June 2016, of the request made by the United Kingdom. By letter dated 28 June 2016, the Commission notified the United Kingdom that it had all the information necessary to consider the request.

(5) In accordance with Article 3 of Decision 2007/884/EC, the United Kingdom submitted a report to the Commission covering the application of the Decision, which included a review of the percentage restriction. The information provided by the United Kingdom shows that a restriction of the right of deduction to 50 % still reflects current circumstances as regards the ratio of business to non-business use of the vehicles concerned.

(6) The United Kingdom should therefore be authorised to continue to apply the derogating measures for a further limited period, until 31 December 2019.

([1]) OJ L 347, 11.12.2006, p. 1.
([2]) Council Decision 2007/884/EC of 20 December 2007 authorising the United Kingdom to continue to apply a measure derogating from Articles 26(1)(a), 168 and 169 of Directive 2006/112/EC on the common system of value added tax (OJ L 346, 29.12.2007, p. 21).
([3]) Council Implementing Decision 2011/37/EU of 18 January 2011 amending Decision 2007/884/EC authorising the United Kingdom to continue to apply a measure derogating from Articles 26(1)(a), 168 and 169 of Directive 2006/112/EC on the common system of value added tax (OJ L 19, 22.1.2011, p. 11).
([4]) Council Implementing Decision 2013/681/EU of 15 November 2013 amending Decision 2007/884/EC authorising the United Kingdom to continue to apply a measure derogating from Articles 26(1)(a), 168 and 169 of Directive 2006/112/EC on the common system of value added tax (OJ L 316, 27.11.2013, p. 41).

(7) Where the United Kingdom considers that a further extension beyond 2019 would be necessary, it should submit a report to the Commission, which includes a review of the percentage applied, together with an extension request by no later than 1 April 2019.

(8) The extension of the derogating measures will have only a negligible effect on the overall amount of tax revenue collected at the stage of final consumption and will have no adverse impact on the Union's own resources accruing from VAT.

(9) Decision 2007/884/EC should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 3 of Decision 2007/884/EC is replaced by the following:

'Article 3

This Decision shall expire on 31 December 2019.

Any request for extension of the measures provided for in this Decision shall be accompanied by a report, submitted to the Commission by 1 April 2019, which includes a review of the percentage restriction applied on the right to deduct VAT on the hire or lease of cars not entirely used for business purposes.'.

Article 2

This Decision shall apply from 1 January 2017.

Article 3

This Decision is addressed to the United Kingdom of Great Britain and Northern Ireland.

Done at Brussels, 6 December 2016.

For the Council
The President
P. KAŽIMÍR

COUNCIL IMPLEMENTING DECISION (EU) 2016/2266

of 6 December 2016

authorising the Netherlands to apply a reduced rate of taxation to electricity supplied to charging stations for electric vehicles

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity ([1]), and in particular Article 19 thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) On 29 March 2016 the Netherlands sought authorisation to apply, in accordance with Article 19(1) of Directive 2003/96/EC, a reduced rate of taxation on electricity supplied to electric vehicles. At the Commission's request, the Netherlands provided additional information on 6 April, 20 June and 18 August 2016.

(2) The reduced rate of taxation aims at promoting the use of electric vehicles by reducing the cost of the electricity used to propel those vehicles.

(3) The use of electric vehicles avoids emissions of air pollutants originating from the combustion of petrol and diesel or other fossil fuels and therefore contributes to an improvement of air quality in cities. Furthermore, the use of electric vehicles can reduce CO_2 emissions where the electricity used is produced from renewable energy sources. The measure is therefore expected to contribute to the environmental, health and climate policy objectives of the Union.

(4) The Netherlands requested explicitly that the reduced rate of taxation be applied to electricity supplied to electric vehicles for both business and non-business use and that charging stations that are not accessible to the public also be covered.

(5) The Netherlands asked for the reduced rate of taxation on electricity to apply only to charging stations where the electricity is used to charge an electric vehicle directly and not to apply to electricity that is provided through the exchange of batteries.

(6) A reduced rate of taxation on electricity supplied to electric vehicles via charging stations will improve the business case for publicly accessible charging stations in the Netherlands, which should make the use of electric cars more attractive and result in improved air quality.

(7) Considering the limited number of electric vehicles and the fact that the level of taxation on electricity supplied to electric vehicles via charging stations will be above the minimum level of taxation for business use laid down in Article 10 of Directive 2003/96/EC, the measure is unlikely to lead to distortions in competition during its lifetime and will thus not negatively affect the proper functioning of the internal market.

(8) The level of taxation on electricity supplied to electric vehicles via charging stations that are not for business use will be above the minimum level of taxation for non-business use laid down in Article 10 of Directive 2003/96/EC.

([1]) OJ L 283, 31.10.2003, p. 51.

(9) In accordance with Article 19(2) of Directive 2003/96/EC, each authorisation granted under Article 19(1) of that Directive is to be strictly limited in time. The Netherlands requested that the authorisation be granted for 4 years to ensure that the authorisation period is sufficiently long so as not to discourage economic operators from making the necessary investments.

(10) This Decision is without prejudice to the application of the Union rules regarding State aid,

HAS ADOPTED THIS DECISION:

Article 1

The Netherlands is authorised to apply a reduced rate of taxation on electricity supplied to charging stations directly used for charging electric vehicles, excluding charging stations for the exchange of batteries for electric vehicles, provided that the minimum levels of taxation laid down in Article 10 of Directive 2003/96/EC are respected.

Article 2

For the purposes of this Decision, the definition of 'electric vehicle' laid down in point (2) of Article 2 of Directive 2014/94/EU of the European Parliament and of the Council ([1]) shall apply.

Article 3

This Decision shall be applicable from 1 January 2017 until 31 December 2020.

Article 4

This Decision is addressed to the Kingdom of the Netherlands.

Done at Brussels, 6 December 2016.

For the Council
The President
P. KAŽIMÍR

([1]) Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure (OJ L 307, 28.10.2014, p. 1).

COUNCIL DECISION (EU) 2016/2267

of 6 December 2016

amending Decision 1999/70/EC concerning the external auditors of the national central banks, as regards the external auditors of Banc Ceannais na hÉireann/the Central Bank of Ireland

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to Protocol No 4 on the Statute of the European System of Central Banks and of the European Central Bank, annexed to the Treaty on European Union and the Treaty on the Functioning of the European Union, and in particular Article 27.1 thereof,

Having regard to the Recommendation of the European Central Bank of 28 October 2016 to the Council of the European Union on the external auditors of the Central Bank of Ireland (ECB/2016/29) ([1]),

Whereas:

(1) The accounts of the European Central Bank (ECB) and of the national central banks of the Member States whose currency is the euro are to be audited by independent external auditors recommended by the Governing Council of the ECB and approved by the Council.

(2) The mandate of the external auditors of Banc Ceannais na hÉireann/the Central Bank of Ireland expired after the audit for the financial year 2015. It is therefore necessary to appoint external auditors as from the financial year 2016.

(3) Banc Ceannais na hÉireann/the Central Bank of Ireland has selected Mazars as its external auditors for the financial years 2016 to 2020.

(4) The Governing Council of the ECB has recommended that Mazars should be appointed as the external auditors of Banc Ceannais na hÉireann/the Central Bank of Ireland for the financial years 2016 to 2020.

(5) Following the recommendation of the Governing Council of the ECB, Council Decision 1999/70/EC ([2]) should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

In Article 1 of Decision 1999/70/EC, paragraph 5 is replaced by the following:

'5. Mazars are hereby approved as the external auditors of Banc Ceannais na hÉireann/the Central Bank of Ireland for the financial years 2016 to 2020.'.

Article 2

This Decision shall take effect on the date of its notification.

([1]) OJ C 413, 10.11.2016, p. 1.
([2]) Council Decision 1999/70/EC of 25 January 1999 concerning the external auditors of the national central banks (OJ L 22, 29.1.1999, p. 69).

Article 3

This Decision is addressed to the ECB.

Done at Brussels, 6 December 2016.

For the Council
The President
P. KAŽIMÍR

COMMISSION IMPLEMENTING DECISION (EU) 2016/2268

of 14 December 2016

amending Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC as regards the tolerance period for traces of Ms1×Rf1 (ACS-BNØØ4-7×ACS-BNØØ1-4) hybrid oilseed rape, Ms1×Rf2 (ACS-BNØØ4-7×ACS-BNØØ2-5) hybrid oilseed rape and Topas 19/2 (ACS-BNØØ7-1) oilseed rape, as well as their derived products

(notified under document C(2016) 8390)

(Only the German text is authentic)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1829/2003 of the European Parliament and the Council of 22 September 2003 on genetically modified food and feed ([1]), and in particular Articles 8(6) and 20(6) thereof,

Whereas:

(1) Commission Decisions 2007/305/EC ([2]), 2007/306/EC ([3]) and 2007/307/EC ([4]) lay down the rules for the withdrawal from the market of Ms1×Rf1 (ACS-BNØØ4-7×ACS-BNØØ1-4) hybrid oilseed rape, Ms1×Rf2 (ACS-BNØØ4-7×ACS-BNØØ2-5) hybrid oilseed rape and Topas 19/2 (ACS-BNØØ7-1) oilseed rape respectively, as well as their derived products ('GM material'). Those decisions have been adopted after the authorisation holder, the company Bayer CropScience AG, indicated to the Commission that it had no intention of submitting an application for the renewal of the authorisation of that GM material in accordance with the first subparagraph of Article 8(4), Article 11, Article 20(4) and Article 23 of Regulation (EC) No 1829/2003.

(2) All three Decisions provided for an initial transitional period of five years during which food and feed containing, consisting of or produced from this GM material were allowed to be placed on the market in a proportion no higher than 0,9 % and provided that that presence was adventitious or technically unavoidable. The purpose of that transitional period was to take into account the fact that minute traces of that GM material could sometimes be present in the food and feed chains, even after Bayer CropScience AG had decided to stop selling seeds derived from those genetically modified organisms and even if all measures were taken to avoid the presence of that GM material.

(3) In light of experience after the withdrawal of that GM material from the market, Commission Implementing Decision 2012/69/EU ([5]) amended all three Decisions in order to extend the transition period until 31 December 2016. Given the very low trace levels which had been reported, that Decision reduced the tolerated presence of that GM material in food and feed to 0,1 % mass fraction.

(4) Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC also set out a series of measures that Bayer CropScience AG had to take in order to ensure the effective withdrawal from the market of this GM material and laid down reporting obligations on Bayer CropScience AG.

(5) In December 2013 and in March 2016, Bayer CropScience AG reported that despite the measures taken to prevent the presence of those genetically modified organisms in accordance with Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC, minute traces have been still detected in oilseed rape commodities in recent years. This persisting presence of traces can be explained by the biology of oilseed rapes which can remain

([1]) OJ L 268, 18.10.2003, p. 1.
([2]) Commission Decision 2007/305/EC of 25 April 2007 on the withdrawal from the market of Ms1xRf1 (ACS-BNØØ4-7×ACS-BNØØ1-4) hybrid oilseed rape and its derived products (OJ L 117, 5.5.2007, p. 17).
([3]) Commission Decision 2007/306/EC of 25 April 2007 on the withdrawal from the market of Ms1xRf2 (ACS-BNØØ4-7×ACS-BNØØ2-5) hybrid oilseed rape and its derived products (OJ L 117, 5.5.2007, p. 20).
([4]) Commission Decision 2007/307/EC of 25 April 2007 on the withdrawal from the market of Topas 19/2 (ACS-BNØØ7-1) oilseed rape and its derived products (OJ L 117, 5.5.2007, p. 23).
([5]) Commission Implementing Decision 2012/69/EU of 3 February 2012 amending Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC as regards the tolerance period for traces of Ms1×Rf1 (ACS-BNØØ4-7×ACS-BNØØ1-4) hybrid oilseed rape, Ms1×Rf2 (ACS-BNØØ4-7×ACS-BNØØ2-5) hybrid oilseed rape and Topas 19/2 (ACS-BNØØ7-1) oilseed rape, as well as of their derived products (OJ L 34, 7.2.2012, p. 12).

dormant for long periods as well as by farm practices which have been employed to harvest the seeds which may have resulted in accidental spillage, the level of which was difficult to estimate at the dates of adoption of Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC and Implementing Decision 2012/69/EU. The occurrence of traces has continued to follow a decreasing trend.

(6) Against this background, it is appropriate to extend the transitional period for another three years until 31 December 2019 to allow for the complete removal of the remaining traces of Ms1×Rf1, Ms1×Rf2 and Topas 19/2 oilseed rapes in the food and feed chain.

(7) In order to further contribute to the removal of that GM material, it is also appropriate that Bayer CropScience AG continues to implement the in-house programme required in accordance with Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC and to gather data, as it previously did on a voluntary basis, on the presence of such material in oilseed rape commodities imported into the Union from Canada, the only country where those oilseed rapes were cultivated for commercial purposes. Bayer CropScience AG should report to the Commission on both aspects by 1 January 2019.

(8) Bayer CropScience AG should ensure the continued availability of certified reference materials to enable control laboratories to perform their analysis during that transitional period.

(9) Decisions 2007/305/EC, 2007/306/EC and 2007/307/EC should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

Decision 2007/305/EC is amended as follows:

(1) Article 1 is replaced by the following:

'*Article 1*

The addressee shall implement an in-house program in order to ensure the effective withdrawal from the market of ACS-BNØØ4-7, ACS-BNØØ1-4 and the hybrid combination ACS-BNØØ4-7×ACS-BNØØ1-4 oilseed rape in breeding and seed production and shall gather data on the presence of those genetically modified organisms in the oilseed rape shipments to the Union from Canada.

The addressee shall report to the Commission on the implementation of this program and on the presence of those genetically modified organisms in the oilseed rape shipments to the Union from Canada by 1 January 2019.';

(2) Article 2 is replaced by the following:

'*Article 2*

1. The presence of material which contains, consists of or is produced from ACS-BNØØ4-7, ACS-BNØØ1-4 and the hybrid combination ACS-BNØØ4-7×ACS-BNØØ1-4 oilseed rape in food or feed products notified under point (a) of Article 8(1) and Article 20(1) of Regulation (EC) No 1829/2003 shall be tolerated until 31 December 2019, provided that this presence:

(a) is adventitious or technically unavoidable; and

(b) is in a proportion no higher than 0,1 % mass fraction.

2. The addressee shall ensure the availability of certified reference material for ACS-BNØØ4-7×ACS-BNØØ1-4 oilseed rape via the American Oil Chemists Society at https://www.aocs.org/attain-lab-services/certified-reference-materials-(crms).';

(3) the Annex is deleted.

Article 2

Decision 2007/306/EC is amended as follows:

(1) Article 1 is replaced by the following:

'*Article 1*

The addressee shall implement an in-house program in order to ensure the effective withdrawal from the market of ACS-BNØØ4-7, ACS-BNØØ2-5 and the hybrid combination ACS-BNØØ4-7×ACS-BNØØ2-5 oilseed rape in breeding and seed production and shall gather data on the presence of those genetically modified organisms in the oilseed rape shipments to the Union from Canada.

The addressee shall report to the Commission on the implementation of this program and on the presence of those genetically modified organisms in the oilseed rape shipments to the Union from Canada by 1 January 2019.';

(2) Article 2 is replaced by the following:

'*Article 2*

1. The presence of material which contains, consists of or is produced from ACS-BNØØ4-7, ACS-BNØØ2-5 and the hybrid combination ACS-BNØØ4-7×ACS-BNØØ2-5 oilseed rape in food or feed products notified under point (a) of Article 8(1) and Article 20(1) of Regulation (EC) No 1829/2003 shall be tolerated until 31 December 2019, provided that this presence:

(a) is adventitious or technically unavoidable; and

(b) is in a proportion no higher than 0,1 % mass fraction.

2. The addressee shall ensure the availability of certified reference material for ACS-BNØØ4-7×ACS-BNØØ2-5 oilseed rape via the American Oil Chemists Society at https://www.aocs.org/attain-lab-services/certified-reference-materials-(crms).';

(3) the Annex is deleted.

Article 3

Article 1 of Decision 2007/307/EC is replaced by the following:

'*Article 1*

1. The addressee shall implement an in-house program in order to ensure the effective withdrawal from the market of ACS- BNØØ7-1 oilseed rape in breeding and seed production and shall gather data on the presence of that genetically modified organism in the oilseed rape shipments to the Union from Canada.

The addressee shall report to the Commission on the implementation of this program and on the presence of those genetically modified organisms in the oilseed rape shipments to the Union from Canada by 1 January 2019.

2. The presence of material which contains, consists of or is produced from ACS-BNØØ7-1 oilseed rape in food or feed products notified under point (a) of Article 8(1) and Article 20(1) of Regulation (EC) No 1829/2003 shall be tolerated until 31 December 2019, provided that this presence:

(a) is adventitious or technically unavoidable; and

(b) is in a proportion no higher than 0,1 % mass fraction.

3. The addressee shall ensure the availability of certified reference material for ACS- BNØØ7-1 oilseed rape via the American Oil Chemists Society at https://www.aocs.org/attain-lab-services/certified-reference-materials-(crms).'.

Article 4

The entries in the Community Register of genetically modified food and feed, as provided for in Article 28 of Regulation (EC) No 1829/2003, regarding ACS-BNØØ4-7, ACS-BNØØ1-4 and the hybrid combination ACS-BNØØ4-7×ACS-BNØØ1-4 oilseed rape, ACS-BNØØ4-7, ACS-BNØØ2-5 and the hybrid combination ACS-BNØØ4-7×ACS-BNØØ2-5 oilseed rape, and ACS-BNØØ7-1 oilseed rape shall be modified in order to take account of this Decision.

Article 5

This Decision is addressed to Bayer CropScience AG, Alfred-Nobel-Str. 50, D-40789 Monheim am Rhein, Germany.

Done at Brussels, 14 December 2016.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2016/2269

of 15 December 2016

on the equivalence of the regulatory framework for central counterparties in India in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council

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 decisions 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 substantive 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 India 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. 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.

(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 India. The technical advice concludes that the legal and supervisoy arrangements applicable, at jurisdictional level, ensure that CCPs authorised in India which have adopted internal policies and procedures regarding several areas that constitute legally binding requirements comply with legally binding requirements which are equivalent to the requirements laid down in Title IV of Regulation (EU) No 648/2012.

(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 India for CCPs authorised therein which clear corporate securities and financial derivatives and which are under the supervision and oversight of Securities and Exchange Board of India (SEBI) (the SEBI regime), consist of the Securities Contracts (Regulation) Act 1956 (the SCRA) and the Securities Contract (Regulation) (Stock Exchange and Clearing Corporations) Regulations 2012 (the Regulations) which were adopted in June 2012 by SEBI in the exercise of the powers conferred upon it by the SCRA and the

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

Securities and Exchange Board of India Act (the SEBI Act). SEBI issued a Circular on 4 September 2013 (the Circular) whereby it adopted the Principles for Financial Markets Infrastructures ('PFMIs') issued in April 2012 by the Committee on Payment and Settlement Systems ([1]) and the International Organization of Securities Commissions and required financial market infrastructures including clearing corporations to adhere to them.

(7) The SCRA and the Regulations set out an authorisation regime for clearing facilitites as recognised clearing corporations ('RCCs') by the Central Government and SEBI. An applicant clearing facility must comply with specific requirements aiming at ensuring a fair operation of the clearing facility and the protection of investors. The Central Government or SEBI may also impose conditions on RCCs. RCCs have to adopt internal rules and procedures which are assessed by the Central Government and SEBI prior to granting a RCC authorisation and which have to be in conformity with the conditions imposed on each RCC. Internal rules and procedures of RCCs can not be amended without prior approval by SEBI. In addition, SEBI can adopt internal rules of RCCs for specific issues or amend the existing internal rules of RCCs, where necessary or expedient. In addition, SEBI may impose penalties for contravention of the internal rules and procedures of RCCs or of any directions issued by SEBI.

(8) The legally binding requirements applicable to CCPs authorised in India which clear government securities, money market instruments and forex instruments and which fall under the supervision of the Reserve Bank of India (RBI) (the RBI regime) consist of the Payment and Settlement Systems Act, 2007 (PSSA) and the Payment and Settlement Systems Regulations, 2008 (the PSS Regulations). RBI authorises entities to operate a clearing house provided they fulfil the required conditions ('authorised clearing houses'). Moreover, RBI can impose specific conditions on an authorisation, which is valid as long as the specific conditions imposed are fulfilled. Under the PSSA, authorised clearing houses adopt internal rules and procedures and have the duty to operate the clearing house in accordance with them.

(9) In addition, the PSSA empowers RBI to issue general directions or directions addressed to specific authorised clearing houses. Both types of directions have to be complied with by authorised clearing houses. The RBI published the 'Policy Document for Regulation and Supervision of Financial Market Infrastructures' on 26 July 2013, stating that all authorised clearing houses are required to comply with the PFMIs.

(10) This Decision relates solely to the equivalence of the legal and supervisory arrangements for RCCs and authorised clearing houses and not to the legal and supervisory arrangements for CCPs which provide clearing services in the commodities market and are regulated and supervised by the Forward Markets Commission.

(11) The legally binding requirements applicable to CCPs authorised in India therefore comprise a two-tiered structure. The core principles which RCCs and authorised clearing houses must comply with in order to obtain authorisation to provide clearing services in India ('the primary rules') are the following: (a) under the SEBI regime, the core principles for RCCs set out in the SCRA and the Regulations complemented by the Circular of 4 September 2013 which requires compliance with the PFMIs and (b) under the RBI regime, the PSSA and the PSS Regulations, together with the Policy Document for Regulation and Supervision of Financial Market Infrastructures, which requires compliance with the PFMIs. Those primary rules comprise the first tier of the legally binding requirements in India. In order to prove compliance with the primary rules, RCCs have to submit their internal rules and procedures to SEBI for approval. Under the RBI regime, authorised clearing houses have to comply with their internal rules and procedures in the operation of their authorised clearing houses. Those internal rules and procedures comprise the second tier of the legally binding requirements in India, which must provide prescriptive detail regarding the way in which RCCs and authorised clearing houses will meet those standards. Moreover, the internal rules and procedures of RCCs and authorised clearing houses contain additional provisions which complement the primary rules in certain aspects. The internal rules and procedures of RCCs and authorised clearing houses, which implement the PFMIs, are legally binding upon RCCs and authorised clearing houses.

(12) The equivalence assessment of the legal and supervisory arrangements applicable to RCCs and authorised clearing houses established in India should also take into account the risk mitigation outcome that they ensure in terms

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

of the level of risk to which clearing members and trading venues established in the Union are exposed when participating in those entities. 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 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 an equivalent risk mitigation outcome, more stringent risk mitigation requirements are necessary for CCPs carrying out their activities in larger 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.

(13) The financial market in which RCCs and authorised clearing houses authorised in India carry out their clearing activities is significantly smaller than that in which CCPs established in the Union are active. Over the past three years, the total value of derivative transactions cleared in India represented less than 1 % of the total value of derivative transactions cleared in the Union. Therefore, participation in RCCs and authorised clearing houses established in India exposes clearing members and trading venues established in the Union to significantly lower risks than their participation in CCPs authorised in the Union.

(14) The legal and supervisory arrangements applicable to RCCs and authorised clearing houses established in India may therefore be considered as equivalent where they are appropriate to mitigate that lower level of risk. The primary rules applicable to RCCs and authorised clearing houses authorised in India, complemented by the internal rules and procedures which require compliance with the PFMIs, mitigate the lower level of risk existing in India and achieve a risk mitigation outcome equivalent to that pursued by Regulation (EU) No 648/2012.

(15) It should therefore be concluded that the legal and supervisory arrangements of India ensure that RCCs and authorised clearing houses authorised therein comply with legally binding requirements which are equivalent to the requirements laid down in Title IV of Regulation (EU) No 648/2012.

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

(17) The supervision of RCCs is carried out by SEBI. SEBI can adopt internal rules of RCCs for specific issues or amend the existing internal rules of RCCs, having the same effect as if they were adopted or amended by the RCC concerned. Moreover, SEBI can issue directions to RCCs in the interest of the public, or trade or investors or the securities market. RCCs are subject to inspections, enquiries and audits by SEBI and have to provide information regarding its business to SEBI. The SCRA provides for penalties for contravention of the internal rules and procedures of RCCs or of any directions issued by SEBI. Finally, RCC authorisations can be withdrawn by the Central Government or by SEBI in the public interest or in the interest of trade.

(18) The supervision of authorised clearing houses is carried out by RBI. RBI can request information from authorised clearing houses and has the power to inspect their premises and to make audits. Moreover, RBI can issue directions to authorised clearing houses in specific circumstances, to cease their behaviour and to perform such acts as are considered necessary to remedy the situation. Moreover, penalties are provided for in case of non-compliance with the PSSA provisions and the regulations, orders or directions issued by RBI. Finally, the authorisation to operate an authorised clearing house can be revoked by RBI in case the authorised clearing house contravenes the provisions of the PSSA, the PSS Regulations, the orders or directions issued by RBI or in case of non-compliance with the conditions to which the authorisation is subject.

(19) It should therefore be concluded that RCCs and authorised clearing houses authorised in India are subject to effective supervision and enforcement on an ongoing basis.

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

(21) Third country CCPs may apply for authorisation as an 'authorised clearing house' under the RBI regime, which allows third country CCPs to provide the same clearing services as CCPs established in India. Third country CCPs can be exempted from certain requirements applicable to RCCs and authorised clearing houses in India, provided they comply with the PFMIs and a cooperation arrangement is concluded between the RBI and the third country supervisor. The assessment of the application for authorisation can be based on the information provided by the third country supervisor.

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

(23) This Decision is based on the legally binding requirements relating to RCCs and authorised clearing houses applicable in India at the time of the adoption of this Decision. The Commission, in cooperation with ESMA, should continue monitoring on a regular basis the evolution of the legal and supervisory framework for RCCs and authorised clearing houses and the fulfilment of the conditions on the basis of which this decision has been taken.

(24) The regular review of the legal and supervisory arrangements applicable in India to CCPs authorised therein should be without prejudice to the possibility of the Commission to undertake a specific review at any time outside the general review, where relevant developments make it necessary for the Commission to re-assess the equivalence granted by this Decision. Such re-assessment could lead to the repeal of this Decision.

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

HAS ADOPTED THIS DECISION:

Article 1

1. For the purposes of paragraph 6 of Article 25 of Regulation (EU) No 648/2012, the legal and supervisory arrangements of India consisting of the Securities Contracts (Regulation) Act 1956, the Securities Contract (Regulation) (Stock Exchange and Clearing Corporations) Regulations 2012 and the Circular of 4 September 2013 and applicable to recognised clearing corporations authorised therein shall be considered to be equivalent to the requirements laid down in Regulation (EU) No 648/2012.

2. For the purposes of paragraph 6 of Article 25 of Regulation (EU) No 648/2012, the legal and supervisory arrangements of India consisting of the Payment and Settlement Systems Act, 2007 and the Payment and Settlement Systems Regulations, 2008, as complemented by the Policy Document for Regulation and Supervision of Financial Market Infrastructures, and applicable to authorised clearing houses 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, 15 December 2016.

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION IMPLEMENTING DECISION (EU) 2016/2270

of 15 December 2016

on the equivalence of approved exchanges in Singapore in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council

(Text with EEA relevance)

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 2a(2) thereof,

Whereas:

(1) Regulation (EU) No 648/2012 lays down clearing and bilateral risk-management requirements for over-the-counter ('OTC') derivative contracts as well as reporting requirements for such contracts. Point (7) of Article 2 of Regulation (EU) No 648/2012 defines OTC derivatives as derivative contracts the execution of which does not take place on a regulated market within the meaning of point (14) of Article 4(1) of Directive 2004/39/EC of the European Parliament and the of the Council ([2]) or on a third country market considered as equivalent to a regulated market in accordance with Article 2a of Regulation (EU) No 648/2012. Therefore, any derivative contract the execution of which takes place on a third country market not deemed equivalent to regulated markets are classified as OTC for the purposes of Regulation (EU) No 648/2012.

(2) In accordance with Article 2a of Regulation (EU) No 648/2012, a third-country market is considered equivalent to a regulated market where it complies with legally binding requirements which are equivalent to the requirements laid down in Title III of Directive 2004/39/EC and is subject to effective supervision and enforcement in that third country on an ongoing basis.

(3) In order for a third country market to be considered equivalent to a regulated market within the meaning of Directive 2004/39/EC, the substantive outcome of the applicable legally binding requirements and supervisory and enforcement 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 legally binding requirements which apply to approved exchanges in Singapore are equivalent to the requirements laid down in Title III of Directive 2004/39/EC, and that those markets are subject to effective supervision and enforcement on an ongoing basis. Markets which are approved exchanges on the date of adoption of this Decision should be therefore identified as markets considered equivalent to a regulated market within the meaning of Directive 2004/39/EC.

(4) The Singaporean legal framework for approved exchanges consists of the Securities and Futures Act (SFA), Securities and Futures (Markets) Regulations 2005, Securities and Futures (Corporate Governance of Approved Exchanges, Approved Clearing Houses and Approved Holding Companies) Regulations 2005, Securities and Futures (Offers of Investments) (Shares and Debentures) Regulations 2005, Securities and Futures (Licensing and Conduct of Business) Regulations 2004 and the Guidelines issued by the Monetary Authority of Singapore (MAS) pursuant to section 321 of the SFA, including the Guidelines on the Regulation of Markets No SFA 02-G01 and the Guidelines on Fit and Proper Criteria No FSG-G01. The Guidelines on the Regulation of Markets set out obligations for the approved exchanges such as the obligation to operate a fair, orderly and transparent market. Section 321(5) of the SFA sets out that failure to comply with any guidelines may, in any proceedings whether civil or criminal, be relied upon by any party seeking to establish or to negate any liability. In addition, section 334(1) and 335 empowers MAS to impose fines to the approved exchange where MAS finds out that the exchange is liable for contravention of any guidelines. Furthermore, some business and listing rules that further detail SFA requirements are described in a rulebook for each approved exchange. The business and listing

([1]) OJ L 201, 27.7.2012, p. 1.
([2]) Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC (OJ L 145, 30.4.2004, p. 1).

rules, as well as any amendment of those rules, must be submitted to MAS prior to their implementation. The SFA provides for penalties where the business or listing rules are not compliant with the requirements set out by MAS. Under the SFA, business rules are deemed to be a binding contract for the approved exchange and its members and therefore must be observed and complied with on an ongoing basis.

(5) The legally binding requirements applicable to approved exchanges in Singapore deliver substantive results equivalent to those of the requirements laid down in Title III of Directive 2004/39/EC in the following areas: authorisation process, definitional requirements, access to the approved exchange, organisational requirements, requirements for senior management, admission of financial instruments to trading, suspension and removal of instruments from trading, monitoring of compliance with the rules of the approved exchanges and access to clearing and settlement arrangements.

(6) Under Directive 2004/39/EC, pre- and post-trade transparency requirements apply only to shares admitted to trading on regulated markets. Despite shares can be admitted to trading on approved exchanges in Singapore, the Commission considers that the assessment of those requirements is however not relevant for the purposes of this Decision given that its objective is to verify the equivalence of the legally binding requirements applicable to third-country markets in respect of derivatives contracts that are executed on those markets.

(7) It should therefore be concluded that the legally binding requirements for approved exchanges in Singapore deliver results equivalent to those of the requirements laid down in Title III of Directive 2004/39/EC.

(8) The approved exchanges in Singapore are subject to supervision by MAS, a public authority established under section 3 of the Monetary Authority of Singapore Act. MAS is the primary regulator for capital market activities in Singapore. Section 46 of the SFA empowers MAS to issue directions to the approved exchange in relation to specific matters as specified by the SFA to ensure investor protection, the functioning of fair, orderly and transparent markets, the integrity and stability of the capital markets and compliance with any condition or restriction imposed by MAS. MAS has statutory powers to issue legally-binding notices, guidelines, codes, policy statements and practice notes. MAS may impose fines and issue reprimands for the infringement of provisions of the SFA or of its secondary legislation, including notices and directions. MAS may also remove key officers where it considers that doing so is in the interest of the public. Finally, MAS supervises the approved exchange's risk management practices and controls, through on-site and off-site inspections.

(9) It should therefore be concluded that approved exchanges are subject to effective supervision and enforcement in Singapore on an ongoing basis.

(10) The conditions laid down in Article 2a of Regulation (EU) No 648/2012 should therefore be considered to be satisfied with respect to approved exchanges in Singapore.

(11) This Decision is based on the legally binding requirements relating to approved exchanges in Singapore at the time of the adoption of this Decision. The Commission should continue monitoring on a regular basis the evolution of the legal and supervisory arrangements for approved exchanges and the fulfilment of the conditions on the basis of which this Decision has been taken. In particular, the Commission should review this Decision in light of the entry into application of Regulation (EU) No 600/2014 of the European Parliament and of the Council ([1]) and Directive 2014/65/EU of the European Parliament and of the Council ([2]).

(12) The regular review of the legal and supervisory arrangements applicable to approved exchanges in Singapore is without prejudice to the possibility of the Commission to undertake a specific review at any time where relevant developments make it necessary for the Commission to reassess the equivalence granted by this Decision. Such re-assessment could lead to the repeal of this Decision.

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

([1]) Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84).

([2]) Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of point (7) of Article 2 of Regulation (EU) No 648/2012, the approved exchanges in Singapore and set out in the Annex shall be considered as equivalent to regulated markets as defined in point (14) of Article 4(1) of Directive 2004/39/EC.

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, 15 December 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Approved exchanges in Singapore referred to in Article 1

(a) Singapore Exchange Derivatives Trading Limited

(b) Singapore Exchange Securities Trading Limited

(c) ICE Futures Singapore.

COMMISSION IMPLEMENTING DECISION (EU) 2016/2271

of 15 December 2016

on the equivalence of financial instrument exchanges and commodity exchanges in Japan in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council

(Text with EEA relevance)

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 2a thereof,

Whereas:

(1) Regulation (EU) No 648/2012 lays down clearing and bilateral risk-management requirements for over-the-counter ('OTC') derivative contracts as well as reporting requirements for such contracts. Point (7) of Article 2 of Regulation (EU) No 648/2012 defines OTC derivatives as derivative contracts the execution of which does not take place on a regulated market within the meaning of point (14) of Article 4(1) of Directive 2004/39/EC of the European Parliament and the of the Council ([2]) or on a third country market considered as equivalent to a regulated market in accordance with Article 2a of Regulation (EU) No 648/2012. Therefore, any derivative contract the execution of which takes place on a third-country market not deemed equivalent to regulated markets are classified as OTC for the purposes of Regulation (EU) No 648/2012.

(2) In accordance with Article 2a of Regulation (EU) No 648/2012, a third-country market is considered equivalent to a regulated market where it complies with legally binding requirements which are equivalent to the requirements laid down in Title III of Directive 2004/39/EC and is subject to effective supervision and enforcement in that third country on an ongoing basis.

(3) In order for a third-country market to be considered equivalent to a regulated market within the meaning of Directive 2004/39/EC, the substantive outcome of the applicable legally binding requirements and supervisory and enforcement 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 legally binding requirements which apply to financial instruments exchanges (FIEs) and commodity exchanges in Japan are equivalent to the requirements laid down in Title III of Directive 2004/39/EC, and that those markets are subject to effective supervision and enforcement on an ongoing basis. Markets which are authorised as FIEs or commodity exchanges on the date of adoption of this Decision should be therefore identified as markets considered equivalent to a regulated market within the meaning of Directive 2004/39/EC.

(4) The legal framework of Japan for FIEs and commodity exchanges comprises the Financial Instruments and Exchange Act 2006 (FIEA), which establishes the regulatory framework for FIEs, and the Commodity Derivatives Act 2009 (CDA), which provides for the regulatory and supervisory framework for commodities exchanges. Derivatives contracts with a commodity as an underlying are listed on a commodity exchange and derivatives based on financial instruments are listed on the FIEs. Rules for the FIEs are further developed in the Order for Enforcement of the Financial Instruments and Exchange Act and the Cabinet Office Ordinance on Financial Instruments Exchanges whereas rules for commodities exchanges are further detailed in the Order for Enforcement of the Commodities Derivatives Act and the Ordinance for Enforcement of the Commodity Derivatives Act. In addition, both the commodities exchange and the FIEs enjoy relatively wide self-regulatory power with regard to certain requirements. The self-regulatory power of the FIE includes, in particular, business rules related to listing and delisting of financial instruments, trading arrangements and membership requirements.

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

([2]) Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC (OJ L 145, 30.4.2004, p. 1).

The operational rules must be submitted to the Prime Minister of Japan for approval (Article 81 of the FIEA). The self-regulatory power of the commodity exchange is exercised by its Self-Regulatory Committee or Self-Regulatory Department. The market rules of the commodity exchange set out trading rules and membership requirements, all which must be submitted to the Ministry of Agriculture, Forestry and Fishery (MAFF) and the Ministry of Economy, Trade and Industry (METI) for approval. The self-regulatory rules are legally binding upon exchanges.

(5) The legally binding requirements applicable to exchanges authorised in Japan deliver results equivalent to those of the requirements laid down in Title III of Directive 2004/39/EC in the following areas: authorisation process, definitional requirements, access to the exchange, organisational requirements, requirements for senior management, admission of financial instruments to trading, suspension and removal of instruments from trading, monitoring of compliance and access to clearing and settlement arrangements.

(6) Under Directive 2004/39/EC, pre- and post-trade transparency requirements apply only to shares admitted to trading on regulated markets. Despite shares can be admitted to trading on FIEs, the Commission considers that the assessment of those requirements is however not relevant for the purposes of this Decision given that its objective is to verify the equivalence of the legally binding requirements applicable to third-country markets in respect of derivatives contracts that are executed on those markets.

(7) It should therefore be concluded that the legally binding requirements for FIEs and commodity exchanges in Japan deliver results equivalent to those of the requirements laid down in Title III of Directive 2004/39/EC.

(8) The commodity exchanges operate under the supervision of the METI and the MAFF. The CDA provides a framework for supervisory powers of the METI and the MAFF. In particular, the METI and the MAFF approve the market rules, brokerage contract rules, dispute resolution rules or market transactions surveillance committee rules of a commodity exchange and any changes thereto. Furthermore, in order to ensure fair trading and investor protection, the METI and the MAFF may require a commodity exchange to change its articles of incorporation, other rules or its business methods or take any other measures to improve the operation of its business. If a commodity exchange fails to properly exercise its self-regulatory power and does not take necessary measures to ensure fair trading and investor protection, the METI and the MAFF may withdraw the licence or suspend the whole or a part of the exchange's business. The FIEs are subject to supervision of the Prime Minister of Japan, whose power is delegated to the Commissioner of the Japan Financial Services Agency (JFSA). Section 5 of Chapter V of the FIEA lays down the supervisory measures available to the JFSA. In particular, when the FIE violates laws and regulations, the JFSA may withdraw the licence or issue an order of suspension of all or part of the FIE's business. Furthermore, the JFSA may require the FIE to change its articles of incorporation, operational rules, brokerage contract rules or any other rules or trade practice or to take other necessary measures for supervision. The FIE's articles of incorporations must include sanctions for violation of its business rules by the members. If the FIE fails to perform effectively the market surveillance, the JFSA may take enforcement actions, including licence withdrawal or business suspension.

(9) It should therefore be concluded that FIEs and commodity exchanges are subject to effective supervision and enforcement in Japan on an ongoing basis.

(10) The conditions laid down in Article 2a of Regulation (EU) No 648/2012 should therefore be considered to be satisfied with respect to FIEs and commodity exchanges authorised in Japan.

(11) This Decision is based on the legally binding requirements relating to FIEs and commodity exchanges applicable in Japan at the time of the adoption of this Decision. The Commission should continue monitoring on a regular basis the evolution of the legal and supervisory arrangements for these markets and the fulfilment of the conditions on the basis of which this Decision has been taken. In particular, the Commission should review this Decision in light of the entry into application of Regulation (EU) No 600/2014 of the European Parliament and of the Council [1] and Directive 2014/65/EU of the European Parliament and of the Council [2].

[1] Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84).

[2] Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).

(12) The regular review of the legal and supervisory arrangements applicable to FIEs and commodity exchanges in Japan is without prejudice to the possibility of the Commission to undertake a specific review at any time where relevant developments make it necessary for the Commission to reassess the equivalence granted by this Decision. Such re-assessment could lead to the repeal of this Decision.

(13) 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 point (7) of Article 2 of Regulation (EU) No 648/2012 authorised financial instrument exchanges and commodity exchanges in Japan and set out in the Annex shall be considered as equivalent to regulated markets as defined in point (14) of Article 4(1) of Directive 2004/39/EC.

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, 15 December 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Financial instrument exchanges and commodity exchanges in Japan referred to in Article 1:

(a) Tokyo Stock Exchange, Inc.;

(b) Osaka Exchange, Inc.;

(c) Nagoya Stock Exchange, Inc.;

(d) Fukuoka Stock Exchange;

(e) Sapporo Securities Exchange;

(f) Tokyo Financial Exchange Inc.;

(g) Osaka Dojima Commodity Exchange;

(h) Tokyo Commodity Exchange, Inc.

COMMISSION IMPLEMENTING DECISION (EU) 2016/2272

of 15 December 2016

on the equivalence of financial markets in Australia in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council

(Text with EEA relevance)

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 2a(2) thereof,

Whereas:

(1) Regulation (EU) No 648/2012 lays down clearing and bilateral risk-management requirements for over-the-counter ('OTC') derivative contracts as well as reporting requirements for such contracts. Point (7) of Article 2 of Regulation (EU) No 648/2012 defines OTC derivatives as derivative contracts the execution of which does not take place on a regulated market within the meaning of point (14) of Article 4(1) of Directive 2004/39/EC of the European Parliament and the of the Council ([2]) or on a third country market considered as equivalent to a regulated market in accordance with Article 2a of Regulation (EU) No 648/2012. Therefore, any derivative contract the execution of which takes place on a third country market not deemed equivalent to regulated markets are classified as OTC for the purposes of Regulation (EU) No 648/2012.

(2) In accordance with Article 2a of Regulation (EU) No 648/2012, a third-country market is considered equivalent to a regulated market where it complies with legally binding requirements which are equivalent to the requirements laid down in Title III of Directive 2004/39/EC and is subject to effective supervision and enforcement in that third country on an ongoing basis.

(3) In order for a third country market to be considered equivalent to a regulated market within the meaning of Directive 2004/39/EC, the substantive outcome of the applicable legally binding requirements and supervisory and enforcement 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 legally binding requirements which apply to financial markets in Australia are equivalent to the requirements laid down in Title III of Directive 2004/39/EC, and that those markets are subject to effective supervision and enforcement on an ongoing basis. Markets which are authorised as financial markets in Australia on the date of adoption of this Decision should be therefore identified as markets considered equivalent to a regulated market within the meaning of Directive 2004/39/EC.

(4) The Corporations Act 2001 (Corporations Act) is the primary legislation which establishes legally enforceable regimes for financial markets under the Australian market licencing (AML) regime and the Market Integrity Rules (MIRs) regime. The operation of a financial market in Australia requires a licence. The Corporations Act establishes a rule-making regime allowing the Australian Securities and Investments Commission (ASIC) to adopt MIRs which apply to market operators, market participants, other prescribed entities and financial products traded on financial markets. Further requirements are specified in secondary or delegated instruments adopted under the Corporations Act including the Corporations Regulations 2001 (Corporations Regulations). Finally, ASIC issues regulatory guidance, which further explains how licensees may comply with the relevant provisions of the Corporations Act, including obligations for AML holders to maintain adequate arrangements for operating the markets, to ensure a fair, orderly and transparent market, and other requirements that are amongst the criteria to be assessed. Failure to comply with regulatory guidance leads to an enforcement action carried out by ASIC.

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

([2]) Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC (OJ L 145, 30.4.2004, p. 1).

(5) The legally binding requirements set out in legislation, MIRs and regulatory guidance of financial markets authorised in Australia deliver results equivalent to those of the requirements laid down in Title III of Directive 2004/39/EC in the following areas: authorisation process, definitional requirements, access to the recognised exchange, organisational requirements, requirements for senior management, admission of financial instruments to trading, suspension and removal of instruments from trading, monitoring of compliance with the rules of the financial market and access to clearing and settlement arrangements.

(6) Under Directive 2004/39/EC, pre- and post-trade transparency requirements apply only to shares admitted to trading on regulated markets. Despite shares can be admitted to trading on financial markets in Australia, the Commission considers that the assessment of those requirements is however not relevant for the purposes of this Decision given that its objective is to verify the equivalence of the legally binding requirements applicable to third-country markets in respect of derivatives contracts that are executed on those markets.

(7) It should therefore be concluded that the legally binding requirements for financial markets authorised in Australia deliver substantive results equivalent to those of the requirements laid down in Title III of Directive 2004/39/EC.

(8) ASIC is a public authority established under the Australian Securities and Investments Commission Act 2001 (the ASIC Act) and is responsible for administering and enforcing the law concerning Australian financial markets. The regulatory and enforcement powers of ASIC include investigation of suspected breaches of the law, issuance of infringement notices, seeking civil penalties from the courts and commencing prosecutions. Furthermore, ASIC has the power to inspect financial markets without prior notice. This includes the power to inspect registers, records and documents. Furthermore, the Minister for Financial Services may give written directions to a financial market operator to take specified measures to ensure compliance with its obligations as a financial market licensee where the Minister is of the opinion that those obligations are not being met (s. 794A of the Corporations Act). If the financial market does not comply with that direction, ASIC may apply to the court for an order requiring compliance (s. 794A of the Corporations Act). ASIC also has the power to give a direction to an entity (including market operators and participants of licensed markets), where it is of the opinion that it is necessary, or in the public interest, to protect people dealing in a financial product or classes of financial products (s. 798J of the Corporations Act). In addition, ASIC may seek orders and refer matters for proceedings to enforce its regulatory and investigative measures. ASIC may apply to a court for an order requiring compliance with ASIC's measures taken on the basis of its regulatory and investigatory powers (s. 70 of the ASIC Act). Furthermore, where an entity fails to comply with a direction issued under the Corporations Act, ASIC may make an application to the court for an order requiring compliance with that direction. Finally, ASIC has entered into protocols for cooperation and the sharing of information with each relevant market operator in order to facilitate the supervision of the market and participants under the MIRs.

(9) It should therefore be concluded that financial markets are subject to effective supervision and enforcement in Australia on an ongoing basis.

(10) The conditions laid down in Article 2a of Regulation (EU) No 648/2012 should therefore be considered to be satisfied with respect to financial markets authorised in Australia.

(11) This Decision is based on the legally binding requirements relating to financial markets in Australia at the time of the adoption of this Decision. The Commission should continue monitoring on a regular basis the evolution of the legal and supervisory arrangements for financial markets and the fulfilment of the conditions on the basis of which this Decision has been taken. In particular, the Commission should review this Decision in light of the entry into application of Regulation (EU) No 600/2014 of the European Parliament and of the Council [1] and Directive 2014/65/EU of the European Parliament and of the Council [2].

(12) The regular review of the legal and supervisory arrangements applicable to financial markets in Australia is without prejudice to the possibility of the Commission to undertake a specific review at any time where relevant developments make it necessary for the Commission to reassess the equivalence granted by this Decision. Such re-assessment could lead to the repeal of this Decision.

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[1] Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84).

[2] Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).

(13) 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 point (7) of Article 2 of Regulation (EU) No 648/2012, the financial markets authorised in Australia and set out in the Annex shall be considered equivalent to regulated markets as defined in point (14) of Article 4(1) of Directive 2004/39/EC.

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, 15 December 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Financial markets in Australia referred to in Article 1

(a) ASX

(b) ASX24

(c) Chi-X

COMMISSION IMPLEMENTING DECISION (EU) 2016/2273

of 15 December 2016

on the equivalence of recognised exchanges in Canada in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council

(Text with EEA relevance)

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 2a(2) thereof,

Whereas:

(1) Regulation (EU) No 648/2012 lays down clearing and bilateral risk-management requirements for over-the-counter ('OTC') derivative contracts as well as reporting requirements for such contracts. Point (7) of Article 2 of Regulation (EU) No 648/2012 defines OTC derivatives as derivative contracts the execution of which does not take place on a regulated market within the meaning of point (14) of Article 4(1) of Directive 2004/39/EC of the European Parliament and of the Council ([2]) or on a third-country market considered as equivalent to a regulated market in accordance with Article 2a of Regulation (EU) No 648/2012. Therefore, any derivative contract the execution of which takes place on a third-country market not deemed equivalent to regulated markets are classified as OTC for the purposes of Regulation (EU) No 648/2012.

(2) In accordance with Article 2a of Regulation (EU) No 648/2012, a third-country market is considered equivalent to a regulated market where it complies with legally binding requirements which are equivalent to the requirements laid down in Title III of Directive 2004/39/EC and is subject to effective supervision and enforcement in that third country on an ongoing basis.

(3) In order for a third-country market to be considered equivalent to a regulated market within the meaning of Directive 2004/39/EC, the substantive outcome of the applicable legally binding requirements and supervisory and enforcement 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 legally binding requirements which apply to recognised exchanges in Canada are equivalent to the requirements laid down in Title III of Directive 2004/39/EC, and that those markets are subject to effective supervision and enforcement on an ongoing basis. Markets which are authorised as recognised exchanges on the date of adoption of this Decision should be therefore identified as markets considered equivalent to a regulated market within the meaning of Directive 2004/39/EC.

(4) The legally binding requirements for recognised exchanges authorised in Canada comprise a three-tiered structure. The first tier consists of provincial and territorial legal legislation which provides for the general requirements that trading venues operators must comply with if they wish to carry on activities in a province or in a territory. More specific and detailed requirements applicable to the recognised exchanges are laid down in National Instruments (NIs), which constitute the second tier. NIs are adopted by the Securities Regulatory Authorities (SRAs) of each province and territory and cover areas such as fair access and transparency, clearing and settlement, reporting and disclosure obligations. Recognition orders constitute the third tier. They are issued for each recognised exchange by the relevant SRA and set out the operational terms and conditions imposed on each recognised exchange. Recognition orders issued by any SRA have the force of law and any breach of the terms and conditions set out there in is a breach of securities law or commodity futures law.

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

([2]) Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC (OJ L 145, 30.4.2004, p. 1).

(5) The legally binding requirements applicable to recognised exchanges in Canada deliver substantive results equivalent to those of the requirements laid down in Title III of Directive 2004/39/EC in the following areas: authorisation process, definitional requirements, access to the recognised exchange, organisational requirements, requirements for senior management, admission of financial instruments to trading, suspension and removal of instruments from trading, monitoring of compliance with the rules of the recognised exchange and access to clearing and settlement arrangements.

(6) Under Directive 2004/39/EC, pre- and post-trade transparency requirements apply only to shares admitted to trading on regulated markets. Although shares can be admitted to trading on recognised exchanges authorised in Canada, the Commission considers that the assessment of those requirements is however not relevant for the purposes of this Decision given that its objective is to verify the equivalence of the legally binding requirements applicable to third-country markets in respect of derivatives contracts that are executed on those markets.

(7) It should therefore be concluded that the legally binding requirements for recognised exchanges authorised in Canada deliver results equivalent to those of the requirements laid down in Title III of Directive 2004/39/EC.

(8) SRAs are responsible for the regulation and supervision of recognised exchanges authorised within their jurisdiction. Their oversight powers include, inter alia, the authority to make a decision with respect to the trading and manner in which the recognised exchanges carry on their business. In addition, recognised exchanges are required by the terms of their Recognition Order to report suspected breaches of securities law by participants and their clients to the SRAs, and are also required to regularly report on the status of their investigations and disciplinary action to the SRAs. To carry out their supervisory duties, recognised exchanges have dedicated investigation and enforcement staff to monitor trading on an ongoing basis and to perform on-site trade desk reviews of participants. SRAs have also the power to impose sanctions on recognised exchanges for infringements of securities laws (legislative acts, national instruments, rules and recognition orders). The sanctions include fines, reprimands, the revocation of the recognition order or suspension of registration, or the addition of terms and conditions that recognised exchanges have to fulfil in order to comply with securities laws.

(9) It should therefore be concluded that those financial markets are considered to be subject to effective supervision and enforcement in Canada on an ongoing basis.

(10) The conditions laid down in Article 2a of Regulation (EU) No 648/2012 should therefore be considered to be satisfied with respect to recognised exchanges authorised in Canada.

(11) This Decision is based on the legally binding requirements relating to recognised exchanges applicable in Canada at the time of the adoption of this Decision. The Commission should continue to monitor on a regular basis the evolution of the legal and supervisory arrangements for recognised exchanges and the fulfilment of the conditions on the basis of which this Decision has been taken. In particular, the Commission should review this Decision in light of the entry into application of Regulation (EU) No 600/2014 of the European Parliament and of the Council [1] and Directive 2014/65/EU of the European Parliament and of the Council [2].

(12) The regular review of the legal and supervisory arrangements applicable to recognised exchanges in Canada is without prejudice to the possibility of the Commission to undertake a specific review at any time where relevant developments make it necessary for the Commission to reassess the equivalence granted by this Decision. Such re-assessment could lead to the repeal of this Decision.

(13) 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 point (7) of Article 2 of Regulation (EU) No 648/2012, the recognised exchanges in Canada and set out in the Annex shall be considered as equivalent to regulated markets as defined in point (14) of Article 4(1) of Directive 2004/39/EC.

[1] Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84).

[2] Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).

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, 15 December 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Recognised exchanges in Canada referred to in Article 1:

(a) Bourse de Montréal Inc.;

(b) Canadian Securities Exchange;

(c) ICE Futures Canada, Inc.;

(d) NGX Inc.;

(e) TSX Inc.;

(f) TSX Venture Inc.;

(g) Alpha Exchange Inc.;

(h) Aequitas Neo Exchange Inc.

COMMISSION IMPLEMENTING DECISION (EU) 2016/2274

of 15 December 2016

on the equivalence of the regulatory framework for central counterparties in New Zealand in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council

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 decisions 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 substantive 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 New Zealand 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. 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.

(3) 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.

(4) 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.

(5) The legally binding requirements of New Zealand for CCPs authorised therein consist of Part 5C of the Reserve Bank of New Zealand Act 1989 ('the primary rules') and the orders by which CCPs are authorised as a designated settlement system ('designation orders'). The primary rules and the designation orders set out the requirements that CCPs have to comply with on an ongoing basis to be able to provide clearing services in New Zealand. CCPs established in New Zealand can be authorised as a designated settlement system by the Governor-General, on advice of both the Minister of Finance and the Minister of Commerce and in accordance with a joint recommendation of the Bank of New Zealand and the Financial Markets Authority (together, 'the joint regulators'). Conditions may be imposed for authorising a CCP as a designated settlement system. The designation orders approve the specific internal rules and procedures of the designated settlement system which contain the requirements that designated settlement systems must comply with, and which are consistent with the joint regulators' high-level policy published by the joint regulators. Pursuant to the Reserve Bank of New Zealand Act 1989, designated settlement systems must comply with relevant international standards concerning clearing and settlement systems, including the Principles for Financial Markets Infrastructures ('PFMIs') issued in April 2012 by

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

the Committee on Payment and Settlement Systems ([1]) and the International Organization of Securities Commissions ('IOSCO'). The joint regulators issued a policy statement 'The Designation and Oversight of Designated Settlement Systems' requiring designated settlement systems to comply with the PFMIs.

(6) The legally binding requirements applicable to CCPs authorised in New Zealand therefore comprise a two-tiered structure. The core principles contained in the primary rules lay down the high-level standards with which designated settlement systems must comply in order to obtain authorisation to provide clearing services in New Zealand. Those primary rules comprise the first tier of the legally binding requirements in New Zealand. In order to prove compliance with the primary rules, designated settlement systems must submit their internal rules and procedures to the approval of the joint regulators. Those internal rules and procedures, together with the designation orders through which they are approved, comprise the second tier of the legally binding requirements in New Zealand, which must provide prescriptive detail regarding the way in which the designated settlement system will meet those standards and the PFMIs. The joint regulators assess compliance by the designated settlement system with those standards and with the PFMIs. Once the system has been authorised as a designated settlement system, the internal rules and procedures, become legally binding upon it and cannot be amended if the joint regulators object to the intended amendments.

(7) The equivalence assessment of the legal and supervisory arrangements applicable to designated settlement systems established in New Zealand should also take into account 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 when participating in those entities. 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 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 an equivalent risk mitigation outcome, more stringent risk mitigation requirements are necessary for CCPs carrying out their activities in larger 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.

(8) The financial market in which designated settlement systems authorised in New Zealand carry out their clearing activities is significantly smaller than that in which CCPs established in the Union are active. Over the past 3 years, the total value of derivative transactions cleared in New Zealand represented less than 1 % of the total value of derivative transactions cleared in the Union. Therefore, participation in designated settlement systems established in New Zealand exposes clearing members and trading venues established in the Union to significantly lower risks than their participation in CCPs authorised in the Union.

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

(10) It should therefore be concluded that the legal and supervisory arrangements of New Zealand ensure that designated settlement systems authorised therein comply with legally binding requirements which are equivalent to the requirements laid down in Title IV of Regulation (EU) No 648/2012.

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

(12) The supervision of designated settlement systems authorised in New Zealand is carried out by the joint regulators. The joint regulators may request information from designated settlement systems and their participants and may impose penalties if they refuse to reply. The joint regulators can revoke the authorisation of a designated settlement system. The joint regulators monitor compliance by designated settlement systems with the conditions to which authorisation as a designated settlement system is subject. These conditions can include requirements to notify the joint regulators of material events (such as non-compliance with, or changes to, the system's risk management framework or financial resources policy), regular reports to the joint regulators and to publish information, including a self-assessment against relevant international standards (PFMIs). The joint

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

regulators meet regularly with the senior management of the designated settlement systems and may review the authorisation and subject it to additional conditions or revoke it if the applicable requirements are not complied with.

(13) It should therefore be concluded that designated settlement systems authorised in New Zealand are subject to effective supervision and enforcement on an ongoing basis.

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

(15) Third-country CCPs can operate in New Zealand provided that the legal and supervisory arrangements applicable to them and to their participants are legally robust. Moreover, third-country CCPs must be subject to effective supervision ensuring compliance with the applicable legal and supervisory arrangements. A memorandum of understanding between the Bank of New Zealand and the competent third-country supervisory authority of the CCP may be concluded.

(16) It should therefore be concluded that the legal and supervisory arrangements of New Zealand provide for an effective equivalent system for the recognition of third-country CCPs.

(17) This Decision is based on the legally binding requirements relating to designated settlement systems applicable in New Zealand at the time of the adoption of this Decision. The Commission, in cooperation with ESMA, should continue monitoring on a regular basis the evolution of the legal and supervisory framework for designated settlement systems in New Zealand and the fulfilment of the conditions on the basis of which this Decision has been taken.

(18) The regular review of the legal and supervisory arrangements applicable in New Zealand to CCPs authorised therein should be without prejudice to the possibility of the Commission to undertake a specific review at any time outside the general review, where relevant developments make it necessary for the Commission to re-assess the equivalence granted by this Decision. Such re-assessment could lead to the repeal of this Decision.

(19) 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 paragraph 6 of Article 25 of Regulation (EU) No 648/2012, the legal and supervisory arrangements of New Zealand consisting of Part 5C of the the Reserve Bank of New Zealand Act 1989, as complemented by the policy statement 'The Designation and Oversight of Designated Settlement Systems' requiring designated settlement systems to comply with the PFMIs, and applicable to designated settlement systems 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, 15 December 2016.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING DECISION (EU) 2016/2275

of 15 December 2016

on the equivalence of the regulatory framework for central counterparties in Japan in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council

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 substantive 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. 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.

(3) 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.

(4) 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.

(5) The legally binding requirements of Japan for CCPs 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 CDA for commodity transaction clearing organisations ('CTCOs'). The CDA sets out the requirements that CTCOs must comply with on an ongoing basis to be able to provide clearing services in Japan. CTCOs must be authorised by the competent minister. The competent minister may establish conditions for granting a CTCO license. The minister of the Ministry of Agriculture, Forestry and Fisheries ('MAFF') is the competent minister for CTCOs that perform clearing services only for commodity markets that concern MAFF. The minister of the Ministry of Economy, Trade and Industry ('METI') is the competent minister for CTCOs that perform clearing services only for commodity markets that concern METI. For other CTCOs, both the minsters of METI and MAFF are the competent ministers.

(6) Moreover, in November 2014, METI and the MAFF published the 'Basic Guidelines on Supervision of Commodity Clearing Organisations' ('the Guidelines'), which detail the supervisory framework with regard to CTCOs in

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

consideration of the Principles for Financial Markets Infrastructures ('PFMIs') issued in April 2012 by the Committee on Payment and Settlement Systems ([1]) and the International Organization of Securities Commissions, and in particular the way in which the CDA must be complied with by the CTCOs. The Guidelines are implemented in the internal rules and procedures of CTCOs.

(7) Pursuant to the primary rules, CTCOs must adopt internal business rules — the internal rules and procedures of the CTCO — which conform to the applicable laws and regulations and allow the derivatives transactions to be performed properly and securely. Internal business rules also ensure that the financial standing of CTCOs is sufficient for undertaking the clearing of commodities; that the expected income and expenditure pertaining to the business of CTCOs are favorable; that the CTCOs' staff has sufficient knowledge and experience for conducting the clearing of commodities appropriately and with certainty; and that the structure and system of CTCOs are adequately developed so that settlement can function adequately. Those internal rules and procedures need to be approved by the competent minister and cannot be amended if the competent minister objects to them.

(8) The legally binding requirements applicable to CTCOs authorised in Japan therefore comprise a two-tiered structure. The core principles for CTCOs contained in the primary rules lay down the high-level standards with which CTCOs must comply in order to obtain a license to provide clearing services in Japan (together, the 'primary rules'). Those primary rules comprise the first tier of the legally binding requirements in Japan applicable to CTCOs. In order to prove compliance with the primary rules, CTCOs must submit their internal rules and procedures to the competent minister for approval. Those internal rules and procedures comprise the second tier of the legally binding requirements in Japan applicable to CTCOs, which must provide prescriptive detail regarding the way in which the applicant CTCO will meet those standards in accordance with the Guidelines. Moreover, the internal rules and procedures of CTCOs contain additional provisions which complement the primary rules. METI and MAFF assess compliance by the CTCO with those standards and with the PFMIs. Once approved by competent minister, those internal rules and procedures become legally binding upon the CTCO.

(9) The equivalence assessment of the legal and supervisory arrangements applicable to CTCOs established in Japan should also take into account 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 when participating in those entities. 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 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 an equivalent risk mitigation outcome, more stringent risk mitigation requirements are necessary for CCPs carrying out their activities in larger 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.

(10) The financial market in which CTCOs authorised in Japan carry out their clearing activities is significantly smaller than that in which CCPs established in the Union are active. Over the past three years, the total value of derivative transactions cleared in Japan represented less than 2 % of the total value of derivative transactions cleared in the Union. Therefore, participation in CTCOs established in Japan exposes clearing members and trading venues established in the Union to significantly lower risks than their participation in CCPs authorised in the Union.

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

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

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

(13) According to the second condition under Article 25(6) of Regulation (EU) No 648/2012, 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 supervision of CTCOs authorised in Japan is carried out by the METI and MAFF, within their respective competencies, within each Ministry's scope of powers. METI and MAFF may order CTCOs and their clearing members to submit reports or materials regarding their assets or business. METI and MAFF may also conduct inspections of CTCOs and their clearing members, including examining their books and documents or any other element related to their business. METI and MAFF may, where they consider it to be necessary and appropriate for the proper and reliable performance of clearing services, order CTCOs to amend their articles of incorporation, their business rules and other rules, to change their business methods or to take the necessary measures to improve their business operations or the state of their assets. METI and MAFF may also impose disciplinary actions, as well as fines, to CTCOs for failure to comply with the applicable provisions.

(15) It should therefore be concluded that CTCOs authorised in Japan are subject to effective supervision and enforcement 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 authorisation as a CTCO to provide the same services in Japan as they are authorised to provide in that third country. The Japan Financial Services Agency ('JFSA') has the power to designate commodities, through consultation with the minister which has jurisdiction over a commodity market, that can be traded on a Financial Instruments Market ('FIM') under Japan's Financial Instruments and Exchange Act ('FIEA'). Where third-country CCPs clear such designated contracts traded on a FIM, the CCP can apply for a 'Foreign CCP' license from the JFSA, enabling them to provide the same services in Japan as they are authorised to provide in the third country. The criteria applied to a third country CCP applying for a license are similar to the criteria applied to Japanese clearing organisations, but third country CCPs are exempted from certain requirements applicable to domestic CCPs authorised in Japan where they have been granted an equivalent license from the relevant third country authority with which the JFSA has concluded a cooperative arrangement. Third-country CCPs that clear contracts not designated to be traded on a FIM need to apply for a license from METI and MAFF under Japan's Commodity Derivative Act. In considering an application for a license, MET and MAFF would consider the CCP's authorisation status in the third country.

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

(19) This Decision is based on the legally binding requirements relating to CTCOs applicable in Japan at the time of the adoption of this Decision. The Commission should continue monitoring the evolution of the Japanese legal and supervisory framework for CTCOs and the fulfilment of the conditions on the basis of which this decision has been taken.

(20) The regular review of the legal and supervisory arrangements applicable in Japan to CCPs authorised therein should be without prejudice to the possibility of the Commission, in cooperation with the European Securities Markets Authority, to undertake a specific review at any time outside the general review, where relevant developments make it necessary for the Commission to re-assess the equivalence granted by this Decision. Such re-assessment could lead to the repeal of this Decision.

(21) 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 paragraph 6 of Article 25 of Regulation (EU) No 648/2012, the legal and supervisory arrangements of Japan consisting of the Commodities Derivatives Act 2009 as complemented by the Basic Guidelines on Supervision of Commodity Clearing Organisations, and applicable to commodity transaction clearing organisations (CTCOs) 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, 15 December 2016.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING DECISION (EU) 2016/2276

of 15 December 2016

on the equivalence of the regulatory framework for central counterparties in Brazil in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council

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 decisions 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 substantive 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 Brazil 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. 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.

(3) 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.

(4) 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.

(5) The legally binding requirements of Brazil for CCPs authorised therein consist of Law 10214 of 27 March 2001 and Resolutions issued by the National Monetary Council (CMN), Circulars issued by the Central Bank of Brazil (BCB) and Instructions issued by the Brazilian Securities and Exchange Commission (CVM) adopted pursuant to it. In particular, Resolution 2882, as amended by Resolution 3081, regulates the activities of clearing houses and of clearing services providers, sets out the principles applicable to the functioning of clearing houses and clearing services providers and empower the BCB to regulate, authorise and supervise clearing houses and clearing services providers.

(6) Clearing houses and clearing services providers established in Brazil have to be authorised by the BCB to provide clearing services. When considering authorisation as a clearing house or as a provider of clearing services, the BCB must take into account the soundness, the normal functioning and the improvement of the Brazilian payments system. The BCB may also specify 'such conditions as it considers appropriate' before granting such

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

authorisation or afterwards, based on financial system stability, risk and efficiency of clearing houses and clearing service providers. Clearing houses that operate a systemically important system creating risks to the strength and to the smooth functioning of the Brazilian financial system, which is to be determined by the BCB depending on the clearing systems' volume and nature, may be subject to different rules than the rest of clearing houses and clearing service providers.

(7) The BCB has adopted different measures in order to implement Resolution 2882 and to ensure compliance by clearing houses and clearing services providers with the values, principles and rules applicable to the payment system. In particular, Circular 3057 contains the detailed regulation for the functioning of clearing houses and clearing service providers and sets out several requirements that they must comply with, including capital requirements, transparency standards, risk control measures and operational requirements. The BCB issued Policy Statement No 25097 on the adoption of the Principles for Financial Markets Infrastructures ('PFMIs') issued in April 2012 by the Committee on Payment and Settlement Systems ([1]) ('CPSS') and the International Organization of Securities Commissions ('IOSCO'), by which the BCB applies the PFMIs in its supervision and oversight of clearing houses and clearing services providers.

(8) Pursuant to Circular 3057, clearing houses and clearing service providers must adopt internal rules and procedures ensuring compliance with all relevant requirements and containing all the relevant aspects related to its function, including the safeguards to manage credit, liquidity and operational risk. Those internal rules and procedures are submitted to, and firstly assessed by, the BCB in the authorisation procedure. In addition, material changes to the internal rules and procedures have to also be approved by the BCB. Any other non-material changes to internal rules and procedures must be communicated to the BCB before 30 days after the changes have been made, and the BCB can oppose them.

(9) The legally binding requirements applicable to CCPs authorised in Brazil therefore comprise a two-tiered structure. The core principles contained in Law 10214, and the Resolutions, Circulars and Instructions adopted pursuant to it set out the high-level standards with which clearing houses and clearing service providers must comply in order to obtain authorisation to provide clearing services in Brazil (together, the 'primary rules'). Those primary rules comprise the first tier of the legally binding requirements in Brazil. In order to prove compliance with the primary rules, clearing houses and clearing service providers must submit their internal rules and procedures to BCB for approval or non-objection. Those internal rules and procedures comprise the second tier of the legally binding requirements in Brazil, which must provide prescriptive detail regarding the way in which the clearing houses and clearing service providers will meet those standards. BCB will assess compliance by clearing houses and clearing service providers with those standards and with the PFMIs. Once approved by BCB, the internal rules and procedures become legally binding upon the clearing houses and clearing service providers.

(10) The equivalence assessment of the legal and supervisory arrangements applicable to clearing houses and clearing services providers in Brazil should also take into account 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 when participating in those entities. 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 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 an equivalent risk mitigation outcome, more stringent risk mitigation requirements are necessary for CCPs carrying out their activities in larger 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.

(11) The financial market in which clearing houses and clearing services providers established in Brazil carry out their clearing activities is significantly smaller than that in which CCPs established in the Union are active. Over the past 3 years, the total value of derivative transactions cleared in Brazil represented less than 3 % of the total value of derivative transactions cleared in the Union. Therefore, participation in clearing houses and clearing services providers exposes clearing members and trading venues established in the Union to significantly lower risks than their participation in CCPs authorised in the Union.

(12) The legal and supervisory arrangements applicable to clearing houses and clearing services providers established in Brazil may therefore be considered as equivalent where they are appropriate to mitigate that lower level of risk.

([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').

The primary rules applicable to clearing houses and clearing services providers complemented by their internal rules and procedures which require compliance with the PFMIs, mitigate the lower level of risk existing in Brazil and achieve a risk mitigation outcome equivalent to that pursued by Regulation (EU) No 648/2012.

(13) It should therefore be concluded that the legal and supervisory arrangements of Brazil ensure that clearing houses and clearing service providers authorised therein comply with legally binding requirements which are equivalent to the requirements laid down in Title IV of Regulation (EU) No 648/2012.

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

(15) The BCB conducts ongoing monitoring of clearing houses' and clearing service providers' compliance with the legally binding requirements applicable to them. The BCB has, in addition, several means to ensure such compliance. In particular, BCB has the power to request information from clearing houses and clearing services providers, issue warning notices to them and request them to make certain amendments to their rules as deemed necessary. In addition, the BCB may also impose fines for any infringement by clearing houses or clearing services providers of the legally binding requirements applicable to them and has the power to even withdraw their authorisations.

(16) It should therefore be concluded that clearing houses and clearing service providers authorised in Brazil are subject to effective supervision and enforcement on an ongoing basis.

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

(18) CCPs authorised in a third country in which the legal and supervisory arrangements ensure similar outcomes to those ensured by the legal and supervisory arrangements applicable in Brazil and which comply with the PFMIs, which have equivalent regulation on anti-money laundering, and in which CCPs are subject to effective supervision may provide services in Brazil. The conclusion of cooperation arrangements between BCB and the competent third-country authority of the applicant CCP is also required for recognition to be granted.

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

(20) This Decision is based on the legally binding requirements relating to clearing houses and clearing services providers applicable in Brazil at the time of the adoption of this Decision. The Commission should continue monitoring on a regular basis the evolution of the legal and supervisory framework for clearing houses and clearing services providers and the fulfilment of the conditions on the basis of which this decision has been taken.

(21) The regular review of the legal and supervisory arrangements applicable in Brazil to CCPs authorised therein should be without prejudice to the possibility of the Commission to undertake a specific review at any time outside the general review, where relevant developments make it necessary for the Commission to re-assess the equivalence granted by this Decision. Such re-assessment could lead to the repeal of this Decision.

(22) 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 paragraph 6 of Article 25 of Regulation (EU) No 648/2012, the legal and supervisory arrangements of Brazil consisting of Law 10214 and the Resolutions, Circulars and Instructions adopted pursuant to it, as complemented by the Policy Statement No 25097 on the adoption of the Principles for Financial Markets Infrastructures for the oversight of activities of central counterparties participating in the Brazilian Payments System, and applicable to clearing houses and clearing services providers 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 the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 15 December 2016.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING DECISION (EU) 2016/2277

of 15 December 2016

on the equivalence of the regulatory framework for central counterparties in the Dubai International Financial Centre in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council

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 substantive 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 the Dubai International Financial Centre (hereafter 'the DIFC') 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. 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.

(3) 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.

(4) 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.

(5) The legally binding requirements of the DIFC for CCPs authorised therein consist of the Regulatory Law 2004 and the Markets Law 2012 (the DIFC Regulations). These are supplemented by the Dubai Financial Services Authority ('DFSA') Rulebook which contains a Module on Authorised Market Institutions ('AMIs').

(6) CCPs established in the DIFC must be authorised by the DFSA as AMIs. The present Decision only relates to the regime applicable to AMIs that carry out the authorised financial service of operating a clearing house in the DIFC. To be granted an authorisation for clearing, AMIs have to fulfil specific requirements set out by the DFSA and in the DFSA Rulebook. AMIs must operate clearing facilities safely and effectively and to manage prudently the risks associated with their business and operations. They also have to have sufficient financial, human and system resources.

(7) The DIFC Regulations fully 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 ([2]) ('CPSS') and the International Organization of Securities Commissions ('IOSCO').

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

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

(8) The DIFC Regulations also require AMIs to adopt internal rules and procedures ensuring compliance with all relevant requirements and that are necessary for the proper regulation of its clearing and settlement facilities. AMI Rule 5.6 requires AMIs' internal rules and procedures to contain specific provisions including default rules. Those internal rules and procedures, as well as any amendments, have to be submitted to DFSA prior to their implementation. DFSA can reject or require amendments to the proposed rules. Under the DIFC Regulations, internal rules of AMIs are legally binding and enforceable against members and other participants.

(9) The legally binding requirements applicable to AMIs authorised in the DIFC therefore comprise a two-tiered structure. The core principles contained in the DFSA Rulebook and the DIFC Regulations set out the high-level standards which AMIs must comply with in order to obtain authorisation to provide clearing services in the DIFC (together, the 'primary rules'). Those primary rules comprise the first tier of the legally binding requirements in the DIFC. In order to prove compliance with the primary rules, AMI Rule 5.6 on 'Business Rules' requires AMIs to establish and submit their internal rules and procedures to the DFSA for approval prior to their implementation and DFSA can prevent or disallow them. Those internal rules and procedures comprise the second tier of requirements in the DIFC.

(10) The equivalence assessment of the legal and supervisory arrangements applicable to AMIs in the DIFC should also take into account 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 when participating in those entities. 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 an equivalent risk mitigation outcome, more stringent risk mitigation requirements are necessary for CCPs carrying out their activities in larger 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.

(11) The financial market in which AMIs authorised in the DIFC carry out their clearing activities is significantly smaller than that in which CCPs established in the Union are active. Since 2011 there has been minimal trading or clearing in derivatives. Therefore, participation in CCPs authorised in the DIFC exposes clearing members and trading venues established in the Union to significantly lower risks than their participation in CCPs authorised in the Union.

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

(13) It should therefore be concluded that the legal and supervisory arrangements of the DIFC ensure that AMIs authorised therein comply with legally binding requirements which are equivalent to the requirements laid down in Title IV of Regulation (EU) No 648/2012.

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

(15) The DFSA, as the supervisor of AMIs, monitors AMIs in the DIFC to ensure compliance with applicable rules. The DFSA has the comprehensive power to authorise and penalise them including, among other things, the power to cancel the license of AMIs and the power to impose sanctions on them. Day-to-day supervision is conducted by the DFSA. The DFSA adopts a continuous risk management cycle comprising the identification, assessment, prioritisation and mitigation of risks. The Regulatory Law 2004 gives the DFSA strong powers to enforce its laws and rules. The DFSA is empowered to conduct investigations into suspected contraventions of its rules, and has powers to conduct inspections, compulsorily obtain books and records, or require individuals to

participate in interviews under oath or affirmation. The DFSA is able to, among other things, impose financial penalties, issue public censures, and ban persons from undertaking activities on the DIFC.

(16) It should therefore be concluded that AMIs authorised in the DIFC are subject to effective supervision and enforcement on an ongoing basis.

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

(18) Third-country CCPs which want to clear derivatives in the DIFC have to apply to the DFSA for recognition. The Recognition Module sets out the criteria and the process for recognition.

(19) In order for recognition to be granted, the jurisdiction in which the CCP is established must have a sufficiently robust regulatory regime similar to the legal and supervisory arrangements applicable in the DIFC. The conclusion of cooperative arrangements between DIFC and competent third-country authorities is also required before the third-country CCP application is approved.

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

(21) This Decision is based on the legally binding requirements relating to AMIs applicable in the DIFC at the time of the adoption of this Decision. The Commission, in cooperation with ESMA, should continue monitoring on a regular basis the evolution of the legal and supervisory framework for AMIs and the fulfilment of the conditions on the basis of which this decision has been taken.

(22) The regular review of the legal and supervisory arrangements applicable in the DIFC to CCPs authorised therein should be without prejudice to the possibility of the Commission to undertake a specific review at any time outside the general review, where relevant developments make it necessary for the Commission to re-assess the equivalence granted by this Decision. Such re-assessment could lead to the repeal of this Decision.

(23) 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 paragraph 6 of Article 25 of Regulation (EU) No 648/2012, the legal and supervisory arrangements of the DIFC consisting of the DIFC Regulations and the DFSA Rulebook, and applicable to Authorised Market Institutions 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, 15 December 2016.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING DECISION (EU) 2016/2278

of 15 December 2016

on the equivalence of the regulatory framework for central counterparties in the United Arab Emirates in accordance with Regulation (EU) No 648/2012 of the European Parliament and of the Council

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 decisions 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 substantive 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 the United Arab Emirates ('UAE') 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. 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.

(3) 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.

(4) 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.

(5) The legally binding requirements of the UAE for CCPs authorised therein consist of the Regulations ('the regulations') issued by the UAE Securities and Commodities Authority (SCA). The regulations set out the requirements that CCPs have to comply with on an ongoing basis to be able to provide clearing services in the UAE. These comprise of Decision No 157\R of 2005 which defines a Clearing Agency and the SCA Board Decision No 11 of 2015 which set out requirements for CCPs. CCPs established in the UAE have to be authorised by the SCA.

(6) The SCA has issued a regulation (SCA Board Decision No 11 of 2015) requiring CCPs authorised in the UAE to comply with the Principles for Financial Markets Infrastructures ('PFMIs') issued in April 2012 by the Committee on Payment and Settlement Systems ([2]) and the International Organization of Securities Commissions.

([1]) OJ L 201, 27.7.2012, p. 1.
([2]) As of 1 September 2014 the Committee on Payment and Settlement Systems has changed its name to Committee on Payment and Market Infrastructures.

(7) Pursuant to the regulations, CCPs must adopt internal rules and procedures ensuring compliance with all relevant requirements and containing all the relevant aspects related to its function, including the safeguards to manage credit, liquidity and operational risk. Those internal rules and procedures need to be approved by the SCA. Moreover, those internal rules and procedures cannot be amended if the SCA objects to the intended amendments. Moreover, the methodologies for the calculation of the financial resources and the stress test scenarios that a CCP uses are subject to the approval of the SCA.

(8) The legally binding requirements applicable to CCPs authorised in the UAE therefore comprise a two-tiered structure. The core principles contained in the regulations, particularly SCA Board Decision No 11 of 2015, lay down the high-level standards with which CCPs must comply in order to obtain authorisation to provide clearing services in the UAE. Those regulations comprise the first tier of the legally binding requirements in the UAE. The internal rules and procedures of the CCP comprise the second tier of the legally binding requirements in the UAE. The SCA assesses compliance by the CCP with the regulations and with the PFMIs. Once approved by the SCA, the internal rules and procedures become legally binding upon the CCP.

(9) The equivalence assessment of the legal and supervisory arrangements applicable to CCPs established in the UAE should also take into account 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 when participating in those entities. 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 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 an equivalent risk mitigation outcome, more stringent risk mitigation requirements are necessary for CCPs carrying out their activities in larger 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.

(10) The financial market in which CCPs authorised in the UAE carry out their clearing activities is significantly smaller than that in which CCPs established in the Union are active. Over the past 3 years, the total value of derivative transactions cleared in the UAE represented less than 1 % of the total value of derivative transactions cleared in the Union. Therefore, participation in CCPs established in the UAE exposes clearing members and trading venues established in the Union to significantly lower risks than their participation in CCPs authorised in the Union.

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

(12) It should therefore be concluded that the legal and supervisory arrangements of the UAE 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.

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

(14) The supervision of CCPs authorised in the UAE is carried out by the SCA. The SCA is empowered to conduct ongoing monitoring of CCPs' compliance with the legally binding requirements applicable to them. In this sense, the SCA may request information from CCPs, carry out on-site inspections, issue instructions to remedy infringements or potential infringements of the prudential requirements or practices which are against the well-functioning of the financial markets and order CCPs to set up internal control and risk control measures. The SCA can also remove the management, some members of specific committees and other staff of the CCP.

Further, the SCA is empowered to revoke the CCP's authorisation. The SCA may also impose disciplinary actions, as well as fines, to CCPs for failure to comply with the legally binding requirements applicable to them.

(15) It should therefore be concluded that CCPs authorised in the UAE are subject to effective supervision and enforcement 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 the UAE must include an effective equivalent system for the recognition of CCPs authorised under third-country legal regimes ('third-country CCPs').

(17) The SCA may recognise CCPs which are authorised in third countries in which the legal and supervisory arrangements ensure similar outcomes to those ensured by the legal and supervisory arrangements applicable in the UAE. Moreover, third-country CCPs must be subject to effective supervision ensuring compliance with the applicable legal and supervisory arrangements. The conclusion of a memorandum of understanding between the UAE and the competent third-country supervisory authority of the applicant CCP is also required for recognition to be granted.

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

(19) This Decision is based on the legally binding requirements relating to CCPs applicable in the UAE at the time of the adoption of this Decision. The Commission, in cooperation with ESMA, should continue monitoring on a regular basis the evolution of the legal and supervisory framework for CCPs in the UAE and the fulfilment of the conditions on the basis of which this decision has been taken.

(20) The regular review of the legal and supervisory arrangements applicable in the UAE to CCPs authorised therein should be without prejudice to the possibility of the Commission to undertake a specific review at any time outside the general review, where relevant developments make it necessary for the Commission to re-assess the equivalence granted by this Decision. Such re-assessment could lead to the repeal of this Decision.

(21) 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 paragraph 6 of Article 25 of Regulation (EU) No 648/2012, the legal and supervisory arrangements of the UAE consisting of the Regulations issued by the UAE Securities and Commodities Authority (SCA), as complemented by the application of the Principles for Financial Markets Infrastructures enacted by SCA Board Decision No 11 of 2015, and applicable to CCPs 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, 15 December 2016.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING DECISION (EU) 2016/2279

of 15 December 2016

amending the Annex to Implementing Decision (EU) 2016/2122 on protective measures in relation to outbreaks of the highly pathogenic avian influenza of subtype H5N8 in certain Member States

(notified under document C(2016) 8835)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

(1) Commission Implementing Decision (EU) 2016/2122 ([3]) was adopted following outbreaks of highly pathogenic avian influenza of subtype H5N8 in holdings in Denmark, Germany, Hungary, the Netherlands, Austria and Sweden ('the concerned Member States') and the establishment of protection and surveillance zones by the competent authority of the concerned Member States in accordance with Council Directive 2005/94/EC ([4]).

(2) Implementing Decision (EU) 2016/2122 provides that the protection and surveillance zones established by the concerned Member States in accordance with Directive 2005/94/EC are to comprise at least the areas listed as protection and surveillance zones in the Annex to that Implementing Decision.

(3) Following further outbreaks of avian influenza of subtype H5N8 in Germany, Hungary and the Netherlands, as well as outbreaks of that disease in France and Poland, the Annex to Implementing Decision (EU) 2016/2122 was amended by Commission Implementing Decision (EU) 2016/2219 ([5]) in order to amend the areas listed in the Annex to Implementing Decision (EU) 2016/2122 to take account of the new epidemiological situation in the Union and the establishment of new protection and surveillance zones by the competent authorities of those Member States in accordance with Directive 2005/94/EC.

(4) Since the date of the amendments made to Implementing Decision (EU) 2016/2122 by Implementing Decision (EU) 2016/2219, Germany has notified the Commission of an outbreak of avian influenza of subtype H5N8 in a holding where captive birds are kept outside the areas currently listed in the Annex to Implementing Decision (EU) 2016/2122 where poultry or other captive birds are kept and it has taken the necessary measures required in accordance with Directive 2005/94/EC, including the establishment of protection and surveillance zones around that outbreak.

(5) In addition, since the date of the amendments made to Implementing Decision (EU) 2016/2122 by Implementing Decision (EU) 2016/2219, France has notified the Commission of further outbreaks of avian influenza of subtype H5N8 in holdings outside the areas currently listed in the Annex to Implementing Decision (EU) 2016/2122 where poultry are kept and it has taken the necessary measures required in accordance with Directive 2005/94/EC, including the establishment of protection and surveillance zones around those outbreaks.

([1]) OJ L 395, 30.12.1989, p. 13.
([2]) OJ L 224, 18.8.1990, p. 29.
([3]) Commission Implementing Decision (EU) 2016/2122 of 2 December 2016 on protective measures in relation to outbreaks of the highly pathogenic avian influenza of subtype H5N8 in certain Member States (OJ L 329, 3.12.2016, p. 75).
([4]) Council Directive 2005/94/EC of 20 December 2005 on Community measures for the control of avian influenza and repealing Directive 92/40/EEC (OJ L 10, 14.1.2006, p. 16).
([5]) Commission Implementing Decision (EU) 2016/2219 of 8 December 2016 amending the Annex to Implementing Decision (EU) 2016/2122 on protective measures in relation to outbreaks of the highly pathogenic avian influenza of subtype H5N8 in certain Member States (OJ L 334, 9.12.2016, p. 52).

(6) Furthermore, since the date of the amendments made to Implementing Decision (EU) 2016/2122 by Implementing Decision (EU) 2016/2219, Hungary has also notified the Commission of further outbreaks of highly pathogenic avian influenza of subtype H5N8 on its territory. Taking into account further development of the epidemiological situation in Hungary, it is necessary to extend the areas that that Member State has currently established as protection and surveillance zones in accordance with Directive 2005/94/EC.

(7) In all cases, the Commission has examined the measures taken by the Germany, France and Hungary in accordance with Directive 2005/94/EC and has satisfied itself that the boundaries of the protection and surveillance zones, established by the competent authorities of those Member States, are at a sufficient distance to any holding where an outbreak of highly pathogenic avian influenza of subtype H5N8 has been confirmed.

(8) In order to prevent any unnecessary disturbance to trade within the Union and to avoid unjustified barriers to trade being imposed by third countries, it is necessary to rapidly describe at Union level, in collaboration with Germany, France and Hungary, the new protection and surveillance zones established in those Member States in accordance with Directive 2005/94/EC. Therefore, the areas currently listed for those Member States in the Annex to Implementing Decision (EU) 2016/2122 should be amended.

(9) Accordingly, the Annex to Implementing Decision (EU) 2016/2122 should be amended to update regionalisation at Union level to include the new protection and surveillance zones and the duration of the restrictions applicable therein.

(10) Implementing Decision (EU) 2016/2122 should therefore be amended accordingly.

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

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Implementing Decision (EU) 2016/2122 is amended in accordance with the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 15 December 2016.

For the Commission
Vytenis ANDRIUKAITIS
Member of the Commission

ANNEX

The Annex to Implementing Decision (EU) 2016/2122 is amended as follows:

(1) In Part A, the entries for Germany, France and Hungary are replaced by the following:

'Member State: Germany

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
In der Gemeinde **Neukloster** die Ortsteile — Neuhof — Nevern — Neukloster (davon nur betroffen die Straßen Feldstraße beginnend ab Einfahrt Blumenstraße Richtung Neuhof, Blumenstraße, Hopfenbachstraße, Wiesenweg, Hechtskuhl, Gänsekuhl, Pernieker Straße in Richtung Perniek ab Ausfahrt Hopfenbachstraße)	21.12.2016
In der Gemeinde **Glasin** die Ortsteile — Perniek — Pinnowhof	21.12.2016
In der Gemeinde **Züsow** die Ortsteile — Züsow — Tollow	21.12.2016
In der Gemeinde **Quedlinburg** die Ortsteile — Quarmbeck — Bad Suderode — Gernrode	19.12.2016
In der Gemeinde **Ballenstedt** der Ortsteil — Ortsteil Rieder	19.12.2016
In der Gemeinde **Thale** die Ortsteile — Ortsteil Neinstedt — Ortsteil Stecklenberg	19.12.2016
Stadt **Ueckermünde**	17.12.2016
Gemeinde **Grambin**	17.12.2016
In der Gemeinde **Liepgarten** der Ortsteil — Liepgarten	17.12.2016
In der Gemeinde **Demen** der Ort und die Ortsteile — Demen — Kobande — Venzkow	17.12.2016

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Hochtaunuskreis — Die Stadt Königstein — In der Stadt Kronberg die Gemarkungen Kronberg, Schönberg und der nordwestlich der Bebauungsgrenze gelegene Teil der Gemarkung Oberhöchstadt	23.12.2016
Main-Taunus-Kreis — In der Stadt Bad Soden die Gemarkungen Altenhain und Neuenhain — das nordwestlich der Landesstraße 3015 gelegene Gebiet der Stadt Schwalbach am Taunus	23.12.2016

Member State: France

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Les municipalités suivantes dans les départements du Tarn, du Tarn et Garonne et de l'Aveyron (foyers ALMAYRAC et LACAPELLE): ALMAYRAC, BOURNAZEL, CARMAUX, COMBEFA, CORDES-SUR-CIEL, LABASTIDE-GABAUSSE, LACAPELLE-SEGALAR, LAPARROUQUIAL, MONESTIES, MOUZIEYS-PANENS, SAINT-BENOIT-DE-CARMAUX, SAINTE-GEMME, SAINT MARCEL CAMPES, SAINT MARTIN LAGUEPIE, SALLES, LE SEGUR, TREVIEN, VIRAC	6.1.2017
Les municipalités suivantes dans les départements des Pyrénées atlantiques et des Hautes Pyrénées (foyer IBOS): GER et IBOS	2.1.2017
Les municipalités suivantes dans le département du Lot-et-Garonne (foyer MONBAHUS): MONBAHUS, MONVIEL, SEGALAS	2.1.2017
Les municipalités suivantes dans le département du Gers (Foyer MONLEZUN): MONLEZUN, PALLANNE, RICOURT, SAINT-JUSTIN	2.1.2017
Les municipalités suivantes dans le département du Gers (foyer EAUZE BEAUMONT): EAUZE, LAURAET, BEAUMONT, MOUCHAN	2.1.2017

Member State: Hungary

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Északon a Bugacot Móricgáttal összekötő 54105-ös úton haladva az 54102 és 54105 elágazástól 3km Délnyugat felé haladva a Tázlárt Kiskunmajsával összekötő 5405-ös út felé, az 5405-ös úton Tázlártól 9 km-re a Kiskörösi/Kiskunmajsai Járások határától 0,8 km Kelet felé haladva Szank belterület határától 0,5 km	2.1.2017

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Dél felé haladva a Szankot felől az 5405-ös út felé tartó út és az 5405-ös út elágazási pontja.	
Dél felé haladva az 5402-es út felé Kiskunmajsa belterület határától 3,5 km az 5402-es út mentén távolodva Kiskunmajsától.	
Délkeleti irányban az 5409-es út Kiskunmajsa belterület határától 5 km	
Dél-Délkelet felé haladva az 5405-ös út felé az 5405-ös és az 5442-es út elágazásától nyugat felé 0,5 km	
Déli irányba haladva a megyehatárig	
A megyehatár mentén haladva délkelet, majd 3 km után észak felé az 54 11-es útig	
A megyehatár 5411-es úttól 6 km -re lévő töréspontjától déli irányban 1,5 km	
A megyehatár következő töréspontja előtt 0,4 km	
A megyehatáron haladva északnyugat felé haladva 4km-t majd északkelet felé haladva az M5 autópályától 3 km	
Nyugat felé haladva az 5405-ös úton Jászszentlászló belterület határától 1km	
Dél felé haladva 1km, majd északnyugat felé haladva 1 km, majd észak felé haladva az 5405-ös útig	
Az 5405-ös úton Móricgát felé haladva a következő töréspontig	
Északkelet felé haladva 2 km, majd északnyugat felé haladva a kiindulópontig, valamint Csongrád megye Mórahalom és Kistelek járásainak az N46,458679 és az E19,873816; és az N46,415988 és az E19,868078; és az N46,4734 és az E20,1634, és az N46,540227, E19,816115 és az	
N46,469738 és az E19,8422, és az	
N46,474649 és az E19,866126, és az	
N46,406722 és az E19,864139, és az	
N46,411634 és az E19,883893, és az	
N46,630573 és az E19,536706, és az	
N46,628228 és az E19,548682, és az	
N46,63177 és az E19,603322, és az	
N46,626579 és az E19,652752, és az	
N46,568135 és az E19,629595, és az	
N46,593654 és az E19,64934, és az	
N46,567552 és az E19,679839, és az	
N46,569787 és az E19,692051, és az	
N46,544216 és az E19,717363, és az	
N46,516493 és az E19,760571, és az	
N46,555731 és az E19,786764, és az	
N46,5381 és az E19,8205, és az	
N46,5411 és az E19,8313, és az	
N 46,584928 és az E19,675551, és az	
N46,533851 és az E 19,811515, és az	
N46,47774167 és az E19,86573056, és az	
N46,484255 és az E19,792816, és az	
N46,615774 és az E19,51889, és az	
N46,56963889 és az E19,62801111, és az	
N46.55130833 és az E19.67718611, és az	

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
N46.580685 és az E19.591378, és az N46.580685 és az E19.591378, és az N46.674795 és az E19.501413, és az N46.672415 és az E19.497671, és az N46.52703 és az E19.75514, és az N46.623383 és az E19.435333, és az N46.55115 és az E19.67295, és az N46.533444 és az E19.868219, és az N46.523853 és az E19.885318, és az N46.535252 és az E19.808912, és az N46.59707 és az E19.45574, és az N46.65772 és az E19.525666, és az N46.593111 és az E19.492923, és az N46.639516 és az E19.542554, és az N46.594811 és az E19.803715, és az N46.5460333 és az E19.77916944, és az N46.57636389 és az E19.58059444 és az N46.676398 és az E19.505054, és az N46.38947 és az E19.858711, és az N46.58072 és az E19.74044, és az N46.6109778 és az E19.88599722, és az N46.674375, és az E19.496807, és ez N46.675336, és az E19.498997 és az N46.665379 és az E19.489808 és az N46.496419 és az E19.911004, és az N46.620021 és az E19.552464, és az N46.3869556, és az E19.77618056, és az N46.5460333 és az E19.77916944, és az N46.551986 és az E19.79999 és az N46.46118056 és az E19.71168333, és az N46.48898611 és az E19.88049444, és az N46.53697222, és az E19.68341111, és az N46.591604, és az E19.49531, és az N46.5171417 és az E19.67016111, és az N46.5158, és az E19.67768889, és az N46.52391944 és az E19.68843889 és az N46.53138889 és az E19.62005556, és az N46.4061972 és az E19.73322778, és az N46.52827778 és az E19.64308333, és az N46.533121 és az E19.518341, és az N46.574084 és az E19.740144, és az N46.553554 és az E19.75765, és az N46.657184 és az E19.531355, és az N46.5618333 és az E19.76470278, és az N46.516606 és az E19.886638, és az N46.551673 és az E19.491094, és az N46.551723 és az N19.779836, és az N46.603375, és az E19.90755278, és az N46.547736, és az E19.535668, és az N46.544789 és az E19.516968, és az N46.550743 és az E19.496889, és az N46.382844 és az E19.86408, és az N46.57903611 és az E19.72372222, és az N46.590227, É19.710753, és az N46.521458 és az E19.642231, és az N46.579435 és E19.464347, és az N46.616864 és az E19.548472, és az N46.50325556 és az E19.64926389, és az N46.518133 és az E19.6784, és az N46.557763 és az E19.901849 és az N46.484193 és az E19.69385, és az N46.52626111 és az E19.64352778 és az N46.500159 és az E19.655886 és az N46,5957889 és az E 19,87722778 és az N46.589767 és az E19.753633 és az N46,5886056 és az E19,88189167 GPS koordináták által meghatározott pontok körüli 3 km sugarú körön belül eső részei	
Bács-Kiskun megye Kiskunfélegyházi, Kecskeméti és Kiskunmajsai járásának az N46.682422 és az E19.638406, az N46.685278 és az E19.64, valamint az N46.689837 és az E19.674396 GPS-koordináták által meghatározott pontok körüli 3 km sugarú körön belül eső részei, továbbá Móricgát-Erdőszéplak település teljes belterülete	23.12.2016
Bács-Kiskun megye Kiskunhalasi járásának az N46.268418 és az E19.573609, az N46.229847 és az E19.619350, az N46.241335 és az E19.555281, valamint az N46.244069 és az E19.555064 GPS-koordináták által meghatározott pontok körüli 3 km sugarú körön belül eső részei, valamint Kelebia-Újfalu település teljes belterülete	5.1.2017
Csongrád megye Mórahalom járásának az N46.342763 és az E19.886990, és az N46,3632 és az E19,8754, és az N46.362391 és az E19.889445, vaalmint az N46.342783 és az E19.802446 GPS-koordináták által meghatározott pontok körüli 3 km sugarú körön belül eső részei, valamint Forráskút, Üllés és Bordány települések teljes beépített területe	30.12.2016
Jász-Nagykun-Szolnok megye Kunszentmártoni és Mezőtúri járásának az N46.8926211 és az E20.367360, valamint az N46.896193 és az E20.388287 GPS-koordináták által meghatározott pontok körüli 3 km sugarú körön belül eső részei	16.12.2016

Area comprising:	Date until applicable in accordance with Article 29(1) of Directive 2005/94/EC
Bács-Kiskun megye Kiskunfélegyházi és Kecskeméti járásának az N46.665317 és az E19.805388, az N46.794889 és az E19.817377, az N46.774805 és az E19.795087, valamint az N46.762825 és az E19.857375 GPS-koordináták által meghatározott pontok körüli 3 km sugarú körön belül eső részei	31.12.2016
Békés megye Sarkadi járásának az N46.951822 és az E21.603480 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső részei	23.12.2016
Csongrád megye Szentesi járásának az N46.682909 és az E20.33426, valamint az N46.619294 és az E20.390083 GPS-koordináták által meghatározott pontok körüli 3 km sugarú körön belül eső részei	24.12.2016
Békés megye Orosházi, Mezőkovácsházi és Békécsabai járásának az N46.599129 és az E21.02752, az N46.595641 és az E21.028533, az N46.54682222 és az E20.8927, valamint az N46.654794 és az E20.948188 GPS-koordináták által meghatározott pontok körüli 3 km sugarú körön belül eső részei, valamint Szabadkígyós és Medgyesbodzás-Gábortelep települések teljes belterülete	27.12.2016
Bács-Kiskun megye Kiskunfélegyházi járásának, valamint Csongrád megye Kisteleki járásának az N46.544052 és az E19.968252, valamint az N46.485451 és az E20.027345 GPS-koordináták által meghatározott pontok körüli 3 km sugarú körön belül eső részei	28.12.2016
Csongrád megye Szegedi, Hódmezővásárhelyi és Makói járásának az N46.306591 és az E20.268039 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső részei	27.12.2016
Békés megye Gyomaendrődi járásának az N46.992986 és az E20.888836 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső részei	31.12.2016
Békés megye Orosházi járásának az N46.5953 és az E20.62686 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső részei, valamint Orosháza-Szentetornya település belterülete, valamint Orosháza-Rákóczitelep és Orosháza-Gyopárosfürdő települések belterületének a 4406-os és a 47-es utaktól északra és nyugatra eső belterülete	2.1.2017
Jász-Nagykun Szolnok megye Kunszentmártoni járásának és Bács-Kiskun megye Tiszakécskei járásának az N46.853433 és az E20.139858 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső részei	2.1.2017
Csongrád megye Szegedi járásának az N46.151747 és az E20.290045 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső részei	5.1.2017’

(2) In Part B, the entries for Germany, France and Hungary are replaced by the following:

'Member State: Germany

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Die Gemeinde **Kirch Mulsow** gesamt	30.12.2016
In der Gemeinde **Jürgenshagen** die Ortsteile — Klein Sein — Moltenow — Klein Gnemern — Ulrikenhof	30.12.2016
In der Gemeinde **Bernitt** die Ortsteile — Glambeck — Jabelitz — Göllin — Käterhagen — Neu Käterhagen — Hermannshagen	30.12.2016
In der Gemeinde **Cariner Land** der Ortsteil — Klein Mulsow	30.12.2016
In der Gemeinde **Jesendorf** die Ortsteile — Büschow — Neperstorf	30.12.2016
In der Gemeinde **Warin** die Ortsteile — Allwardtshof — Mankmoos — Neu Pennewitt — Pennewitt	30.12.2016
In der Gemeinde **Benz** die Ortsteile — Benz — Gamehl — Goldebee — Kalsow — Warkstorf	30.12.2016
In der Gemeinde **Lübow** der Ortsteil — Levetzow	30.12.2016
In der Gemeinde **Hornstorf** die Ortsteile — Hornstorf — Kritzow — Rohlstorf — Rüggow	30.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
In der Gemeinde **Neuburg** die Ortsteile — Hagebök — Ilow — Kartlow — Lischow — Madsow — Nantrow — Neu Farpen — Neu Nantrow — Neuburg — Neuendorf — Steinhausen — Tatow — Vogelsang — Zarnekow	30.12.2016
In der Gemeinde **Neukloster** die Ortsteile — Neukloster — Rügkamp — Ravensruh — Sellin	30.12.2016
In der Gemeinde **Lübberstorf** die Ortsteile — Lübberstorf — Lüdersdorf — Neumühle	30.12.2016
In der Gemeinde **Glasin** die Ortsteile — Babst — Glasin — Groß Tessin — Poischendorf — Strameuß — Warnkenhagen	30.12.2016
In der Gemeinde **Passe** die Ortsteile — Alt Poorstorf — Goldberg — Höltingsdorf — Neu Poorstorf — Passee — Tüzen	30.12.2016
In der Gemeinde **Züsow** die Ortsteile — Bäbelin — Teplitz — Wakendorf	30.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
In der Gemeinde **Neukloster** die Ortsteile — Neuhof — Nevern — Neukloster (davon nur betroffen die Straßen Feldstraße beginnend ab Einfahrt Blumenstraße Richtung Neuhof, Blumenstraße, Hopfenbachstraße, Wiesenweg, Hechtskuhl, Gänsekuhl, Pernieker Straße in Richtung Perniek ab Ausfahrt Hopfenbachstraße)	22.12.2016 to 30.12.2016
In der Gemeinde **Glasin** die Ortsteile — Perniek — Pinnowhof	22.12.2016 to 30.12.2016
In der Gemeinde **Züsow** die Ortsteile — Züsow — Tollow	22.12.2016 to 30.12.2016
Gemeinde **Ditfurt**	28.12.2016
In der Stadt **Quedlinburg** die Ortsteile — Gersdorfer Burg — Morgenrot — Münchenhof — Quarmbeck	28.12.2016
In der Stadt **Ballenstedt** die Ortsteile — Asmusstedt — Badeborn — Opperode — Radisleben — Rieder	28.12.2016
In der Stadt **Harzgerode** die Ortsteile — Hänichen — Mägdesprung	28.12.2016
In der Gemeinde **Blankenburg** die Orte und Ortsteile — Timmenrode — Wienrode	28.12.2016
In der Stadt **Thale** die Ortsteile — Friedrichsbrunn — Neinstedt — Warnstedt — Weddersleben — Westerhausen	28.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
In der Stadt **Torgelow** der Ortsteil — Torgelow-Holländerei	26.12.2016
In der Stadt **Eggesin** mit dem Ortsteil — Hoppenwalde sowie den Wohnsiedlungen — Eggesiner Teerofen — Gumnitz (Gumnitz Holl und Klein Gumnitz) — Karpin	26.12.2016
In der Stadt **Ueckermünde** die Ortsteile — Bellin — Berndshof	26.12.2016
Gemeinde **Mönkebude**	26.12.2016
Gemeinde **Leopoldshagen**	26.12.2016
Gemeinde **Meiersberg**	26.12.2016
In der Gemeinde **Liepgarten** die Ortsteile — Jädkemühl — Starkenloch	26.12.2016
In der Gemeinde **Luckow** die Ortsteile — Luckow — Christiansberg	26.12.2016
Gemeinde **Vogelsang-Warsin**	26.12.2016
In der Gemeinde **Lübs** die Ortsteile — Lübs — Annenhof — Millnitz	26.12.2016
In der Gemeinde **Ferdinandshof** die Ortsteile — Blumenthal — Louisenhof — Sprengersfelde	26.12.2016
Die Stadt **Wolgast** und die Ortsteile — Buddenhagen — Hohendorf — Pritzier — Schlaense — Tannenkamp	21.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
In der Hansestadt **Greifswald** die Stadtteile — Fettenvorstadt — Fleischervorstadt — Industriegebiet — Innenstadt — Nördliche Mühlenvorstadt — Obstbaumsiedlung — Ostseeviertel — Schönwalde II — Stadtrandsiedlung — Steinbeckervorstadt — südliche Mühlenstadt	21.12.2016
In der Hansestadt **Greifswald** die Stadtteile — Schönwalde I — Südstadt	21.12.2016
In der Hansestadt **Greifswald** die Stadtteile — Friedrichshagen — Ladebow — Insel Koos — Ostseeviertel — Riems — Wieck — Eldena	21.12.2016
In der Gemeinde **Groß Kiesow** die Ortsteile — Kessin — Krebsow — Schlagtow — Schlagtow Meierei	21.12.2016
In der Gemeinde **Karlsburg** die Ortsteile — Moeckow — Zarnekow	21.12.2016
In der Gemeinde **Lühmannsdorf** die Ortsteile — Lühmannsdorf — Brüssow — Giesekenhagen — Jagdkrug	21.12.2016
In der Gemeinde **Wrangelsburg** die Ortsteile — Wrangelsburg — Gladrow	21.12.2016
In der Gemeinde **Züssow** der Ortsteil — Züssow	21.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
In der Gemeinde **Neuenkirchen** die Ortsteile — Neuenkirchen — Oldenhagen — Wampen	21.12.2016
In der Gemeinde **Wackerow** die Ortsteile — Wackerow — Dreizehnhausen — Groß Petershagen — Immenhorst — Jarmshagen — Klein Petershagen — Steffenshagen	21.12.2016
In der Gemeinde **Hinrichshagen** die Ortsteile — Hinrichshagen — Feldsiedlung — Heimsiedlung — Chausseesiedlung — Hinrichshagen Hof I und II — Neu Ungnade	21.12.2016
In der Gemeinde **Mesekenhagen** der Ortsteil — Broock	21.12.2016
In der Gemeinde **Levenhagen** die Ortsteile — Levenhagen — Alt Ungnade — Boltenhagen — Heilgeisthof	21.12.2016
In der Gemeinde **Diedrichshagen** die Ortsteile — Diedrichshagen — Guest	21.12.2016
In der Gemeinde **Brünzow** die Ortsteile — Brünzow — Klein Ernsthof — Kräpelin — Stielow — Stielow Siedlung — Vierow	21.12.2016
In der Gemeinde **Hanshagen** der Ortsteil — Hanshagen	21.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
In der Gemeinde **Katzow** die Ortsteile — Katzow — Netzeband	21.12.2016
In der Gemeinde **Kemnitz** die Ortsteile — Kemnitz — Kemnitzerhagen — Kemnitz Meierei — Neuendorf — Neuendorf Ausbau — Rappenhagen	21.12.2016
In der Gemeinde **Loissin** die Ortsteile — Gahlkow — Ludwigsburg	21.12.2016
Gemeinde **Lubmin** gesamt	21.12.2016
In der Gemeinde **Neu Boltenhagen** die Ortsteile — Neu Boltenhagen — Loddmannshagen	21.12.2016
In der Gemeinde **Rubenow** die Ortsteile — Rubenow — Groß Ernsthof — Latzow — Nieder Voddow — Nonnendorf — Rubenow Siedlung — Voddow	21.12.2016
In der Gemeinde **Wusterhusen** die Ortsteile — Wusterhusen — Gustebin — Pritzwald — Konerow — Stevelin	21.12.2016
Gemeinde **Kenz-Küstrow** ohne die im Sperrbezirk liegenden Ortsteile	20.12.2016
In der Gemeinde **Löbnitz** die Ortsteile — Saatel — Redebas — Löbnitz — Ausbau Löbnitz	20.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
In der Gemeinde **Divitz-Spoldershagen** die Ortsteile — Divitz — Frauendorf — Wobbelkow — Spoldershagen	20.12.2016
Stadt **Barth**: restliches Gebiet außerhalb des Sperrbezirks	20.12.2016
In der Gemeinde **Fuhlendorf** die Ortsteile — Fuhlendorf — Bodstedt — Gut Glück	20.12.2016
Gemeinde **Pruchten** gesamt	20.12.2016
Gemeinde **Ostseebad Zingst** gesamt	20.12.2016
In der **Hansestadt Stralsund** die Stadtteile — Voigdehagen — Andershof — Devin	22.12.2016
In der Gemeinde **Wendorf** die Ortsteile — Zitterpenningshagen — Teschenhagen	22.12.2016
Gemeinde **Neu Bartelshagen** gesamt	20.12.2016
Gemeinde **Groß Kordshagen** gesamt	20.12.2016
In der Gemeinde **Kummerow** der Ortsteil — Kummerow-Heide	20.12.2016
Gemeinde **Groß Mohrdorf**: Großes Holz westlich von Kinnbackenhagen ohne Ortslage Kinnbackenhagen	20.12.2016
In der Gemeinde **Altenpleen** die Ortsteile — Nisdorf — Günz — Neuenpleen	20.12.2016
Gemeinde **Velgast**: Karniner Holz und Bussiner Holz nördlich der Bahnschiene sowie Ortsteil Manschenhagen	20.12.2016
Gemeinde **Karnin** gesamt	20.12.2016
In der Stadt **Grimmen** die Ortsteile — Hohenwarth — Stoltenhagen	22.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
In der Gemeinde **Wittenhagen** die Ortsteile — Glashagen — Kakernehl — Wittenhagen — Windebrak	22.12.2016
In der Gemeinde **Elmenhorst** die Ortsteile — Bookhagen — Elmenhorst — Neu Elmenhorst	22.12.2016
Gemeinde **Zarrendorf** gesamt	22.12.2016
In der Gemeinde **Süderholz** die Ortsteile — Griebenow — Dreizehnhausen — Kreutzmannshagen	21.12.2016
In der Gemeinde **Süderholz** die Ortsteile — Willershusen — Wüst Eldena — Willerswalde — Bartmannshagen	22.12.2016
In der Gemeinde **Sundhagen** alle nicht im Sperrbezirk befindlichen Ortsteile	22.12.2016
Gemeinde **Lietzow** gesamt	22.12.2016
Stadt **Sassnitz**: Gemeindegebiet außerhalb des Sperrbezirkes	22.12.2016
Gemeinde **Sagard** gesamt	22.12.2016
In der Gemeinde **Glowe** die Ortsteile — Polchow — Bobbin — Spyker — Baldereck	22.12.2016
Gemeinde **Seebad Lohme** gesamt	22.12.2016
In der Gemeinde **Garz/Rügen** — auf der Halbinsel Zudar ein Uferstreifen von 500 m Breite östlich von Glewitz zwischen Fähranleger und Palmer Ort	21.12.2016
In der Gemeinde **Garz/Rügen** der Ortsteil — Glewitz	22.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
In der Gemeinde **Gustow** die Ortsteile — Prosnitz — Sissow	22.12.2016
In der Gemeinde **Poseritz** der Ortsteil — Venzvitz	22.12.2016
In der Gemeinde **Ostseebad Binz** der Ortsteil — Prora	22.12.2016
In der Gemeinde **Gneven** der Ortsteil — Vorbeck	26.12.2016
In der Gemeinde **Langen Brütz** der Orsteil — Kritzow	26.12.2016
In der Gemeinde Barnin die Orte, Ortsteile und Ortslagen — Barnin — Hof Barnin	26.12.2016
In der Gemeinde **Bülow** der Ort und Ortsteile — Bülow — Prestin — Runow	26.12.2016
In der Gemeinde Stadt **Crivitz** die Orte und Ortsteile — Augustenhof — Basthorst — Crivitz, Stadt — Gädebehn — Kladow — Muchelwitz — Bahnstrecke — Wessin — Badegow — Radepohl	26.12.2016
In der Gemeinde **Demen** der Ortsteil — Buerbeck	26.12.2016
In der Gemeinde **Zapel** der Ort und die Ortsteile — Zapel — Zapel-Hof — Zapel-Ausbau	26.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
In der Gemeinde **Friedrichsruhe** die Ortsteile — Goldenbow — Ruthenbeck — Neu Ruthenbeck und Bahnhof	26.12.2016
In der Gemeinde **Zölkow** der Ort und die Ortsteile — Kladrum — Zölkow — Groß Niendorf	26.12.2016
In der Gemeinde **Dabel** der Ort und die Ortsteile — Dabel — Turloff — Dabel-Woland	26.12.2016
In der Gemeinde **Kobrow** der Ort und die Ortsteile — Dessin — Kobrow I — Kobrow II — Stieten — Wamckow — Seehof — Hof Schönfeld	26.12.2016
In der Gemeinde Stadt **Sternberg** die Gebiete — Obere Seen und Wendfeld — Peeschen	26.12.2016
In der Gemeinde Stadt **Brüel** die Ortsteile — Golchen — Alt Necheln — Neu Necheln	26.12.2016
In der Gemeinde **Kuhlen-Wendorf** der Ort und die Ortsteile — Gustävel — Holzendorf — Müsselmow — Weberin — Wendorf	26.12.2016
In der Gemeinde **Weitendorf** die Orsteile — Jülchendorf — Kaarz — Schönlage	26.12.2016
Stadt **Ueckermünde**	18.12.2016 to 26.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Gemeinde **Grambin**	18.12.2016 to 26.12.2016
In der Gemeinde **Liepgarten** der Ortsteil — Liepgarten	18.12.2016 to 26.12.2016
In der Gemeinde **Mesekenhagen** die Ortsteile — Mesekenhagen — Frätow — Gristow — Kalkvitz — Klein Karrendorf — Groß Karrendorf — Kowall	13.12.2016 to 21.12.2016
In der Gemeinde **Wackerow** die Ortsteile — Groß Kieshof — Groß Kieshof Ausbau — Klein Kieshof	13.12.2016 to 21.12.2016
In der Gemeinde **Neuenkirchen** der Ortsteil — Oldenhagen	13.12.2016 to 21.12.2016
In der Gemeinde **Neu Boltenhagen** die Ortsteile — Neu Boltenhagen — Karbow — Lodmannshagen	13.12.2016 to 21.12.2016
In der Gemeinde **Kemnitz** der Ortsteil — Rappenhagen	13.12.2016 to 21.12.2016
In der Gemeinde **Katzow** der Ortsteil — Kühlenhagen	13.12.2016 to 21.12.2016
In der Gemeinde **Kenz-Küstrow** die Ortsteile — Dabitz — Küstrow — Zipke	11.12.2016 to 20.12.2016
Stadt **Barth** einschließlich Ortsteile — Tannenheim — Glöwitz ohne Ortsteil Planitz	11.12.2016 to 20.12.2016
In der Gemeinde **Sundhagen** der Ortsteil — Jager	13.12.2016 to 22.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
In der Gemeinde **Sundhagen** die Ortsteile — Mannhagen — Wilmshagen — Hildebrandshagen — Altenhagen — Klein Behnkenhagen — Behnkendorf — Groß Behnkenhagen — Engelswacht — Miltzow — Klein Miltzow — Reinkenhagen — Hankenhagen	11.12.2016 to 22.12.2016
In der Stadt **Sassnitz** die Ortsteile — Sassnitz — Dargast — Werder — Buddenhagen	11.12.2016 to 22.12.2016
In der Gemeinde **Sagard**: der See am Kreideabbaufeld nördlich von Dargast	11.12.2016 to 22.12.2016
In der Gemeinde **Demen** der Ort und die Ortsteile — Demen — Kobande — Venzkow	18.12.2016 to 26.12.2016
In der Gemeinde **Quedlinburg** die Ortsteile — Quarmbeck — Bad Suderode — Gernrode	20.12.2016 to 29.12.2016
In der Gemeinde **Ballenstedt** der Ortsteil — Ortsteil Rieder	20.12.2016 to 29.12.2016
In der Gemeinde **Thale** die Ortsteile — Ortsteil Neinstedt — Ortsteil Stecklenberg	20.12.2016 to 29.12.2016
Landkreis Cloppenburg Von der Kreuzung B 401/B 72 in nördlicher Richtung entlang der B 72 bis zur Kreisgrenze, von dort entlang der Kreisgrenze in östlicher und südöstlicher Richtung bis zur L 831 in Edewechterdamm, von dort entlang der L 831 (Altenoyther Straße) in südwestlicher Richtung bis zum Lahe-Ableiter, entlang diesem in nordwestlicher Richtung bis zum Buchweizendamm, entlang diesem weiter über Ringstraße, Zum Kellerdamm, Vitusstraße, An der Mehrenkamper Schule, Mehrenkamper Straße und Lindenweg bis zur K 297 (Schwaneburger Straße), entlang dieser in nordwestlicher Richtung bis zur B 401 und entlang dieser in westlicher Richtung bis zum Ausgangspunkt Kreuzung B 401/B 72	24.12.2016

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Landkreis Ammerland Schnittpunkt Kreisgrenze/Edamer Straße, Edamer Straße, Hauptstraße, Auf der Loge, Zur Loge, Lienenweg, Zur Tonkuhle, Burgfelder Straße, Wischenweg, Querensteder Straße, Langer Damm, An den Feldkämpen, Pollerweg, Ocholter Straße, Westerstede Straße, Steegenweg, Rostruper Straße, Rüschendamm, Torsholter Hauptstraße, Südholter Straße, Westersteder Straße, Westerloyer Straße, Strohen, In der Loge, Buernstraße, Am Damm, Moorweg, Plackenweg, Ihausener Straße, Eibenstraße, Eichenstraße, Klauhörner Straße, Am Kanal, Aper Straße, Stahlwerkstraße, Ginsterweg, Am Uhlenmeer, Grüner Weg, Südgeorgsfehner Straße, Schmuggelpadd, Wasserzug Bitsche bzw. Kreisgrenze, Hauptstraße, entlang Kreisgrenze in südöstlicher Richtung bis zum Schnittpunkt Kreisgrenze/Edamer Straße Das Beobachtungsgebiet umfasst alle an beiden Straßenseiten gelegenen Tierhaltungen	24.12.2016
Landkreis Leer Gemeinde **Detern** Anfang an der Kreisgrenze Cloppenburg-Leer auf der B72 Höhe Ubbehausen. In nördlicher Richtung Ecke "Borgsweg"/ "Lieneweg" weiter in nördlicher Richtung auf den "Deelenweg". Diesem wieder folgend auf den "Handwieserweg". Diesem nordöstlich folgend auf die "Barger Straße" und weiter nördlich auf die Straße "Am Barger Schöpfswerkstief". Dieser östlich folgend, dann nördlich auf die Straße "Fennen" weiter und dieser nördlich folgend auf die Straße "Zur Wassermühle". Nördlich über die Jümme dem Aper Tief folgend in Höhe des "Französischer Weg" auf die "Osterstraße". Von dort Richtung Kreisgrenze zum Landkreis Ammerland und dieser weiter folgend zum Ausgangspunkt Höhe Ubbehausen	24.12.2016
Hochtaunuskreis — Gemeinde Glashütten — Stadt Kronberg mit Ausnahme der Gemarkungen Kronberg, Schönberg und dem nordwestlich der Bebauungsgrenze gelegene Teil der Gemarkung Oberhöchstadt — Stadt Oberursel — Stadt Steinbach — Stadt Bad Homburg mit Ausnahme der Gemarkung Ober-Erlenbach — Stadt Schmitten mit Ausnahme der Gemarkungen Treisberg, Brombach und Hunoldstal — in der Stadt Neu Anspach die Gemarkung Anspach — in der Gemeinde Wehrheim die Gemarkung Obernhain	1.1.2017
Hochtaunuskreis — Die Stadt Königstein — In der Stadt Kronberg die Gemarkungen Kronberg, Schönberg und der nordwestlich der Bebauungsgrenze gelegene Teil der Gemarkung Oberhöchstadt	24.12.2016 to 1.1.2017
Main-Taunus-Kreis — Stadt Bad Soden mit Ausnahme der Gemarkungen Altenhain und Neuenhain — Stadt Eppstein — Stadt Eschborn — Stadt Kelkheim	1.1.2017

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
— Gemeinde Liederbach — Stadt Schwalbach mit Ausnahme des Gebiets nordwestlich der Landesstraße 3015 — Gemeinde Sulzbach — Gemeinde Kriftel — Stadt Hofheim mit Ausnahme der Gemarkungen Marxheim, Diedenbergen und Wallau	
Main-Taunus-Kreis — In der Stadt Bad Soden die Gemarkungen Altenhain und Neuenhain — das nordwestlich der Landesstraße 3015 gelegene Gebiet der Stadt Schwalbach am Taunus	24.12.2016 to 1.1.2017
Rheingau-Taunus-Kreis — in der Gemeinde Waldems die Gemarkung Wüstems — in der Stadt Idstein die Gemarkungen Heftrich, Kröftel und Nieder-Oberrod — in der Gemeinde Niedernhausen die Gemarkung Oberjosbach	1.1.2017
Stadt Frankfurt am Main Die Stadtteile Höchst, Kalbach, Nied, Niederursel, Praunheim, Rödelheim, Sindlingen, Sossenheim, Unterliederbach und Zeilsheim	1.1.2017

Member State: France

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Les municipalités suivantes dans les départements des Pyrénées atlantiques et des Hautes Pyrénées (foyer IBOS): GER, IBOS, AAST, BARZUN, ESPOEY, LIVRON, PONSON-DESSUS, PONTACQ, SAUBOLE, AZEREIX, BORDERES-SUR-L'ECHEZ, GARDERES, GAYAN, JUILLAN, LAGARDE, LANNE, LOUEY, LUQUET, ODOS, OROIX, OSSUN, OURSBELILLE, PINTAC, SERON, TARASTEIX, TARBES	9.1.2017
Les municipalités suivantes dans le département du Lot-et-Garonne (foyer MONBAHUS): MONBAHUS, MONVIEL, SEGALAS, ARMILLAC, BEAUGAS, BOURGOUGNAGUE, CANCON, CASSENEUIL, CASTILLONNES, COULX, DOUZAINS, LAPERCHE, LAUZUN, LAVERGNE, LOUGRATTE, MONCLAR, MONTASTRUC, MONTAURIOL, MONTIGNAC-DE-LAUZUN, MOULINET, PINEL-HAUTERIVE, SAINT-COLOMB-DE-LAUZUN, SAINT-MAURICE-DE-LESTAPEL, SAINT-PASTOUR, SERIGNAC-PEBOUDOU, TOMBEBOEUF, TOURTRES, VILLEBRAMAR	9.1.2017
Les municipalités suivantes dans les départements du Gers et des Hautes Pyrénées (Foyer MONLEZUN): MONLEZUN, PALLANNE, RICOURT, SAINT-JUSTIN, ARMENTIEUX, ARMOUS-ET-CAU, AUX-AUSSAT, BARS, BASSOUES, BEAUMARCHES, BECCAS, BETPLAN, BLOUSSON-SERIAN, CAZAUX-VILLECOMTAL, COURTIES, HAGET, JUILLAC, LAAS, LADEVEZE-RIVIERE, LAGUIAN-MAZOUS, LAVERAET, MALABAT, MARCIAC, MARSEILLAN, MASCARAS, MIELAN, MONCLAR-SUR-LOSSE, MONPARDIAC, POUYLEBON, SAINT-CHRISTAUD, SAINT-MAUR, SCIEURAC-ET-FLOURES, SEMBOUES, TILLAC, TOURDUN, TRONCENS, ANSOST, AURIEBAT, BARBACHEN, BUZON, LAFITOLE, MONFAUCON, SAUVETERRE	9.1.2017

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Les municipalités suivantes dans les départements du Gers (foyer EAUZE BEAUMONT): EAUZE, LAURAET, BEAUMONT, MOUCHAN, LARRESSINGLE, MONTREAL, VALENCE-SUR-BAISE, GONDRIN, MANCIET, RAMOUZENS, LAGARDERE, LARROQUE-SUR-L'OSSE, ESPAS, NOULENS, CASSAIGNE, LANNEPAX, MAIGNAUT-TAUZIA, BASCOUS, FOURCES, REANS, CONDOM, BERAUT, COURRENSAN, CAZENEUVE, ROQUES, BRETAGNE-D'ARMAGNAC, CASTELNAU-D'AUZAN, LAGRAULET-DU-GERS, DEMU, MANSENCOME	9.1.2017
Les municipalités suivantes dans les départements du Tarn, du Tarn et Garonne et de l'Aveyron (foyers ALMAYRAC et LACAPELLE): ALMAYRAC, BOURNAZEL, CARMAUX, COMBEFA, CORDES-SUR-CIEL, LABASTIDE-GABAUSSE, LACAPELLE-SEGALAR, LAPARROUQUIAL, MONESTIES, MOUZIEYS-PANENS, SAINT-BENOIT-DE-CARMAUX, SAINTE-GEMME, SAINT MARCEL CAMPES, SAINT MARTIN LAGUEPIE, SALLES, LE SEGUR, TREVIEN, VIRAC, NAJAC, SAINT-ANDRE-DE-NAJAC, LAGUEPIE, VAREN, VERFEIL, AMARENS, BLAYE-LES-MINES, LES CABANNES, CAGNAC-LES-MINES, CASTANET, DONNAZAC, FRAUSSEILLES, LE GARRIC, ITZAC, JOUQUEVIEL, LABARTHE-BLEYS, LIVERS-CAZELLES, LOUBERS, MAILHOC, MARNAVES, MILHARS, MILHAVET, MIRANDOL-BOURGNOUNAC, MONTIRAT, MONTROSIER, MOULARES, NOAILLES, PAMPELONNE, LE RIOLS, ROSIERES, ROUSSAYROLLES, SAINT-CHRISTOPHE, SAINT-JEAN-DE-MARCEL, SOUEL, TAIX, TANUS, TONNAC, VALDERIES, VILLENEUVE-SUR-VERE, VINDRAC-ALAYRAC, SAINTE-CROIX	13.1.2017

Member State: Hungary

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Az alábbi utak által behatárolt terület: Az 52-es út az M5-52-es kecskeméti csomópontjától nyugat felé az 52-es út az 5301-es becsatlakozásáig. Innen délnyugat felé 5301-es az 5309-es út becsatlakozásáig. Innen dél felé Kiskunhalasig. Kiskunhalastól kelet felé az 5408-as úton Bács-Kiskun és Csongrád megye határáig. Innen a megyehatárt követve északkeletre majd északra a 44-es útig. A 44-es úton nyugatra az 52-M5 csatlakozási kiindulás pontig, valamint Csongrád megye Mórahalom és Kistelek járásainak a védőkörzet vonatkozásában meghatározott részén kívüli, az N46,458679 és az E19,873816; és az N46,415988 és az E19,868078; és az N46,4734 és az E20,1634, valamint a N46,540227, és az E19,816115, és az valamint az N46,469738 és az E19,8422, és az N46,474649 és az E19,866126, és az N46,406722 és az E19,864139, és az N46,411634 és az E19,883893, és az N46,630573 és az E19,536706, és az N46,628228 és az E19,548682, és az N46,63177 és az E19,603322, és az N46,626579 és az E19,652752, és az N46,568135 és az E19,629595, és az N46,593654 és az E19,64934, és az N46,567552 és az E19,679839, és az N46,569787 és az E19,692051, és az N46,544216 és az E19,717363, és az	12.1.2017

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
N46,516493 és az E19,760571, és az N46,555731 és az E19,786764, és az N46,5381 és az E19,8205, és az N46,5411 és az E19,8313, és az N 46,584928 és az E19,675551, és az N46,533851 és az E 19,811515, és az N46,47774167 és az E19,86573056, és az N46,484255 és az E19,792816, és az N46,615774 és az E19,51889, és az N46,56963889 és az E19,62801111, és az N46.55130833 és az E19.67718611, és az N46.580685 és az E19.591378, és az N46.580685 és az E19.591378, és az N46.674795 és az E19.501413, és az N46.672415 és az E19.497671, és az N46.52703 és az E19.75514, és az N46.623383 és az E19.435333, és az N46.55115 és az E19.67295, és az N46.533444 és az E19.868219, és az N46.523853 és az E19.885318, és az N46.535252 és az E19.808912, és az N46.59707 és az E19.45574, és az N46.65772 és az E19.525666, és az N46.593111 és az E19.492923, és az N46.639516 és az E19.542554, és az N46.594811 és az E19.803715, és az N46.5460333 és az E19.77916944, és az N46.57636389 és az E19.58059444 és az N46.676398 és az E19.505054, és az N46.38947 és az E19.858711, és az N46.58072 és az E19.74044, és az N46.6109778 és az E19.88599722, és az N46.674375, és az E19.496807, és ez N46.675336, és az E19.498997 és az N46.665379 és az E19.489808 és az N46.496419 és az E19.911004, és az N46.620021 és az E19.552464, és az N46.3869556, és az E19.77618056, és az N46.5460333 és az E19.77916944, és az N46.551986 és az E19.79999 és az N46.46118056 és az E19.71168333, és az N46.48898611 és az E19.88049444, és az N46.53697222, és az E19.68341111, és az N46.591604, és az E19.49531, és az N46.5171417 és az E19.67016111, és az N46.5158, és az E19.67768889, és az N46.52391944 és az E19.68843889 és az N46.53138889 és az E19.62005556, és az N46.4061972 és az E19.73322778, és az N46.52827778 és az E19.64308333, és az N46.533121 és az E19.518341, és az N46.574084 és az E19.740144, és az N46.553554 és az E19.75765, és az N46.657184 és az E19.531355, és az N46.5618333 és az E19.76470278, és az N46.516606 és az E19.886638, és az N46.551673 és az E19.491094, és az N46.551723 és az N19.779836, és az N46.603375, és az E19.90755278, és az N46.547736, és az E19.535668, és az N46.544789 és az E19.516968, és az N46.550743 és az E19.496889, és az N46.382844 és az E19.86408, és az N46.57903611 és az E19.72372222, és az N46.590227, É19.710753, és az N46.521458 és az E19.642231, és az N46.579435 és E19.464347, és az N46.616864 és az E19.548472, és az N46.50325556 és az E19.64926389, és az N46.518133 és az E19.6784, és az N46.557763 és az E19.901849 és az N46.484193 és az E19.69385, és az N46.52626111 és az E19.64352778 és az N46.500159 és az E19.655886 és az N46,5957889 és az E 19,87722778 és az N46.589767 és az E19.753633 és az N46,5886056 és az E19,88189167 GPS-koordináták által meghatározott pontok körüli 10 km sugarú körön belül eső részei, valamint az 53-as, az 5408-as és a Bács-Kiskun-Csongrád megye határa által határolt terület	
Északon a Bugacot Móricgáttal összekötő 54105-ös úton haladva az 54102 és 54105 elágazástól 3km Délnyugat felé haladva a Tázlárt Kiskunmajsával összekötő 5405-ös út felé, az 5405-ös úton Tázlártól 9 km-re a Kiskörösi/Kiskunmajsai Járások határától 0,8 km Kelet felé haladva Szank belterület határától 0,5 km Dél felé haladva a Szankot felől az 5405-ös út felé tartó út és az 5405-ös út elágazási pontja.	3.1.2017 to 12.1.2017

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Dél felé haladva az 5402-es út felé Kiskunmajsa belterület határától 3,5 km az 5402-es út mentén távolodva Kiskunmajsától.	
Délkeleti irányban az 5409-es út Kiskunmajsa belterület határától 5 km	
Dél-Délkelet felé haladva az 5405-ös út felé az 5405-ös és az 5442-es út elágazásától nyugat felé 0,5 km	
Déli irányba haladva a megyehatárig	
A megyehatár mentén haladva délkelet, majd 3 km után észak felé az 54 11-es útig	
A megyehatár 5411-es úttól 6 km -re lévő töréspontjától déli irányban 1,5 km	
A megyehatár következő töréspontja előtt 0,4 km	
A megyehatáron haladva északnyugat felé haladva 4km-t majd északkelet felé haladva az M5 autópályától 3 km	
Nyugat felé haladva az 5405-ös úton Jászszentlászló belterület határától 1km	
Dél felé haladva 1km, majd északnyugat felé haladva 1 km, majd észak felé haladva az 5405-ös útig	
Az 5405-ös úton Móricgát felé haladva a következő töréspontig	
Északkelet felé haladva 2 km, majd északnyugat felé haladva a kiindulópontig, valamint Csongrád megye Mórahalom és Kistelek járásainak az N46,458679 és az E19,873816; és az N46,415988 és az E19,868078; és az N46,4734 és az E20,1634, és az N46,540227, E19,816115 és az	
N46,469738 és az E19,8422, és az	
N46,474649 és az E19,866126, és az	
N46,406722 és az E19,864139, és az	
N46,411634 és az E19,883893, és az	
N46,630573 és az E19,536706, és az	
N46,628228 és az E19,548682, és az	
N46,63177 és az E19,603322, és az	
N46,626579 és az E19,652752, és az	
N46,568135 és az E19,629595, és az	
N46,593654 és az E19,64934, és az	
N46,567552 és az E19,679839, és az	
N46,569787 és az E19,692051, és az	
N46,544216 és az E19,717363, és az	
N46,516493 és az E19,760571, és az	
N46,555731 és az E19,786764, és az	
N46,5381 és az E19,8205, és az	
N46,5411 és az E19,8313, és az	
N 46,584928 és az E19,675551, és az	
N46,533851 és az E 19,811515, és az	
N46,47774167 és az E19,86573056, és az	
N46,484255 és az E19,792816, és az	
N46,615774 és az E19,51889, és az	
N46,56963889 és az E19,62801111, és az	
N46.55130833 és az E19.67718611, és az	

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
N46.580685 és az E19.591378, és az N46.580685 és az E19.591378, és az N46.674795 és az E19.501413, és az N46.672415 és az E19.497671, és az N46.52703 és az E19.75514, és az N46.623383 és az E19.435333, és az N46.55115 és az E19.67295, és az N46.533444 és az E19.868219, és az N46.523853 és az E19.885318, és az N46.535252 és az E19.808912, és az N46.59707 és az E19.45574, és az N46.65772 és az E19.525666, és az N46.593111 és az E19.492923, és az N46.639516 és az E19.542554, és az N46.594811 és az E19.803715, és az N46.5460333 és az E19.77916944, és az N46.57636389 és az E19.58059444 és az N46.676398 és az E19.505054, és az N46.38947 és az E19.858711, és az N46.58072 és az E19.74044, és az N46.6109778 és az E19.88599722, és az N46.674375, és az E19.496807, és ez N46.675336, és az E19.498997 és az N46.665379 és az E19.489808 és az N46.496419 és az E19.911004, és az N46.620021 és az E19.552464, és az N46.3869556, és az E19.77618056, és az N46.5460333 és az E19.77916944, és az N46.551986 és az E19.79999 és az N46.46118056 és az E19.71168333, és az N46.48898611 és az E19.88049444, és az N46.53697222, és az E19.68341111, és az N46.591604, és az E19.49531, és az N46.5171417 és az E19.67016111, és az N46.5158, és az E19.67768889, és az N46.52391944 és az E19.68843889 és az N46.53138889 és az E19.62005556, és az N46.4061972 és az E19.73322778, és az N46.52827778 és az E19.64308333, és az N46.533121 és az E19.518341, és az N46.574084 és az E19.740144, és az N46.553554 és az E19.75765, és az N46.657184 és az E19.531355, és az N46.5618333 és az E19.76470278, és az N46.516606 és az E19.886638, és az N46.551673 és az E19.491094, és az N46.551723 és az N19.779836, és az N46.603375, és az E19.90755278, és az N46.547736, és az E19.535668, és az N46.544789 és az E19.516968, és az N46.550743 és az E19.496889, és az N46.382844 és az E19.86408, és az N46.57903611 és az E19.72372222, és az N46.590227, É19.710753, és az N46.521458 és az E19.642231, és az N46.579435 és E19.464347, és az N46.616864 és az E19.548472, és az N46.50325556 és az E19.64926389, és az N46.518133 és az E19.6784, és az N46.557763 és az E19.901849 és az N46.484193 és az E19.69385, és az N46.52626111 és az E19.64352778 és az N46.500159 és az E19.655886 és az N46,5957889 és az E 19,87722778 és az N46.589767 és az E19.753633 és az N46,5886056 és az E19,88189167 GPS koordináták által meghatározott pontok körüli 3 km sugarú körön belül eső részei	
Bács-Kiskun megye Kiskunfélegyházi, Kecskeméti és Kiskunmajsai járásának az N46.682422 és az E19.638406, az N46.685278 és az E19.64, valamint az N46.689837 és az E19.674396 GPS-koordináták által meghatározott pontok körüli 3 km sugarú körön belül eső részei, továbbá Móricgát-Erdőszéplak település teljes belterülete	1.1.2017 to 9.1.2017
Bács-Kiskun megye Kiskunhalasi és Jánoshalmai járásainak, valamint Csongrád megye Mórahalmi járásának a védőkörzet vonatkozásában meghatározott részén kívüli, az N46.268418 és az E19.573609, az N46.229847 és az E19.619350, az N46.241335 és az E19.555281, valamint az N46.244069 és az E19.555064 GPS GPS-koordináták által meghatározott pontok körüli 10 km sugarú körön belül eső részei, továbbá Balotaszállás település teljes belterülete	15.1.2017
Bács-Kiskun megye Kiskunhalasi járásának az N46.268418 és az E19.573609, az N46.229847 és az E19.619350, az N46.241335 és az E19.555281, valamint az N46.244069 és az E19.555064 GPS-koordináták által meghatározott pontok körüli 3 km sugarú körön belül eső részei, valamint Kelebia-Újfalu település teljes belterülete	6.1.2017 to 15.1.2017

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Csongrád megye Mórahalom, Kistelek és Szeged járásainak, és Bács-Kiskun megye Kiskunmajsa járásának a védőkörzet vonatkozásában meghatározott részén kívüli, az N46.342763 és az E19.886990, és az N46,3632 és az E19,8754, és az N46.362391 és az E19.889445, vaalmint az N46.342783 és az E19.802446 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső részei, valamint a következők által határolt terület: Bács-Kiskun és Csongrád megye nyugati határától délre az 5-ös út, majd Kistelek és Balástya közigazgatási határa az 5-ös útig, majd délre az 5-ös úton az E68-as útig, majd nyugatra az E68-as az E57-es útig, majd az E75-ös a délre a Magyar-szerb határig, majd követve a határt nyugatra, majd a Bács-Kiskun-Csongrád megyehatárt északkétre	9.1.2017
Csongrád megye Mórahalom járásának az N46.342763 és az E19.886990, és az N46,3632 és az E19,8754, és az N46.362391 és az E19.889445, vaalmint az N46.342783 és az E19.802446 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső részei, valamint Forráskút, Üllés és Bordány települések teljes beépített területe	31.12.2016 to 9.1.2017
Jász-Nagykun-Szolnok megye Kunszentmártoni és Mezőtúri járásának, valamint Békés megye Szarvasi járásának a védőkörzet vonatkozásában meghatározott részén kívüli, az N46.8926211 és az E20.367360, valamint az N46.896193 és az E20.388287 GPS-koordináták által meghatározott pontok körüli 10 km sugarú körön belül eső részei, valamint Öcsöd település teljes közigazgatási területe	26.12.2016
Jász-Nagykun-Szolnok megye Kunszentmártoni és Mezőtúri járásának az N46.8926211 és az E20.367360, valamint az N46.896193 és az E20.388287 GPS-koordináták által meghatározott pontok körüli 3 km sugarú körön belül eső részei	17.12.2016 to 26.12.2016
Bács-Kiskun megye Kiskunfélegyházi és Kecskeméti járásának az N46.665317 és az E19.805388, az N46.794889 és az E19.817377, az N46.774805 és az E19.795087, valamint az N46.762825 és az E19.857375 GPS-koordináták által meghatározott pontok körüli 3 km sugarú körön belül eső részei	24.12.2016 to 2.1.2017
Békés megye Sarkadi járásának, valamint Hajdú-Bihar megye Berettyóújfalui járásának a védőkörzet vonatkozásában meghatározott részén kívüli, az N46.951822 és az E21.603480 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső részei	2.1.2017
Békés megye Sarkadi járásának az N46.951822 és az E21.603480 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső részei	24.12.2016 to 2.1.2017
Csongrád megye Szentesi, Csongrádi és Hódmezővásárhelyi járásának, valamint Jász-Nagykun-Szolnok megye Kunszentmártoni járásának a védőkörzet vonatkozásában meghatározott részén kívüli, az N46.682909 és az E20.33426, valamint az N46.619294 és az E20.390083 GPS-koordináták által meghatározott pontok körüli 10 km sugarú körön belül eső részei	3.1.2017
Csongrád megye Szentesi járásának az N46.682909 és az E20.33426, valamint az N46.619294 és az E20.390083 GPS-koordináták által meghatározott pontok körüli 3 km sugarú körön belül eső részei	25.12.2016 to 3.1.2017
Békés megye Orosházi, Mezőkovácsházi, Békéscsabai, Békési és Gyulai járásának a védőkörzet vonatkozásában meghatározott részén kívüli, az N46.599129 és az E21.02752, az N46.595641 és az E21.028533, az N46.54682222 és az E20.8927, valamint az N46.654794 és az E20.948188 GPS-koordináták által meghatározott pontok körüli 10 km sugarú körön belül eső részei, valamint az alábbiak által határolt terület: 44-es út- 445-ös út-4432-es út- 4434-es út-4428-as út—Munkácsy sor-4418-as út — Békés-Csongrád megye határa — 4642-es út	6.1.2017

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Békés megye Orosházi, Mezőkovácsházi és Békécsabai járásának az N46.599129 és az E21.02752, az N46.595641 és az E21.028533, az N46.54682222 és az E20.8927, valamint az N46.654794 és az E20.948188 GPS-koordináták által meghatározott pontok körüli 3 km sugarú körön belül eső részei, valamint Szabadkígyós és Medgyesbodzás-Gábortelep települések teljes belterülete	28.12.2016 to 6.1.2017
Bács-Kiskun megye Kiskunfélegyházi és Kiskunmajsai, valamint Csongrád megye Kisteleki, Csongrádi és Szegedi járásának a védőkörzet vonatkozásában meghatározott részén kívüli, az N46.544052 és az E19.968252, valamint az N46.485451 és az E20.027345 GPS-koordináták által meghatározott pontok körüli 10 km sugarú körön belül eső részei, továbbá Tömörkény és Baks települések teljes közigazgatási területe, valamint Csanytelek település közigazgatási külterületének az Alsó-főcsatorna vonalától délre eső teljes területe	6.1.2017
Bács-Kiskun megye Kiskunfélegyházi járásának, valamint Csongrád megye Kisteleki járásának az N46.544052 és az E19.968252, valamint az N46.485451 és az E20.027345 GPS-koordináták által meghatározott pontok körüli 3 km sugarú körön belül eső részei	29.12.2016 to 6.1.2017
Csongrád megye Szegedi, Hódmezővásárhelyi és Makói járásának a védőkörzet vonatkozásában meghatározott részén kívüli, az N46.306591 és az E20.268039 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső részei, valamint délen a 43-as út által határolt terület Deszkig, Deszk teljes belterülete, illetve az alábbiak által határolt terület: M43-as út — 5-ös út — Balástya közigazgatási határa — Ópusztaszer közigazgatási határa — 4519-es út — 4519-es úton 6 km-re Ópusztaszer határától kiindulva keletre az Atkai holtágig — Sándorfalva közigazgatási határa	6.1.2017
Csongrád megye Szegedi, Hódmezővásárhelyi és Makói járásának az N46.306591 és az E20.268039 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső részei	28.12.2016 to 6.1.2017
Békés megye Gyomaendrődi és Szeghalmi járásának, valamint Jász-Nagykun-Szolnok megye Mezőtúri járásának a védőkörzet vonatkozásában meghatározott részén kívüli, az N46.992986 és az E20.888836 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső részei, valamint Gyomaendrőd 443-as és 46-os uatktól keletre eső belterülete	10.1.2017
Békés megye Gyomaendrődi járásának az N46.992986 és az E20.888836 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső részei	1.1.2017 to 10.1.2017
Békés megye Orosházi és Békéscsabai járásának, valamint Csongrád megye Szentesi és Hódmezővásárhelyi járásának a védőkörzet vonatkozásában meghatározott részén kívüli, az N46.5953 és az E20.62686 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső részei, Nagyszénás település belterülete, valamint az alábbiak által határolt terület: Csongrád-Békés megye határa — 4418-as út — 4419-es út — 47-es út — 4405-ös út — Szentesi-Hódmezővásárhelyi járás határa	12.1.2017
Békés megye Orosházi járásának az N46.5953 és az E20.62686 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső részei, valamint Orosháza-Szentetornya település belterülete, valamint Orosháza-Rákóczitelep és Orosháza-Gyopárosfürdő települések belterületének a 4406-os és a 47-es utaktól északra és nyugatra eső belterülete	3.1.2017 to 12.1.2017

Area comprising:	Date until applicable in accordance with Article 31 of Directive 2005/94/EC
Jász-Nagykun Szolnok megye Kunszentmártoni járásának, Bács-Kiskun megye Tiszakécskei járásának, valamint Csongrád megye Csongrádi és Szentesi járásának a védőkörzet vonatkozásában meghatározott részén kívüli, az N46.853433 és az E20.139858 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső területei,.valamint Tiszasas település teljes közigazgatási terület,, valamint a 44-es út, a 4622-es út, a 4623-as út, a 4625-ös út és a Bács-Kiskun-Jász-Nagykun-Szolnok megyehatár által határolt terület	12.1.2017
Jász-Nagykun Szolnok megye Kunszentmártoni járásának és Bács-Kiskun megye Tiszakécskei járásának az N46.853433 és az E20.139858 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső részei	3.1.2017 to 12.1.2017
Csongrád megye Szegedi és Makói járásának a védőkörzet vonatkozásában meghatározott részén kívüli, az N46.151747 és az E20.290045 GPS-koordináták által meghatározott pont körüli 10 km sugarú körön belül eső részei, Deszk, Ferencszállás, Klárafalva, Újszentiván, Tiszasziget települések teljes közigazgatási területe, Szeged település közigazgatási területének a Tisza folyó — Herke utca — 43-as főút — Újszőreg — Szőreg által határolt része, valamint Kiszombor település belterületének a Rokkant köz — Pollner Kálmán utca — Farkas utca — Kiss Menyhért utca — Dózsa György u. — Délvidéki utca — Kör utca — Óbébai utca északi része — a 884/1 és 05398 hrsz. telkek — 05397 hrsz. út — 05402 hrsz. csatorna északi része által határolt része	12.1.2017
Csongrád megye Szegedi járásának az N46.151747 és az E20.290045 GPS-koordináták által meghatározott pont körüli 3 km sugarú körön belül eső részei	6.1.2017 to 15.1.2017’

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2016 OF THE EU–KOSOVO * STABILISATION AND ASSOCIATION COUNCIL

of 25 November 2016

adopting its rules of procedure [2016/2280]

THE STABILISATION AND ASSOCIATION COUNCIL,

Having regard to the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo *, of the other part ('the Agreement') and in particular Articles 126, 127, 129 and 131 thereof,

Whereas the Agreement entered into force on 1 April 2016,

HAS ADOPTED THIS DECISION:

Article 1

Chairmanship

The Parties shall hold the chairmanship of the Stabilisation and Association Council alternately for a period of 12 months. The first period shall begin on the date of the first Stabilisation and Association Council meeting and end on 31 December of the same year.

Article 2

Meetings

The Stabilisation and Association Council shall meet once a year in accordance with the established practice for Stabilisation and Association Councils, including as regards the level of representation and the venue. Special sessions of the Stabilisation and Association Council may be held at the request of either Party, if the Parties so agree. Meetings of the Stabilisation and Association Council shall be jointly convened by the Secretaries of the Stabilisation and Association Council in agreement with the Chair.

Article 3

Delegations

Before each meeting, the Chair shall be informed of the intended composition of the delegation of each Party. A representative of the European Investment Bank (EIB) shall attend the meetings of the Stabilisation and Association Council, as an observer, when matters which concern the EIB appear on the agenda. The Stabilisation and Association Council may also invite other persons to attend its meetings in order to provide information on particular subjects.

Article 4

Secretariat

An official of the General Secretariat of the Council of the European Union and an official of the representation of Kosovo in Belgium shall act jointly as Secretaries of the Stabilisation and Association Council.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

Article 5

Correspondence

Correspondence addressed to the Stabilisation and Association Council shall be sent to the Chair of the Stabilisation and Association Council at the address of the General Secretariat of the Council of the European Union.

Both Secretaries shall ensure that correspondence is forwarded to the Chair of the Stabilisation and Association Council and, where appropriate, circulated to other members of the Stabilisation and Association Council. Correspondence circulated shall be sent to the Secretariat-General of the Commission, the European External Action Service and the Representation of Kosovo in Belgium.

Communications from the Chair of the Stabilisation and Association Council shall be sent to the addressees by both Secretaries and circulated, where appropriate, to the other members of the Stabilisation and Association Council referred to in the second paragraph.

Article 6

Publicity

Unless otherwise decided, the meetings of the Stabilisation and Association Council shall not be public.

Article 7

Agendas for meetings

1. The Chair shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Stabilisation and Association Council to the addressees referred to in Article 5 not later than 15 days before the beginning of the meeting. The provisional agenda shall include the items in respect of which the Chair has received a request for inclusion on the agenda not later than 21 days before the beginning of the meeting, although items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of despatch of the agenda. The agenda shall be adopted by the Stabilisation and Association Council at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if both Parties so agree.

2. The Chair may, in agreement with both Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

Article 8

Minutes

Draft minutes of each meeting shall be drawn up by both Secretaries. The minutes shall, as a general rule, indicate in respect of each item on the agenda:

— the documentation submitted to the Stabilisation and Association Council,

— statements requested for entry by a member of the Stabilisation and Association Council,

— the decisions taken and recommendations made, the statements agreed upon and the conclusions adopted.

The draft minutes shall be submitted to the Stabilisation and Association Council for approval. When approved, the minutes shall be signed by the Chair and both Secretaries. The minutes shall be filed in the archives of the General Secretariat of the Council of the European Union, which will act as a depository of the documents of the Association. A certified copy shall be forwarded to each of the addressees referred to in Article 5.

Article 9

Decisions and recommendations

1. The Stabilisation and Association Council shall take its decisions and make recommendations by common agreement of the Parties, without prejudice to Articles 2 and 5 of the Agreement. The Stabilisation and Association Council may take decisions or make recommendations by written procedure if both Parties so agree.

2. The decisions and recommendations of the Stabilisation and Association Council, within the meaning of Article 128 of the Agreement, shall be entitled 'Decision' and 'Recommendation' respectively, followed by a serial number, by the date of their adoption and by a description of their subject matter. The decisions and recommendations of the Stabilisation and Association Council shall be signed by the Chair and authenticated by both Secretaries. Decisions and recommendations shall be forwarded to each of the addressees referred to in Article 5. Each Party may decide on the publication of decisions and recommendations of the Stabilisation and Association Council in its respective official publication.

Article 10

Languages

The official languages of the Stabilisation and Association Council shall be the authentic languages of the Stabilisation and Association Agreement. Unless otherwise decided, the Stabilisation and Association Council shall base its deliberations on documentation drawn up in those languages.

Article 11

Expenses

The European Union and Kosovo shall each defray the expenses they incur by reason of their participation in the meetings of the Stabilisation and Association Council, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure. Expenditure in connection with interpreting at meetings, translation and reproduction of documents as well as other expenditure relating to the organisation of meetings shall be borne by the Party hosting the meetings.

Article 12

Stabilisation and Association Committee

1. A Stabilisation and Association Committee ('the Committee') is hereby established in order to assist the Stabilisation and Association Council in carrying out its duties. It shall be composed of representatives of the European Union on the one hand, and of Kosovo on the other, normally at senior civil servant level.

2. The Committee shall prepare the meetings and the deliberations of the Stabilisation and Association Council, implement the decisions of the Stabilisation and Association Council where appropriate and, in general, ensure continuity of the association relationship and the proper functioning of the Agreement. It shall consider any matter referred to it by the Stabilisation and Association Council as well as any other matter which may arise in the course of the day-to-day implementation of the Stabilisation and Association Agreement. It shall submit proposals or any draft decisions/recommendations for adoption to the Stabilisation and Association Council.

3. In cases where the Agreement refers to an obligation to consult or a possibility of consultation, such consultation may take place within the Committee. The consultation may continue in the Stabilisation and Association Council if both Parties so agree.

4. The rules of procedure of the Stabilisation and Association Committee are annexed to this Decision.

Done at Brussels, 25 November 2016.

For the Stabilisation and Association Council

The Chair

F. MOGHERINI

ANNEX

Rules of Procedure of the Stabilisation and Association Committee

Article 1

Chairmanship

The Parties shall hold the chairmanship of Stabilisation and Association Committee ('the Committee') alternately for a period of 12 months. The first period shall begin on the date of the first Stabilisation and Association Council meeting and end on 31 December of the same year.

Article 2

Meetings

The Committee shall meet when circumstances require, with the agreement of both Parties. Each meeting of the Committee shall be held at a time and place agreed by both Parties. Meetings of the Committee shall be convened by the Chair.

Article 3

Delegations

Before each meeting, the Chair shall be informed of the intended composition of the delegation of each Party.

Article 4

Secretariat

An official of the European Commission and an official of Kosovo shall act jointly as Secretaries of the Committee. All communications to and from the Chair of the Committee provided for in this Decision shall be forwarded to the Secretaries of the Committee and to the Secretaries and the Chair of the Stabilisation and Association Council.

Article 5

Publicity

Unless otherwise decided, the meetings of the Committee shall not be public.

Article 6

Agendas for meetings

1. The Chair shall draw up a provisional agenda for each meeting. It shall be forwarded by the Secretaries of the Committee to the addressees referred to in Article 4 not later than 30 working days before the beginning of the meeting. The provisional agenda shall include the items in respect of which the Chair has received a request for inclusion on the agenda not later than 35 working days before the beginning of the meeting, although items shall not be written into the provisional agenda unless the supporting documentation has been forwarded to the Secretaries not later than the date of dispatch of the agenda. The Committee may ask experts to attend its meetings in order to provide information on particular subjects. The agenda shall be adopted by the Committee at the beginning of each meeting. An item other than those appearing on the provisional agenda may be placed on the agenda if both Parties so agree.

2. The Chair may, in agreement with both Parties, shorten the time limits specified in paragraph 1 in order to take account of the requirements of a particular case.

Article 7

Minutes

Minutes shall be taken for each meeting and shall be based on a summing up by the Chair of the conclusions arrived at by the Committee. When approved by the Committee, the minutes shall be signed by the Chair and by the Secretaries and filed by each of the Parties. A copy of the minutes shall be forwarded to each of the addressees referred to in Article 4.

Article 8

Decisions and recommendations

In the specific cases where the Committee is empowered by the Stabilisation and Association Council under Article 128 of the Agreement to take decisions or make recommendations, those acts shall be made in accordance with Article 9 of the Rules of Procedure of the Stabilisation and Association Council.

Article 9

Expenses

The European Union and Kosovo shall each defray the expenses they incur by reason of their participation in the meetings of the Committee, both with regard to staff, travel and subsistence expenditure and to postal and telecommunications expenditure. Expenditure in connection with interpreting at meetings, translation and reproduction of documents as well as other expenditure relating to the organisation of meetings shall be borne by the Party hosting the meetings.

Article 10

Subcommittees and special groups

The Committee may create subcommittees and special groups to work under its authority. They shall report to the Committee after each of their meetings. The Committee may decide to abolish any existing subcommittees or groups, lay down or modify their terms of reference or set up further subcommittees or groups to assist it in carrying out its duties. Those subcommittees and groups shall not have any decision-making powers.

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