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## Legislation

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Contents

### II *Non-legislative acts*

#### REGULATIONS

- ★ **Council Regulation (EU) 2016/465 of 31 March 2016 amending Regulation (EC) No 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea** ..... 1
- ★ **Council Implementing Regulation (EU) 2016/466 of 31 March 2016 implementing Article 21(2) of Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya** ..... 3
- ★ **Commission Delegated Regulation (EU) 2016/467 of 30 September 2015 amending Commission Delegated Regulation (EU) 2015/35 concerning the calculation of regulatory capital requirements for several categories of assets held by insurance and reinsurance undertakings <sup>(1)</sup>** ..... 6
- ★ **Commission Regulation (EU) 2016/468 of 29 March 2016 establishing a prohibition of fishing for red seabream in Union and international waters of VI, VII and VIII by vessels flying the flag of France** ..... 20
- ★ **Commission Regulation (EU) 2016/469 of 29 March 2016 establishing a prohibition of fishing for anglerfish in areas VIIIc, IX and X; Union waters of CECAF 34.1.1 by vessels flying the flag of France** ..... 22
- ★ **Commission Regulation (EU) 2016/470 of 29 March 2016 establishing a prohibition of fishing for white marlin in the Atlantic Ocean by vessels flying the flag of Spain** ..... 24
- ★ **Commission Regulation (EU) 2016/471 of 29 March 2016 establishing a prohibition of fishing for blue marlin in the Atlantic Ocean by vessels flying the flag of Spain** ..... 26
- ★ **Commission Implementing Regulation (EU) 2016/472 of 31 March 2016 amending Regulation (EU) No 72/2010 as regards the definition of the term 'Commission inspector' <sup>(1)</sup>** ..... 28

<sup>(1)</sup> 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.

★ <b>Commission Implementing Regulation (EU) 2016/473 of 31 March 2016 amending for the 244th 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-Qaeda organisations</b> .....	30
Commission Implementing Regulation (EU) 2016/474 of 31 March 2016 establishing the standard import values for determining the entry price of certain fruit and vegetables .....	32

#### DECISIONS

★ <b>Council Decision (CFSP) 2016/475 of 31 March 2016 amending Decision 2013/183/CFSP concerning restrictive measures against the Democratic People's Republic of Korea</b> .....	34
★ <b>Council Decision (CFSP) 2016/476 of 31 March 2016 amending Decision 2013/183/CFSP concerning restrictive measures against the Democratic People's Republic of Korea</b> .....	38
★ <b>Council Decision (CFSP) 2016/477 of 31 March 2016 amending Decision 2011/173/CFSP concerning restrictive measures in view of the situation in Bosnia and Herzegovina</b> .....	47
★ <b>Council Decision (CFSP) 2016/478 of 31 March 2016 amending Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya</b> .....	48

## II

(Non-legislative acts)

## REGULATIONS

## COUNCIL REGULATION (EU) 2016/465

of 31 March 2016

**amending Regulation (EC) No 329/2007 concerning restrictive measures against the Democratic People's Republic of Korea**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision 2013/183/CFSP of 22 April 2013 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2010/800/CFSP <sup>(1)</sup> adopted in accordance with Chapter 2 of Title V of the Treaty on European Union

Having regard to the joint proposal of the High Representative of the Union for Foreign Affairs and Security Policy and of the European Commission,

Whereas:

- (1) Regulation (EC) No 329/2007 <sup>(2)</sup> gives effect to measures provided for in Decision 2013/183/CFSP concerning restrictive measures against the Democratic People's Republic of Korea which repealed and replaced Decision 2010/800/CFSP.
- (2) On 31 March 2016, the Council adopted Decision (CFSP) 2016/475 <sup>(3)</sup>, listing the Korea National Insurance Corporation (KNIC) and providing for derogations to allow EU persons and entities to obtain insurance from KNIC for activities to be carried out in North Korea. The Council also decided that EU persons or entities should be allowed to receive payments by KNIC derived from such insurance or in respect of damage caused within the territory of the Union. In addition, Decision (CFSP) 2016/475 allows to unfreeze KNIC's funds needed for payments due under a prior contract.
- (3) Regulation (EC) No 329/2007 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

In Regulation (EC) No 329/2007, the following Article is inserted:

*'Article 8a*

1. By way of derogation from Article 6(4), the competent authorities of the Member States as indicated on the websites listed in Annex II, may authorise making certain funds or economic resources available to the Korea

<sup>(1)</sup> OJ L 111, 23.4.2013, p. 52.

<sup>(2)</sup> Regulation (EC) No 329/2007 of 27 March 2007 concerning restrictive measures against the Democratic People's Republic of Korea (OJ L 88, 29.3.2007, p. 1).

<sup>(3)</sup> Council Decision (CFSP) 2016/475 of 31 March 2016 amending Decision 2013/183/CFSP concerning restrictive measures against the Democratic People's Republic of Korea (see page 34 of this Official Journal).

National Insurance Corporation (KNIC) where that is necessary for the payment of premiums under an insurance contract with a national of a Member State or a legal person, entity or body incorporated or constituted under the law of a Member State, provided that the payment:

- (a) is exclusively for the purposes of activities which are not prohibited by this Regulation to be carried out in North Korea by a national of a Member State or a legal person, entity or body incorporated or constituted under the law of a Member State;
- (b) is not directly or indirectly for the benefit of a person, entity or body listed in Annex IV, V or Va except KNIC.

2. A national of a Member State and legal persons, entities or bodies incorporated or constituted under the law of a Member State may receive payments by KNIC subject to prior authorisation by the competent authorities of the Member States as indicated on the websites listed in Annex II. Such authorisation may be granted provided that the payment:

- (a) is due in accordance with a contract for insurance services mentioned in point (a) of paragraph 1, or in accordance with a contract for insurance services provided by KNIC in respect of damage caused within the territory of the Union by any party to such contract;
- (b) is not directly or indirectly for the benefit of a person, entity or body listed in Annex IV, V or Va;
- (c) will not contribute to an activity prohibited under this Regulation; and
- (d) does not result in the release of funds or economic resources of KNIC located outside North Korea.

3. The authorisations set out in paragraphs 1 and 2 of this Article shall not be required where the payment to or by KNIC is necessary for the official purposes of a diplomatic or consular mission of a Member State in North Korea.

4. By way of derogation from Article 6(2), the competent authorities of the Member States, as indicated on the websites listed in Annex II, may authorise the release of certain frozen funds or economic resources of KNIC, under such conditions as they deem appropriate, after having determined that:

- (a) the funds or economic resources shall be used exclusively for a payment by KNIC due under a contract concluded before 1 April 2016;
- (b) the contract is not related, directly or indirectly, to an activity prohibited under this Regulation;
- (c) the payment is not directly or indirectly for the benefit of a person, entity or body listed in Annex IV, V or Va.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph.

#### 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, 31 March 2016.

*For the Council*

*The President*

A.G. KOENDERS

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**COUNCIL IMPLEMENTING REGULATION (EU) 2016/466**  
**of 31 March 2016**  
**implementing Article 21(2) of Regulation (EU) 2016/44 concerning restrictive measures in view of**  
**the situation in Libya**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) 2016/44 of 18 January 2016 concerning restrictive measures in view of the situation in Libya and repealing Regulation (EU) No 204/2011 <sup>(1)</sup>, and in particular Article 21(2) thereof,

Having regard to the proposal of the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 18 January 2016 the Council adopted Regulation (EU) 2016/44.
- (2) On 16 March 2015, the Council recalled that only a political solution can provide a sustainable way forward and contribute to peace and stability in Libya and it referred, inter alia, to the importance of refraining from actions that could exacerbate current divisions.
- (3) The Council remains gravely concerned about the situation in Libya and in particular about acts that threaten the peace, security or stability of Libya, and that obstruct or undermine the successful completion of Libya's political transition, such as acts that obstruct the implementation of the Libyan Political Agreement of 17 December 2015 and the formation of a Government of National Accord, including through a repeated failure to take action by persons with political influence in Libya.
- (4) In view of the gravity of the situation in Libya, three additional persons should be added to the list of persons subject to restrictive measures as set out in Annex III to Regulation (EU) 2016/44.
- (5) Regulation (EU) 2016/44 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

The persons listed in the Annex to this Regulation are added to the list set out in Annex III to Regulation (EU) 2016/44.

*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, 31 March 2016.

*For the Council*

*The President*

A.G. KOENDERS

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<sup>(1)</sup> OJ L 12, 19.1.2016, p. 1.

## ANNEX

## ANNEX III

## List of natural and legal persons, entities or bodies referred to in Article 6(2)

## A. PERSONS

	Name	Identifying information	Reasons	Date of listing
16.	SALEH ISSA GWAIDER, Agila	d.o.b. 1944 (unconfirmed)	<p>Agila Saleh has been President of the Libyan Council of Deputies in the House of Representatives since 5 August 2014.</p> <p>On 17 December 2015 Saleh stated his opposition to the Libya Political Agreement signed on 17 December 2015.</p> <p>As President of the Council of Deputies Saleh has obstructed and undermined the Libyan political transition, including by refusing to hold a vote in the House of Representatives on 23 February 2016 on the Government of National Accord (“GNA”).</p> <p>On 23 February 2016 Saleh decided to create a committee which is expected to meet other members of the “Libyan-Libyan process” which is opposed to the Libya Political Agreement.</p>	
17.	GHWELL, Khalifa a.k.a. AL GHWEIL, Khalifa AL-GHAWAIL, Khalifa	d.o.b. 1964 Misratah	<p>Khalifa Ghwell is the so-called “Prime Minister and Defence Minister” of the internationally unrecognised General National Congress (“GNC”) (also known as the “National Salvation Government”), and as such is responsible for their activities.</p> <p>On 7 July 2015 Khalifa Ghwell showed his support for the Steadfastness Front (Also-mood), a new military force of 7 brigades to prevent a unity government from forming in Tripoli, by attending the signing ceremony to inaugurate the force with GNC “President” Nuri Abu Sahmain.</p> <p>As GNC “Prime Minister” Ghwell has played a central role in obstructing the establishment of the GNA established under the Libya Political Agreement.</p> <p>On 15 January 2016, in his capacity as the Tripoli GNC’s “Prime minister and Minister of Defence”, Ghwell ordered the arrest of any members of the new Security Team, appointed by the prime minister designate of the Government of National Accord, who set foot in Tripoli.</p>	

	Name	Identifying information	Reasons	Date of listing
18.	ABU SAHMAIN, Nuri a.k.a. BOSAMIN, Nori BO SAMIN, Nuri BADI, Salahdin	d.o.b. 16.5.1956 Zouara/Zuwara Libya	<p>Nuri Abu Sahmain is the so-called “President” of the internationally unrecognised General National Congress (“GNC”) (also known as the “National Salvation Government”), and as such is responsible for their activities.</p> <p>As GNC “President”, Nuri Abu Sahmain has played a central role in obstructing and opposing the Libyan Political Agreement and the establishment of the Government of National Accord (“GNA”).</p> <p>On 15 December 2015 Sahmain called for the postponement of the Libya Political Agreement scheduled to be agreed at a meeting on 17 December.</p> <p>On 16 December 2015 Sahmain issued a statement that the GNC did not authorise any of its members to participate in the meeting or sign the Libya Political Agreement.</p> <p>On 1 January 2016 Sahmain rejected the Libyan Political Agreement in talks with the United Nations Special Representative.’</p>	

**COMMISSION DELEGATED REGULATION (EU) 2016/467****of 30 September 2015****amending Commission Delegated Regulation (EU) 2015/35 concerning the calculation of regulatory capital requirements for several categories of assets held by insurance and reinsurance undertakings****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of insurance and reinsurance <sup>(1)</sup>, and in particular Article 31(4), Article 75(2) and (3), Article 92(1a), Article 111(1)(b), (c), and (m) and Article 308b(13) thereof,

Whereas:

- (1) The Investment Plan for Europe, adopted by the Commission in November 2014, focuses on removing obstacles to investment, providing visibility and technical assistance to investment projects and making smarter use of new and existing financial resources. As part of this plan, the set-up of a European Fund for Strategic Investments (EFSI) through Regulation (EU) 2015/1017 of the European Parliament and of the Council <sup>(2)</sup>, aims to overcome the current investment gap in the EU by mobilising private financing for strategic investments which the market cannot finance alone. It will support strategic investments in infrastructure as well as risk finance for small businesses. Simultaneously, work on the establishment of a Capital Markets Union will deepen financial integration and help increase growth and competitiveness in the EU.
- (2) In order to contribute to these aims, as well as to the Union's objective of long-term sustainable growth, investments by insurers, which are large institutional investors, in infrastructure or through EFSI, should be facilitated. To facilitate such investment, a new asset class for infrastructure investments should be established within the framework established by Directive 2009/138/EC. Parallel implementation of this type of initiative together with EFSI, should increase the overall impact for growth and jobs in the Union.
- (3) The Commission requested and received technical advice from the European Insurance and Occupational Pensions Authority as regards the criteria and calibration of the new asset class for infrastructure investments.
- (4) In line with the objective of the Investment Plan for Europe to support investment that helps strengthen Europe's infrastructure, with a particular focus on building a more interconnected single market, the new infrastructure asset class should not be limited to specific sectors or physical structures, but include all systems and networks that provide and support essential public services.
- (5) To ensure that the infrastructure asset class is effectively delimited to infrastructure investments, qualifying infrastructure assets should be owned, financed, developed or operated by an infrastructure project entity that does not perform any other function.
- (6) The new infrastructure asset class should be framed by criteria that ensure that infrastructure investments exhibit a sound risk profile with respect to their stress resilience, predictability of cash flows and protection provided by the contractual framework. Where it can be evidenced that infrastructure investments exhibit a better risk profile than other corporate investments, the risk charges in the spread and equity risk sub-modules of the standard formula should be reduced.

<sup>(1)</sup> OJ L 335, 17.12.2009, p. 1.

<sup>(2)</sup> Regulation (EU) 2015/1017 of the European Parliament and of the Council of 25 June 2015 on the European Fund for Strategic Investments, the European Investment Advisory Hub and the European Investment Project Portal and amending Regulations (EU) No 1291/2013 and (EU) No 1316/2013 — the European Fund for Strategic Investments (OJ L 169, 1.7.2015, p. 1).



- (7) The infrastructure project entity should provide a contractual framework that ensures a high degree of protection to its investors, including provisions against losses from the termination of the project by the party that has agreed to purchase goods and services, as could be triggered by the termination of a purchase agreement. Sufficient financial arrangements should be in place to cover the contingency funding and working capital requirements.
- (8) In order to reduce the risk to lenders, a sufficient degree of control over the infrastructure project entity should be established, including security in assets and equity, as well as limiting the use of cash flows and activities.
- (9) Where the calibration for investments in bonds and loans is reduced based on the assumption that most infrastructure investments are held to maturity, the insurance or reinsurance undertaking should be able to demonstrate that it is able to do so.
- (10) In order to incentivise infrastructure investments with high recovery rates, the new asset class should be limited to investment grade debt, and only to senior debt where no external assessment is available. Nevertheless, to remain consistent with the framework for equities established by Directive 2009/138/EC, the inclusion of infrastructure equity in this new asset class should not depend on the existence or the level of any external assessment of the infrastructure entity.
- (11) Where no external assessment by a nominated external credit assessment institution (ECAI) for an investment in qualifying infrastructure is available, additional criteria should apply in order to ensure that the investment is subject to limited risk. Those criteria should provide for professional management of the project in its construction phase, ensure adequate mitigation of construction risk, limit operating and refinancing risk, and prohibit the project from entering into speculative derivative positions.
- (12) Where no external assessment by a nominated ECAI for an investment in qualifying infrastructure is available, it should be ensured that the infrastructure project is subject to a stable political environment.
- (13) Projects based on innovative technology or design should be eligible to fall within the scope of this new asset class, to ensure that the EU can continue to strive to be at the forefront of technological developments as they evolve. To ensure that projects based on innovations are safe, insurers should carry out appropriate due diligence to verify that technology is tested. This can include prototype testing, pilot testing and other forms of testing to demonstrate that the project has sound technology and design.
- (14) Overall, the combination of these criteria, based on EIOPA's technical advice, ensures that a prudentially sound system is in place, as those infrastructure assets that benefit from a reduction in capital requirements are safer and less volatile than comparable corporate investments.
- (15) EIOPA has analysed data on infrastructure equity indices, listed infrastructure equities and private finance initiative companies. In conclusion, a range of 30 %-39 % for the infrastructure stress was advised. In line with the objective of the Investment Plan for Europe to foster investment in the real economy, a calibration of 30 % is chosen for the new infrastructure asset class, as this calibration provides most effective incentives to invest in infrastructure.
- (16) In line with EIOPA's advice, the symmetric adjustment of the equity capital charge should be applied to the stress factor on infrastructure equities on a pro rata basis.
- (17) The reduction of risk charges in the spread risk sub-module should account for the fact that evidence is available to show that infrastructure investments exhibit better recovery rates than corporate debt and are less sensitive to broader economic factors. Consequently, for the new asset class, the stress to the credit component of the spread should be reduced in line with the calibration provided by EIOPA. To take account of the qualifying criterion that infrastructure investments can be held to maturity, also the stress to the liquidity component of the spread should be reduced.
- (18) Where the stress to the liquidity component of the spread is reduced for qualifying infrastructure investments, this reduction should also apply to assets in the matching adjustment portfolio, however without any double counting of reduced liquidity risk. For this reason, the spread stress applicable to qualifying infrastructure assets in the matching adjustment portfolio should be either the reduced stress applicable to matching adjustment assets or the spread stress for qualifying infrastructure assets, whichever is the lower.

- (19) A more appropriate treatment of insurance and reinsurance undertakings' investment in funds established by Regulation (EU) 2015/760 of the European Parliament and of the Council <sup>(1)</sup> should be ensured, in line with the treatment of investments in European Venture Capital Funds and in European Social Entrepreneurship Funds already provided for in Article 168 of Commission Delegated Regulation (EU) 2015/35 <sup>(2)</sup>.
- (20) In recent years financial instruments have been increasingly traded on multilateral trading facilities (MTFs). Directive 2014/65/EU of the European Parliament and of the Council <sup>(3)</sup> ensures that MTFs are subject to similar requirements as regulated markets regarding whom they may admit as members or participants. Regulation (EU) No 600/2014 of the European Parliament and of the Council <sup>(4)</sup> also imposes similar transparency requirements to MTFs and regulated markets. In order to account for the increased relevance of MTFs and the convergence of rules applicable to MTFs and regulated markets alike, exposures traded on a MTF should be considered as equity type 1 in the equity risk sub-module.
- (21) Directive 2014/51/EU of the European Parliament and of the Council <sup>(5)</sup> introduced a transitional measure applicable to equity investments purchased before 1 January 2016. In order to avoid setting incentives for significant disinvestment from unlisted equities before the framework established by Directive 2009/138/EC becomes applicable, the scope of the transitional measure should not be limited to listed equities.
- (22) To allow for a proportionate treatment of equities held within collective investment undertakings or investments packaged as funds, where the look-through approach is not possible, this Regulation further specifies that the transitional measure set out in Article 308b(13) of Directive 2009/138/EC shall apply to the proportion of equities held within the collective investment undertaking or investment packaged as funds in accordance with the target underlying asset allocation on 1 January 2016, provided the target allocation is available to the undertaking. This allows undertakings to estimate the proportion of equities purchased by the fund manager before 1 January 2016, where tracing these purchases is not possible because of limitations imposed by disclosure rules, or is prohibitively costly. Thereafter, the proportion of equities to which the transitional measure is applied shall be reduced annually in proportion to the asset turnover ratio of the collective investment undertaking or investment packaged as funds.
- (23) Delegated Regulation (EU) 2015/35 includes several minor drafting errors which should be amended accordingly.
- (24) In particular, Delegated Regulation (EU) 2015/35 sets out the valuation method for holdings in related undertakings that are excluded from the scope of group supervision or deducted from the own funds eligible for the group solvency. The consequences in terms of valuation for holdings in related undertakings should be the same, irrespective of the reason for excluding a given related undertaking from the scope of group supervision and as a result, all situations where a related undertaking may be excluded from the scope of group supervision should be captured. Therefore, Article 13 should be amended.
- (25) Regarding strategic participations in financial and credit institutions, where reference is made to method 1 of Directive 2002/87/EC of the European Parliament and of the Council <sup>(6)</sup> this should not mean that the group must also qualify as a conglomerate and be subject to supplementary supervision pursuant to that Directive. To apply the exemption, it is sufficient that the financial or credit institution is included in the calculation of group solvency pursuant to Directive 2009/138/EC. Both the consolidation methods in Directive 2002/87/EC and in

<sup>(1)</sup> Regulation (EU) 2015/760 of the European Parliament and of the Council of 29 April 2015 on European long-term investment funds (OJ L 123, 19.5.2015, p. 98).

<sup>(2)</sup> Commission Delegated Regulation (EU) 2015/35 of 10 October 2014 supplementing Directive 2009/138/EC of the European Parliament and of the Council on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (OJ L 12, 17.1.2015, p. 1).

<sup>(3)</sup> 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).

<sup>(4)</sup> 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).

<sup>(5)</sup> Directive 2014/51/EU of the European Parliament and of the Council of 16 April 2014 amending Directives 2003/71/EC and 2009/138/EC and Regulations (EC) No 1060/2009, (EU) No 1094/2010 and (EU) No 1095/2010 in respect of the powers of the European Supervisory Authority (European Insurance and Occupational Pensions Authority) and the European Supervisory Authority (European Securities and Markets Authority) (OJ L 153, 22.5.2014, p. 1).

<sup>(6)</sup> Directive 2002/87/EC of the European Parliament and of the Council of 16 December 2002 on the supplementary supervision of credit institutions, insurance undertakings and investment firms in a financial conglomerate and amending Council Directives 73/239/EEC, 79/267/EEC, 92/49/EEC, 92/96/EEC, 93/6/EEC and 93/22/EEC, and Directives 98/78/EC and 2000/12/EC of the European Parliament and of the Council (OJ L 35, 11.2.2003, p. 1).

Directive 2009/138/EC are deemed equivalent, as stated in Article 8 of Commission Delegated Regulation (EU) No 342/2014 <sup>(1)</sup>. Therefore, Article 68(3) of Delegated Regulation (EU) 2015/35 should be amended.

- (26) As regards aggregate statistical data, the time periods for reporting shall be aligned and therefore disclosures before 31 December 2020 shall include data of all previous years starting from 1 January 2016. Therefore, Article 316(2) of Delegated Regulation (EU) 2015/35 should be amended.
- (27) Delegated Regulation (EU) 2015/35 also contains a number of typographical errors, such as wrong internal cross-references, which should be corrected.
- (28) In applying the requirements set out in this Regulation, account should be taken of the nature, scale and complexity of the risks inherent in the business of an insurance or reinsurance undertaking. The burden and complexity imposed on insurance undertakings should be proportionate to their risk profile. In applying the requirements set out in this Regulation, information should be considered material if that information could influence the decision-making or judgement of the intended users of that information.
- (29) In order to enhance legal certainty about the supervisory regime before the Solvency II regime becomes fully applicable on 1 January 2016, it is important to ensure that this Regulation enters into force as soon as possible,

HAS ADOPTED THIS REGULATION:

#### Article 1

### Amending provisions

Commission Delegated Regulation (EU) 2015/35 is amended as follows:

- (1) in Article 1, the following points 55a and 55b are inserted:

‘55a. “Infrastructure assets” means physical structures or facilities, systems and networks that provide or support essential public services.

55b. “Infrastructure project entity” means an entity which is not permitted to perform any other function than owning, financing, developing or operating infrastructure assets, where the primary source of payments to debt providers and equity investors is the income generated by the assets being financed.’;

- (2) Article 13 is amended as follows:

- (a) in paragraph 2, point (a) is replaced by the following:

‘(a) undertakings that are excluded from the scope of the group supervision under Article 214(2) of Directive 2009/138/EC’;

- (b) paragraph 6 is replaced by the following:

‘6. Where the criteria referred to in Article 9(4) of this Regulation are satisfied, and where the use of the valuation methods referred to in points (a) and (b) of paragraph 1 is not possible, holdings in related undertakings may be valued based on the valuation method the insurance or reinsurance undertakings uses for preparing its annual or consolidated financial statements. In such cases, the participating undertaking shall deduct from the value of the related undertaking the value of goodwill and other intangible assets that would be valued at zero in accordance with Article 12(2) of this Regulation.’;

<sup>(1)</sup> Commission Delegated Regulation (EU) No 342/2014 of 21 January 2014 supplementing Directive 2002/87/EC of the European Parliament and of the Council and Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for the application of the calculation methods of capital adequacy requirements for financial conglomerates (OJ L 100, 3.4.2014, p. 1).

(3) in Article 68, paragraph 3 is replaced by the following:

‘3. Notwithstanding paragraphs 1 and 2, insurance and reinsurance undertakings shall not deduct strategic participations as referred to in Article 171 which are included in the calculation of the group solvency on the basis of method 1 as set out in Annex I to Directive 2002/87/EC or on the basis of method 1 as set out in Article 230 of Directive 2009/138/EC.’;

(4) in Title I, Chapter V, Section 5, the following Subsection 1a is inserted:

‘Subsection 1a

### **Qualifying infrastructure investments**

*Article 164a*

#### **Qualifying infrastructure investments**

1. For the purposes of this Regulation, qualifying infrastructure investment shall include investment in an infrastructure project entity that meets the following criteria:

- (a) the infrastructure project entity can meet its financial obligations under sustained stresses that are relevant for the risk of the project;
- (b) the cash flows that the infrastructure project entity generates for debt providers and equity investors are predictable;
- (c) the infrastructure assets and infrastructure project entity are governed by a contractual framework that provides debt providers and equity investors with a high degree of protection including the following:
  - (a) where the revenues of the infrastructure project entity are not funded by payments from a large number of users, the contractual framework shall include provisions that effectively protect debt providers and equity investors against losses resulting from the termination of the project by the party which agrees to purchase the goods or services provided by the infrastructure project entity;
  - (b) the infrastructure project entity has sufficient reserve funds or other financial arrangements to cover the contingency funding and working capital requirements of the project;

Where investments are in bonds or loans, this contractual framework shall also include the following:

- (i) debt providers have security to the extent permitted by applicable law in all assets and contracts necessary to operate the project;
  - (ii) equity is pledged to debt providers such that they are able to take control of the infrastructure project entity prior to default;
  - (iii) the use of net operating cash flows after mandatory payments from the project for purposes other than servicing debt obligations is restricted;
  - (iv) contractual restrictions on the ability of the infrastructure project entity to perform activities that may be detrimental to debt providers, including that new debt cannot be issued without the consent of existing debt providers;
- (d) where investments are in bonds or loans, the insurance or reinsurance undertaking can demonstrate to the supervisor that it is able to hold the investment to maturity;
  - (e) where investments are in bonds for which a credit assessment by a nominated ECAI is not available, the investment instrument is senior to all other claims other than statutory claims and claims from derivatives counterparties;
  - (f) where investments are in equities, or bonds or loans for which a credit assessment by a nominated ECAI is not available, the following criteria are met:
    - (i) the infrastructure assets and infrastructure project entity are located in the EEA or in the OECD;

- (ii) where the infrastructure project entity is in the construction phase the following criteria shall be fulfilled by the equity investor, or where there is more than one equity investor, the following criteria shall be fulfilled by a group of equity investors as a whole:
  - the equity investors have a history of successfully overseeing infrastructure projects and the relevant expertise,
  - the equity investors have a low risk of default, or there is a low risk of material losses for the infrastructure project entity as a result of the their default,
  - the equity investors are incentivised to protect the interests of investors;
- (iii) the infrastructure project entity has established safeguards to ensure completion of the project according to the agreed specification, budget or completion date;
- (iv) where operating risks are material, they are properly managed;
- (v) the infrastructure project entity uses tested technology and design;
- (vi) the capital structure of the infrastructure project entity allows it to service its debt;
- (vii) the refinancing risk for the infrastructure project entity is low;
- (viii) the infrastructure project entity uses derivatives only for risk-mitigation purposes.

2. For the purposes of paragraph 1(b), the cash flows generated for debt providers and equity investors shall not be considered predictable unless all except an immaterial part of the revenues satisfies the following conditions:

- (a) one of the following criteria is met:
  - (i) the revenues are availability-based;
  - (ii) the revenues are subject to a rate-of-return regulation;
  - (iii) the revenues are subject to a take-or-pay contract;
  - (iv) the level of output or the usage and the price shall independently meet one of the following criteria:
    - it is regulated,
    - it is contractually fixed,
    - it is sufficiently predictable as a result of low demand risk;
- (b) where the revenues of the infrastructure project entity are not funded by payments from a large number of users, the party which agrees to purchase the goods or services provided by the infrastructure project entity shall be one of the following:
  - (i) an entity listed in Article 180(2) of this Regulation;
  - (ii) a regional government or local authority listed in the Regulation adopted pursuant to Article 109a(2)(a) of Directive 2009/138/EC;
  - (iii) an entity with an ECAI rating with a credit quality step of at least 3;
  - (iv) an entity that is replaceable without a significant change in the level and timing of revenues.;

(5) Article 168 is amended as follows:

- (a) paragraphs 1, 2 and 3 are replaced by the following:

'1. The equity risk sub-module referred to in point (b) of the second subparagraph of Article 105(5) of Directive 2009/138/EC shall include a risk sub-module for type 1 equities, a risk sub-module for type 2 equities and a sub-risk module for qualifying infrastructure equities.'

2. Type 1 equities shall comprise equities listed in regulated markets in countries which are members of the European Economic Area (EEA) or the Organisation for Economic Cooperation and Development (OECD), or traded on multilateral trading facilities, as referred to in Article 4(1)(22) of Directive 2014/65/EU, whose registered office or head office is in EU Member States.

3. Type 2 equities shall comprise equities other than those referred to in paragraph 2, commodities and other alternative investments. They shall also comprise all assets other than those covered in the interest rate risk sub-module, the property risk sub-module or the spread risk sub-module, including the assets and indirect exposures referred to in Article 84(1) and (2) where a look-through approach is not possible and the insurance or reinsurance undertaking does not make use of the provisions in Article 84(3).;

(b) the following paragraph 3a is inserted:

‘3a. Qualifying infrastructure equities shall comprise equity investments in infrastructure project entities that meet the criteria set out in Article 164a.’;

(c) paragraph 4 is replaced by the following:

‘4. The capital requirement for equity risk shall be equal to the following:

$$SCR_{equity} = \sqrt{SCR_{type1equities}^2 + 2 \cdot 0,75 \cdot SCR_{type1equities} \cdot (SCR_{type2equities} + SCR_{quinf}) + (SCR_{type2equities} + SCR_{quinf})^2}$$

where:

- (a)  $SCR_{type1equities}$  denotes the capital requirement for type 1 equities;
- (b)  $SCR_{type2equities}$  denotes the capital requirement for type 2 equities;
- (c)  $SCR_{quinf}$  denotes the capital requirement for qualifying infrastructure equities.’;

(d) paragraph 6 is amended as follows:

(i) points (a) and (b) are replaced by the following:

- ‘(a) equities, other than qualifying infrastructure equities, held within collective investment undertakings which are qualifying social entrepreneurship funds as referred to in Article 3(b) of Regulation (EU) No 346/2013 of the European Parliament and of the Council (\*) where the look-through approach set out in Article 84 of this Regulation is possible for all exposures within the collective investment undertaking, or units or shares of those funds where the look through approach is not possible for all exposures within the collective investment undertaking;
- (b) equities, other than qualifying infrastructure equities, held within collective investment undertakings which are qualifying venture capital funds as referred to in Article 3(b) of Regulation (EU) No 345/2013 of the European Parliament and of the Council (\*\*) where the look-through approach set out in Article 84 of this Regulation is possible for all exposures within the collective investment undertaking, or units or shares of those funds where the look through approach is not possible for all exposures within the collective investment undertaking;

(\*) Regulation (EU) No 346/2013 of the European Parliament and of the Council of 17 April 2013 on European social entrepreneurship funds (OJ L 115, 25.4.2013, p. 18).

(\*\*) Regulation (EU) No 345/2013 of the European Parliament and of the Council of 17 April 2013 on European venture capital funds (OJ L 115, 25.4.2013, p. 1).;

(ii) in point (c), point (i) is replaced by the following:

- ‘(i) equities, other than qualifying infrastructure equities, held within such funds where the look-through approach set out in Article 84 of this Regulation is possible for all exposures within the alternative investment fund.’;

(iii) the following point (d) is added:

‘(d) equities, other than qualifying infrastructure equities, held within collective investment undertakings which are authorised as European long-term investment funds pursuant to Regulation (EU) 2015/760 where the look through approach set out in Article 84 of this Regulation is possible for all exposures within the collective investment undertaking, or units or shares of those funds where the look through approach is not possible for all exposures within the collective investment undertaking.’;

(6) in Article 169, the following paragraph 3 is added:

‘3. The capital requirement for qualifying infrastructure equities referred to in Article 168 of this Regulation shall be equal to the loss in the basic own funds that would result from the following instantaneous decreases:

(a) an instantaneous decrease equal to 22 % in the value of qualifying infrastructure equity investments in related undertakings within the meaning of Article 212(1)(b) and 212(2) of Directive 2009/138/EC where these investments are of a strategic nature;

(b) an instantaneous decrease equal to the sum of 30 % and 77 % of the symmetric adjustment as referred to in Article 172 of this Regulation in the value of qualifying infrastructure equities other than those referred to in point (a).’;

(7) in Article 170, the following paragraph 3 is added:

‘3. Where an insurance or reinsurance undertaking has received supervisory approval to apply the provisions set out in Article 304 of Directive 2009/138/EC, the capital requirement for qualifying infrastructure equities shall be equal to the loss in the basic own funds that would result from an instantaneous decrease:

(a) equal to 22 % in the value of the qualifying infrastructure equity corresponding to the business referred to in point (i) of Article 304(1) of Directive 2009/138/EC;

(b) equal to 22 % in the value of qualifying infrastructure equity investments in related undertakings within the meaning of Article 212(1)(b) and (2) of Directive 2009/138/EC, where these investments are of a strategic nature;

(c) equal to the sum of 30 % and 77 % of the symmetric adjustment as referred to in Article 172 of this Regulation in the value of qualifying infrastructure equities other than those referred to in points (a) or (b).’

(8) in Article 171, the introductory sentence is replaced by the following:

‘For the purposes of Article 169(1)(a), (2)(a) and (3)(a) and of Article 170(1)(b), (2)(b) and (3)(b), equity investments of a strategic nature shall mean equity investments for which the participating insurance or reinsurance undertaking demonstrates the following:’;

(9) Article 173 is replaced by the following:

*Article 173*

#### **Criteria for the use of transitional measure for standard equity risk**

1. The transitional measure for standard equity risk set out in Article 308b(13) of Directive 2009/138/EC shall only apply to equities that were purchased on or before 1 January 2016 and which are not subject to the duration-based equity risk pursuant to Article 304 of that Directive.

2. Where equities are held within an collective investment undertaking or other investments packaged as funds, and where the look-through approach is not possible, the transitional measure set out in Article 308b(13) of Directive 2009/138/EC shall be applied to the proportion of equities held within the collective investment undertaking or investment packaged as funds in accordance with the target underlying asset allocation on 1 January 2016, provided the target allocation is available to the undertaking. The proportion of equities to which the transitional is applied shall be reduced annually in proportion to the asset turnover ratio of the collective investment undertaking or investment packaged as funds. Where the target allocation for equity investments of the collective investment undertaking or investment packaged as funds increases, the proportion of equities the transitional is applied to shall not increase.’;

(10) in Article 180, the following paragraphs 11, 12 and 13 are added:

‘11. Exposures in the form of bonds and loans that fulfil the criteria set out in paragraph 12 shall be assigned a risk factor  $stress_i$ , depending on the credit quality step and the duration of the exposure according to the following table:

Credit quality step		0		1		2		3	
Duration ( $dur_i$ )	$stress_i$	$a_i$	$b_i$	$a_i$	$b_i$	$a_i$	$b_i$	$a_i$	$b_i$
up to 5	$b_i \cdot dur_i$	—	0,64 %	—	0,78 %	—	1,0 %	—	1,67 %
More than 5 and up to 10	$a_i + b_i \cdot (dur_i - 5)$	3,2 %	0,36 %	3,9 %	0,43 %	5,0 %	0,5 %	8,35 %	1,0 %
More than 10 and up to 15	$a_i + b_i \cdot (dur_i - 10)$	5,0 %	0,36 %	6,05 %	0,36 %	7,5 %	0,36 %	13,35 %	0,67 %
More than 15 and up to 20	$a_i + b_i \cdot (dur_i - 15)$	6,8 %	0,36 %	7,85 %	0,36 %	9,3 %	0,36 %	16,7 %	0,67 %
More than 20	$\min[a_i + b_i \cdot (dur_i - 20); 1]$	8,6 %	0,36 %	9,65 %	0,36 %	11,1 %	0,36 %	20,05 %	0,36 %

12. The criteria for exposures that are assigned a risk factor in accordance with paragraph 11 shall be:

(a) the exposure relates to a qualifying infrastructure investment that meets the criteria set out in Article 164a;

(b) the exposure is not an asset that fulfils the following conditions:

— it is assigned to a matching adjustment portfolio in accordance with Article 77b(2) of Directive 2009/138/EC,

— it has been assigned a credit quality step between 0 and 2;

(c) a credit assessment by a nominated ECAI is available for the exposure;

(d) the exposure has been assigned a credit quality step between 0 and 3.

13. Exposures in the form of bonds and loans that meet the criteria set out in paragraph 12(a) and (b), but do not meet the criteria set out in paragraph 12(c), shall be assigned a risk factor  $stress_i$  equivalent to credit quality step 3 and the duration of the exposure in accordance with the table set out in paragraph 11.’

(11) The last sentence of Article 181(b) shall be replaced by the following:

‘For assets in the assigned portfolio for which no credit assessment by a nominated ECAI is available, and for qualifying infrastructure assets that have been assigned credit quality step 3, the reduction factor shall be 100 %.’

(12) the following Article 261a is inserted:

‘Article 261a

#### **Risk management for qualifying infrastructure investments**

1. Insurance and reinsurance undertakings shall conduct adequate due diligence prior to making a qualifying infrastructure investment, including all of the following:

(a) a documented assessment of how the project satisfies the criteria set out in Article 164a, which has been subject to a validation process, carried out by persons that are free from influence from those persons responsible for the assessment of the criteria, and have no potential conflicts of interest with those persons;



(b) a confirmation that any financial model for the cash flows of the project has been subject to a validation process carried out by persons that are free from influence from those persons responsible for the development of the financial model, and have no potential conflicts of interest with those persons.

2. Insurance and reinsurance undertakings with a qualifying infrastructure investment shall regularly monitor and perform stress tests on the cash flows and collateral values supporting the infrastructure project entity. Any stress tests shall be commensurate with the nature, scale and complexity of the risk inherent in the infrastructure project.

3. Where insurance or reinsurance undertakings hold material qualifying infrastructure investments, they shall, when establishing the written procedures referred to in Article 41(3) of Directive 2009/138/EC, include provisions for an active monitoring of these investments during the construction phase, and for a maximisation of the amount recovered from these investments in case of a work-out scenario.

4. Insurance or reinsurance undertakings with a qualifying infrastructure investment in bonds or loans shall set up their asset-liability management to ensure that, on an ongoing basis, they are able to hold the investment to maturity.;

(13) in Article 316, paragraph 2 is replaced by the following:

‘2. As of 31 December 2020, the disclosure shall include data of the four previous years. In relation to disclosure before 31 December 2020, it shall include data of all previous years starting from 1 January 2016.’

## Article 2

### Correcting provisions

Delegated Regulation (EU) 2015/35 is corrected as follows:

1. in Article 73(1), the first sentence is replaced by the following:

‘The features referred to in Article 72 shall be either those set out in points (a) to (i) or those set out in point (j).’;

2. Article 170 is corrected as follows:

(a) in paragraph 1, point (a) is replaced by the following:

‘(a) an instantaneous decrease equal to 22 % in the value of the type 1 equities corresponding to the business referred to in point (i) of Article 304(1) of Directive 2009/138/EC.’;

(b) in paragraph 2, point (a) is replaced by the following:

‘(a) equal to 22 % in the value of the type 2 equities corresponding to the business referred to in point (i) of Article 304(1) of Directive 2009/138/EC.’;

3. Article 176 is corrected as follows:

(a) paragraph 3 is replaced by the following:

‘3. Bonds or loans for which a credit assessment by a nominated ECAI is available shall be assigned a risk factor  $stress_i$ , depending on the credit quality step and the modified duration  $dur_i$  of the bond or loan  $i$  according to the following table.

Credit quality step		0		1		2		3		4		5 and 6	
Duration ( $dur_i$ )	$stress_i$	$a_i$	$b_i$	$a_i$	$b_i$	$a_i$	$b_i$	$a_i$	$b_i$	$a_i$	$b_i$	$a_i$	$b_i$
up to 5	$b_i \cdot dur_i$	—	0,9 %	—	1,1 %	—	1,4 %	—	2,5 %	—	4,5 %	—	7,5 %
More than 5 and up to 10	$a_i + b_i \cdot (dur_i - 5)$	4,5 %	0,5 %	5,5 %	0,6 %	7,0 %	0,7 %	12,5 %	1,5 %	22,5 %	2,5 %	37,5 %	4,2 %

Credit quality step		0		1		2		3		4		5 and 6	
Duration ( $dur_i$ )	$stress_i$	$a_i$	$b_i$	$a_i$	$b_i$	$a_i$	$b_i$	$a_i$	$b_i$	$a_i$	$b_i$	$a_i$	$b_i$
More than 10 and up to 15	$a_i + b_i \cdot (dur_i - 10)$	7,0 %	0,5 %	8,5 %	0,5 %	10,5%	0,5 %	20,0%	1,0 %	35,0%	1,8 %	58,5%	0,5 %
More than 15 and up to 20	$a_i + b_i \cdot (dur_i - 15)$	9,5 %	0,5 %	11 %	0,5 %	13,0%	0,5 %	25,0%	1,0 %	44,0%	0,5 %	61,0%	0,5 %
More than 20	$\min[a_i + b_i \cdot (dur_i - 20); 1]$	12,0%	0,5 %	13,5%	0,5 %	15,5%	0,5 %	30,0%	0,5 %	46,6%	0,5 %	63,5%	0,5 %

(b) paragraph 4 is replaced by the following:

'4. Bonds and loans for which a credit assessment by a nominated ECAI is not available and for which debtors have not posted collateral that meets the criteria set out in Article 214 shall be assigned a risk factor  $stress_i$  depending on the duration  $dur_i$  of the bond or loan  $i$  according to the following table:

Duration ( $dur_i$ )	$stress_i$
up to 5	$3 \% \cdot dur_i$
More than 5 and up to 10	$15 \% + 1,7 \% \cdot (dur_i - 5)$
More than 10 and up to 20	$23,5 \% + 1,2 \% \cdot (dur_i - 10)$
More than 20	$\min(35,5 \% + 0,5 \% \cdot (dur_i - 20); 1)$

4. in Article 179, paragraph 1 is corrected as follows:

(a) the introductory sentence is replaced by the following:

'The capital requirement  $SCR_{cd}$  for spread risk on credit derivatives other than those referred to in paragraph 3 shall be equal to the higher of the following capital requirements:';

(b) point (a) is replaced by the following:

'(a) the loss in the basic own funds that would result from an instantaneous increase in absolute terms of the credit spread of the instruments underlying the credit derivatives;'

5. in Article 192, paragraph 2, in subparagraph 5, the formula is replaced by the following:

$$LGD = \max(90 \% \cdot (Recoverables + 50 \% \cdot RM_r) - F' \cdot Collateral; 0);$$

6. in Article 218, paragraph 3 is replaced by the following:

'3. Where insurance or reinsurance undertakings have concluded several excess of loss reinsurance contracts that each meet the requirements set out in point (d) of paragraph 2, and that in combination meet the requirements set out in points (a), (b) and (c) of paragraph 2, their combination shall be considered as one recognisable excess of loss reinsurance contract.';

7. in Article 296, paragraph 4 is replaced by the following:

'4. The solvency and financial condition report shall include information on the areas set out in Article 263 in complying with the disclosure requirements of the insurance or reinsurance undertaking as laid down in paragraphs 1 and 3 of this Article.';

8. in Article 317, paragraph 3 is replaced by the following:

'3. Aggregated annual statistical data concerning the supervised undertakings and groups in accordance with Article 316 shall be disclosed in respect of each calendar year within three months after the date by which the undertakings having a financial year ending 31 December are required by Article 312(1)(c) to submit annual quantitative templates. Information concerning the supervisory authorities shall be made available within four months after the 31 December of each calendar year.'

9. in Article 330, paragraph 1 is replaced by the following:

'1. In assessing whether certain own funds eligible to cover the Solvency Capital Requirement of a related insurance or reinsurance undertaking, a related third country insurance or reinsurance undertaking, an insurance holding company or a mixed financial holding company cannot effectively be made available to cover the group Solvency Capital Requirement, the supervisory authorities shall consider all of the following elements:

- (a) whether the own-fund item is subject to legal or regulatory requirements that restrict the ability of that item to absorb all types of losses wherever they arise in the group;
- (b) whether there are legal or regulatory requirements that restrict the transferability of assets to another insurance or reinsurance undertaking;
- (c) whether making those own funds available for covering the group Solvency Capital Requirement would not be possible within a maximum of 9 months;
- (d) whether, where method 2 is used, the own-fund item does not satisfy the requirements set out in Articles 71, 73 and 77; for this purpose, the term "Solvency Capital Requirement" in those Articles shall include both the Solvency Capital Requirement of the related undertaking that has issued the own fund item and the group Solvency Capital Requirement.'

10. in Article 375, paragraph 2 is replaced by the following:

'2. Participating insurance and reinsurance undertakings, insurance holding companies or mixed financial holding companies shall submit to the group supervisor the information referred to in paragraph 1 no later than 26 weeks after the reference date of the opening financial statement as referred to in Article 314(1)(a).';

11. Annex XVII is corrected in accordance with Annex I to this Regulation;

12. Annex XVIII is corrected in accordance with Annex II to this Regulation;

13. Annex XXI is corrected in accordance with Annex III to this Regulation.

### Article 3

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

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

Done at Brussels, 30 September 2015.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

## ANNEX I

Annex XVII to Delegated Regulation (EU) 2015/35 is amended as follows:

(1) Part B is amended as follows:

(a) point (2)(c) shall be replaced by the following:

‘(c) where the premium risk method is applied to replace the standard parameters referred to in Article 218(1)(a)(ii) and (c)(ii), the aggregated losses and earned premiums are not adjusted for recoverable from reinsurance contracts and special purpose vehicles or reinsurance premiums;’

(b) in point (2)(d) the first sentence shall be replaced by the following:

‘where the premium risk method is applied to replace the standard parameters referred to in Article 218(1)(a)(i) and (c)(i):’.

(2) In point (5) of part D, the first sentence and first formula shall be replaced by the following:

‘The mean squared error of prediction shall be equal to the following:

$$MSEP = \sum_{i=1}^I \hat{C}_{(i,J)}^2 \cdot \left( \frac{\hat{Q}_{I-i}}{C_{(i,I-i)}} + \frac{\hat{Q}_{I-i}}{S_{I-i}} + \sum_{j=I-i+1}^{J-1} \frac{C_{(I-j,j)}}{S'_j} \cdot \frac{\hat{Q}_j}{S_j} \right) + 2 \cdot \sum_{i=1}^I \sum_{k=i+1}^I \hat{C}_{(i,J)} \cdot \hat{C}_{(k,J)} \cdot \left( \frac{\hat{Q}_{I-i}}{S_{I-i}} + \sum_{j=I-i+1}^{J-1} \frac{C_{(I-j,j)}}{S'_j} \cdot \frac{\hat{Q}_j}{S_j} \right);$$

(3) Point (3)(f) of part F shall be replaced by the following:

‘(f) where the recognisable excess of loss reinsurance contract referred to in Article 218(2) provides compensation only up to a specified limit,  $b_2$  denotes the amount of that limit.’.

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*ANNEX II*

Annex XVIII to Delegated Regulation (EU) 2015/35 is amended as follows:

(1) In point (2)(b) of part C, the first sentence shall be replaced by the following:

‘they include each of the following sub-modules of the standard formula excluding those within the scope of the partial internal model.’

(2) Point (2)(c) of part C shall be replaced by the following:

‘(c) they include the counterparty default risk module of the standard formula unless it is within the scope of the partial internal model.’

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*ANNEX III*

Annex XXI to Delegated Regulation (EU) 2015/35 is amended as follows:

(1) The last sentence of part A shall be replaced by the following:

‘The information set out in paragraphs 1 to 32 shall be provided in relation to the end of the last calendar year. In relation to paragraphs 12 to 21, 23, 24 and 29 to 31 the information shall relate to the financial year-ends of insurance and reinsurance undertakings and insurance groups which ended in the last calendar year.’

(2) The last sentence of part B shall be replaced by the following:

‘The information set out in paragraphs 2 to 18 shall be provided in relation to the last calendar year.’

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**COMMISSION REGULATION (EU) 2016/468****of 29 March 2016****establishing a prohibition of fishing for red seabream in Union and international waters of VI, VII and VIII by vessels flying the flag of France**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Council Regulation (EU) No 1367/2014 <sup>(2)</sup> lays down quotas for 2016.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2016.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1***Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2016 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2***Prohibitions**

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

*Article 3***Entry into force**

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

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> Council Regulation (EU) No 1367/2014 of 15 December 2014 fixing for 2015 and 2016 the fishing opportunities for Union fishing vessels for certain deep-sea fish stocks (OJ L 366, 20.12.2014, p. 1).

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

Done at Brussels, 29 March 2016.

*For the Commission,  
On behalf of the President,  
João AGUIAR MACHADO  
Director-General for Maritime Affairs and Fisheries*

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ANNEX

No	02/DSS
Member State	France
Stock	SBR/678-
Species	Red seabream ( <i>Pagellus bogaraveo</i> )
Zone	Union and international waters of VI, VII and VIII
Date	26.2.2016

**COMMISSION REGULATION (EU) 2016/469**  
**of 29 March 2016**  
**establishing a prohibition of fishing for anglerfish in areas VIIIc, IX and X; Union waters of**  
**CECAF 34.1.1 by vessels flying the flag of France**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Council Regulation (EU) 2016/72 <sup>(2)</sup> lays down quotas for 2016.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2016.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2016 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2*

**Prohibitions**

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

*Article 3*

**Entry into force**

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

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> Council Regulation (EU) 2016/72 of 22 January 2016 fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2015/104 (OJ L 22, 28.1.2016, p. 1).



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

Done at Brussels, 29 March 2016.

*For the Commission,  
On behalf of the President,  
João AGUIAR MACHADO  
Director-General for Maritime Affairs and Fisheries*

ANNEX

No	03/TQ72
Member State	France
Stock	ANF/8C3411
Species	Anglerfish ( <i>Lophiidae</i> )
Zone	VIIIc, IX and X; Union waters of CECAF 34.1.1
Closing date	26.2.2016

**COMMISSION REGULATION (EU) 2016/470****of 29 March 2016****establishing a prohibition of fishing for white marlin in the Atlantic Ocean by vessels flying the flag of Spain**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Council Regulation (EU) 2016/72 <sup>(2)</sup> lays down quotas for 2016.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2016.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2016 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2*

**Prohibitions**

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

*Article 3*

**Entry into force**

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

<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> Council Regulation (EU) 2016/72 of 22 January 2016 fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2015/104 (OJ L 22, 28.1.2016, p. 1).

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

Done at Brussels, 29 March 2016.

*For the Commission,  
On behalf of the President,  
João AGUIAR MACHADO  
Director-General for Maritime Affairs and Fisheries*

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ANNEX

No	04/TQ72
Member State	Spain
Stock	WHM/ATLANT
Species	White Marlin ( <i>Tetrapturus albidus</i> )
Zone	Atlantic Ocean
Closing date	1.1.2016

**COMMISSION REGULATION (EU) 2016/471**  
**of 29 March 2016**  
**establishing a prohibition of fishing for blue marlin in the Atlantic Ocean by vessels flying the flag of Spain**

THE EUROPEAN COMMISSION,

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

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

Whereas:

- (1) Council Regulation (EU) 2016/72 <sup>(2)</sup>, lays down quotas for 2016.
- (2) According to the information received by the Commission, catches of the stock referred to in the Annex to this Regulation by vessels flying the flag of or registered in the Member State referred to therein have exhausted the quota allocated for 2016.
- (3) It is therefore necessary to prohibit fishing activities for that stock,

HAS ADOPTED THIS REGULATION:

*Article 1*

**Quota exhaustion**

The fishing quota allocated to the Member State referred to in the Annex to this Regulation for the stock referred to therein for 2016 shall be deemed to be exhausted from the date set out in that Annex.

*Article 2*

**Prohibitions**

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

*Article 3*

**Entry into force**

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

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<sup>(1)</sup> OJ L 343, 22.12.2009, p. 1.

<sup>(2)</sup> Council Regulation (EU) 2016/72 of 22 January 2016 fixing for 2016 the fishing opportunities for certain fish stocks and groups of fish stocks, applicable in Union waters and, for Union fishing vessels, in certain non-Union waters, and amending Regulation (EU) 2015/104 (OJ L 22, 28.1.2016, p. 1).

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

Done at Brussels, 29 March 2016.

*For the Commission,  
On behalf of the President,  
João AGUIAR MACHADO  
Director-General for Maritime Affairs and Fisheries*

ANNEX

No	05/TQ72
Member State	Spain
Stock	BUM/ATLANT
Species	Blue Marlin ( <i>Makaira nigricans</i> )
Zone	Atlantic Ocean
Closing date	1.1.2016

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/472****of 31 March 2016****amending Regulation (EU) No 72/2010 as regards the definition of the term ‘Commission inspector’****(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 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 <sup>(1)</sup>, and in particular Article 15 thereof,

Whereas:

- (1) The Agreement on the European Economic Area (EEA) <sup>(2)</sup>, in particular its Annex XIII, provides that EEA Member States of the European Free Trade Association (EFTA) are to implement the common basic standards on aviation security and that the EFTA Surveillance Authority is to carry out inspections in those Member States. In order to further increase harmonisation in the implementation of the common basic standards, the Commission should have the possibility of including qualified experts from the EFTA Surveillance Authority and from the Member States of EFTA in its aviation security inspection teams.
- (2) The European Civil Aviation Conference (ECAC) Secretariat coordinates aviation security audits in ECAC Member States with a view to ensuring compliance with aviation security standards. In order to strengthen the exchange of best practice between that Secretariat and the Commission in the domain of aviation security, the Commission should have the possibility of including qualified experts from the ECAC Secretariat in its aviation security inspection teams.
- (3) The measures provided for in this Regulation are in accordance with the opinion of the Committee referred to in Article 19(2) of Regulation (EC) No 300/2008,

HAS ADOPTED THIS REGULATION:

*Article 1*Article 2, point 3 of Commission Regulation (EU) No 72/2010 <sup>(3)</sup> is replaced by the following:

‘3. “Commission inspector” means a person selected by the Commission to take part in Commission inspections, who is a Union citizen or a national of a Member State of the European Free Trade Association (EFTA) and who is employed by either of the following:

- the Commission,
- a Member State of the Union, as a national auditor,
- a Member State of EFTA, as a person charged with conducting compliance monitoring activities at national level on behalf of that Member State,
- the EFTA Surveillance Authority,
- the European Civil Aviation Conference Secretariat.’

<sup>(1)</sup> OJ L 97, 9.4.2008, p. 72.

<sup>(2)</sup> OJ L 1, 3.1.1994, p. 3.

<sup>(3)</sup> Commission Regulation (EU) No 72/2010 of 26 January 2010 laying down procedures for conducting Commission inspections in the field of aviation security (OJ L 23, 27.1.2010, p. 1).

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*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, 31 March 2016.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

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**COMMISSION IMPLEMENTING REGULATION (EU) 2016/473****of 31 March 2016****amending for the 244th 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-Qaeda 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-Qaeda organisations <sup>(1)</sup>, 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 28 March 2016, the Sanctions Committee of the United Nations Security Council (UNSC) 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, this Regulation 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, 31 March 2016.

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

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<sup>(1)</sup> 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':

'Nayef Salam Muhammad Ujaym Al-Hababi (alias (a) Nayf Salam Muhammad Ujaym al-Hababi, (b) Faruq al-Qahtani, (c) Faruq al-Qatari, (d) Farouq al-Qahtani al Qatari, (e) Sheikh Farooq al-Qahtani, (f) Shaykh Imran Farouk, (g) Sheikh Faroq al-Qatari). Date of birth: (a) 1981, (b) Approximately 1980. Place of birth: Saudi Arabia. Nationality: (a) Saudi Arabia, (b) Qatar. Passport No: 592667 (Qatari passport issued on 3 May 2007). Address: Afghanistan (since 2009). Date of designation referred to in Article 7d(2)(i): 28.3.2016.'

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**COMMISSION IMPLEMENTING REGULATION (EU) 2016/474****of 31 March 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 <sup>(1)</sup>,

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 <sup>(2)</sup>, 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, 31 March 2016.

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

*Director-General for Agriculture and Rural Development*

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<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> 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 <sup>(1)</sup>	Standard import value
0702 00 00	IL	236,2
	MA	94,7
	TR	113,2
	ZZ	148,0
0707 00 05	MA	83,3
	TR	131,8
	ZZ	107,6
0709 93 10	EG	44,3
	MA	45,6
	TR	157,0
	ZZ	82,3
0805 10 20	EG	33,9
	IL	75,6
	MA	56,4
	TN	70,5
	TR	71,6
	ZA	47,6
	ZZ	59,3
	ZZ	59,3
0805 50 10	MA	85,6
	TR	104,1
	ZZ	94,9
0808 10 80	BR	79,0
	CL	105,6
	CN	124,1
	US	142,5
	ZA	71,2
	ZZ	104,5
	ZZ	104,5
0808 30 90	AR	134,9
	CL	98,9
	CN	88,3
	TR	159,2
	ZA	103,5
	ZZ	117,0
	ZZ	117,0

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

# DECISIONS

## COUNCIL DECISION (CFSP) 2016/475

of 31 March 2016

### amending Decision 2013/183/CFSP concerning restrictive measures against the Democratic People's Republic of Korea

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision 2013/183/CFSP of 22 April 2013 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2010/800/CFSP <sup>(1)</sup> and in particular Article 19(2) thereof,

Having regard to the proposal of the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 22 April 2013, the Council adopted Decision 2013/183/CFSP concerning restrictive measures against the Democratic People's Republic of Korea (DPRK).
- (2) The Korea National Insurance Corporation (KNIC) should be inserted in Annex II to Decision 2013/183/CFSP.
- (3) Limited derogations should be added concerning KNIC exclusively for payments to KNIC by EU persons or entities necessary for obtaining insurance services for their activities in DPRK. EU persons or entities should also be allowed to receive payments by KNIC to meet its liabilities arising from such services or in respect of damage caused within the territory of the EU. A provision allowing KNIC to make payments due under a contract prior to its designation should also be added.
- (4) The entries for six persons listed in Annex II should be amended.
- (5) The entry for one entity in Annex II should be deleted.
- (6) Decision 2013/183/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Council Decision 2013/183/CFSP is hereby amended as follows:

(1) In Article 15 the following paragraph is added:

'6. With regard to Korea National Insurance Corporation (KNIC):

(a) The relevant Member States may authorise the receipt by EU persons and entities of payments by KNIC provided that:

(i) the payment is due:

— in accordance with the provisions of a contract for insurance services provided by KNIC necessary for the activities of the EU person or entity in DPRK, or

<sup>(1)</sup> OJ L 111, 23.4.2013, p. 52.

- in accordance with the provisions of a contract for insurance services provided by KNIC in respect of damage caused within the territory of the EU by any party to such contract;
  - (ii) the payment is not directly or indirectly received by a person or entity referred to in paragraph 1; and
  - (iii) the payment is not directly or indirectly related to activities prohibited under this Decision.
- (b) The relevant Member States may authorise EU persons and entities to make payments to KNIC exclusively for the purpose of obtaining insurance services necessary for the activities of such persons or entities in DPRK provided that those activities are not prohibited under this Decision.
- (c) No such authorisations shall be required for payments by or to KNIC which are necessary for the official purposes of a diplomatic or consular mission of a Member State in DPRK.
- (d) Paragraph 1 shall not prevent KNIC from making a payment due under a contract concluded before its listing, provided that the relevant Member State has determined that:
- (i) the contract is not related to any of the prohibited items, materials, equipment, goods, technologies, assistance, training, financial assistance, investment, brokering or services referred to in this Decision;
  - (ii) the payment is not directly or indirectly received by a person or entity referred to in paragraph 1.

A Member State shall inform the other Member States and the Commission of any authorisation granted under this paragraph.'

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

#### *Article 2*

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

Done at Brussels, 31 March 2016.

*For the Council*  
*The President*  
A.G. KOENDERS

## ANNEX

## II. Persons and entities providing financial services that could contribute to the DPRK's nuclear-related, ballistic-missile-related or other weapons-of-mass-destruction-related programmes.

(1) The entries concerning the six persons listed below, as set out in Annex II to Decision 2013/183/CFSP, are replaced by the following entries:

## A. Persons

	Name	Identifying information	Statement of Reasons
4.	KIM Il-Su	Date of birth: 2.9.1965 Place of birth: Pyongyang, DPRK	Manager in the reinsurance department of Korea National Insurance Corporation (KNIC) based in the headquarters in Pyongyang and former authorised chief representative of KNIC in Hamburg, acting on behalf of KNIC or at its direction.
5.	KANG Song-Sam	Date of birth: 5.7.1972 Place of birth: Pyongyang, DPRK	Former authorised representative of Korea National Insurance Corporation (KNIC) in Hamburg, continues to act for or on behalf of KNIC or at its direction.
6.	CHOE Chun-Sik	Date of birth: 23.12.1963 Place of birth: Pyongyang, DPRK Passport No 745132109 Valid until 12.2.2020	Director in the reinsurance department of Korea National Insurance Corporation (KNIC) based in the headquarters in Pyongyang acting on behalf of KNIC or at its direction.
7.	SIN Kyu-Nam	Date of birth: 12.9.1972 Place of birth: Pyongyang, DPRK Passport No. PO472132950	Director in the reinsurance department of Korea National Insurance Corporation (KNIC) based in the headquarters in Pyongyang and former authorised representative of KNIC in Hamburg, acting on behalf of KNIC or at its direction.
8.	PAK Chun-San	Date of birth: 18.12.1953 Place of birth: Pyongyang, DPRK Passport No. PS472220097	Director in the reinsurance department of Korea National Insurance Corporation (KNIC) based in the headquarters in Pyongyang at least until December 2015 and former authorised chief representative of KNIC in Hamburg, continues to act for or on behalf of KNIC or at its direction.
9.	SO Tong Myong	Date of birth: 10.9.1956	President of Korea National Insurance Corporation (KNIC), acting on behalf of KNIC or at its direction'

(2) The entity listed below shall be deleted from the list set out in Annex II to Decision 2013/183/CFSP

'5. Korea National Insurance Company (KNIC) GmbH (alias Korea Foreign Insurance Company)'

- (3) The entity listed below shall be inserted in the list of entities subject to restrictive measures as set out in Annex II to Decision 2013/183/CFSP:

B. Entities

	Name (and possible aliases)	Identifying information	Reasons
6.	Korea National Insurance Corporation (KNIC) and its branch offices (a.k.a. Korea Foreign Insurance Company)	Haebangsan-dong, Central District, Pyongyang, DPRK Rahlstedter Strasse 83 a, 22149 Hamburg. Korea National Insurance Corporation of Alloway, Kidbrooke Park Road, Blackheath, London SE3 0LW	Korea National Insurance Corporation (KNIC), a State-owned and controlled company, is generating substantial foreign exchange revenue which could contribute to the DPRK's nuclear-related, ballistic-missile-related or other weapons-of-mass-destruction-related programmes. Furthermore, the KNIC headquarters Pyongyang is linked to Office 39 of the Korean Worker's Party, a designated entity.'

**COUNCIL DECISION (CFSP) 2016/476****of 31 March 2016****amending Decision 2013/183/CFSP concerning restrictive measures against the Democratic People's Republic of Korea**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 22 April 2013, the Council adopted Decision 2013/183/CFSP<sup>(1)</sup> which, inter alia, implemented United Nations Security Council Resolutions ('UNSCR') 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013).
- (2) On 2 March 2016, the UN Security Council adopted UNSCR 2270 (2016), expressing its gravest concern at the nuclear test conducted by the Democratic People's Republic of Korea (the 'DPRK') on 6 January 2016 in violation of the relevant UNSC Resolutions, further condemning the DPRK's launch of 7 February 2016, which used ballistic missile technology and was in serious violation of the relevant UNSC Resolutions, and determining that there continues to exist a clear threat to international peace and security in the region and beyond.
- (3) UNSCR 2270 (2016), expressing great concern that the DPRK's arms sales have generated revenues that are diverted to the pursuit of nuclear weapons and ballistic missiles, decides that the restrictions on arms should cover all arms and related materiel, including small arms and light weapons and their related materiel. UNSCR 2270 (2016) further extends prohibitions on the transfer and procurement of any items that could contribute to the development of the DPRK's operational capabilities of its armed forces, or to exports that support or enhance the operational capabilities of armed forces of another Member State outside the DPRK.
- (4) UNSCR 2270 (2016) specifies that the prohibition on the procurement of technical assistance related to arms prohibits Member States from engaging in the hosting of trainers, advisors, or other officials for the purpose of military-, paramilitary- or police-related training.
- (5) UNSCR 2270 (2016) affirms that the prohibitions on the transfer, procurement and provision of related technical assistance related to certain goods also apply with respect to the shipment of items to or from the DPRK for repair, servicing, refurbishing, testing, reverse-engineering and marketing, regardless of whether ownership or control is transferred, and underscores that the visa ban measures shall also apply to any individual travelling for the abovementioned purposes.
- (6) UNSCR 2270 (2016) extends the list of individuals and entities subject to asset freeze and visa ban measures and decides that the asset freeze shall apply with respect to entities of the Government of the DPRK or the Worker's Party of Korea, where the Member State determines that they are associated with the DPRK's nuclear or ballistic missile programmes or other activities prohibited by the relevant UNSC Resolutions.
- (7) UNSCR 2270 (2016), expressing concern that the DPRK is abusing the privileges and immunities accorded under the Vienna Conventions on Diplomatic and Consular Relations, further decides on additional measures aimed at preventing DPRK diplomats or Governmental representatives or individuals from third States from acting on behalf or at the direction of designated individuals or entities or from engaging in prohibited activities.
- (8) UNSCR 2270 (2016) further clarifies the scope of the obligation for Member States to prevent specialised training of DPRK nationals of certain sensitive disciplines.

<sup>(1)</sup> Council Decision 2013/183/CFSP of 22 April 2013 concerning restrictive measures against the Democratic People's Republic of Korea and repealing Decision 2010/800/CFSP (OJ L 111, 23.4.2013, p. 52).



- (9) UNSCR 2270 (2016) also expands the scope of the measures applicable to the transportation sector and financial sector.
- (10) UNSCR 2270 (2016) prohibits the procurement of certain minerals and the export of aviation fuel.
- (11) UNSCR 2270 (2016) further extends the prohibitions on the provision of financial support for trade with the DPRK.
- (12) UNSCR 2270 (2016) recalls that the Financial Action Task Force (FATF) has called upon countries to apply enhanced due diligence and effective countermeasures to protect their jurisdictions from the DPRK's illicit financial activity, and calls upon Member States to apply the FATF Recommendation 7, its Interpretative Note and related guidance to effectively implement targeted financial sanctions related to proliferation.
- (13) UNSCR 2270 (2016) also underlines that measures imposed thereby are not intended to have adverse humanitarian consequences for the civilian population of the DPRK or to affect negatively activities that are not prohibited by the relevant UNSC Resolutions, and the work of international organisations and non-governmental organisations carrying out assistance and relief activities in the DPRK for the benefit of the civilian population of the DPRK.
- (14) UNSCR 2270 (2016) expresses its commitment to a peaceful, diplomatic and political solution to the situation and reaffirms its support to the Six Party Talks and calls for their resumption.
- (15) UNSCR 2270 (2016) affirms that the DPRK's actions shall be kept under continuous review and that the UNSC is prepared to strengthen, modify, suspend or lift the measures as may be needed in light of the DPRK's compliance and it is determined to take further significant measures in the event of a further DPRK nuclear test or launch.
- (16) Further action by the Union is needed in order to implement certain measures provided for in this Decision.
- (17) Decision 2013/183/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Decision 2013/183/CFSP is amended as follows:

- (1) in Article 1(1), point (e) is replaced by the following:

'(e) any other item that could contribute to the DPRK's nuclear or ballistic missile programmes or other weapons of mass destruction programmes, activities prohibited by UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016) or by this Decision, or to the evasion of measures imposed by those UNSC Resolutions or by this Decision. The Union shall take the necessary measures in order to determine the relevant items to be covered by this provision.;

- (2) in Article 1(1), the following point is added:

'(f) any other item, except food or medicine, if the Member State determines that it could directly contribute to the development of the DPRK's operational capabilities of its armed forces, or to exports that support or enhance the operational capabilities of armed forces of another state outside the DPRK.;

(3) the following article is inserted:

*Article 1a*

1. The measures imposed by point (f) of Article 1(1) shall not apply to the supply, sale or transfer of an item, or its procurement, where:

(a) the Member State determines that such activity is exclusively for humanitarian purposes or exclusively for livelihood purposes which will not be used by DPRK persons or entities to generate revenue, and also not related to any activity prohibited by UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), 2270 (2016) or this Decision, provided that the Member State notifies the Sanctions Committee in advance of such determination and also informs the Sanctions Committee of measures taken to prevent the diversion of the item for such other purposes; or

(b) the Sanctions Committee has determined on a case-by-case basis that a particular supply, sale or transfer would not be contrary to the objectives of UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016).;

(4) the following article is inserted:

*Article 2a*

The procurement from the DPRK by nationals of Member States, or using the flag vessels or aircraft of Member States, of gold, titanium ore, vanadium ore, and rare earth minerals, shall be prohibited, whether or not originating in the territory of the DPRK. The Union shall take the necessary measures in order to determine the relevant items to be covered by this provision.;

(5) the following articles are inserted:

*Article 4a*

1. The procurement from the DPRK by nationals of Member States, or using the flag vessels or aircraft of Member States, of coal, iron, and iron ore, shall be prohibited, whether or not originating in the territory of the DPRK. The Union shall take the necessary measures in order to determine the relevant items to be covered by this provision.

2. Paragraph 1 shall not apply with respect to coal that the procuring Member State confirms on the basis of credible information has originated outside the DPRK and was transported through the DPRK solely for export from the Port of Rajin (Rason), provided that the Member State notifies the Sanctions Committee in advance and such transactions are unrelated to generating revenue for the DPRK's nuclear or ballistic missile programmes or other activities prohibited by UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016) or this Decision.

3. Paragraph 1 shall not apply with respect to transactions that are determined to be exclusively for livelihood purposes and unrelated to generating revenue for the DPRK's nuclear or ballistic missile programmes or other activities prohibited by UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016) or this Decision.

*Article 4b*

1. The sale or supply of aviation fuel, including aviation gasoline, naptha-type jet fuel, kerosene-type jet fuel, and kerosene-type rocket fuel to the DPRK by nationals of Member States or from the territories of Member States or using the flag vessels or aircraft of Member States, shall be prohibited whether or not originating in the territories of Member States.

2. Paragraph 1 shall not apply if the Sanctions Committee has approved in advance on an exceptional case-by-case basis the transfer to the DPRK of such products for verified essential humanitarian needs and subject to specified arrangements for effective monitoring of delivery and use.

3. Paragraph 1 shall not apply with respect to the sale or supply of aviation fuel to civilian passenger aircraft outside the DPRK exclusively for consumption during its flight to the DPRK and its return flight.;

(6) Article 5 is replaced by the following:

*Article 5*

Member States shall not provide public and private financial support for trade with the DPRK, including the granting of export credits, guarantees or insurance, to their nationals or entities involved in such trade, where such financial support could contribute to the DPRK's nuclear-related, ballistic-missile-related or other weapons-of-mass-destruction-related programmes or activities, or other activities prohibited by UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016) or by this Decision, or to the evasion of measures imposed by those UNSC Resolutions or by this Decision.;

(7) in Article 7, paragraph 1 is replaced by the following:

1. In order to prevent the provision of financial services or the transfer to, through, or from the territory of Member States, or to or by nationals of Member States or entities organised under their laws, or persons or financial institutions within their jurisdiction, of any financial or other assets or resources, including bulk cash, that could contribute to the DPRK's nuclear-related, ballistic-missile-related or other weapons-of-mass-destruction-related programmes or activities, or other activities prohibited by UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016) or by this Decision, or to the evasion of measures imposed by those UNSC Resolutions or by this Decision, Member States shall exercise enhanced monitoring, in accordance with their national authorities and legislation, of the activities of financial institutions within their jurisdiction with:

- (a) banks domiciled in the DPRK;
- (b) branches and subsidiaries within the jurisdiction of the Member States of banks domiciled in the DPRK, as listed in Annex IV;
- (c) branches and subsidiaries outside the jurisdiction of the Member States of banks domiciled in the DPRK, as listed in Annex V; and
- (d) financial entities that are neither domiciled in the DPRK nor within the jurisdiction of the Member States but are controlled by persons and entities domiciled in the DPRK, as listed in Annex V;

in order to avoid such activities contributing to the DPRK's nuclear-related, ballistic-missile-related or other weapons-of-mass-destruction-related programmes or activities.;

(8) Article 8 is replaced by the following:

*Article 8*

1. The opening of branches, subsidiaries, or representative offices of DPRK banks, including the Central Bank of DPRK, its branches and subsidiaries, and of other financial entities referred to in Article 7(1), in the territories of Member States shall be prohibited.

2. Existing branches, subsidiaries and representative offices shall be closed within 90 days from the adoption of UNSCR 2270 (2016).

3. It shall be prohibited for DPRK banks, including the Central Bank of DPRK, its branches and subsidiaries, and for other financial entities referred to in Article 7(1):

- (a) to establish new joint ventures with banks under the jurisdiction of Member States;
- (b) to take an ownership interest in banks under the jurisdiction of Member States;

(c) to establish or maintain correspondent banking relationships with banks under the jurisdiction of Member States;

unless the transactions mentioned in paragraphs (a), (b) and (c) above have been approved by the Sanctions Committee in advance.

4. Existing joint ventures, ownership interests and correspondent banking relationships with DPRK banks shall be terminated within 90 days from the adoption of UNSCR 2270 (2016).

5. Financial institutions within the territories of Member States or under their jurisdiction shall be prohibited from opening representative offices, subsidiaries, branches or banking accounts in the DPRK.

6. Existing representative offices, subsidiaries or banking accounts in the DPRK shall be closed within 90 days from the adoption of UNSCR 2270 (2016), if the relevant Member State has credible information that provides reasonable grounds to believe that such financial services could contribute to the DPRK's nuclear or ballistic missile programmes, or other activities prohibited by UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016).

7. Paragraph 6 shall not apply if the Sanctions Committee determines on a case-by-case basis that such offices, subsidiaries or accounts are required for the delivery of humanitarian assistance or the activities of diplomatic missions in the DPRK pursuant to the Vienna Convention on Diplomatic Relations or the activities of the United Nations or its specialised agencies or related organisations, or for any other purposes consistent with UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016).;

(9) in Article 10, paragraph 1 is replaced by the following:

'1. Member States shall inspect, in accordance with their national authorities and legislation and consistent with international law, including the Vienna Conventions on Diplomatic and Consular Relations, all cargo to and from the DPRK in their territory, or transiting through their territory, including at their airports, seaports and free trade zones, or cargo brokered or facilitated by the DPRK or DPRK nationals, or persons or entities acting on their behalf or at their direction, or entities owned or controlled by them, or by persons or entities listed in Annex I, or cargo that is being transported on DPRK-flagged aircraft or maritime vessels, for the purposes of ensuring that no items are transferred in violation of UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016).';

(10) in Article 10, the following paragraph is inserted:

'1a. Member States shall inspect, in accordance with their national authorities and legislation and consistent with international law, including the Vienna Conventions on Diplomatic and Consular Relations, all cargo to and from the DPRK in their territory, or transiting through their territory, or cargo brokered or facilitated by the DPRK or DPRK nationals, or persons or entities acting on their behalf, including at their airports and seaports, if they have information that provides reasonable grounds to believe that the cargo contains items whose supply, sale, transfer or export is prohibited under this Decision.;

(11) Article 11 is replaced by the following:

*'Article 11*

1. Member States shall deny permission to land in, take off from or overfly their territory to any aircraft, if they have information that provides reasonable grounds to believe that the cargo contains items whose supply, sale, transfer or export is prohibited under UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016) or under this Decision.

2. Paragraph 1 shall not apply in the case of an emergency landing or under the condition of landing for inspection.;

(12) the following article is inserted:

*Article 11a*

1. Member States shall prohibit the entry into their ports of any vessel, if they have information that provides reasonable grounds to believe that the vessel is owned or controlled, directly or indirectly, by a person or entity listed in Annex I, or contains cargo whose supply, sale, transfer or export is prohibited under UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016).

2. Paragraph 1 shall not apply in the case of emergency or in the case of return to its port of origination, or for inspection or if the Sanctions Committee determines in advance that such entry is required for humanitarian purposes or any other purposes consistent with the objectives of UNSCR 2270 (2016).;

(13) the following articles are inserted:

*Article 12a*

1. It shall be prohibited to lease or charter flagged vessels or aircraft or provide crew services to the DPRK, any persons or entities listed in Annex I, any other DPRK entities, any other persons or entities whom the Member State determines to have assisted in the evasion of sanctions or in violating the provisions of UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016), any persons or entities acting on behalf or at the direction of any of the aforementioned, and any entities owned or controlled by any of the aforementioned.

2. Paragraph 1 shall not apply to the leasing, chartering or provision of crew services provided that the relevant Member State has notified the Sanctions Committee in advance on a case-by-case basis and has provided the Sanctions Committee with the information demonstrating that such activities are exclusively for livelihood purposes which will not be used by DPRK persons or entities to generate revenue, and information on measures taken to prevent such activities from contributing to violations of the provisions of UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016).

*Article 12b*

Member States shall de-register any vessel that is owned, operated or crewed by the DPRK and shall not register any such vessel that is de-registered by another state pursuant to paragraph 19 of UNSCR 2270 (2016).

*Article 12c*

1. It shall be prohibited to register vessels in the DPRK, obtain authorisation for a vessel to use the DPRK flag, or to own, lease, operate, or provide any vessel classification, certification or associated service, or insure any vessel flagged by the DPRK.

2. Paragraph 1 shall not apply to activities notified in advance to the Sanctions Committee on a case-by-case basis, provided that the relevant Member State has provided the Sanctions Committee with detailed information on the activities, including the names of persons and entities involved in them, information demonstrating that such activities are exclusively for livelihood purposes which will not be used by DPRK persons or entities to generate revenue and information on measures taken to prevent such activities from contributing to violations of UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016).;

(14) in Article 13, paragraphs 1 and 2 are replaced by the following:

‘1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of:

(a) the persons designated by the Sanctions Committee or by the Security Council as being responsible for, including through supporting or promoting, the DPRK’s policies in relation to its nuclear-related, ballistic-missile-related or other weapons-of-mass-destruction-related programmes, together with their family members, or persons acting on their behalf or at their direction, as listed in Annex I;

- (b) the persons not covered by Annex I, as listed in Annex II:
- (i) who are responsible for, including through supporting or promoting, the DPRK's nuclear-related, ballistic-missile-related or other weapons-of-mass-destruction-related programmes or persons acting on their behalf, or at their direction;
  - (ii) who provide financial services or the transfer to, through, or from the territory of Member States, or involving nationals of Member States or entities organised under their laws, or persons or financial institutions in their territory, of any financial or other assets or resources that could contribute to the DPRK's nuclear-related, ballistic-missile-related or other weapons-of-mass-destruction-related programmes;
  - (iii) who are involved in, including through the provision of financial services, the supply to or from the DPRK of arms and related material of all types, or the supply to the DPRK of items, materials, equipment, goods and technology which could contribute to the DPRK's nuclear-related, ballistic-missile-related or other weapons-of-mass-destruction-related programmes;
- (c) the persons not covered by Annex I or Annex II working on behalf or at the direction of a person or entity listed in Annex I or Annex II or persons assisting the evasion of sanctions or violating the provisions of UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016) or of this Decision, as listed in Annex III to this Decision.

2. Point (a) of paragraph 1 shall not apply where the Sanctions Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Sanctions Committee concludes that an exemption would otherwise further the objectives of UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016).;

(15) the following articles are inserted:

*Article 14a*

1. Member States shall expel DPRK diplomats, government representatives or other DPRK nationals acting in a governmental capacity whom they determine are working on behalf of, or at the direction of, a person or entity listed in Annex I, or of an individual or entities assisting in the evasion of sanctions or violating the provisions of UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), or 2270 (2016), from their territories for the purpose of repatriation to the DPRK, consistent with applicable national and international law.

2. Paragraph 1 shall not apply in case of transit of representatives of the Government of the DPRK to the United Nations Headquarters or other UN facilities to conduct United Nations business.

3. Paragraph 1 shall not apply where the presence of a person is required for fulfilment of a judicial process or exclusively for medical, safety or other humanitarian purposes, or the Sanctions Committee has determined on a case-by-case basis that the expulsion of the individual would be contrary to the objectives of UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016).

*Article 14b*

1. Member States shall expel nationals of third countries whom they determine are working on behalf of, or at the direction of a person or entity listed in Annex I, or assisting the evasion of sanctions or violating the provisions of UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013), or 2270 (2016), from their territories for the purpose of repatriation to the individual's state of nationality, consistent with applicable national and international law.

2. Paragraph 1 shall not apply where the presence of a person is required for fulfilment of a judicial process or exclusively for medical, safety or other humanitarian purposes, or the Sanctions Committee has determined on a case-by-case basis that the expulsion of the individual would be contrary to the objectives of UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016).

3. Paragraph 1 shall not apply in case of transit of representatives of the Government of the DPRK to the United Nations Headquarters or other UN facilities to conduct United Nations business.;

(16) in Article 15(1), point (c) is replaced by the following:

'(c) the persons and entities not covered by Annex I or Annex II working on behalf or at the direction of a person or entity listed in Annex I or Annex II or persons assisting the evasion of sanctions or violating the provisions of UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016) or of this Decision, as listed in Annex III to this Decision.;

(17) in Article 15(1), the following point is inserted:

'(d) the entities of the Government of the DPRK or the Worker's Party of Korea, or by persons or entities acting on their behalf or at their direction, or by entities owned or controlled by them, that the Member State determines are associated with the DPRK's nuclear or ballistic missile programmes or other activities prohibited by UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) or 2270 (2016) shall be frozen.;

(18) the following Articles are inserted:

*'Article 15a*

Point (d) of Article 15(1) shall not apply with respect to funds, other financial assets and economic resources that are required to carry out activities of the DPRK's missions to the United Nations and its specialised agencies and related organisations or other diplomatic and consular missions of the DPRK, and to any funds, other financial assets and economic resources that the Sanctions Committee determines in advance on a case-by-case basis are required for the delivery of humanitarian assistance, denuclearisation or any other purpose consistent with the objectives of UNSCR 2270 (2016).

*Article 15b*

1. Representative offices of entities listed in Annex I shall be closed.
2. The direct or indirect participation in joint ventures or any other business arrangements by entities listed in Annex I, as well as persons or entities acting for or on their behalf, is prohibited.;

(19) Article 16 is replaced by the following:

*'Article 16*

Member States shall take the necessary measures to exercise vigilance and prevent specialised teaching or training of DPRK nationals, within their territories or by their nationals, of disciplines which would contribute to the DPRK's proliferation-sensitive nuclear activities and the development of nuclear weapon delivery systems, including teaching or training in advanced physics, advanced computer simulation and related computer sciences, geospatial navigation, nuclear engineering, aerospace engineering, aeronautical engineering and related disciplines.;

(20) Article 17 is replaced by the following:

*'Article 17*

Member States shall, in accordance with international law, exercise enhanced vigilance over DPRK diplomatic personnel so as to prevent such individuals from contributing to the DPRK's nuclear or ballistic missile programmes, or other activities prohibited by UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016) or by this Decision, or to the evasion of measures imposed by those UNSC Resolutions or by this Decision.;

(21) Article 18 is replaced by the following:

*'Article 18*

No claims, including for compensation or indemnification or any other claim of this kind, such as a claim of set-off, fines or a claim under a guarantee, claims for extension or payment of a bond, financial guarantee, including claims arising from letters of credit and similar instruments, in connection with any contract or transaction the performance of which was affected, directly or indirectly, wholly or in part, by reason of measures decided on pursuant to UNSCR 1718 (2006), 1874 (2009), 2087 (2013), 2094 (2013) and 2270 (2016), including measures of the Union or any Member State in accordance with, as required by or in any connection with, the implementation of the relevant decisions of the Security Council or measures covered by this Decision, shall be granted to the designated persons or entities listed in Annexes I, II or III, or any other person or entity in the DPRK, including the Government of the DPRK, its public bodies, corporations and agencies, or any person or entity claiming through or for the benefit of any such person or entity.'

*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, 31 March 2016.

*For the Council*  
*The President*  
A.G. KOENDERS

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**COUNCIL DECISION (CFSP) 2016/477**  
**of 31 March 2016**  
**amending Decision 2011/173/CFSP concerning restrictive measures in view of the situation in**  
**Bosnia and Herzegovina**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal of the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 21 March 2011, the Council adopted Decision 2011/173/CFSP <sup>(1)</sup>.
- (2) On the basis of a review of Decision 2011/173/CFSP, the restrictive measures should be renewed until 31 March 2017.
- (3) Decision 2011/173/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

In Article 6 of Decision 2011/173/CFSP, the second paragraph is replaced by the following:

‘This Decision shall apply until 31 March 2017.’.

*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, 31 March 2016.

*For the Council*

*The President*

A.G. KOENDERS

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<sup>(1)</sup> Council Decision 2011/173/CFSP of 21 March 2011 concerning restrictive measures in view of the situation in Bosnia and Herzegovina (OJ L 76, 22.3.2011, p. 68).

**COUNCIL DECISION (CFSP) 2016/478**  
**of 31 March 2016**  
**amending Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal of the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 31 July 2015, the Council adopted Decision (CFSP) 2015/1333 <sup>(1)</sup>.
- (2) On 16 March 2015, the Council recalled that only a political solution can provide a sustainable way forward and contribute to peace and stability in Libya and it referred inter alia to the importance of refraining from actions that could exacerbate current divisions.
- (3) The Council remains gravely concerned about the situation in Libya and in particular about acts that threaten the peace, security or stability of Libya, and that obstruct or undermine the successful completion of Libya's political transition, such as acts that obstruct the implementation of the Libyan Political Agreement of 17 December 2015 and the formation of a Government of National Accord, including through a repeated failure to take action by persons with political influence in Libya.
- (4) In view of the gravity of the situation in Libya, three additional persons should be added for a period of 6 months to the list of persons subject to restrictive measures as set out in Annexes II and IV to Decision (CFSP) 2015/1333.
- (5) Decision (CFSP) 2015/1333 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision (CFSP) 2015/1333 is amended as follows:

- (1) the persons listed in the Annex to this Decision are added to the list set out in Annexes II and IV;
- (2) in Article 17, the following paragraphs are added:
  - '3. The measures referred to in Article 8(2) shall apply with regard to entry numbers 16, 17 and 18 in Annex II until 2 October 2016.
  4. The measures referred to in Article 9(2) shall apply with regard to entry numbers 21, 22 and 23 in Annex IV until 2 October 2016.'

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<sup>(1)</sup> Council Decision (CFSP) 2015/1333 of 31 July 2015 concerning restrictive measures in view of the situation in Libya, and repealing Decision 2011/137/CFSP (OJ L 206, 1.8.2015, p. 34).

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*Article 2*

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

Done at Brussels, 31 March 2016.

*For the Council*  
*The President*  
A.G. KOENDERS

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## ANNEX

## ANNEX II

**List of persons and entities referred to in Article 8(2)**

## A. PERSONS

	Name	Identifying information	Reasons	Date of listing
16.	SALEH ISSA GWAIDER, Agila	d.o.b. 1944 (unconfirmed)	<p>Agila Saleh has been President of the Libyan Council of Deputies in the House of Representatives since 5 August 2014.</p> <p>On 17 December 2015 Saleh stated his opposition to the Libya Political Agreement signed on 17 December 2015.</p> <p>As President of the Council of Deputies Saleh has obstructed and undermined the Libyan political transition, including by refusing to hold a vote in the House of Representatives on 23 February 2016 on the Government of National Accord ("GNA").</p> <p>On 23 February 2016 Saleh decided to create a committee which is expected to meet other members of the "Libyan-Libyan process" which is opposed to the Libya Political Agreement.</p>	
17.	GHWELL, Khalifa a.k.a. AL GHWEIL, Khalifa AL-GHAWAIL, Khalifa	d.o.b. 1964 Misratah	<p>Khalifa Ghwell is the so-called "Prime Minister and Defence Minister" of the internationally unrecognised General National Congress ("GNC") (also known as the "National Salvation Government"), and as such is responsible for their activities.</p> <p>On 7 July 2015 Khalifa Ghwell showed his support for the Steadfastness Front (Alsomood), a new military force of 7 brigades to prevent a unity government from forming in Tripoli, by attending the signing ceremony to inaugurate the force with GNC "President" Nuri Abu Sahmain.</p> <p>As GNC "Prime Minister" Ghwell has played a central role in obstructing the establishment of the GNA established under the Libya Political Agreement.</p> <p>On 15 January 2016, in his capacity as the Tripoli GNC's "Prime minister and Minister of Defence", Ghwell ordered the arrest of any members of the new Security Team, appointed by the prime minister designate of the Government of National Accord, who set foot in Tripoli.</p>	

	Name	Identifying information	Reasons	Date of listing
18.	ABU SAHMAIN, Nuri a.k.a. BOSAMIN, Nori BO SAMIN, Nuri BADI, Salahdin	d.o.b. 16.5.1956 Zouara/Zuwara Libya	<p>Nuri Abu Sahmain is the so-called “President” of the internationally unrecognised General National Congress (“GNC”) (also known as the “National Salvation Government”), and as such is responsible for their activities.</p> <p>As GNC “President”, Nuri Abu Sahmain has played a central role in obstructing and opposing the Libyan Political Agreement and the establishment of the Government of National Accord (“GNA”).</p> <p>On 15 December 2015 Sahmain called for the postponement of the Libya Political Agreement scheduled to be agreed at a meeting on 17 December.</p> <p>On 16 December 2015 Sahmain issued a statement that the GNC did not authorise any of its members to participate in the meeting or sign the Libya Political Agreement.</p> <p>On 1 January 2016 Sahmain rejected the Libyan Political Agreement in talks with the United Nations Special Representative.’</p>	

## ‘ANNEX IV

**List of persons and entities referred to in Article 9(2)**

## A. PERSONS

	Name	Identifying information	Reasons	Date of listing
21.	SALEH ISSA GWAIDER, Agila	d.o.b. 1944 (unconfirmed)	<p>Agila Saleh has been President of the Libyan Council of Deputies in the House of Representatives since 5 August 2014.</p> <p>On 17 December 2015 Saleh stated his opposition to the Libya Political Agreement signed on 17 December 2015.</p> <p>As President of the Council of Deputies Saleh has obstructed and undermined the Libyan political transition, including by refusing to hold a vote in the House of Representatives on 23 February 2016 on the Government of National Accord.</p> <p>On 23 February 2016 Saleh decided to create a committee which is expected to meet other members of the “Libyan-Libyan process” which is opposed to the Libya Political Agreement.</p>	

	Name	Identifying information	Reasons	Date of listing
22.	GHWELL, Khalifa a.k.a. AL GHWEIL, Khalifa AL-GHAWAIL, Khalifa	d.o.b. 1964 Misratah	<p>Khalifa Ghwell is the so-called “Prime Minister and Defence Minister” of the internationally unrecognised General National Congress (“GNC”) (also known as the “National Salvation Government”), and as such is responsible for their activities.</p> <p>On 7 July 2015 Khalifa Ghwell showed his support for the Steadfastness Front (Alsomood), a new military force of 7 brigades to prevent a unity government from forming in Tripoli, by attending the signing ceremony to inaugurate the force with GNC “President” Nuri Abu Sahmain.</p> <p>As GNC “Prime Minister” Ghwell has played a central role in obstructing the establishment of the Government of National Accord (“GNA”) established under the Libya Political Agreement.</p> <p>On 15 January 2016, in his capacity as the Tripoli GNC’s “Prime minister and Minister of Defence”, Ghwell ordered the arrest of any members of the new Security Team, appointed by the prime minister designate of the Government of National Accord, who set foot in Tripoli.</p>	
23.	ABU SAHMAIN, Nuri a.k.a. BOSAMIN, Nori BO SAMIN, Nuri BADI, Salahdin	d.o.b. 16.5.1956 Zouara/Zuwara Libya	<p>Nuri Abu Sahmain is the so-called “President” of the internationally unrecognised General National Congress (“GNC”) (also known as the “National Salvation Government”), and as such is responsible for their activities.</p> <p>As GNC President, Nuri Abu Sahmain has played a central role in obstructing and opposing the Libyan Political Agreement and the establishment of the Government of National Accord (“GNA”).</p> <p>On 15 December 2015 Sahmain called for the postponement of the Libya Political Agreement scheduled to be agreed at a meeting on 17 December.</p> <p>On 16 December 2015 Sahmain issued a statement that the GNC did not authorise any of its members to participate in the meeting or sign the Libya Political Agreement.</p> <p>On 1 January 2016 Sahmain rejected the Libyan Political Agreement in talks with the United Nations Special Representative.’</p>	



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