

Official Journal of the European Union

L 320



English edition

Legislation

Volume 60

6 December 2017

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Implementing Regulation (EU) 2017/2235 of 4 December 2017 derogating from Regulations (EC) No 2305/2003, (EC) No 969/2006 and (EC) No 1067/2008 and from Implementing Regulations (EU) 2015/2081 and (EU) 2017/2200, Regulation (EC) No 1964/2006 and Implementing Regulation (EU) No 480/2012 and Regulation (EC) No 1918/2006 as regards the dates for lodging import licence applications and issuing import licences in 2018 under tariff quotas for cereals, rice and olive oil** 1
- ★ **Commission Implementing Regulation (EU) 2017/2236 of 5 December 2017 amending Regulation (EC) No 3199/93 on the mutual recognition of procedures for the complete denaturing of alcohol for the purposes of exemption from excise duty** 6

DECISIONS

- ★ **Council Decision (EU) 2017/2237 of 30 November 2017 appointing two members, proposed by the Kingdom of Sweden, of the Committee of the Regions** 10
- ★ **Commission Implementing Decision (EU) 2017/2238 of 5 December 2017 on the equivalence of the legal and supervisory framework applicable to designated contract markets and swap execution facilities in the United States of America in accordance with Regulation (EU) No 600/2014 of the European Parliament and of the Council ⁽¹⁾** 11
- ★ **Decision (EU) 2017/2239 of the European Central Bank of 16 November 2017 amending Decision (EU) 2016/2247 on the annual accounts of the European Central Bank (ECB/2017/36)** 18

⁽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.

Corrigenda

- ★ **Corrigendum to Commission Decision (EU) 2017/1246 of 7 June 2017 endorsing the resolution scheme for Banco Popular Español S.A. (OJ L 178, 11.7.2017) 31**

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2235

of 4 December 2017

derogating from Regulations (EC) No 2305/2003, (EC) No 969/2006 and (EC) No 1067/2008 and from Implementing Regulations (EU) 2015/2081 and (EU) 2017/2200, Regulation (EC) No 1964/2006 and Implementing Regulation (EU) No 480/2012 and Regulation (EC) No 1918/2006 as regards the dates for lodging import licence applications and issuing import licences in 2018 under tariff quotas for cereals, rice and olive oil

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1095/96 of 18 June 1996 on the implementation of the concessions set out in Schedule CXL drawn up in the wake of the conclusion of the GATT XXIV.6 negotiations ⁽¹⁾, and in particular Article 1 thereof,

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 ⁽²⁾, and in particular Article 187(e) thereof,

Whereas:

- (1) Commission Regulations (EC) Nos 2305/2003 ⁽³⁾, 969/2006 ⁽⁴⁾ and 1067/2008 ⁽⁵⁾ and Commission Implementing Regulations (EU) 2015/2081 ⁽⁶⁾ and 2017/2200 ⁽⁷⁾ lay down specific provisions on the lodging of import licence applications and the issuing of import licences for barley under quota 09.4126, maize under quota 09.4131 and common wheat of a quality other than high quality under quotas 09.4123, 09.4124, 09.4125 and 09.4133 and for certain cereals originating in Ukraine under quotas 09.4306, 09.4307, 09.4308, 09.4277, 09.4278 and 09.4279.
- (2) Commission Regulation (EC) No 1964/2006 ⁽⁸⁾ and Commission Implementing Regulation (EU) No 480/2012 ⁽⁹⁾ lay down specific provisions on the lodging of import licence applications and the issuing of import licences for rice originating in Bangladesh under quota 09.4517 and broken rice under quota 09.4079.

⁽¹⁾ OJ L 146, 20.6.1996, p. 1.

⁽²⁾ OJ L 347, 20.12.2013, p. 671.

⁽³⁾ Commission Regulation (EC) No 2305/2003 of 29 December 2003 opening and providing for the administration of a Community tariff quota for imports of barley from third countries (OJ L 342, 30.12.2003, p. 7).

⁽⁴⁾ Commission Regulation (EC) No 969/2006 of 29 June 2006 opening and providing for the administration of a Community tariff quota for imports of maize from third countries (OJ L 176, 30.6.2006, p. 44).

⁽⁵⁾ Commission Regulation (EC) No 1067/2008 of 30 October 2008 opening and providing for the administration of Community tariff quotas for common wheat of a quality other than high quality from third countries and derogating from Council Regulation (EC) No 1234/2007 (OJ L 290, 31.10.2008, p. 3).

⁽⁶⁾ Commission Implementing Regulation (EU) 2015/2081 of 18 November 2015 opening and providing for the administration of import tariff quotas for certain cereals originating in Ukraine (OJ L 302, 19.11.2015, p. 81).

⁽⁷⁾ Commission Implementing Regulation (EU) 2017/2200 of 28 November 2017 opening and providing for the administration of import tariff quotas of certain cereals from Ukraine (OJ L 313, 29.11.2017, p. 1).

⁽⁸⁾ Commission Regulation (EC) No 1964/2006 of 22 December 2006 laying down detailed rules for the opening and administration of an import quota for rice originating in Bangladesh, pursuant to Council Regulation (EEC) No 3491/90 (OJ L 408, 30.12.2006, p. 19).

⁽⁹⁾ Commission Implementing Regulation (EU) No 480/2012 of 7 June 2012 opening and providing for the management of a tariff quota for broken rice of CN code 1006 40 00 for production of food preparations of CN code 1901 10 00 (OJ L 148, 8.6.2012, p. 1).

- (3) Commission Regulation (EC) No 1918/2006 ⁽¹⁾ lays down specific provisions on the lodging of import licence applications and the issuing of import licences for olive oil originating in Tunisia under quota 09.4032.
- (4) In view of the public holidays in 2018, derogations should be made, at certain times, from Regulations (EC) Nos 2305/2003, 969/2006, 1067/2008, Implementing Regulations (EU) 2015/2081 and (EU) 2017/2200, Regulation (EC) No 1964/2006, Implementing Regulation (EU) No 480/2012 and Regulation (EC) No 1918/2006 as regards the dates for lodging import licence applications and issuing import licences in order to ensure compliance with the quota volumes in question.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Committee for the Common Organisation of Agricultural Markets,

HAS ADOPTED THIS REGULATION:

Article 1

Cereals

1. By way of derogation from the second subparagraph of Article 3(1) of Regulation (EC) No 2305/2003, for 2018, import licence applications for barley under quota 09.4126 may not be lodged after 13.00 (Brussels time) on Friday 14 December 2018.
2. By way of derogation from the first subparagraph of Article 3(4) of Regulation (EC) No 2305/2003, for 2018, import licences for barley issued under quota 09.4126 and applied for during the periods listed in Annex I to this Regulation shall be issued on the corresponding dates specified therein, subject to measures adopted pursuant to Article 7(2) of Commission Regulation (EC) No 1301/2006 ⁽²⁾.
3. By way of derogation from the second subparagraph of Article 4(1) of Regulation (EC) No 969/2006, for 2018, import licence applications for maize under quota 09.4131 may not be lodged after 13.00 (Brussels time) on Friday 14 December 2018.
4. By way of derogation from the first subparagraph of Article 4(4) of Regulation (EC) No 969/2006, for 2018, import licences for maize issued under quota 09.4131 and applied for during the periods listed in Annex I to this Regulation shall be issued on the corresponding dates specified therein, subject to measures adopted pursuant to Article 7(2) of Regulation (EC) No 1301/2006.
5. By way of derogation from the second subparagraph of Article 4(1) of Regulation (EC) No 1067/2008, for 2018, import licence applications for common wheat of a quality other than high quality under quotas 09.4123, 09.4124, 09.4125 and 09.4133 may not be lodged after 13.00 (Brussels time) on Friday 14 December 2018.
6. By way of derogation from the first subparagraph of Article 4(4) of Regulation (EC) No 1067/2008, for 2018, import licences for common wheat of a quality other than high quality issued under quotas 09.4123, 09.4124, 09.4125 and 09.4133 and applied for during the periods listed in Annex I to this Regulation shall be issued on the corresponding dates specified therein, subject to measures adopted pursuant to Article 7(2) of Regulation (EC) No 1301/2006.
7. By way of derogation from the second subparagraph of Article 2(1) of Implementing Regulation (EU) 2015/2081, for 2018, import licence applications for cereals originating in Ukraine under quotas 09.4306, 09.4307 and 09.4308 may not be lodged after 13.00 (Brussels time) on Friday 14 December 2018.
8. By way of derogation from Article 2(3) of Implementing Regulation (EU) 2015/2081, for 2018, import licences for cereals originating in Ukraine issued under quotas 09.4306, 09.4307 and 09.4308 and applied for during the periods listed in Annex I to this Regulation shall be issued on the corresponding dates specified therein, subject to measures adopted pursuant to Article 7(2) of Regulation (EC) No 1301/2006.

⁽¹⁾ Commission Regulation (EC) No 1918/2006 of 20 December 2006 opening and providing for the administration of tariff quota for olive oil originating in Tunisia (OJ L 365, 21.12.2006, p. 84).

⁽²⁾ Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences (OJ L 238, 1.9.2006, p. 13).

9. By way of derogation from the second subparagraph of Article 2(1) of Implementing Regulation (EU) 2017/2200, for 2018, import licence applications for cereals originating in Ukraine under quotas 09.4277, 09.4278 and 09.4279 may not be lodged after 13.00 (Brussels time) on Friday 14 December 2018.

10. By way of derogation from Article 2(3) of Implementing Regulation (EU) 2017/2200, for 2018, import licences for cereals originating in Ukraine issued under quotas 09.4277, 09.4278 and 09.4279 and applied for during the periods listed in Annex I to this Regulation shall be issued on the corresponding dates specified therein, subject to measures adopted pursuant to Article 7(2) of Regulation (EC) No 1301/2006.

Article 2

Rice

1. By way of derogation from the first subparagraph of Article 4(3) of Regulation (EC) No 1964/2006, for 2018, import licence applications for rice originating in Bangladesh under quota 09.4517 may not be lodged after 13.00 (Brussels time) on Friday 7 December 2018.

2. By way of derogation from Article 5(2) of Regulation (EC) No 1964/2006, for 2018, import licences for rice originating in Bangladesh issued under quota 09.4517 and applied for during the periods listed in Annex II to this Regulation shall be issued on the corresponding dates specified therein, subject to measures adopted pursuant to Article 7(2) of Regulation (EC) No 1301/2006.

3. By way of derogation from the third subparagraph of Article 2(1) of Implementing Regulation (EU) No 480/2012, for 2018, import licence applications for broken rice under quota 09.4079 may not be lodged after 13.00 (Brussels time) on Friday 7 December 2018.

4. By way of derogation from Article 3(2) of Implementing Regulation (EU) No 480/2012, for 2018, import licences for broken rice issued under quota 09.4079 and applied for during the periods listed in Annex II to this Regulation shall be issued on the corresponding dates specified therein, subject to measures adopted pursuant to Article 7(2) of Regulation (EC) No 1301/2006.

Article 3

Olive oil

1. By way of derogation from Article 3(1) of Regulation (EC) No 1918/2006, for 2018, import licence applications for olive oil originating in Tunisia may not be lodged after Tuesday 11 December 2018.

2. By way of derogation from Article 3(3) of Regulation (EC) No 1918/2006, import licences for olive oil originating in Tunisia applied for during the periods listed in Annex III to this Regulation shall be issued on the corresponding dates specified therein, subject to measures adopted pursuant to Article 7(2) of Regulation (EC) No 1301/2006.

Article 4

Entry into force

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

It shall expire on 1 January 2019.

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

Done at Brussels, 4 December 2017.

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

ANNEX I

Periods for lodging cereal import licence applications	Dates of issue
Friday 16 March from 13.00 until Friday 23 March 2018 at 13.00, Brussels time	The first working day from Tuesday 3 April 2018
Friday 23 March from 13.00 until Friday 30 March 2018 at 13.00, Brussels time	The first working day from Friday 6 April 2018
Friday 20 April from 13.00 until Friday 27 April 2018 at 13.00, Brussels time	The first working day from Monday 7 May 2018
Friday 27 April from 13.00 until Friday 4 May 2018 at 13.00, Brussels time	The first working day from Monday 14 May 2018
Friday 3 August from 13.00 until Friday 10 August 2018 at 13.00, Brussels time	The first working day from Monday 20 August 2018
Friday 19 October from 13.00 until Friday 26 October 2018 at 13.00, Brussels time	The first working day from Monday 5 November 2018

ANNEX II

Periods for lodging rice import licence applications	Dates of issue
Friday 16 March from 13.00 until Friday 23 March 2018 at 13.00, Brussels time	The first working day from Thursday 12 April 2018
Friday 23 March from 13.00 until Friday 30 March 2018 at 13.00, Brussels time	The first working day from Thursday 12 April 2018
Friday 20 April from 13.00 until Friday 27 April 2018 at 13.00, Brussels time	The first working day from Thursday 10 May 2018
Friday 27 April from 13.00 until Friday 4 May 2018 at 13.00, Brussels time	The first working day from Thursday 17 May 2018
Friday 3 August from 13.00 until Friday 10 August 2018 at 13.00, Brussels time	The first working day from Thursday 23 August 2018
Friday 19 October from 13.00 until Friday 26 October 2018 at 13.00, Brussels time	The first working day from Thursday 8 November 2018

ANNEX III

Periods for lodging olive oil import licence applications	Dates of issue
Monday 26 or Tuesday 27 March 2018	The first working day from Friday 6 April 2018
Monday 7 or Tuesday 8 May 2018	The first working day from Friday 18 May 2018
Monday 13 or Tuesday 14 August 2018	The first working day from Wednesday 22 August 2018
Monday 29 or Tuesday 30 October 2018	The first working day from Thursday 8 November 2018

COMMISSION IMPLEMENTING REGULATION (EU) 2017/2236**of 5 December 2017****amending Regulation (EC) No 3199/93 on the mutual recognition of procedures for the complete denaturing of alcohol for the purposes of exemption from excise duty**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 92/83/EEC of 19 October 1992 on the harmonisation of the structures of excise duties on alcohol and alcoholic beverages ⁽¹⁾, and in particular Article 27(4) thereof,

Whereas:

- (1) Pursuant to Article 27(1)(a) of Directive 92/83/EEC, Member States are required to exempt from excise duty alcohol which has been completely denatured in accordance with the requirements of any Member State, provided that those requirements have been duly notified and accepted in accordance with the conditions laid down in paragraphs 3 and 4 of that Article.
- (2) Denaturants which are employed in each Member State for the purposes of the complete denaturation of alcohol in accordance with Article 27(1)(a) of Directive 92/83/EEC are described in the Annex to Commission Regulation (EC) No 3199/93 ⁽²⁾.
- (3) On 8 June 2017, Romania communicated to the Commission, the denaturant which it intends to employ for the complete denaturing of alcohol, with effect from 1 September 2017, for the purposes of Article 27(1)(a) of that Directive.
- (4) The Commission transmitted that communication to the other Member States on 14 June 2017.
- (5) On 5 July 2017, Bulgaria communicated to the Commission the denaturant which it intends to employ for the complete denaturing of alcohol, with effect from 1 August 2017, for the purposes of Article 27(1)(a) of that Directive.
- (6) The Commission transmitted that communication to the other Member States on 7 July 2017.
- (7) No objections have been received by the Commission.
- (8) For reasons of legal certainty this Regulation should enter into force as a matter of urgency.
- (9) Regulation (EC) No 3199/93 should therefore be amended accordingly.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Excise Duties,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 3199/93 is replaced by the text in the Annex to this Regulation.

⁽¹⁾ OJ L 316, 31.10.1992, p. 21.

⁽²⁾ Commission Regulation (EC) No 3199/93 of 22 November 1993 on the mutual recognition of procedures for the complete denaturing of alcohol for the purposes of exemption from excise duty (OJ L 288, 23.11.1993, p. 12).

Article 2

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

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

Done at Brussels, 5 December 2017.

For the Commission

The President

Jean-Claude JUNKER

ANNEX

‘ANNEX

List of products with their Chemical Abstracts Service (CAS) registry number authorised for the complete denaturing of alcohol.

Acetone	CAS: 67-64-1
Denatonium benzoate	CAS: 3734-33-6
Ethanol	CAS: 64-17-5
Ethyl tert-butyl ether	CAS: 637-92-3
Fluorescein	CAS: 2321-07-5
Gasoline (including unleaded gasoline)	CAS: 86290-81-5
Isopropyl alcohol	CAS: 67-63-0
Kerosene	CAS: 8008-20-6
Lamp oil	CAS: 64742-47-8 and 64742-48-9
Methanol	CAS: 67-56-1
Methyl ethyl ketone (2-butanone)	CAS: 78-93-3
Methyl isobutyl ketone	CAS: 108-10-1
Methylene blue (52015)	CAS: 61-73-4
Solvent naphtha	CAS: 8030-30-6
Spirits of turpentine	CAS: 8006-64-2
Technical petrol	CAS: 92045-57-3

The term “absolute ethanol” in this Annex has the same meaning as the term “absolute alcohol” used by the International Union of Pure and Applied Chemistry.

In all Member States, any dye may be added to the denatured alcohol to give it a characteristic colour, making it immediately identifiable.

I. The common denaturing procedure for completely denatured alcohol employed in Belgium, Bulgaria, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland:

Per hectolitre of absolute ethanol:

- 1,0 litre isopropyl alcohol,
- 1,0 litre methyl ethyl ketone,
- 1,0 gram denatonium benzoate.

II. An increased concentration of the common denaturing procedure for completely denatured alcohol, employed in the following Member States:

Czech Republic and the United Kingdom

Per hectolitre of absolute ethanol:

- 3,0 litres isopropyl alcohol,
- 3,0 litres methyl ethyl ketone,
- 1,0 gram denatonium benzoate.

Croatia

Per hectolitre of absolute ethanol:

A minimum of:

- 1,0 litre isopropyl alcohol,
- 1,0 litre methyl ethyl ketone,
- 1,0 gram denatonium benzoate.

Sweden

Per hectolitre of absolute ethanol:

- 1,0 litre isopropyl alcohol,
- 2,0 litres methyl ethyl ketone,
- 1,0 gram denatonium benzoate.

III. Additional denaturing procedures for completely denatured alcohol employed in certain Member States:

Per hectolitre of absolute ethanol any of the following formulations:

Czech Republic

1. 0,4 litre solvent naphtha,
0,2 litre kerosene,
0,1 litre technical petrol.
2. 3,0 litres ethyl tert-butyl ether,
1,0 litre isopropyl alcohol,
1,0 litre unleaded gasoline,
10 milligrams fluorescein.

Greece

Only low quality alcohol (heads and tails from distillation), with an alcoholic strength of at least 93 % volume and not exceeding 96 % volume can be denatured.

Per hectolitre of hydrated alcohol of 93 % volume, the following substances are added:

- 2,0 litres methanol,
- 1,0 litre spirit of turpentine,
- 0,50 litre lamp oil,
- 0,40 gram methylene blue.

At a temperature of 20 °C, the end product will reach, in its unaltered state, 93 % volume.

Finland — authorised until 31.12.2018

Per hectolitre of absolute ethanol any of the following formulations:

1. 2,0 litres methyl ethyl ketone,
3,0 litres methyl isobutyl ketone.
 2. 2,0 litres acetone,
3,0 litres methyl isobutyl ketone.'
-

DECISIONS

COUNCIL DECISION (EU) 2017/2237

of 30 November 2017

appointing two members, proposed by the Kingdom of Sweden, of the Committee of the Regions

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 305 thereof,

Having regard to the proposal of the Swedish Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 ⁽¹⁾, (EU) 2015/190 ⁽²⁾ and (EU) 2015/994 ⁽³⁾ appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020. On 20 July 2015, by Council Decision (EU) 2015/1203 ⁽⁴⁾, Ms Monalisa NORMANN was replaced by Mr Joakim LARSSON as a member.
- (2) Two members' seats on the Committee of the Regions have become vacant following the end of the terms of office of Ms Heléne FRITZON and Mr Joakim LARSSON,

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed as members of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

- Ms Katrin STJERNFELDT JAMMEH, *Malmö kommun*,
- Ms Agneta GRANSTRÖM, *Norrbottnens läns landsting*.

Article 2

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

Done at Brussels, 30 November 2017.

For the Council
The President
K. SIMSON

⁽¹⁾ Council Decision (EU) 2015/116 of 26 January 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 20, 27.1.2015, p. 42).

⁽²⁾ Council Decision (EU) 2015/190 of 5 February 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 31, 7.2.2015, p. 25).

⁽³⁾ Council Decision (EU) 2015/994 of 23 June 2015 appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020 (OJ L 159, 25.6.2015, p. 70).

⁽⁴⁾ Council Decision (EU) 2015/1203 of 20 July 2015 appointing three Swedish members and six Swedish alternate members of the Committee of the Regions (OJ L 195, 23.7.2015, p. 44).

COMMISSION IMPLEMENTING DECISION (EU) 2017/2238**of 5 December 2017****on the equivalence of the legal and supervisory framework applicable to designated contract markets and swap execution facilities in the United States of America in accordance with Regulation (EU) No 600/2014 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 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 ⁽¹⁾, and in particular Article 28(4) thereof,

Whereas:

- (1) Regulation (EU) No 600/2014 requires financial counterparties and non-financial counterparties above the clearing threshold as referred to in Article 4 of Regulation (EU) No 648/2012 of the European Parliament and of the Council ⁽²⁾ established in the Union to conclude transactions in derivatives pertaining to a class of derivatives that has been declared subject to the trading obligation only on regulated markets, multilateral trading facilities (MTFs), organised trading facilities (OTFs) and third-country trading venues recognised by the Commission as equivalent. The relevant third country should provide for an effective equivalent system for the recognition of trading venues authorised under Directive 2014/65/EU of the European Parliament and of the Council ⁽³⁾.
- (2) The procedure for recognition of trading venues established in third countries set out in Article 28 of Regulation (EU) No 600/2014 aims to allow financial and certain non-financial counterparties established in the Union to conclude transactions in derivatives subject to the trading obligation on third-country trading venues recognised as equivalent. The recognition procedure and the equivalence decision thus increases transparency of derivatives trading, including where trading takes place in trading venues established in a third country.
- (3) Considering the agreement reached by the parties to the G20 in Pittsburgh on 25 September 2009 to move trading in standardised OTC derivative contracts to exchanges or electronic trading platforms, it is appropriate to provide for a suitable range of eligible venues on which trading pursuant to that commitment can take place. The equivalence provisions should be read in the light of the objectives pursued by Regulation (EU) No 600/2014, in particular its contribution to the establishment and functioning of the internal market, market integrity, investor protection and financial stability. Regulation (EU) No 600/2014 underlined moreover the need to establish a single set of rules for all institutions in respect of certain requirements and to avoid potential regulatory arbitrage. Therefore, when designating the standardised OTC derivative contracts that will be subject to a trading obligation, it is appropriate that the Union fosters the development of a sufficient number of eligible venues for the execution of the trading obligation, including in the EU.
- (4) In accordance with Article 28(4) of Regulation (EU) No 600/2014, third-country trading venues can be recognised as equivalent to trading venues established in the Union where they comply with legally binding requirements which are equivalent to the requirements for the trading venues resulting from Directive 2014/65/EU, Regulation (EU) No 596/2014 of the European Parliament and of the Council ⁽⁴⁾ and which are

⁽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⁾ 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 (OJ L 201, 27.7.2012, p. 1).

⁽³⁾ 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).

⁽⁴⁾ Regulation (EU) No 596/2014 of the European Parliament and of the Council of 16 April 2014 on market abuse (market abuse regulation) and repealing Directive 2003/6/EC of the European Parliament and of the Council and Commission Directives 2003/124/EC, 2003/125/EC and 2004/72/EC (OJ L 173, 12.6.2014, p. 1).

subject to effective supervision and enforcement in that third country. This should be read in the light of the objectives pursued by that act, in particular its contribution to the establishment and functioning of the internal market, market integrity, investor protection and ultimately, but no less importantly, financial stability.

- (5) Swap trading platforms operating in the United States of America (USA) offer high trading volumes in dollar-denominated swaps and it is important that EU firms are able to access this liquidity for efficient risk management. Taking account of the importance of US swap trading platforms for the functioning of the EU market and their impact on financial stability, it is appropriate, given this context, to recognise swap trading platforms operating in the USA. This decision is based on a detailed assessment of the legal and supervisory framework governing swap trading platforms under the US Commodity Exchange Act (CEA) and implementing regulations with a particular focus on market integrity and transparency.
- (6) The purpose of this equivalence assessment is therefore to verify that the legal and supervisory arrangements under the CEA and implementing regulations ensure that designated contract markets (DCMs) and swap execution facilities (SEFs) established in the USA and authorised by the Commodity Futures Trading Commission (CFTC) are subject to legally binding requirements which are equivalent to the requirements for the trading venues resulting from Directive 2014/65/EU, Regulation (EU) No 596/2014 and Regulation (EU) No 600/2014 and based on the criteria set out in Articles 28(4) of Regulation (EU) No 600/2014. The purpose of the equivalence assessment is also to verify whether DCMs and SEFs are subject to effective supervision and enforcement in that third country.
- (7) Legally binding requirements for DCMs authorised in the USA are set forth in the CEA form of a principles-based legal framework for the operation of DCMs. The CEA's requirements for DCMs include 23 Core Principles. These principles have the force of law and DCMs must comply with them on an initial and ongoing basis. A DCM must also comply with applicable CFTC regulations (CFR), which specify requirements for operating as a DCM.
- (8) Legally binding requirements for SEFs authorised in the USA are set forth in the CEA in the form of a principles-based legal framework. SEFs operate under Section 5h of the CEA, which was added by Section 733 of the Dodd-Frank Wall Street Reform and Consumer Protection Act for the trading and processing of swaps. Section 5h of the CEA sets out 15 Core Principles for SEFs. In order to obtain and maintain registration with the CFTC, SEFs must comply with the 15 Core Principles. A SEF must also comply with CFTC regulations applicable to SEFs on an initial and ongoing basis.
- (9) Article 28(4)(a-d) of Regulation (EU) No 600/2014 sets out four conditions that need to be fulfilled in order to determine that the legal and supervisory arrangements of a third country regarding the trading venues authorised therein are equivalent to those laid down in Regulation (EU) No 600/2014 and Directive 2014/65/EU.
- (10) According to the first condition set out in Article 28(4)(a) of Regulation (EU) No 600/2014, third-country trading venues must be subject to authorisation and to effective supervision and enforcement on an ongoing basis.
- (11) In order to operate as a DCM an applicant must apply for designation with the CFTC and demonstrate compliance with the applicable provisions under the CEA as well as the CFTC regulations. Likewise, in order to operate as a SEF, an applicant must obtain registration with the CFTC and demonstrate compliance with applicable provisions under the CEA as well as the CFTC regulations. The CFTC has regulatory oversight authority over DCMs and SEFs, respectively, pursuant to Sections 5 and 5h of the CEA, 7 USC 7 and 7 USC 7b-3. In order to be designated by the CFTC, a DCM must comply with the 23 DCM Core Principles under the CEA and any requirements that the CFTC may impose by rule or regulation. In order to be registered with the CFTC, a SEF must comply with the 15 SEF Core Principles, under the CEA and any requirements that the CFTC may impose by rule or regulation. A DCM is required to be a trading facility which generally, under the CEA, means a multilateral system in which participants have the ability to execute transactions in accordance with non-discretionary rules. DCMs must provide members with impartial access to their markets and services. The access criteria must be impartial, transparent, and applied in a non-discriminatory manner. In addition, the CEA and

CFTC regulations subject DCMs to organisational requirements with regards to corporate governance, conflicts of interest policy, risk management, fair and orderly trading, trading system resilience, clearing and settlement arrangements, admission to trading and compliance monitoring, all of which must be complied with on an ongoing basis. SEFs are swap trading platforms which operate on a multilateral basis. SEFs must provide eligible contract participants with impartial access to their markets and services and are required to have access criteria that are impartial, transparent and applied in a fair and non-discriminatory manner. SEFs are also subject to organisational requirements with regards to corporate governance, conflicts of interest policy, risk management, fair and orderly trading, trading system resilience, clearing and settlement arrangements, admission to trading and compliance monitoring, all of which must be complied with on an ongoing basis.

- (12) DCMs and SEFs must establish rules governing their operations, including rules prohibiting abusive trade practices and enforce compliance with these rules. These rules and any amendments thereto are assessed by the CFTC to ensure consistency with the CEA and CFTC regulations. DCMs and SEFs must have the capacity to detect, investigate and apply appropriate sanctions to any person that violates any DCM or SEF rule. DCMs and SEFs are permitted to use regulatory services of a third party for assistance in complying with applicable requirements under the CEA and CFTC regulations. DCMs and SEFs remain responsible for compliance with their statutory and regulatory obligations, even when using such a third party to provide regulatory services.
- (13) The CFTC also has ongoing oversight and enforcement responsibilities with respect to DCMs and SEFs. Regular Rule Enforcement Reviews (RERs) are performed, which are designed to evaluate a DCM's compliance with statutory and regulatory requirements relating to trade practice surveillance, market surveillance, audit trail and DCM disciplinary programs. A similar program is being developed for SEFs. Section 8(a)(1) of the CEA gives the CFTC broad power to conduct investigations to ensure compliance with the CEA and the CFTC regulations. Pursuant to CEA Sections 5e, 6(b), 6b and 6c(a) the CFTC may also bring civil enforcement actions to enjoin violations of the CEA or CFTC regulations and obtain other equitable relief and monetary sanctions: bring administrative enforcement proceedings, suspend or revoke the designation of a DCM or the registration of a SEF, and make and enter against a DCM or SEF a cease and desist order from violating the CEA or CFTC regulations. Section 6(c) of the CEA gives the CFTC power to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of books, correspondence, memoranda and other records, for the purposes of enforcing the CEA or for purposes of any investigation or proceeding.
- (14) It can therefore be concluded that DCMs and SEFs are subject to authorisation and to effective supervision and enforcement on an ongoing basis.
- (15) According to the second condition set out in Article 28(4)(b) of Regulation (EU) No 600/2014, third-country trading venues must have clear and transparent rules regarding admission of financial instruments to trading so that such financial instruments are capable of being traded in a fair, orderly and efficient manner and are freely negotiable.
- (16) Neither a DCM nor a SEF may list a new derivative contract unless that contract complies with the CEA and CFTC regulations, which ensure fair, orderly and efficient trading. This is enforced by requiring all DCMs and SEFs to file new contracts with the CFTC prior to listing, either for CFTC approval or with a certification by the DCM or SEF that the contract complies with the CEA and CFTC regulations. The filing must contain an explanation and analysis of the derivative contract, and its compliance with any applicable requirements, including the CEA requirement that a DCM or SEF only list contracts that are not readily susceptible to manipulation. The CFTC guidance for complying with this statutory requirement states that in the case of cash-settled swap contracts, the DCM or the SEF should consider, inter alia, the reliability of the cash settlement price as an indicator of cash market values, as well as the commercial acceptability, public availability, and timeliness of the price series that is used to calculate the cash settlement price. Such guidance also outlines what the CFTC considers to be an acceptable specification of contract terms and conditions. The DCM and the SEF must make the terms and conditions of a derivative contract filed with the CFTC publicly available, at the time of such filing. This pre-listing filing requirement and the CFTC requirements with respect to contract characteristics, help to ensure that derivative contracts are capable of being traded in a fair, orderly and efficient manner. The CFTC guidance assists the CFTC in its consideration of whether a DCM or SEF is in compliance with the requirements of Core Principles.

- (17) DCMs are required to provide a competitive, open, and efficient market and a mechanism for executing transactions that protects the price discovery process of trading in the centralized market of the DCM. Consistent with this requirement, all DCMs utilize central limit order books in which bids and offers are shown. Additionally, DCMs post price quote information on their public websites. SEF transactions involving swaps that are subject to the CFTC's trade execution requirement, which are not block trades, must be executed either in accordance with an Order Book, as defined in the CFTC regulations, or in accordance with a Request-for-Quote System that operates in conjunction with an Order Book. A 'Request-for-Quote System' is defined in the CFTC regulations as a trading system or platform in which a market participant transmits a request for a quote to buy or sell a specific instrument to no less than three market participants in the trading system or platform, to which all such market participants may respond. Furthermore, Part 43 of the CFTC's regulations requires a publicly reportable swap transaction to be reported to a CFTC-registered swap data repository (SDR) as soon as technologically practicable after the transaction is executed. For a publicly reportable swap transaction that is executed on or pursuant to the rules of a DCM or SEF, the SDR must ensure that swap transaction and pricing data is publicly disseminated as soon as technologically practicable after such data is received from the DCM or SEF, unless the swap is subject to a time delay. An SDR is required to delay public dissemination of swap transaction and pricing data for publicly reportable swap transactions that exceed certain sizes.
- (18) It can therefore be concluded that DCMs and SEFs have clear and transparent rules regarding admission of financial instruments to trading so that such financial instruments are capable of being traded in a fair, orderly and efficient manner and are freely negotiable.
- (19) According to the third condition set out in Article 28(4)(c) of Regulation (EU) No 600/2014, issuers of financial instruments must be subject to periodic and ongoing information requirements ensuring a high level of investor protection.
- (20) Given the nature and characteristics of the derivative contracts listed on DCMs and SEFs, and in particular the fact that their underlying assets are primarily commodities, interest rates or currencies, the third condition cannot be applied to most of the options and swaps transacted on DCMs and SEFs. This requirement cannot apply to derivative contracts which do not reference equities as an underlying. For the derivatives subject to the trading obligation, such as swaps, with interest rates as an underlying, there is no company that could issue relevant financial reports. Disclosure obligations are however incumbent on issuers of derivative contracts where an underlying asset is a security. In the USA, this would only concern options on securities or security-based swaps. Options on securities can only be traded on a securities exchange under the jurisdiction of the Securities and Exchange Commission (SEC), therefore not on either DCMs or SEFs. Security-based swaps may be transacted on a security-based swap execution facility, but they are regulated by the SEC. Where the underlying security of a security-based swap is admitted to trading on a US national securities exchange, its issuer is subject to the reporting requirements under Section 13(a) of the Exchange Act and must publish annual and interim financial reports, for which the US regulatory framework has clear, comprehensive and specific disclosure requirements, and the free public access of which is ensured by the EDGAR system provided by the SEC's website. Thus, as a result, a high level of investor protection is still ensured.
- (21) According to the fourth condition set out in Article 28(4)(d) of Regulation (EU) No 600/2014, the third-country framework must ensure market transparency and integrity via rules addressing market abuse in the form of insider dealing and market manipulation.
- (22) The CEA and CFTC regulations establish a comprehensive regulatory framework to ensure market integrity and prevent insider dealing and market manipulation. This framework prohibits, and authorises the CFTC to take enforcement action against conduct which could result in distorting the functioning of the markets such as price manipulations and communication of false or misleading information (CEA §§ 6(c) and 9(a)(2), §§ 180.1 and 180.2 of the Commission's regulations), trade practice violations (CEA §§ 4c(a)(1)-(2)), certain disruptive practices that could impair the orderly execution of transactions (CEA § 4c(a)(5)) and the use, or attempted use, of a manipulative device, scheme or artifice to defraud (CEA § 6(c)(1), 17 CFR § 180.1 of the Commission's regulations) Trading on the basis of unlawfully obtained inside information or in breach of a pre-existing duty to disclose material non-public information may also be a violation of the CEA. DCMs and SEFs have the responsibility to monitor their markets to help ensure that trading activities are subject to ongoing and effective surveillance and in order to detect and prevent manipulative activity that could result in price distortion or market manipulation. The CFTC's RER program evaluates a DCM's surveillance and disciplinary programs.

A similar program is being developed for SEFs. Furthermore, the CFTC can, at any time and on its own initiative, request a DCM or a SEF to demonstrate that it is in compliance with obligations of the DCM or SEF under the CEA or the CFTC regulations.

- (23) It can therefore be concluded that the framework applicable to DCMs and SEFs in the US ensures market transparency and integrity via rules addressing market abuse in the form of insider dealing and market manipulation.
- (24) It can therefore be concluded that DCMs and SEFs comply with legally binding requirements which are equivalent to the requirements for the trading venues resulting from Directive 2014/65/EU, Regulation (EU) No 596/2014 and Regulation (EU) No 600/2014 and are subject to effective supervision and enforcement in that third country.
- (25) In accordance with Article 28(1)(d) of Regulation (EU) No 600/2014 third-country trading venues can be recognised as equivalent provided that the third country provides for an effective equivalent system for the recognition of trading venues authorised under Directive 2014/65/EU to admit to trading or trade derivatives declared subject to the trading obligation in that third country on a non-exclusive basis.
- (26) Pursuant to CEA, Section 5h(g), the CFTC is authorized to exempt swap execution facilities from registration if the CFTC finds that the facilities are subject to comparable, comprehensive supervision and regulation on a consolidated basis by the national competent authorities in the home country of the facility. In accordance with Section 5h(g), the CFTC is empowered to exempt all regulated markets, MTFs and OTFs notified by the Commission through a single order once the CFTC determines that the notified venues are subject to comparable and comprehensive supervision and regulation on a consolidated basis.
- (27) A joint statement by the Chairman of the CFTC and the Vice President of the European Commission responsible for financial services sets out the CFTC's approach concerning exemption of EU trading venues. The decision will also be complemented by cooperation arrangements to ensure the effective exchange of information and coordination of supervisory activities between the national competent authorities responsible for the authorisation and supervision of the recognised EU trading venues and the CFTC.
- (28) It can therefore be concluded that the legal and supervisory framework of the USA provides for an effective equivalent system for the recognition of trading venues authorised under Directive 2014/65/EU to admit to trading or trade derivatives declared subject to trade execution requirement in the USA on a non-exclusive basis.
- (29) This decision determines the eligibility of third-country trading venues to allow financial and non-financial counterparties established in the Union to comply with their trading obligation when trading derivatives on a third-country venue. This decision does therefore not affect the ability of financial and non-financial counterparties established in the Union to trade derivatives that are not subject to the trading obligation in accordance with Article 32 of Regulation (EU) No 600/214 on third-country trading venues.
- (30) This Decision is based on the legally binding requirements relating to DCMs and SEFs applicable in the USA 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 trading venues, market developments, the effectiveness of supervisory cooperation in relation to monitoring and enforcement and the fulfilment of the conditions on the basis of which this Decision has been taken.
- (31) The regular review of the legal and supervisory arrangements applicable in the USA to DCMs and SEFs authorised therein and market developments is without prejudice to the possibility of the Commission undertaking a specific review at any time 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.
- (32) The measures provided for in this Decision are in accordance with the opinion of the European Securities Committee,

HAS ADOPTED THIS DECISION:

Article 1

For the purposes of Article 28(4) of Regulation (EU) No 600/2014 the legal and supervisory framework of the United States of America applicable to designated contract markets and swap execution facilities authorised therein and set out in the Annex shall be considered to be equivalent to the requirements laid down in Regulation (EU) No 600/2014 for trading venues as defined in Directive 2014/65/EU.

Article 2

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

Done at Brussels, 5 December 2017.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

Designated contract markets considered equivalent to trading venues as defined in Directive 2014/65/EU:

- (a) Cantor Futures Exchange, L.P.
- (b) CBOE Futures Exchange, LLC
- (c) Chicago Board of Trade (Board of Trade of the City of Chicago, Inc.)
- (d) Chicago Mercantile Exchange, Inc.
- (e) Commodity Exchange, Inc.
- (f) Eris Exchange, LLC
- (g) ICE Futures U.S., Inc.
- (h) Minneapolis Grain Exchange, Inc.
- (i) NASDAQ Futures, Inc.
- (j) New York Mercantile Exchange, Inc.
- (k) Nodal Exchange, LLC
- (l) North American Derivatives Exchange, Inc.
- (m) OneChicago LLC
- (n) trueEX LLC

Swap execution facilities considered equivalent to trading venues as defined in Directive 2014/65/EU:

- (a) 360 Trading Networks, Inc.
 - (b) Bats Hotspot SEF, LLC
 - (c) BGC Derivatives Markets, L.P.
 - (d) Bloomberg SEF LLC
 - (e) Chicago Mercantile Exchange, Inc.
 - (f) Clear Markets North America, Inc.
 - (g) DW SEF LLC
 - (h) FTSEF LLC
 - (i) GFI Swaps Exchange LLC
 - (j) GTX SEF LLC
 - (k) ICAP SEF (US) LLC
 - (l) ICE Swap Trade LLC
 - (m) LatAm SEF, LLC
 - (n) LedgerX LLC
 - (o) MarketAxess SEF Corporation
 - (p) Seed SEF LLC
 - (q) SwapEx LLC
 - (r) TeraExchange, LLC
 - (s) Thomson Reuters (SEF) LLC
 - (t) tpSEF Inc.
 - (u) Tradition SEF, Inc.
 - (v) trueEX LLC
 - (w) TW SEF LLC
-

DECISION (EU) 2017/2239 OF THE EUROPEAN CENTRAL BANK
of 16 November 2017
amending Decision (EU) 2016/2247 on the annual accounts of the European Central Bank
(ECB/2017/36)

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

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

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular Article 26.2 thereof,

Whereas:

- (1) Decision (EU) 2016/2247 of the European Central Bank (ECB/2016/35) ⁽¹⁾ lays down the rules for drawing up the annual accounts of the European Central Bank (ECB).
- (2) The financial reporting framework of the ECB needs to be clarified to ensure that its financial statements are presented in accordance with generally accepted auditing standards.
- (3) Therefore, Decision (EU) 2016/2247 (ECB/2016/35) should be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Amendments

Decision (EU) 2016/2247 (ECB/2016/35) is amended as follows:

1. in Article 25, the following paragraph 3 is added:

‘3. In extremely rare circumstances where the Governing Council concludes that compliance with a requirement of this Decision would not result in a fair presentation of the annual accounts, the ECB shall depart from that requirement and shall provide the reasons in the notes to the annual accounts.’;

2. Annex I is replaced by the Annex to this Decision.

Article 2

Entry into force

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 Frankfurt am Main, 16 November 2017.

For the Governing Council of the ECB

The President of the ECB

Mario DRAGHI

⁽¹⁾ Decision (EU) 2016/2247 of the European Central Bank of 3 November 2016 on the annual accounts of the European Central Bank (ECB/2016/35) (OJ L 347, 20.12.2016, p. 1).

ANNEX

Annex I to Decision (EU) 2016/2247 (ECB/2016/35) is replaced by the following:

'ANNEX I

COMPOSITION AND VALUATION RULES FOR THE BALANCE SHEET

ASSETS

	Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
1	Gold and gold receivables	Physical gold, i.e. bars, coins, plates, nuggets, in storage or "under way". Non-physical gold, such as balances in gold sight accounts (unallocated accounts), term deposits and claims to receive gold arising from the following transactions: (a) upgrading or downgrading transactions; and (b) gold location or purity swaps where there is a difference of more than one business day between release and receipt	Market value
2	Claims on non-euro-area residents denominated in foreign currency	Claims on counterparties resident outside the euro area including international and supranational institutions and central banks outside the euro area denominated in foreign currency	
2.1	Receivables from the International Monetary Fund (IMF)	<p>(a) <i>Drawing rights within the reserve tranche (net)</i> National quota minus balances in euro at the disposal of the IMF. The No 2 account of the IMF (euro account for administrative expenses) may be included in this item or under the item "Liabilities to non-euro-area residents denominated in euro"</p> <p>(b) <i>Special drawing rights (SDRs)</i> Holdings of SDRs (gross)</p> <p>(c) <i>Other claims</i> General arrangements to borrow, loans under special borrowing arrangements, deposits made to trusts under the management of the IMF</p>	<p>(a) <i>Drawing rights within the reserve tranche (net)</i> Nominal value, translated at the foreign exchange market rate</p> <p>(b) <i>SDRs</i> Nominal value, translated at the foreign exchange market rate</p> <p>(c) <i>Other claims</i> Nominal value, translated at the foreign exchange market rate</p>
2.2	Balances with banks and security investments, external loans and other external assets	<p>(a) <i>Balances with banks outside the euro area other than those under asset item 11.3 "Other financial assets"</i> Current accounts, fixed-term deposits, day-to-day money, reverse repo transactions</p>	<p>(a) <i>Balances with banks outside the euro area</i> Nominal value, translated at the foreign exchange market rate</p>

	Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
		<p>(b) Security investments outside the euro area other than those under asset item 11.3 "Other financial assets"</p> <p>Notes and bonds, bills, zero bonds, money market paper, equity instruments held as part of the foreign reserves, all issued by non-euro-area residents</p> <p>(c) External loans (deposits) to non-euro-area residents other than those under asset item 11.3 "Other financial assets"</p> <p>(d) Other external assets</p> <p>Non-euro-area banknotes and coins</p>	<p>(b) (i) <i>Marketable debt securities other than held-to-maturity</i></p> <p>Market price and foreign exchange market rate</p> <p>Any premiums or discounts are amortised</p> <p>(ii) <i>Marketable debt securities classified as held-to-maturity</i></p> <p>Cost subject to impairment and foreign exchange market rate</p> <p>Any premiums or discounts are amortised</p> <p>(iii) <i>Non-marketable debt securities</i></p> <p>Cost subject to impairment and foreign exchange market rate</p> <p>Any premiums or discounts are amortised</p> <p>(iv) <i>Marketable equity instruments</i></p> <p>Market price and foreign exchange market rate</p> <p>(c) External loans</p> <p>Deposits at nominal value, translated at the foreign exchange market rate</p> <p>(d) Other external assets</p> <p>Nominal value, translated at the foreign exchange market rate</p>
3	Claims on euro area residents denominated in foreign currency	<p>(a) Security investments inside the euro area other than those under asset item 11.3 "Other financial assets"</p> <p>Notes and bonds, bills, zero bonds, money market paper, equity instruments held as part of the foreign reserves, all issued by euro area residents</p>	<p>(a) (i) <i>Marketable debt securities other than held-to-maturity</i></p> <p>Market price and foreign exchange market rate</p> <p>Any premiums or discounts are amortised</p> <p>(ii) <i>Marketable debt securities classified as held-to-maturity</i></p> <p>Cost subject to impairment and foreign exchange market rate</p> <p>Any premiums or discounts are amortised</p> <p>(iii) <i>Non-marketable debt securities</i></p> <p>Cost subject to impairment and foreign exchange market rate</p> <p>Any premiums or discounts are amortised</p> <p>(iv) <i>Marketable equity instruments</i></p> <p>Market price and foreign exchange market rate</p>

	Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
		<p>(b) Other claims on euro area residents other than those under asset item 11.3 "Other financial assets"</p> <p>Loans, deposits, reverse repo transactions, sundry lending</p>	<p>(b) Other claims</p> <p>Deposits and other lending at nominal value, translated at the foreign exchange market rate</p>
4	Claims on non-euro-area residents denominated in euro		
4.1	Balances with banks, security investments and loans	<p>(a) Balances with banks outside the euro area other than those under asset item 11.3 "Other financial assets"</p> <p>Current accounts, fixed-term deposits, day-to-day money, reverse repo transactions in connection with the management of securities denominated in euro</p> <p>(b) Security investments outside the euro area other than those under asset item 11.3 "Other financial assets"</p> <p>Equity instruments, notes and bonds, bills, zero bonds, money market paper, all issued by non-euro-area residents</p> <p>(c) Loans to non-euro-area residents other than those under asset item 11.3 "Other financial assets"</p> <p>(d) Securities issued by entities outside the euro area other than those under asset item 11.3 "Other financial assets" and asset item 7.1 "Securities held for monetary policy purposes"</p> <p>Securities issued by supranational or international organisations, e.g. the European Investment Bank, irrespective of their geographical location, and not purchased for monetary policy purposes</p>	<p>(a) Balances with banks outside the euro area</p> <p>Nominal value</p> <p>(b) (i) <i>Marketable debt securities other than held-to-maturity</i></p> <p>Market price</p> <p>Any premiums or discounts are amortised</p> <p>(ii) <i>Marketable debt securities classified as held-to-maturity</i></p> <p>Cost subject to impairment</p> <p>Any premiums or discounts are amortised</p> <p>(iii) <i>Non-marketable debt securities</i></p> <p>Cost subject to impairment</p> <p>Any premiums or discounts are amortised</p> <p>(iv) <i>Marketable equity instruments</i></p> <p>Market price</p> <p>(c) Loans outside the euro area</p> <p>Deposits at nominal value</p> <p>(d) (i) <i>Marketable debt securities other than held-to-maturity</i></p> <p>Market price</p> <p>Any premiums or discounts are amortised</p> <p>(ii) <i>Marketable debt securities classified as held-to-maturity</i></p> <p>Cost subject to impairment</p> <p>Any premiums or discounts are amortised</p> <p>(iii) <i>Non-marketable debt securities</i></p> <p>Cost subject to impairment</p> <p>Any premiums or discounts are amortised</p>

	Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
4.2	Claims arising from the credit facility under the Exchange Rate Mechanism (ERM) II	Lending in accordance with the ERM II conditions	Nominal value
5	Lending to euro area credit institutions related to monetary policy operations denominated in euro	Items 5.1 to 5.5: transactions in accordance with the respective monetary policy instruments described in Guideline (EU) 2015/510 of the European Central Bank (ECB/2014/60) ⁽¹⁾	
5.1	Main refinancing operations	Regular liquidity-providing reverse transactions with a weekly frequency and normally a maturity of one week	Nominal value or repo cost
5.2	Longer-term refinancing operations	Regular liquidity-providing reverse transactions normally with a monthly frequency, with a maturity longer than that of the main refinancing operations	Nominal value or repo cost
5.3	Fine-tuning reverse operations	Reverse transactions, executed as ad hoc transactions for fine-tuning purposes	Nominal value or repo cost
5.4	Structural reverse operations	Reverse transactions adjusting the structural position of the Eurosystem vis-à-vis the financial sector	Nominal value or repo cost
5.5	Marginal lending facility	Overnight liquidity facility at a pre-specified interest rate against eligible assets (standing facility)	Nominal value or repo cost
5.6	Credits related to margin calls	Additional credit to credit institutions, arising from value increases of underlying assets regarding other credit to these credit institutions	Nominal value or cost
6	Other claims on euro area credit institutions denominated in euro	Current accounts, fixed-term deposits, day-to-day money, reverse repo transactions in connection with the management of security portfolios under the asset item 7 "Securities of euro area residents denominated in euro", including transactions resulting from the transformation of former foreign currency reserves of the euro area, and other claims. Correspondent accounts with non-domestic euro area credit institutions. Other claims and operations unrelated to monetary policy operations of the Eurosystem	Nominal value or cost

	Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
7	Securities of euro area residents denominated in euro		
7.1	Securities held for monetary policy purposes	Securities held for monetary policy purposes (including securities purchased for monetary policy purposes issued by supranational or international organisations, or multilateral development banks, irrespective of their geographical location). European Central Bank (ECB) debt certificates purchased for fine-tuning purposes	<p>(a) Marketable debt securities</p> <p>Accounted for depending on monetary policy considerations:</p> <p>(i) <i>Market price</i></p> <p>Any premiums or discounts are amortised</p> <p>(ii) <i>Cost subject to impairment (cost when the impairment is covered by a provision under liability item 13(b) "Provisions")</i></p> <p>Any premiums or discounts are amortised</p> <p>(b) Non-marketable debt securities</p> <p>Cost subject to impairment</p> <p>Any premiums or discounts are amortised</p>
7.2	Other securities	Securities other than those under asset item 7.1 "Securities held for monetary policy purposes" and under asset item 11.3 "Other financial assets": notes and bonds, bills, zero bonds, money market paper held outright, including government securities stemming from before Economic and Monetary Union (EMU), denominated in euro. Equity instruments	<p>(a) Marketable debt securities other than held-to-maturity</p> <p>Market price</p> <p>Any premiums or discounts are amortised</p> <p>(b) Marketable debt securities classified as held-to-maturity</p> <p>Cost subject to impairment</p> <p>Any premiums or discounts are amortised</p> <p>(c) Non-marketable debt securities</p> <p>Cost subject to impairment</p> <p>Any premiums or discounts are amortised</p> <p>(d) Marketable equity instruments</p> <p>Market price</p>
8	General government debt denominated in euro	Claims on government stemming from before EMU (non-marketable securities, loans)	Deposits/loans at nominal value, non-marketable securities at cost
9	Intra-Eurosystem claims		
9.1	Claims related to the issuance of ECB debt certificates	Intra-Eurosystem claims vis-à-vis national central banks (NCBs), arising from the issuance of ECB debt certificates	Cost
9.2	Claims related to the allocation of euro banknotes within the Eurosystem	Claims related to the ECB's banknote issue, in accordance with Decision ECB/2010/29 ⁽²⁾	Nominal value

	Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
9.3	Other claims within the Eurosystem (net)	<p>Net position of the following sub-items:</p> <p>(a) net claims arising from balances of TARGET2 accounts and correspondent accounts of NCBs, i.e. the net figure of claims and liabilities. See also liability item 10.2 "Other liabilities within the Eurosystem (net)"</p> <p>(b) other intra-Eurosystem claims denominated in euro that may arise, including the interim distribution of ECB income to NCBs</p>	<p>(a) Nominal value</p> <p>(b) Nominal value</p>
10	Items in course of settlement	Settlement account balances (claims), including the float of cheques in collection	Nominal value
11	Other assets		
11.1	Coins of euro area	Euro coins	Nominal value
11.2	Tangible and intangible fixed assets	Land and buildings, furniture and equipment including computer equipment, software	<p>Cost less depreciation</p> <p>Depreciation is the systematic allocation of the depreciable amount of an asset over its useful life. The useful life is the period over which a fixed asset is expected to be available for use by the entity. Useful lives of individual material fixed assets may be reviewed on a systematic basis, if expectations differ from previous estimates. Major assets may comprise components with different useful lives. The lives of such components should be assessed individually</p> <p>The cost of intangible assets includes the price for the acquisition of the intangible asset. Other direct or indirect costs are to be expensed</p> <p>Capitalisation of expenditure: limit based (below EUR 10 000 excluding VAT: no capitalisation)</p>
11.3	Other financial assets	<ul style="list-style-type: none"> — Participating interests and investments in subsidiaries, equities held for strategic/policy reasons — Securities including equities, and other financial instruments and balances including fixed-term deposits and current accounts held as an earmarked portfolio — Reverse repo transactions with credit institutions in connection with the management of securities portfolios under this item 	<p>(a) Marketable equity instruments Market price</p> <p>(b) Participating interests and illiquid equity shares, and any other equity instruments held as permanent investments Cost subject to impairment</p> <p>(c) Investment in subsidiaries or significant interests Net asset value</p>

	Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
			<p>(d) Marketable debt securities other than held to maturity Market price Premiums/discounts are amortised</p> <p>(e) Marketable debt securities classified as held-to-maturity or held as a permanent investment Cost subject to impairment Any premiums or discounts are amortised</p> <p>(f) Non-marketable debt securities Cost subject to impairment</p> <p>(g) Balances with banks and loans Nominal value, translated at the foreign exchange market rate if the balances/deposits are denominated in foreign currencies</p>
11.4	Off-balance-sheet instruments revaluation differences	Valuation results of foreign exchange forwards, foreign exchange swaps, interest rate swaps (unless daily variation margin applies), forward rate agreements, forward transactions in securities, foreign exchange spot transactions from trade date to settlement date	Net position between forward and spot, at the foreign exchange market rate
11.5	Accruals and prepaid expenditure	Income not due in, but assignable to the reported period. Prepaid expenditure and accrued interest paid, i.e. accrued interest purchased with a security	Nominal value, foreign exchange translated at market rate
11.6	Sundry	<p>(a) Advances, loans and other minor items. Loans on a trust basis</p> <p>(b) Investments related to customer gold deposits</p> <p>(c) Net pension assets</p> <p>(d) Outstanding claims arising from the default of Eurosystem counterparties in the context of Eurosystem credit operations</p> <p>(e) Assets or claims (vis-à-vis third parties) appropriated and/or acquired in the context of the realisation of collateral submitted by Eurosystem counterparties in default</p>	<p>(a) Nominal value or cost</p> <p>(b) Market value</p> <p>(c) As per Article 25(2)</p> <p>(d) Nominal/recoverable value (before/after settlement of losses)</p> <p>(e) Cost (converted at the foreign exchange market rate at the time of the acquisition if financial assets are denominated in foreign currencies)</p>

	Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
12	Loss for the year		Nominal value

(¹) Guideline (EU) 2015/510 of the European Central Bank of 19 December 2014 on the implementation of the Eurosystem monetary policy framework (ECB/2014/60) (OJ L 91, 2.4.2015, p. 3).

(²) Decision ECB/2010/29 of the European Central Bank of 13 December 2010 on the issue of euro banknotes (OJ L 35, 9.2.2011, p. 26).

LIABILITIES

	Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
1	Banknotes in circulation	Euro banknotes issued by the ECB, in accordance with Decision ECB/2010/29	Nominal value
2	Liabilities to euro area credit institutions related to monetary policy operations denominated in euro	Items 2.1, 2.2, 2.3 and 2.5: deposits in euro as described in Guideline (EU) 2015/510 (ECB/2014/60)	
2.1	Current accounts (covering the minimum reserve system)	Euro accounts of credit institutions that are included in the list of financial institutions subject to minimum reserves in accordance with the Statute of the European System of Central Banks and of the European Central Bank (the "Statute of the ESCB"). This item contains primarily accounts used in order to hold minimum reserves	Nominal value
2.2	Deposit facility	Overnight deposits at a pre-specified interest rate (standing facility)	Nominal value
2.3	Fixed-term deposits	Collection for liquidity absorption purposes owing to fine-tuning operations	Nominal value
2.4	Fine-tuning reverse operations	Monetary policy-related transactions with the aim of liquidity absorption	Nominal value or repo cost
2.5	Deposits related to margin calls	Deposits of credit institutions, arising from value decreases of underlying assets regarding credits to these credit institutions	Nominal value
3	Other liabilities to euro area credit institutions denominated in euro	Repo transactions in connection with simultaneous reverse repo transactions for the management of securities portfolios under asset item 7 "Securities of euro area residents denominated in euro". Other operations unrelated to Eurosystem monetary policy operations. No current accounts of credit institutions	Nominal value or repo cost

	Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
4	ECB debt certificates issued	Debt certificates as described in Guideline (EU) 2015/510 (ECB/2014/60). Discount paper, issued with the aim of liquidity absorption	Cost Any discounts are amortised
5	Liabilities to other euro area residents denominated in euro		
5.1	General government	Current accounts, fixed-term deposits, deposits repayable on demand	Nominal value
5.2	Other liabilities	Current accounts of staff, companies and clients including financial institutions listed as exempt from the obligation to hold minimum reserves (see liability item 2.1); fixed-term deposits, deposits repayable on demand	Nominal value
6	Liabilities to non-euro-area residents denominated in euro	Current accounts, fixed-term deposits, deposits repayable on demand including accounts held for payment purposes and accounts held for reserve management purposes: of other banks, central banks, international/supranational institutions including the European Commission; current accounts of other depositors. Repo transactions in connection with simultaneous reverse repo transactions for the management of securities denominated in euro. Balances of TARGET2 accounts of central banks of Member States whose currency is not the euro	Nominal value or repo cost
7	Liabilities to euro area residents denominated in foreign currency	Current accounts. Liabilities under repo transactions; usually investment transactions using foreign currency assets or gold	Nominal value, translated at year-end foreign exchange market rate
8	Liabilities to non-euro-area residents denominated in foreign currency		
8.1	Deposits, balances and other liabilities	Current accounts. Liabilities under repo transactions; usually investment transactions using foreign currency assets or gold	Nominal value, translated at the year-end foreign exchange market rate
8.2	Liabilities arising from the credit facility under ERM II	Borrowing in accordance with the ERM II conditions	Nominal value, translated at the year-end foreign exchange market rate
9	Counterpart of special drawing rights allocated by the IMF	SDR-denominated item which shows the amount of SDRs that were originally allocated to the respective country/NCB	Nominal value, translated at the year-end foreign exchange market rate

	Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
10	Intra-Eurosystem liabilities		
10.1	Liabilities equivalent to the transfer of foreign reserves	ECB balance sheet item, denominated in euro	Nominal value
10.2	Other liabilities within the Eurosystem (net)	<p>Net position of the following sub-items:</p> <p>(a) net liabilities arising from balances of TARGET2 accounts and correspondent accounts of NCBs, i.e. the net figure of claims and liabilities. See also asset item 9.3 "Other claims within the Eurosystem (net)"</p> <p>(b) other intra-Eurosystem liabilities denominated in euro that may arise, including the interim distribution of ECB income to NCBs</p>	<p>(a) Nominal value</p> <p>(b) Nominal value</p>
11	Items in course of settlement	Settlement account balances (liabilities), including the float of giro transfers	Nominal value
12	Other liabilities		
12.1	Off-balance-sheet instruments revaluation differences	Valuation results of foreign exchange forwards, foreign exchange swaps, interest rate swaps (unless daily variation margin applies), forward rate agreements, forward transactions in securities, foreign exchange spot transactions from trade date to settlement date	Net position between forward and spot, at the foreign exchange market rate
12.2	Accruals and income collected in advance	Expenditure falling due in a future period but relating to the reporting period. Income received in the reported period but relating to a future period	Nominal value, foreign exchange translated at market rate
12.3	Sundry	<p>(a) Taxation suspense accounts. Foreign currency credit or guarantee cover accounts. Repo transactions with credit institutions in connection with simultaneous reverse repo transactions for the management of securities portfolios under asset item 11.3 "Other financial assets". Compulsory deposits other than reserve deposits. Other minor items. Liabilities on a trust basis.</p> <p>(b) Customer gold deposits.</p> <p>(c) Net pension liabilities</p>	<p>(a) Nominal value or (repo) cost</p> <p>(b) Market value</p> <p>(c) As per Article 25(2)</p>

	Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
13	Provisions	<p>(a) For foreign exchange rate, interest rate, credit and gold price risks, and for other purposes, e.g. expected future expenses and contributions in accordance with Article 48.2 of the Statute of the ESCB with respect to central banks of Member States whose derogations have been abrogated</p> <p>(b) For counterparty or credit risks arising from monetary policy operations</p>	<p>(a) Cost/nominal value</p> <p>(b) Nominal value (based on a valuation at year end by the Governing Council)</p>
14	Revaluation accounts	<p>(a) Revaluation accounts related to price movements for gold, for every type of euro-denominated securities, for every type of foreign currency-denominated securities, for options; market valuation differences related to interest rate risk derivatives; revaluation accounts related to foreign exchange rate movements for every currency net position held, including foreign exchange swaps/forwards and SDRs</p> <p>Special revaluation accounts stemming from contributions in accordance with Article 48.2 of the Statute of the ESCB with respect to central banks of Member States whose derogations have been abrogated. See Article 14(2)</p> <p>(b) Remeasurement results of the net defined benefit liability (asset) in respect of post-employment benefits, which are the net position of the following sub-items:</p> <p>(i) Actuarial gains and losses in the present value of the defined benefit obligation</p> <p>(ii) Return on plan assets, excluding amounts included in net interest on the net defined benefit liability (asset)</p> <p>(iii) Any change in the effect of the asset ceiling, excluding amounts included in net interest on the net defined benefit liability (asset)</p>	<p>(a) Revaluation difference between average cost and market value, foreign exchange translated at market rate</p> <p>(b) As per Article 25(2)</p>

	Balance sheet item	Categorisation of contents of balance sheet items	Valuation principle
15	Capital and reserves		
15.1	Capital	Paid-up capital	Nominal value
15.2	Reserves	Legal reserves, in accordance with Article 33 of the Statute of the ESCB, and contributions in accordance with Article 48.2 of the Statute of the ESCB with respect to central banks of Member States whose derogations have been abrogated	Nominal value
16	Profit for the year		Nominal value'

CORRIGENDA**Corrigendum to Commission Decision (EU) 2017/1246 of 7 June 2017 endorsing the resolution scheme for Banco Popular Español S.A.**

(Official Journal of the European Union L 178 of 11 July 2017)

On page 15, recital 4:

- for:* 'The Commission agrees with the resolution scheme. In particular, it agrees with the reasons provided by the SRB of why resolution is necessary in the public interest in accordance with Article 5 of Regulation (EU) No 806/2014.'
- read:* 'The Commission agrees with the resolution scheme. In particular, it agrees with the reasons provided by the SRB of why resolution is necessary in the public interest in accordance with Article 18(5) of Regulation (EU) No 806/2014.'
-

