Official Journal of the European Union

L 150

English edition

Legislation

Volume 58

17 June 2015

Contents

[1] Text with EEA relevance

EN

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

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

Corrigenda

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2015/923

of 11 March 2015

amending Delegated Regulation (EU) No 241/2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for own funds requirements for institutions

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 ([1]), and in particular the third subparagraph of Article 36(2), the third subparagraph of Article 73(7) and the third subparagraph of Article 84(4) thereof,

Whereas:

(1) In order to avoid regulatory arbitrage and ensure harmonised application of the own funds requirements in the Union, it is important to ensure that there is a uniform approach concerning the deduction from own funds items of indirect and synthetic holdings in institutions' own own funds instruments and indirect and synthetic holdings in financial sector entities.

(2) Given that Regulation (EU) No 575/2013 already provides rules for direct holdings of an institution's own funds instruments by the institution itself and direct holdings of own funds instruments of other financial sector entities, supplementing rules should be laid down for the deduction from own funds of holdings by the institution that relate to indirect and synthetic holdings in such instruments of the institution itself or in such instruments of other financial sector entities.

(3) The treatment of indirect holdings arising from index holdings is covered by Article 76 of Regulation (EU) No 575/2013 and by Articles 25 and 26 of Commission Delegated Regulation (EU) No 241/2014 ([2]). However, Delegated Regulation (EU) No 241/2014 does not cover indirect and synthetic holdings arising in the context of points (f), (h) and (i) of Article 36(1), points (a), (c), (d) and (f) of Article 56, and points (a), (c) and (d) of Article 66 of Regulation (EU) No 575/2013. It is necessary to set out new rules in respect of the treatment of indirect and synthetic holdings referred to in those provisions.

(4) Where an institution's own credit standing drives the rates set by market indices which are also used as a reference for the remuneration of Additional Tier 1 and Tier 2 instruments of that institution, prudential concerns arise, relating to the correlation between the distributions on the instrument and the credit standing of the institution. The number and the diversity of institutions in the panel should be high enough to adequately

([1]) OJ L 176, 27.6.2013, p. 1.

([2]) Commission Delegated Regulation (EU) No 241/2014 of 7 January 2014 supplementing Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to regulatory technical standards for Own Funds requirements for institutions (OJ L 74, 14.3.2014, p. 8).

reflect the activities in the related market. Therefore, if an institution issues an Additional Tier 1 or Tier 2 instrument with a floating rate or a fixed rate that will revert to a floating rate, the rate that it pays on that instrument should not increase when the institution's credit standing declines. Therefore, where the rate is linked to an index, the index should be sufficiently 'broad' to ensure that the institution's credit standing is not a main factor influencing the rates set by that index. The distinction should be made between correlation due to the entire sector suffering stress and affecting the benchmark rate, and correlation due to one institution's credit standing affecting the benchmark rate.

(5) The calculation of minority interests at the consolidated level and subconsolidated level should be consistent. Therefore, the eligible minority interests of a subsidiary that is itself a parent undertaking of a financial sector entity should be the amount that results, for the parent institution of that subsidiary, when the parent institution applies the prudential consolidation referred to in Title II of Part One of Regulation (EU) No 575/2013.

(6) Given the similar nature of the deductions covered by Articles 84, 85 and 87 of Regulation (EU) No 575/2013, the same provisions for the calculation of eligible minority interests should apply to all of those cases.

(7) This Regulation is based on the draft regulatory technical standards submitted by the European Banking Authority to the Commission.

(8) The European Banking Authority has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council ([1]).

(9) Delegated Regulation (EU) No 241/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) No 241/2014 is amended as follows:

1. In Article 1, the following points (o) and (p) are added:

'(o) the conditions according to which indices shall be deemed to qualify as broad market indices, according to Article 73(7) of Regulation (EU) No 575/2013;

(p) the sub-consolidation calculation required in accordance to Article 84(2) and Articles 85 and 87 of Regulation (EU) No 575/2013, pursuant to Article 84(4) of that Regulation.'.

2. The following Articles 15a to 15j are inserted:

'Article 15a

Indirect holdings for the purposes of Article 36(1)(f),(h) and (i) of Regulation (EU) No 575/2013

1. For the purposes of Articles 15c, 15d, 15e and 15i of this Regulation, "intermediate entity" as referred to in Article 4(1)(114) of Regulation (EU) No 575/2013 comprises any of the following entities that hold capital instruments of financial sector entities:

(a) a collective investment undertaking;

(b) a pension fund other than a defined benefit pension fund;

([1]) Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 12).

(c) a defined benefit pension fund, where the institution is supporting the investment risk and where the defined benefit pension fund is not independent from its sponsoring institution;

(d) entities that are directly or indirectly under the control or under significant influence of one of the following:

(1) the institution or its subsidiaries;

(2) the parent undertaking of the institution or the subsidiaries of that parent undertaking;

(3) the parent financial holding company of the institution or the subsidiaries of that parent financial holding company;

(4) the parent mixed activity holding company of the institution or the subsidiaries of the parent mixed activity holding company;

(5) the parent mixed financial holding company of the institution or the subsidiaries of the parent mixed financial holding company;

(e) entities that are jointly, directly or indirectly, under the control or under significant influence of one institution, several institutions, or a network of institutions, which are members of the same institutional protection scheme, or of the institutional protection scheme or the network of institutions affiliated to a central body that are not organised as a group to which the institution belongs;

(f) special purpose entities;

(g) entities whose activity is to hold financial instruments of financial sector entities;

(h) any entity that the competent authority considers to be used with the intention of circumventing the rules relating to the deduction of indirect and synthetic holdings.

2. Without prejudice to point (h) of paragraph 1, an "intermediate entity" as referred to in Article 4(1)(114) of Regulation (EU) No 575/2013 does not comprise:

(a) mixed activity holding companies, institutions, insurance undertakings, reinsurance undertakings;

(b) entities that are, by virtue of applicable national law, subject to the requirements of Regulation (EU) No 575/2013 and Directive 2013/36/EU;

(c) financial sector entities other than the ones mentioned in point (a), which are supervised and required to deduct direct and indirect holdings of their own capital instruments and holdings of capital instruments of financial sector entities from their regulatory capital.

3. For the purposes of point (c) of paragraph 1, a defined benefit pension fund shall be deemed to be independent from its sponsoring institution where all of the following conditions are met:

(a) the defined benefit pension fund is legally separate from the sponsoring institution and its governance is independent;

(b) the statutes, the instruments of incorporation and the internal rules of the specific pension fund, as applicable, have been approved by an independent regulator; or the rules governing the incorporation and functioning of the defined benefit pension fund, as applicable, are established in the applicable national law of the relevant Member State;

(c) the trustees or administrators of the defined pension fund have an obligation under applicable national law to act impartially in the best interests of the scheme beneficiaries instead of those of the sponsor, to manage assets of the defined pension fund prudently and to conform to the restrictions set out in the statutes, the instruments of incorporation and the internal rules of the specific pension fund, as applicable, or statutory or regulatory framework described in point (b);

(d) the statutes or the instruments of incorporation or the rules governing the incorporation and functioning of the defined benefit pension fund referred to in point (b) include restrictions on investments that the defined pension scheme can make in own funds instruments issued by the sponsoring institution.

4. Where a defined benefit pension fund referred to in point (c) of paragraph 1 holds own funds instruments of the sponsoring institution, the sponsoring institution shall treat that holding as an indirect holding of own Common Equity Tier 1 instruments, own Additional Tier 1 instruments or own Tier 2 instruments, as applicable. The amount to be deducted from the Common Equity Tier 1 items, Additional Tier 1 items or Tier 2 items, as applicable, of the sponsoring institution, shall be calculated in accordance with Article 15c.

Article 15b

Synthetic holdings for the purposes of Article 36(1)(f),(h) and (i) of Regulation (EU) No 575/2013

1. The following financial products shall be considered synthetic holdings of capital instruments pursuant to points (f), (h) and (i) of Article 36(1) of Regulation (EU) No 575/2013:

(a) derivative instruments that have capital instruments of a financial sector entity as their underlying or have the financial sector entity as their reference entity;

(b) guarantees or credit protection provided to a third party in respect of the third party's investments in a capital instrument of a financial sector entity.

2. The financial products provided for in paragraph 1 shall include the following:

(a) investments in total return swaps on a capital instrument of a financial sector entity;

(b) call options purchased by the institution on a capital instrument of a financial sector entity;

(c) put options sold by the institution on a capital instrument of a financial sector entity or any other actual or contingent contractual obligation of the institution to purchase its own own funds instruments;

(d) investments in forward purchase agreements on a capital instrument of a financial sector entity.

Article 15c

Calculation of indirect holdings for the purposes of points (f),(h) and (i) of Article 36(1) of Regulation (EU) No 575/2013

The amount of indirect holdings to be deducted from Common Equity Tier 1 items as required in points (f), (h) and (i) of Article 36(1) of Regulation (EU) No 575/2013 shall be calculated in one of the following ways:

(a) according to the default approach set out in Article 15d;

(b) where the institution demonstrates to the satisfaction of the competent authority that the approach described in Article 15d is excessively burdensome, according to the structure-based approach described in Article 15e. The structure-based approach described in Article 15e shall not be used by institutions for calculating the amount of those deductions in relation to investments in intermediate entities referred to in Article 15a(1)(d) and (e).

Article 15d

Default approach for the calculation of indirect holdings for the purposes of points (f),(h) and (i) of Article 36(1) of Regulation (EU) No 575/2013

1. The amount of indirect holdings of Common Equity Tier 1 instruments to be deducted as required by points (f), (h) and (i) of Article 36(1) of Regulation (EU) No 575/2013 shall be calculated as follows:

(a) where the exposures of all investors to the intermediate entity rank *pari passu*, the amount shall be equal to the percentage of funding multiplied by the amount of Common Equity Tier 1 instruments of the financial sector entity held by the intermediate entity;

(b) where the exposures of all investors to the intermediate entity do not rank *pari passu*, the amount shall be equal to the percentage of funding multiplied with the lower of the following amounts:

  (i) the amount of Common Equity Tier 1 instruments of the financial sector entity held by the intermediate entity;

  (ii) the institution's exposure to the intermediate entity together with all other funding provided to the intermediate entity that rank *pari passu* with the institution's exposure.

2. The calculation method set out in point (b) of paragraph 1 shall be made for each tranche of funding that ranks *pari passu* with the funding provided by the institution.

3. The percentage of funding for the purposes of paragraph 1 shall be the institution's exposure to the intermediate entity divided by the sum of the institution's exposure to the intermediate entity and of all other exposures to this intermediate entity that rank *pari passu* with the institution's exposure.

4. The calculation laid down in paragraph 1 shall be made separately for each holding in a financial sector entity held by each intermediate entity.

5. Where investments in Common Equity Tier 1 instruments of a financial sector entity are held indirectly through subsequent or several intermediate entities, the percentage of funding set out in paragraph 1 shall be determined by dividing the amount referred to in point (a) of this paragraph by the amount referred to in point (b) of this paragraph:

(a) the result of the multiplication of amounts of funding provided by the institution to intermediate entities, by the amounts of funding provided by these intermediate entities to subsequent intermediate entities, and by amounts of funding provided by these subsequent intermediate entities to the financial sector entity;

(b) the result of the multiplication of amounts of capital instruments or other instruments as relevant, issued by each intermediate entity.

6. The percentage of funding referred to in paragraph 5 shall be calculated separately for each holding in a financial sector entity held by intermediate entities and for each tranche of funding that ranks *pari passu* with the funding provided by the institution and the subsequent intermediate entities.

Article 15e

Structure-based approach for the calculation of indirect holdings for the purposes of points (f), (h) and (i) of Article 36(1) of Regulation (EU) No 575/2013

1. The amount to be deducted from Common Equity Tier 1 items referred to in point (f) of Article 36(1) of Regulation (EU) No 575/2013 shall be equal to the percentage of funding, as defined in Article 15d(3) of this Regulation, multiplied by the amount of Common Equity Tier 1 instruments of the institution held by the intermediate entity.

2. The amount to be deducted from Common Equity Tier 1 items referred to in points (h) and (i) of Article 36(1) of Regulation (EU) No 575/2013 shall be equal to the percentage of funding, as defined in Article 15d(3) of this Regulation, multiplied by the aggregate amount of Common Equity Tier 1 instruments of financial sector entities held by the intermediate entity.

3. For the purposes of paragraphs 1 and 2, an institution shall calculate separately per intermediate entity the aggregate amount of Common Equity Tier 1 instruments of the institution that the intermediate entity holds and the aggregate amount of Common Equity Tier 1 instruments of other financial sector entities that the intermediate entity holds.

4. The institution shall consider the amount of holdings in Common Equity Tier 1 instruments of financial sector entities calculated in accordance with paragraph 2 of this Article as a significant investment referred to in Article 43 of Regulation (EU) No 575/2013 and shall deduct the amount in accordance with point (i) of Article 36(1) of that Regulation.

5. Where investments in Common Equity Tier 1 instruments are held indirectly through subsequent or several intermediate entities, paragraphs 5 and 6 of Article 15d shall apply.

6. Where an institution is not able to identify the aggregate amounts that the intermediate entity holds in Common Equity Tier 1 instruments of the institution or in Common Equity Tier 1 instruments of financial sector entities, the institution shall estimate the amounts it cannot identify by using the maximum amounts that the intermediate entity is able to hold on the basis of its investment mandates.

7. Where the institution is not able to determine, on the basis of the investment mandate, the maximum amount that the intermediate entity holds in Common Equity Tier 1 instruments of the institution or in Common Equity Tier 1 instruments of financial sector entities, the institution shall treat the amount of funding that it holds in the intermediate entity as an investment in its own Common Equity Tier 1 instruments and shall deduct them in accordance with point (f) of Article 36(1) of Regulation (EU) No 575/2013.

8. By way of derogation from paragraph 7 of this Article, the institution shall treat the amount of funding that it holds in the intermediate entity as a non-significant investment and shall deduct them in accordance with point (h) of Article 36(1) of Regulation (EU) No 575/2013, where all of the following conditions are met:

(a) the amounts of funding are less than 0,25 % of the institution's Common Equity Tier 1 capital;

(b) the amounts of funding are less than EUR 10 million;

(c) the institution cannot reasonably determine the amounts of its own Common Equity Tier 1 instruments that the intermediate entity holds.

9. Where funding to the intermediate entity is in the form of units or shares of a CIU, the institution may rely on the third parties referred to in Article 132(5) of Regulation (EU) No 575/2013, and under the conditions set by that Article, to calculate and report the aggregate amounts referred to in paragraph 6 of this Article.

Article 15f

Calculation of synthetic holdings for the purposes of points (f),(h) and (i) of Article 36(1) of Regulation (EU) No 575/2013

1. The amount of synthetic holdings to be deducted from Common Equity Tier 1 items as required by points (f), (h) and (i) of Article 36(1) of Regulation (EU) No 575/2013 shall be as follows:

(a) for holdings in the trading book:

(i) for options, the delta equivalent amount of the relevant instruments calculated in accordance with Title IV of Part III of Regulation (EU) No 575/2013;

(ii) for any other synthetic holdings, the nominal or notional amount, as applicable;

(b) for holdings in the non-trading book:

(i) for call options, the current market value;

(ii) for any other synthetic holdings, the nominal or notional amount, as applicable.

2. An institution shall deduct the synthetic holdings referred to in paragraph 1 from the date of signature of the contract between the institution and the counterparty.

Article 15g

Calculation of significant investments for the purposes of Article 36(1)(i) of Regulation (EU) No 575/2013

1. For the purposes of Article 36(1)(i) of Regulation (EU) No 575/2013, in order to assess whether an institution owns more than 10 % of the Common Equity Tier 1 instruments issued by a financial sector entity, in accordance with point (a) of Article 43 of that Regulation, institutions shall add the amounts of their gross long positions in direct holdings, as well as indirect holdings of Common Equity Tier 1 instruments of this financial sector entity referred to in points (d) to (h) of Article 15a(1) of this Regulation.

2. Indirect and synthetic holdings shall be taken into account by the competent authority in order to assess whether the conditions in points (b) and (c) of Article 43 of Regulation (EU) No 575/2013 are met.

Article 15h

Holdings of Additional Tier 1 and Tier 2

The methodology referred to in Articles 15a to 15f of this Regulation shall apply *mutatis mutandis* to Additional Tier 1 holdings for the purposes of points (a), (c) and (d) of Article 56 of Regulation (EU) No 575/2013, and to Tier 2 holdings for the purposes of points (a), (c) and (d) of Article 66 of that Regulation, where references to Common Equity Tier 1 shall be read as references to Additional Tier 1 or Tier 2, as applicable.

Article 15i

Order and maximum amount of deductions of indirect holdings of own funds instruments of financial sector entities

1. Subject to the limits laid down in paragraphs 2 or 3, as applicable, where the intermediate entity holds Common Equity Tier 1 instruments, Additional Tier 1 instruments and Tier 2 instruments of financial sector entities, the Common Equity Tier 1 instruments shall be deducted first, the Additional Tier 1 instruments shall be deducted second, and the Tier 2 instruments last.

2. Where the intermediate entity holds own funds instruments of institutions, when applying paragraph 1 to each type of holding institutions shall deduct the holdings of their own own funds instruments first.

3. Where an institution holds capital instruments of financial sector entities indirectly, the amount to be deducted from the institution's own funds shall not be higher than the lower of the following amounts:

(a) the total funding provided by the institution to the intermediate entity;

(b) the amount of own funds instruments held by the intermediate entity in the financial sector entity.

Article 15j

Goodwill

For the application of deductions referred to in point (h) of Article 36(1) of Regulation (EU) No 575/2013, institutions may choose not to identify goodwill separately when determining the applicable amount to be deducted according to Article 46 of that Regulation.'.

3. The following Article 24a is inserted:

'*Article 24a*

Distribution on own funds instruments — broad market indices

1. An interest rate index shall be deemed to be a broad market index if it fulfils all of the following conditions:

(a) it is used to set interbank lending rates in one or more currencies;

(b) it is used as a reference rate for floating rate debt issued by the institution in the same currency, where applicable;

(c) it is calculated as an average rate by a body independent of the institutions that are contributing to the index ("panel");

(d) each of the rates set under the index is based on quotes submitted by a panel of institutions active in that interbank market;

(e) the composition of the panel referred to in point (c) ensures a sufficient level of representativeness of institutions present in the Member State.

2. For the purposes of point (e) of paragraph 1, a sufficient level of representativeness shall be deemed to be achieved in either of the following cases:

(a) where the panel referred to in point (c) of paragraph 1 includes at least 6 different contributors before any discount of quotes is applied for the purposes of setting the rate;

(b) where all of the following conditions are met:

(i) the panel referred to in point (c) of paragraph 1 includes at least 4 different contributors before any discount of quotes is applied for the purposes of setting the rate;

(ii) the contributors to the panel referred to in point (c) of paragraph 1 represent at least 60 % of the related market.

3. The related market referred to in point (b)(ii) of paragraph 2 shall be the sum of assets and liabilities of the effective contributors to the panel in the domestic currency divided by the sum of assets and liabilities in the domestic currency of credit institutions in the relevant Member State, including branches established in the Member State, and money market funds in the relevant Member State.

4. A stock index shall be deemed to be a broad market index where it is appropriately diversified in accordance with Article 344 of Regulation (EU) No 575/2013.'.

4. The following Article 34a is inserted:

'Article 34a

Minority interests included in consolidated Common Equity Tier 1 capital

1. For the purpose of specifying the sub-consolidation calculation required in accordance with Articles 84(2), 85(2) and 87(2) of Regulation (EU) No 575/2013, the qualifying minority interests of a subsidiary referred to in Article 81 of that Regulation that is itself a parent undertaking of an entity referred to in Article 81(1) of that Regulation shall be calculated as described in paragraphs 2 to 4 of this Article.

2. Where a competent authority has exercised the discretion referred to in Article 9(1) of Regulation (EU) No 575/2013, the calculation to be undertaken in accordance with paragraphs 3 and 4 of this Article shall be made on the basis of the situation of the institution as if the discretion had not been exercised.

3. Where the subsidiary complies with the provisions of Part Three of Regulation (EU) No 575/2013 on the basis of its consolidated situation the following treatment shall apply:

(a) the Common Equity Tier 1 capital of that subsidiary on its consolidated basis referred to in point (a) of Article 84(1) of Regulation (EU) No 575/2013 shall include the eligible minority interests that arise from its own subsidiaries calculated pursuant to Article 84 of Regulation (EU) No 575/2013 and the provisions laid down in this Regulation;

(b) for the purpose of the sub-consolidation calculation, the amount of Common Equity Tier 1 capital required according to point (i) of Article 84(1)(a) of Regulation (EU) No 575/2013 shall be the amount required to meet the Common Equity Tier 1 requirements of that subsidiary at the level of its consolidated situation calculated in accordance with point (a) of Article 84(1) of that Regulation. The specific own funds requirements referred to in Article 104 of Directive 2013/36/EU shall be the ones set by the competent authority of the subsidiary;

(c) the amount of consolidated Common Equity Tier 1 capital required, according to point (ii) of Article 84(1)(a) of Regulation (EU) No 575/2013, shall be the contribution of the subsidiary on the basis of its consolidated situation to the Common Equity Tier 1 own funds requirements of the institution for which the eligible minority interests are calculated on a consolidated basis. For the purpose of calculating the contribution, all intra-group transactions between undertakings included in the prudential scope of consolidation of the institution shall be eliminated.

4. When performing the consolidation referred to in point (c) of paragraph 3, the subsidiary shall not include capital requirements arising from its subsidiaries which are not included in the prudential scope of consolidation of the institution for which the eligible minority interests are calculated.

5. Where the waiver referred to in Article 84(3) of Regulation (EU) No 575/2013 applies to a subsidiary, any parent undertaking of the subsidiary benefiting from the waiver may include in its Common Equity Tier 1 capital minority interests arising from subsidiaries of the subsidiary itself benefiting from the waiver, provided that the calculations referred to in Article 84(1) of that Regulation and in this Regulation have been made for each of those subsidiaries. The amount of Common Equity Tier 1 included in the Own Funds at the level of the parent undertaking shall not exceed the amount that would be included if no waiver had been granted to the subsidiary.

6. Where a parent institution has an intermediate subsidiary which is not referred to in Article 81(1) of Regulation (EU) No 575/2013 and where this intermediate subsidiary itself has subsidiaries which are referred to in Article 81(1) of that Regulation, the parent institution may include in its Common Equity Tier 1 capital the amount of minority interest arising from those subsidiaries calculated according to Article 84(1) of that Regulation. The parent institution cannot, however, include in its Common Equity Tier 1 capital any minority interests arising from an intermediate subsidiary which is not referred to in Article 81(1) of Regulation (EU) No 575/2013.

7. The methodology set out in paragraphs 2, 3 and 4 shall also apply *mutatis mutandis* for the calculation of the amount of qualifying Tier 1 instruments under Article 85 of Regulation (EU) No 575/2013 and the amount of qualifying own funds under Article 87 of that Regulation, where references to Common Equity Tier 1 shall be read as references to Tier 1 or own funds.'.

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, 11 March 2015

For the Commission

The President

Jean-Claude JUNCKER

COMMISSION REGULATION (EU) 2015/924

of 8 June 2015

amending Regulation (EU) No 321/2013 concerning the technical specification for interoperability relating to the 'rolling stock — freight wagons' subsystem of the rail system in the European Union

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2008/57/EC of the European Parliament and of the Council of 17 June 2008 on the interoperability of the rail system within the Community ([1]), and in particular Article 6(1) thereof,

Whereas:

(1) Article 12 of Regulation (EC) No 881/2004 of the European Parliament and of the Council ([2]) requires the European Railway Agency (the Agency) to ensure that technical specifications for interoperability (the TSIs) are adapted in line with technical progress, market trends and social requirements and to propose to the Commission the amendments to the TSIs which it considers necessary.

(2) In Decision C(2007)3371 of 13 July 2007, the Commission gave the Agency a framework mandate to perform certain activities under Council Directive 96/48/EC ([3]) and Directive 2001/16/EC of the European Parliament and of the Council ([4]). Under the terms of that framework mandate, the Agency was requested to revise the TSI on freight wagons provided for in Commission Regulation (EU) No 321/2013 ([5]).

(3) On 21 January 2014, the Agency issued an advice on 'extension of the "GE" marking of wagons' (ERA-ADV-2014-1).

(4) On 21 May 2014, the Agency issued a recommendation on amendments to the TSI on 'assessment by notified body of composite brake blocks' (ERA-REC-109-2014-REC).

(5) Regulation (EU) No 321/2013 should therefore be amended accordingly.

(6) The measures provided for in this Regulation are in conformity with the opinion of the Committee established in accordance with Article 29(1) of Directive 2008/57/EC,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 321/2013 is amended as follows

(1) In Article 3, the following point (c) is inserted:

'(c) with regards to the marking "GE" as depicted in point 5 of Appendix C of the Annex, wagons of the existing fleet which have been authorised in accordance with Commission Decision 2006/861/EC as amended by Decision 2009/107/EC or with Decision 2006/861/EC as amended by Decisions 2009/107/EC and 2012/464/EU and meeting the conditions set out in point 7.6.4 of Decision 2009/107/EC may receive this marking "GE" without any additional third party assessment or new authorisation for placing in service. The use of this marking in wagons in operation remains under the responsibility of the railway undertakings.'

([1]) OJ L 191, 18.7.2008, p. 1.
([2]) Regulation (EC) No 881/2004 of the European Parliament and of the Council of 29 April 2004 establishing a European railway agency (OJ L 164, 30.4.2004, p. 1).
([3]) Council Directive 96/48/EC of 23 July 1996 on the interoperability of the trans-European high-speed rail system (OJ L 235, 17.9.1996, p. 6).
([4]) Directive 2001/16/EC of the European Parliament and of the Council of 19 March 2001 on the interoperability of the trans-European conventional rail system (OJ L 110, 20.4.2001, p. 1).
([5]) Commission Regulation (EU) No 321/2013 of 13 March 2013 concerning the technical specification for interoperability relating to the subsystem 'rolling stock — freight wagons' of the rail system in the European Union and repealing Decision 2006/861/EC (OJ L 104, 12.4.2013, p. 1).

(2) The following Articles 8a, 8b and 8c are inserted:

'Article 8a

1. Notwithstanding the provisions in Section 6.3 of the Annex, an EC certificate of verification may be issued for a subsystem containing components corresponding to the "friction element for wheel tread brakes" interoperability constituent that does not have an EC declaration of conformity during a transition period of 10 years after the date of application of this Regulation, if the following conditions are met:

(a) the component was manufactured before the date of application of this Regulation; and

(b) the interoperability constituent has been used in a subsystem that had been approved and placed in service in at least one Member State before the date of application of this Regulation.

2. The production, upgrade or renewal of any subsystem using non-certified interoperability constituents shall be completed, including granting authorisation for placing in service of the subsystem, before the transition period set out in paragraph 1 expires.

3. During the transition period set out in paragraph 1:

(a) the reasons for non-certification of any interoperability constituents shall be properly identified in the verification procedure for the subsystem referred to in paragraph 1; and

(b) national safety authorities shall report in their annual report, as referred to in Article 18 of Directive 2004/49/EC, on the use of non-certified "friction element for wheel tread brakes" interoperability constituents in the context of authorisation procedures.

Article 8b

1. Until the expiry of their current approval period, "friction element for wheel tread brakes" interoperability constituents listed in Appendix G of the Annex do not need to be covered by an EC declaration of conformity. During this period, "friction elements for wheel tread brakes" listed in Appendix G of the Annex shall be deemed to be compliant with this Regulation.

2. After their current approval period expires, "friction element for wheel tread brakes" interoperability constituents listed in Appendix G of the Annex shall be covered by EC declaration of conformity.

Article 8c

1. Notwithstanding the provisions in Section 6.3 of the Annex, an EC certificate of verification may be issued for a subsystem containing components corresponding to the "friction element for wheel tread brakes" interoperability constituent that does not have an EC declaration of conformity during a transition period of 10 years after the expiry of the approval period of the interoperability constituent, if the following conditions are met:

(a) the component was manufactured before the expiry of the approval period of the interoperability constituent; and

(b) the interoperability constituent has been used in a subsystem that had been approved and placed in service in at least one Member State before the expiry of its approval period.

2. The production, upgrade or renewal of any subsystem using non-certified interoperability constituents shall be completed, including granting authorisation for placing in service of the subsystem, before the transition period set out in paragraph 1 expires.

3. During the transition period set out in paragraph 1:

(a) the reasons for non-certification of any interoperability constituents shall be properly identified in the verification procedure for the subsystem referred to in paragraph 1; and

(b) the national safety authorities shall report in their annual report, as referred to in Article 18 of Directive 2004/49/EC, on the use of non-certified "friction element for wheel tread brakes" interoperability constituents in the context of authorisation procedures.'

(3) The following Article 9a is inserted:

'Article 9a

The EC-type or EC design examination certificate for the "friction element for wheel tread brakes" interoperability constituent shall be valid for 10 years. During that period, new constituents of the same type may be placed on the market on the basis of an EC declaration of conformity that refers to this EC-type or EC design examination certificate.'

(4) In Article 10, paragraph 1 is replaced by the following:

'1. The Agency shall publish on its website the list of fully approved composite brake blocks for international transport referred to in Appendix G of the Annex, for the period in which these brake blocks are not covered by EC declarations.'

(5) The following Article 10a is inserted:

'Article 10a

1. In order to keep pace with technological progress, innovative solutions may be required that do not comply with the specifications set out in the Annex and/or for which the assessment methods set out in the Annex cannot be applied. In that case, new specifications and/or new assessment methods associated with those innovative solutions shall be developed.

2. Innovative solutions may be related to the "rolling stock — freight wagons" subsystem, its parts and its interoperability constituents.

3. If an innovative solution is proposed, the manufacturer or his authorised representative established within the Union shall declare how it deviates from or complements the relevant provisions of this TSI and shall submit the deviations to the Commission for analysis.

4. The Commission shall deliver an opinion on the innovative solution proposed. If this opinion is positive, the appropriate functional and interface specifications and the assessment method, which must be included in the TSI in order to allow the use of this innovative solution, shall be developed and subsequently integrated in the TSI during the revision process carried out pursuant to Article 6 of Directive 2008/57/EC. If the opinion is negative, the innovative solution proposed shall not be applied.

5. Pending the review of the TSI, the positive opinion delivered by the Commission shall be considered an acceptable means of compliance with the essential requirements of Directive 2008/57/EC and may therefore be used for the assessment of the subsystem.'

(6) The Annex to Regulation (EU) No 321/2013 is amended in accordance with the Annex to this Regulation.

Article 2

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

It shall apply from 1 July 2015.

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

Done at Brussels, 8 June 2015.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

The Annex to Regulation (EU) No 321/2013 (WAG TSI) is amended as follows:

(1) In Chapter 3 'Essential requirements', the following row is inserted in Table 1 below the row containing the text '4.2.4.3.4' in the cell in the 'Point' column:

'4.2.4.3.5	Friction elements for wheel tread brakes	1.1.1, 1.1.2, 1.1.3, 2.4.1				2.4.3'

(2) Chapter 4 'Characterisation of the subsystem' is amended as follows:

(a) in point 4.2.1, the third subparagraph is deleted;

(b) the following point 4.2.4.3.5 is inserted:

'4.2.4.3.5. *Friction elements for wheel tread brakes*

The friction element for wheel tread brakes (i.e. brake block) generates brake forces by friction when engaged with the wheel tread.

If wheel tread brakes are used the characteristics of the friction element shall contribute reliably to achieving the intended brake performance.

The demonstration of conformity is described in point 6.1.2.5 of this TSI.'

(3) Chapter 5 'Interoperability constituents' is amended as follows:

(a) section 5.2 is replaced by the following:

'5.2. **Innovative solutions**

As stated in Article 10a, innovative solutions may require new specifications and/or new assessment methods. Such specifications and assessment methods shall be developed using the process described in point 6.1.3 whenever an innovative solution is envisaged for an interoperability constituent.';

(b) the following point 5.3.4a is added:

'5.3.4a. *Friction element for wheel tread brakes*

The friction element for wheel tread brakes shall be designed and assessed for an area of use defined by:

— dynamic friction coefficients and their tolerance bands,

— minimum static friction coefficient,

— maximum permitted brake forces applied on the element,

— suitability for train detection by systems based on track circuits,

— suitability for severe environmental conditions.

A friction element for wheel tread brakes shall comply with the requirements defined in point 4.2.4.3.5. These requirements shall be assessed at IC level.'

(4) Chapter 6 'Conformity assessment and EC verification' is amended as follows:

(a) in Table 8, the following new row is added below the row containing the text 'Module CH1':

'Module CV	Type validation by in-service experience (suitability for use)'

(b) Table 9 is amended as follows:

'Table 9

Modules to be applied for interoperability constituents

Point	Constituent	Modules					
		CA1 or CA2	CB + CD	CB + CF	CH	CH1	CV
4.2.3.6.1	Running gear		X	X		X	
	Running gear — established	X			X		
4.2.3.6.2	Wheelset	X (*)	X	X	X (*)	X	
4.2.3.6.3	Wheel	X (*)	X	X	X (*)	X	
4.2.3.6.4	Axle	X (*)	X	X	X (*)	X	
4.2.4.3.5	Friction element for wheel tread brakes	X (*)	X	X	X (*)	X	X (**)
5.3.5	Rear-end signal	X			X		

(*) Modules CA1, CA2 or CH may be used only in the case of products placed on the market, and therefore developed, before the entry into force of this TSI, provided that the manufacturer demonstrates to the NoBo that design review and type examination were performed for previous applications under comparable conditions, and are in conformity with the requirements of this TSI; this demonstration shall be documented, and is considered as providing the same level of proof as module CB or design examination according to module CH1.

(**) Module CV shall be used in case the manufacturer of friction element for wheel tread brakes has no sufficient return of experience (according to its own judgment) for the proposed design'

(c) the following point 6.1.2.5 is inserted below point 6.1.2.4:

'6.1.2.5. Friction elements for wheel tread brakes

The demonstration of conformity of friction elements for wheel tread brakes shall be carried out by determining the following friction element properties in accordance with the European Railway Agency (ERA) technical document ERA/TD/2013-02/INT version 2.0 of XX.XX.2014 published on the ERA website (http://www.era.europa.eu):

— dynamic friction performance (chapter 4);

— static friction coefficient (chapter 5);

— mechanical characteristics including properties in respect to shear strength test and flexural strength test (chapter 6).

Demonstration of the following suitabilities shall be carried out in accordance with chapters 7 and/or 8 of the ERA technical document ERA/TD/2013-02/INT version 2.0 of XX.XX.2014 published on the ERA website (http://www.era.europa.eu), if the friction element is intended to be suitable for:

— train detection by systems based on track circuits; and/or

— severe environmental conditions.

If a manufacturer does not have sufficient return of experience (according with its own judgement) for the proposed design, the type validation by in-service experience procedure (module CV) shall be part of the assessment procedure for suitability for use. Before commencing in-service tests, a suitable module (CB or CH1) shall be used to certify the design of the interoperability constituent.

The in-service tests shall be organised on request from the manufacturer, who must obtain agreement from a railway undertaking that will contribute to such an assessment.

The suitability for train detection by systems based on track circuits for friction elements intended to be used in subsystems beyond the scope set out in chapter 7 of the ERA technical document ERA/TD/2013-02/INT version 2.0 of XX.XX.2014 published on the ERA website (http://www.era.europa.eu) may be demonstrated using the procedure for innovative solutions described in point 6.1.3.

The suitability for severe environmental conditions by a dynamometer test for friction elements intended to be used in subsystems beyond the scope set out in clause 8.2.1 of the ERA technical document ERA/TD/2013-02/INT version 2.0 of XX.XX.2014 published on the ERA website (http://www.era.europa.eu) may be demonstrated using the procedure for innovative solutions described in point 6.1.3.'

(d) point 6.1.3 is replaced by the following:

'6.1.3. *Innovative solutions*

If an innovative solution referred to in Article 10a is proposed for an interoperability constituent, the manufacturer or his authorised representative established within the Union shall apply the procedure set out in Article 10a.'

(e) in point 6.2.2.3, the third subparagraph is replaced by the following:

'As an alternative to performing on-track tests on two different rail inclinations, as set out in clause 5.4.4.4 in EN 14363:2005, tests may be carried out on only one rail inclination, if it is demonstrated that the tests cover the range of contact conditions as set out in section 1.1 of ERA technical document ERA/TD/2013/01/INT version 1.0 of 11.2.2013 published on the ERA website (http://www.era.europa.eu).'

(f) point 6.2.3 is replaced by the following:

'6.2.3. *Innovative solutions*

If an innovative solution referred to in Article 10a is proposed for the "rolling stock — freight wagons" subsystem, the applicant shall apply the procedure set out in Article 10a.'

(5) In chapter 7 'Implementation', point 7.1.2(j), the second sentence is deleted.

(6) In Appendix A, the last row of Table A.1 is deleted.

(7) Appendix C is amended as follows:

(a) in section 9, indent (l) is replaced by the following:

'(l) If the brake system requires a "friction element for wheel tread brakes" interoperability constituent, the interoperability constituent shall, in addition to the requirements of point 6.1.2.5, comply with UIC leaflet 541-4:2010. The manufacturer of the friction element for wheel tread brakes, or his authorised representative established within the Union, shall in that case obtain the UIC approval.'

(b) in section 14, the second subparagraph is replaced by the following:

'With regard to the use of wheel tread brake systems, this condition is deemed to be met if the "friction element for wheel tread brakes" interoperability constituent is, in addition to the requirements of point 6.1.2.5, compliant with UIC leaflet 541-4:2010, and if the wheel:

— is assessed in accordance with point 6.1.2.3; and

— fulfils the conditions of Section 15 of Appendix C.'

(8) Appendix D is amended as follows:

(a) the following rows are inserted below the row containing the text 'Parking brake | 4.2.4.3.2.2' in the cell in the 'Characteristics to be assessed' column:

'Friction elements for wheel tread brakes	4.2.4.3.5	—	—
	6.1.2.5	ERA technical document ERA/TD/2013-02/INT version 2.0 of XX.XX.2014	All'

(b) the row containing the text 'EN 15551:2009+A1:2010' in the cell in the 'References to mandatory Standard' column is replaced by the following:

		'EN 15551:2009+A1:2010	6.2, 6.2.3.1'

(c) the following row is inserted below the row containing the text 'UIC leaflet 542:2010' in the cell in the 'References to mandatory Standard' column:

		'UIC 541-4:2010	all'

(9) In Appendix E, section 1, the first subparagraph is replaced by the following:

'The colour of tail lamps shall be in accordance with clause 5.5.3 of EN 15153-1:2013.'

(10) In Appendix F, the following row is inserted below the row with text 'Wheel slide protection (WSP)' in the cell in the 'Element of the Rolling Stock sub-system' column:

'Friction elements for wheel tread brakes	4.2.4.3.5	X	X	X	6.1.2.5'

COMMISSION IMPLEMENTING REGULATION (EU) 2015/925

of 16 June 2015

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

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 16 June 2015.

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

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

ANNEX

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

(EUR/100 kg)

CN code	Third country code (1)	Standard import value
0702 00 00	MA	142,4
	MK	77,9
	TR	74,2
	ZZ	98,2
0707 00 05	AL	13,4
	MK	36,2
	TR	126,8
	ZZ	58,8
0709 93 10	TR	122,0
	ZZ	122,0
0805 50 10	AR	127,3
	BO	147,7
	BR	107,1
	TR	111,0
	ZA	147,8
	ZZ	128,2
0808 10 80	AR	167,0
	BR	99,4
	CL	126,0
	NZ	148,2
	US	180,2
	ZA	126,3
	ZZ	141,2
0809 10 00	TR	253,0
	ZZ	253,0
0809 29 00	TR	340,7
	ZZ	340,7

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

DECISIONS

COUNCIL DECISION (EU) 2015/926

of 16 March 2015

on the position to be taken on behalf of the European Union within the Association Council set up by the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Tunisia, of the other part, with regard to the adoption of a recommendation on the implementation of the EU-Tunisia Action Plan (2013-2017) implementing the privileged partnership

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 217 in conjunction with Article 218(9) thereof,

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

Whereas:

(1) The Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Tunisia, of the other part ([1]) (the 'Agreement'), was signed on 17 July 1995 and entered into force on 1 March 1998.

(2) The Parties intend to approve the new EU-Tunisia action plan (2013-2017) implementing the privileged partnership (the 'Action Plan') within the framework of the European Neighbourhood Policy. That Action Plan reflects the special partnership which binds the parties and should contribute to the implementation of the Agreement through the formulation and adoption of specific measures with a view to achieving objectives that it sets out.

(3) The position of the Union within the Association Council should therefore be based on the attached draft recommendation,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the Union within the Association Council set up by the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Tunisia, of the other part, on the implementation of the Action Plan shall be based on the draft recommendation of the Association Council attached to this Decision.

Article 2

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

Done at Brussels, 16 March 2015.

For the Council
The President
F. MOGHERINI

([1]) OJ L 97, 30.3.1998, p. 2.

DRAFT

RECOMMENDATION No 2015/ … OF THE EU- TUNISIA ASSOCIATION COUNCIL …

of …

on the implementation of the EU-Tunisia Action Plan (2013-2017) implementing the privileged partnership within the framework of the European Neighbourhood Policy

THE EU-TUNISIA ASSOCIATION COUNCIL,

Having regard to the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Tunisia, of the other part, and in particular Article 80 thereof,

Whereas:

1. Article 80 of the Euro-Mediterranean Agreement establishing an association between the European Community and its Member States, of the one part, and the Republic of Tunisia, of the other part ([1]) ('the Agreement'), authorised the Association Council to make appropriate recommendations for the purposes of attaining the objectives of the Agreement.

2. Pursuant to Article 90 of the Agreement, the Parties shall take any general or specific measures required to fulfil their obligations under the Agreement and shall see to it that the objectives set out in the Agreement are attained.

3. The Parties have agreed on the text of the EU-Tunisia action plan (2013-2017) implementing the privileged partnership (the 'Action Plan') within the framework of the European Neighbourhood Policy.

4. This Action Plan should support the implementation of the Agreement through the formulation and adoption, by agreement between the Parties, of specific measures to provide practical guidance for such implementation.

5. The Action Plan serves the purpose, of the one part, of setting out specific measures for the fulfilment of the Parties' obligations under the Agreement, and of the other part, of providing a broader framework for further strengthening relations between the European Union and Tunisia to achieve a significant measure of economic integration and a deepening of political cooperation, in accordance with the overall objectives of the Agreement,

HAS ADOPTED THIS RECOMMENDATION:

Sole Article

The Association Council recommends that the Parties implement the Action Plan ([2]), in so far as such implementation is directed towards attaining the objectives of the Agreement.

Done at […], on…

For the Association Council

The President

([1]) OJ L 97, 30.3.1998, p. 2.

([2]) See document st 15164/14 ADD 1, p. 5, at http://register.consilium.europa.eu.

POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2015/927

of 9 June 2015

on the appointment of the Head of Mission of the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (EUSEC RD Congo) and repealing Decision EUSEC/1/2012 (EUSEC/1/2015)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular Article 38 thereof,

Having regard to Council Decision 2010/565/CFSP of 21 September 2010 on the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (EUSEC RD Congo) ([1]), and in particular Article 8 thereof,

Whereas:

(1) Pursuant to Article 8 of Decision 2010/565/CFSP, the Political and Security Committee (PSC) is authorised, in accordance with the third paragraph of Article 38 of the Treaty on European Union, to take the relevant decisions for the purpose of exercising the political control and strategic direction of EUSEC RD Congo, including decisions regarding the appointment of a Head of Mission.

(2) On 8 June 2015, the Council adopted Decision (CFSP) 2015/883 ([2]) extending the European Union mission to provide advice and assistance for security reform in the Democratic Republic of the Congo ('EUSEC RD Congo') until 30 June 2016.

(3) On 2 October 2012, the PSC adopted Decision EUSEC 1/2012 ([3]), appointing Colonel Jean-Louis NURENBERG as Head of Mission of EUSEC RD Congo.

(4) The High Representative of the Union for Foreign Affairs and Security Policy proposed the appointment of Colonel Johan DE LAERE as Head of Mission of EUSEC RD Congo in place of Colonel Jean-Louis NURENBERG from 1 July 2015 for a period of one year,

HAS ADOPTED THIS DECISION:

Article 1

Colonel Johan DE LAERE is hereby appointed Head of Mission of the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (EUSEC RD Congo) from 1 July 2015 to 30 June 2016.

Article 2

Political and Security Committee Decision EUSEC/1/2012 is repealed with effect from 1 July 2015.

([1]) OJ L 248, 22.9.2010, p. 59.
([2]) Council Decision (CFSP) 2015/883 of 8 June 2015 amending and extending Decision 2010/565/CFSP on the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (EUSEC RD Congo) (OJ L 143, 9.6.2015, p. 14).
([3]) Political and Security Committee Decision EUSEC/1/2012 of 2 October 2012 on the appointment of the Head of Mission of the European Union mission to provide advice and assistance for security sector reform in the Democratic Republic of the Congo (EUSEC RD Congo) (OJ L 272, 6.10.2012, p. 19).

Article 3

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

It shall apply from 1 July 2015.

Done at Brussels, 9 June 2015.

For the Political and Security Committee
The Chairperson
W. STEVENS

COUNCIL DECISION (EU) 2015/928

of 15 June 2015

appointing a member and an alternate member of the Governing Board of the European Foundation for the Improvement of Living and Working Conditions for Lithuania

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EEC) No 1365/75 of 26 May 1975 on the creation of a European Foundation for the Improvement of Living and Working Conditions ([1]), and in particular Article 6 thereof,

Having regard to the lists of candidates submitted by the Governments of the Member States and by the employees' and employers' organisations,

Whereas:

(1) In its Decisions of 2 December 2013 ([2]), 8 July 2014 ([3]) and 18 November 2014 ([4]), the Council appointed the members and alternate members of the Governing Board of the European Foundation for the Improvement of Living and Working Conditions for the period ending on 30 November 2016, with the exception of certain members.

(2) The employers' organisation BUSINESSEUROPE has submitted nominations for two posts to be filled,

HAS ADOPTED THIS DECISION:

Article 1

The following are hereby appointed as member and alternate member of the Governing Board of the European Foundation for the Improvement of Living and Working Conditions for the period ending on 30 November 2016:

III. REPRESENTATIVES OF EMPLOYERS' ORGANISATIONS

Country	Member	Alternate
Lithuania	Mr Danukas ARLAUSKAS	Mr Vaidotas LEVICKIS

Article 2

The Council will appoint the members and alternate members not yet nominated at a later date.

Article 3

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

Done at Luxembourg, 15 June 2015.

For the Council
The President
Kaspars GERHARDS

([1]) OJ L 139, 30.5.1975, p. 1.
([2]) Council Decision of 2 December 2013 appointing the members and alternate members of the Governing Board of the European Foundation for the Improvement of Living and Working Conditions (OJ C 358, 7.12.2013, p. 5).
([3]) Council Decision 2014/462/EU of 8 July 2014 appointing members and alternate members of the Governing Board of the European Foundation for the Improvement of Living and Working Conditions for Hungary (OJ L 209, 16.7.2014, p. 54).
([4]) Council Decision of 18 November 2014 appointing an alternate member of the Governing Board of the European Foundation for the Improvement of Living and Working Conditions for Malta (OJ C 420, 22.11.2014, p. 4).

CORRIGENDA

Corrigendum to Directive 2014/40/EU of the European Parliament and of the Council of 3 April 2014 on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products and repealing Directive 2001/37/EC

(Official Journal of the European Union L 127 of 29 April 2014)

On page 19, point (f) of Article 10(1):

for: '(f) be reproduced in accordance with the format, layout, design and proportions specified by the Commission pursuant to paragraph 3;',

read: '(f) be reproduced in accordance with the format, layout, design and proportions specified by the Commission pursuant to paragraph 4;'.

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

Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN