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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2016/822

of 21 April 2016

amending Delegated Regulation (EU) No 153/2013 as regards the time horizons for the liquidation period to be considered for the different classes of financial instruments

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories ⁽¹⁾, and in particular Article 41(5) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) No 153/2013 ⁽²⁾ lays down regulatory technical standards on requirements for central counterparties (CCPs) regarding the time horizons for the liquidation period to be considered for the different classes of financial instruments. It is necessary to keep those regulatory technical standards up to date with relevant regulatory developments.
- (2) For the purposes of calculating margin requirements necessary to cover a CCP's exposure to market risk, certain account structures based on a minimum of a one-day liquidation period calculated on a gross basis provide a sufficient level of coverage to the CCPs and better protect clients and mitigate systemic risks. That minimum liquidation period should therefore be permitted for the clearing of clients' positions on financial instruments other than over-the-counter (OTC) derivatives where certain conditions are met.
- (3) Considering that individual segregated accounts ensure an even greater level of protection to clients than gross omnibus accounts, individual segregated accounts should benefit from a minimum liquidation period for calculating margins of the same length as gross omnibus accounts.
- (4) For CCPs that during the day do not allocate the trades to each client, the reduction of the minimum liquidation period from two days to one day might imply that for new trades cleared during the day and not allocated to individual clients the CCP is margining them on a one-day net basis. This may expose the CCP to significant losses in case of intraday price movements that do not trigger the call of intraday margins. Therefore, a specific threshold needs to be set to ensure that CCPs call intraday margins and remain sufficiently protected notwithstanding the reduction of the liquidation period.
- (5) Delegated Regulation (EU) No 153/2013 should therefore be amended accordingly.

⁽¹⁾ OJ L 201, 27.7.2012, p. 1.

⁽²⁾ Commission Delegated Regulation (EU) No 153/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on requirements for central counterparties (OJ L 52, 23.2.2013, p. 41).

- (6) This Regulation is based on draft regulatory technical standards submitted by the European Securities and Markets Authority (ESMA) to the Commission following consultation of the European Banking Authority and the European System of Central Banks.
- (7) In accordance with Article 10 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽¹⁾, ESMA 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 Securities and Markets Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1095/2010,

HAS ADOPTED THIS REGULATION:

Article 1

Article 26 of Delegated Regulation (EU) No 153/2013 is amended as follows:

(1) paragraphs 1 and 2 are replaced by the following:

‘1. For the purposes of Article 41 of Regulation (EU) No 648/2012, a CCP shall determine the appropriate time horizons for the liquidation period taking into account the characteristics of the financial instrument cleared, of the type of account in which the financial instrument is held, of the market where the financial instrument is traded, and the following minimum time horizons for the liquidation period:

- (a) five business days for OTC derivatives;
- (b) two business days for financial instruments other than OTC derivatives held in accounts not meeting the conditions laid down in point (c);
- (c) one business day for financial instruments other than OTC derivatives held in omnibus client accounts or in individual client accounts provided that the following conditions are met:
 - (i) the CCP keeps separate records of the positions of each client at least at the end of each day, calculates the margins in respect of each client, and collects the sum of the margin requirements applicable to each client on a gross basis;
 - (ii) the identity of all the clients is known to the CCP;
 - (iii) the positions held in the account are not proprietary positions of undertakings of the same group as the clearing member;
 - (iv) the CCP measures the exposures and calculates for each account initial and variation margin requirements on a near to real-time basis and at least every one hour during the day using updated positions and prices;
 - (v) where the CCP does not allocate new trades to each client during the day, the CCP collects the margins within one hour where the margin requirements calculated in accordance with point (iv) are higher than 110 % of the updated available collateral in accordance with Chapter X, unless the amount of the intraday margins to be paid to the CCP is not material on the basis of predefined amount defined by the CCP and agreed by the competent authority, and to the extent that trades previously allocated to clients are margined separately from trades that are not allocated during the day.

2. In all cases, for determining the appropriate time horizons for the liquidation period, the CCP shall evaluate and sum at least the following:

- (a) the longest possible period that may elapse from the last collection of margins up to the declaration of default by the CCP or activation of the default management process by the CCP;

⁽¹⁾ Regulation (EU) No 1095/2010, of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

- (b) the estimated period needed to design and execute the strategy for the management of the default of a clearing member according to the particularities of each class of financial instrument, including its level of liquidity and the size and concentration of the positions, and the markets the CCP will use to close-out or hedge completely a clearing member position;
 - (c) where relevant, the period needed to cover the counterparty risk to which the CCP is exposed.;
- (2) paragraph 4, point (b) is replaced by the following:
- '(b) such time horizon is at least two business days, or one business day where the conditions laid down in paragraph 1(c) are met.'

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, 21 April 2016.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/823**of 25 May 2016****amending Regulation (EC) No 771/2008 laying down the rules of organisation and procedure of the Board of Appeal of the European Chemicals Agency****(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 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC⁽¹⁾, and in particular Articles 93(4) and 132 thereof,

Whereas:

- (1) The review of Commission Regulation (EC) No 771/2008⁽²⁾ concluded that Regulation (EC) No 771/2008 should be amended in various respects.
- (2) Regulation (EU) No 528/2012 of the European Parliament and of the Council⁽³⁾ empowers the Agency to take certain individual decisions and entrusts the Board of Appeal established under Regulation (EC) No 1907/2006 with the competence to decide upon appeals brought against the decisions referred to in Article 77(1) of Regulation (EU) No 528/2012. It is therefore necessary to provide rules concerning the appeals brought against the decisions referred to in Article 77(1) of Regulation (EU) No 528/2012.
- (3) Fees applicable for appeals against a decision by the Agency under Article 77 of Regulation (EU) No 528/2012 are established by Commission Implementing Regulation (EU) No 564/2013⁽⁴⁾. It is therefore necessary to provide rules on the fees applicable for appeals against a decision by the Agency under Article 77 of Regulation (EU) No 528/2012.
- (4) Since the Board of Appeal is currently established as a permanent structure within the Agency, it is necessary to ensure that appeals can be processed at a satisfactory rate. Therefore, the possibility to allocate appeals to additional or alternate members should be provided.
- (5) Drawing on current practice, it is also appropriate to provide the possibility for the parties to find an amicable agreement between them. In order to increase transparency, a member of the Board of Appeal should be appointed to facilitate the amicable agreement. A summary of the amicable agreement should be publicly available on the Agency's website.
- (6) In order to ensure the independence of the Board of Appeal, it is necessary that the Registrar should be appointed directly by the Chairman of the Board of Appeal.
- (7) For reasons of legal certainty, it is also appropriate to clarify the existing provisions on the confidentiality requests, in particular that the elements requested in the announcement cannot be claimed confidential.

⁽¹⁾ OJ L 396, 30.12.2006, p. 1.

⁽²⁾ Commission Regulation (EC) No 771/2008 of 1 August 2008 laying down the rules of organisation and procedure of the Board of Appeal of the European Chemicals Agency (OJ L 206, 2.8.2008, p. 5).

⁽³⁾ Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) No 564/2013 of 18 June 2013 on the fees and charges payable to the European Chemicals Agency pursuant to Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products (OJ L 167, 19.6.2013, p. 17).

- (8) To ensure an effective participation of the interveners, the intervention procedure should be streamlined to ensure further clarity and the deadline for submitting the application to intervene should be extended. In cases relating to Title VI Chapter 2 of Regulation (EC) No 1907/2006, the Member States application to intervene should be allowed without having to justify their interest in the result of the case.
- (9) For reasons of legal certainty, it is appropriate to clarify the provisions on the costs in the sense that the parties bear their own costs.
- (10) To ease access to justice and reduce costs, it is also appropriate to clarify that parties can be represented by any person with authority to act and not necessarily by a representative with power of attorney.
- (11) The measures provided for in this Regulation are in accordance with the opinion of the Committee established under Article 133 of Regulation (EC) No 1907/2006,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 771/2008 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*.

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

Done at Brussels, 25 May 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Regulation (EC) No 771/2008 is amended as follows:

- (1) in Article 1 the following paragraph 4 is added:

‘4. To ensure that the appeals can be processed at a satisfactory rate, the Chairman, after consultation of the Management Board of the Agency, may allocate the appeal to alternate or additional members. In such cases, the Chairman may designate an alternate Chairman.’;

- (2) the following Article 1a is inserted:

‘Article 1a

Amicable agreement

In the interest of the procedure the Chairman of the Board of Appeal may invite the parties to reach an amicable agreement. In that case the Chairman shall appoint a single member to facilitate the amicable agreement. The Chairman shall communicate the decision to appoint a single member to the parties.

If the parties reach an amicable agreement, the single member shall close the proceedings and a summary of the amicable agreement shall be published on the website of the Agency. In the absence of an amicable agreement within 2 months from the decision to allocate the case to a single member, the case shall be referred back to the Board of Appeal.’;

- (3) the following Article 1b is inserted:

‘Article 1b

Withdrawal of an appeal

Where an appeal is withdrawn, the Chairman shall close the proceedings.’;

- (4) in Article 5, paragraphs 4 and 5 are replaced by the following:

‘4. The staff of the Registry, including the Registrar, shall not participate in any proceedings of the Agency relating to decisions which may be the subject of appeals under Article 91(1) of Regulation (EC) No 1907/2006 or under Article 77(1) of Regulation (EU) No 528/2012 of the European Parliament and of the Council (*).

5. The Board of Appeal shall be assisted in the exercise of its duties by a Registrar, who shall be appointed by the Chairman.

The Chairman shall have managerial and organisational powers to give directions to the Registrar on matters relating to the exercise of the functions of the Board of Appeal.

(*) Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).’;

- (5) in Article 6(1), point (g) is replaced by the following:

‘(g) where appropriate, an indication as to what information in the notice of appeal is to be regarded as confidential and why.’;

- (6) in Article 6, paragraph 2 is replaced by the following:

‘2. Proof of payment of the appeal fee pursuant to Article 10 of Regulation (EC) No 340/2008 or, where applicable, pursuant to Article 4 of Commission Implementing Regulation (EU) No 564/2013 (*) shall be attached to the notice of appeal.

(*) Commission Implementing Regulation (EU) No 564/2013 of 18 June 2013 on the fees and charges payable to the European Chemicals Agency pursuant to Regulation (EU) No 528/2012 of the European Parliament and of the Council concerning the making available on the market and use of biocidal products (OJ L 167, 19.6.2013, p. 17).’;

(7) in Article 6(3), the second subparagraph is replaced by the following:

‘During that period, time shall not run for the purposes of the time limit set out in Article 93(1) and (2) of Regulation (EC) No 1907/2006.’;

(8) in Article 6(5), the following subparagraph is inserted:

‘When the appellant is not the addressee of the contested decision, the Registrar shall inform the latter of the lodgement of an appeal against such decision.’;

(9) in Article 6(6), the second subparagraph is replaced by the following:

‘Without prejudice to the first subparagraph, the Chairman shall decide whether information indicated by an appellant pursuant to paragraph 1(g) is to be regarded as confidential and shall ensure that any information which is regarded as confidential is not published in the announcement. The practical details of publication shall be prescribed in accordance with the procedure set out in Article 27(3).’;

(10) in Article 7(2), point (d) is replaced by the following:

‘(d) where appropriate, an indication as to what information in the defence is to be regarded as confidential and why’;

(11) Article 8 is replaced by the following:

Article 8

Intervention

1. Any person establishing an interest in the result of the case submitted to the Board of Appeal may intervene in the proceedings before the Board of Appeal.

By derogation to the first paragraph, in cases relating to Title VI Chapter 2 of Regulation (EC) No 1907/2006, the Member State whose competent authority has carried out the substance evaluation may intervene without having to establish an interest in the result of that case.

2. An application stating the circumstances establishing the right to intervene shall be submitted within three weeks of publication of the announcement referred to in Article 6(6).

3. The intervention shall be limited to supporting or opposing, in whole or in part, the form of remedy sought by one of the parties.

The intervention shall not confer the same procedural rights as those conferred on the parties and shall be ancillary to the main proceedings. It shall become devoid of purpose if the case is removed from the register of the Board of Appeal as a result of a party's discontinuance or withdrawal from the proceedings or of an amicable agreement between the parties, or where the notice of appeal is declared inadmissible.

Interveners shall accept the case as they find it at the time of their intervention.

4. The application to intervene shall contain:

(a) the description of the case;

(b) the name of the parties;

(c) the name and address of the intervener;

(d) where the intervener has appointed a representative in accordance with Article 9, the name and the business address of the representative;

(e) an address for service, if different from those under points (c) and (d);

(f) the remedy sought, by one or more of the parties, in support of which the intervener is applying for leave to intervene;

- (g) a statement of the circumstances establishing the right to intervene;
- (h) an indication whether the intervener agrees that service is to be effected on him or, where appropriate, on his representative by telefax, e-mail or other technical means of communication.

The application to intervene shall be served on the parties in order to obtain any observations they may wish to make on that application before the Board of Appeal decides on it.

5. Where the Board of Appeal decides to allow the intervention, the intervener shall receive a copy of every procedural document served on the parties provided for that purpose to the Board of Appeal by the parties. Confidential items or documents shall be excluded from such communication.

6. The Board of Appeal shall decide whether or not to allow the application to intervene.

Where the Board of Appeal allows the intervention, the Chairman shall prescribe a period within which the intervener may submit a statement in intervention.

The statement in intervention shall contain:

- (a) a statement of the remedy sought by the intervener in support of or opposing, in whole or in part, the remedy sought by one of the parties;
- (b) the pleas in law and the arguments of fact and law relied on;
- (c) where appropriate, the nature of any evidence offered in support;
- (d) where appropriate, an indication as to what information in the application to intervene is to be regarded as confidential and why.

After the statement in intervention has been lodged, the Chairman may prescribe a time-limit within which the parties may reply to that statement.

7. Interveners shall bear their own costs.;

(12) Article 9 is replaced by the following:

‘Article 9

Representation

Where a party or intervener has appointed a representative, that representative shall provide an authority to act issued by the represented party or intervener.;

(13) in Article 11(1), point (c) is replaced by the following:

‘(c) the appeal is not brought against a decision referred to in Article 91(1) of Regulation (EC) No 1907/2006 or Article 77(1) of Regulation (EU) No 528/2012.;

(14) in Article 13, paragraph 4 is replaced by the following:

‘4. Hearings before the Board of Appeal shall be public, unless the Board of Appeal, of its own motion or at the request of a party, decides otherwise, when duly justified.;

(15) in Article 15(2), the following point (d) is added:

‘(d) to facilitate the amicable agreement between the parties.;

(16) the following Article 17a is inserted:

‘Article 17a

Costs

The parties shall bear their own costs.;

(17) in Article 21(1), point (h) is replaced by the following:

‘(h) the order of the Board of Appeal, including where necessary an award of costs for taking evidence and a decision on the refund of fees pursuant to Article 10(4) of Regulation (EC) No 340/2008 or Article 4(4) of Implementing Regulation (EU) No 564/2013.’;

(18) in Article 21, the following paragraph 6 is added:

‘6. The Chairman shall decide whether the information indicated by the appellant pursuant to Article 6(1)(g), the Agency pursuant to Article 7(2)(d) or an intervener pursuant to Article 8(6)(d) is to be regarded as confidential. The Chairman shall ensure that any information which is regarded as confidential is not published in the final decision.’

COMMISSION IMPLEMENTING REGULATION (EU) 2016/824**of 25 May 2016****laying down implementing technical standards with regard to the content and format of the description of the functioning of multilateral trading facilities and organised trading facilities and the notification to the European Securities and Markets Authority according to Directive 2014/65/EU of the European Parliament and of the Council on markets in financial instruments****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2014/65/EU of 15 May 2014 of the European Parliament and of the Council on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU ⁽¹⁾, and in particular the third subparagraph of Article 18(11) thereof,

Whereas:

- (1) It is important to recognise the need for competent authorities to receive complete information about the purpose, structure and organisation of multilateral trading facilities (MTFs) and organised trading facilities (OTFs) that they will be required to supervise in order to ensure the efficient and orderly functioning of financial markets.
- (2) That information should build upon the information an investment firm or market operator would be required to provide as part of the general authorisation requirements under Directive 2014/65/EU. It should focus upon the specific functionality of the trading system so as to enable competent authorities to assess whether the system satisfies the definition of an MTF or OTF and to assess its compliance with the particular, venue-orientated requirements of Directive 2014/65/EU and Regulation (EU) No 600/2014 of the European Parliament and of the Council ⁽²⁾. The requirement for a detailed description should not affect the duty of an investment firm or market operator to provide other information to its competent authority as required under Directive 2014/65/EU and Regulation (EU) No 600/2014, or the rights of competent authorities to request other information as part of their on-going supervision of trading venues.
- (3) The information received by competent authorities should ensure collecting detailed descriptions of the functioning of the MTF or OTF under Directive 2014/65/EU in a uniform manner, and achieve an efficient processing of information for existing MTFs already operating in accordance with a national authorisation at the point in time when the requirement of submitting a detailed description comes into force.
- (4) Since SME growth markets are distinguished from other MTFs in that they are subject to additional rules under Directive 2014/65/EU, it is necessary that SME growth markets provide additional information.
- (5) Since OTFs are distinguished from MTFs in that the trading process may involve the use of discretionary rules by the operator and because the operator of an OTF will owe responsibilities to users of the system, OTFs should provide additional information.
- (6) To ensure efficient processing, the information required should be provided in electronic format.
- (7) To facilitate the publication by the European Securities and Markets Authority (ESMA) of the list of all MTFs and OTFs in the Union accompanied by information on the services they provide and the unique code identifying them, a standard template for that information should be used.

⁽¹⁾ OJ L 173, 12.6.2014, p. 349.

⁽²⁾ 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).

- (8) For reasons of consistency and in order to ensure the smooth functioning of the financial markets, it is necessary that the provisions laid down in this Regulation and the related national provisions transposing Directive 2014/65/EU apply from the same date.
- (9) Any personal data provided under this Regulation should be for specified, explicit and legitimate purposes and not further processed in a way incompatible with those purposes. In accordance with Article 6 of Directive 95/46/EC of the European Parliament and of the Council ⁽¹⁾ any personal data should be retained for no longer than necessary for the purpose of the exercising the supervisory function, and a maximum period of retention should be indicated.
- (10) This Regulation is based on the draft implementing technical standards submitted by ESMA to the Commission.
- (11) ESMA has conducted open public consultations on the draft implementing technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Securities and Markets Stakeholder Group established by Article 37 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council ⁽²⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Definitions

For the purposes of this Regulation, the following definitions apply:

- (1) 'relevant operator' means:
- (a) an investment firm operating a multilateral trading facility (MTF);
 - (b) an investment firm operating an organised trading facility (OTF);
 - (c) a market operator operating an MTF;
 - (d) a market operator operating an OTF;
- (2) 'asset classes' means the categories of financial instruments as set out in Section C of Annex I to Directive 2014/65/EU.

Article 2

Information to be provided on MTFs and OTFs

1. A relevant operator shall provide its competent authority with the following information:
- (a) the asset classes of financial instruments traded on the MTF or OTF;
 - (b) the rules and procedures for making financial instruments available for trading, together with details of the publication arrangements used to make that information available to the public;
 - (c) the rules and procedures to ensure the objective and non-discriminatory access to the trading facilities together with details on the publication arrangements used to make that information available to the public;
 - (d) the measures and procedures to ensure that sufficient information is publicly available to users of the MTF or OTF to form an investment judgement, taking into account both the nature of the users and the classes of financial instruments traded;

⁽¹⁾ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

⁽²⁾ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (OJ L 331, 15.12.2010, p. 84).

- (e) the systems, procedures and arrangements to ensure compliance with the conditions laid down in Articles 48 and 49 of Directive 2014/65/EU;
- (f) a detailed description of any arrangements to facilitate the provision of liquidity to the system such as market making schemes;
- (g) the arrangements and procedures to monitor transactions as required by Article 31 of Directive 2014/65/EU;
- (h) the rules and procedures for suspension and removal of financial instruments from trading as required by Article 32 of Directive 2014/65/EU;
- (i) the arrangements to comply with pre-trade and post-trade transparency obligations that apply to the financial instruments traded and the trading functionality of the MTF or OTF; that information shall be accompanied by information on any intention to use waivers under Articles 4 and 9 of Regulation (EU) No 600/2014 and deferred publication under Articles 7 and 11 of that Regulation;
- (j) the arrangements for the efficient settlement of the transactions effected under its systems and for ensuring that users are aware of their respective responsibilities in this regard;
- (k) a list of the members or participants of the MTF or OTF which it operates.

2. A relevant operator shall provide its competent authority with a detailed description of the functioning of its trading system specifying:

- (a) whether the system represents a voice, electronic or hybrid functionality;
- (b) in the case of an electronic or hybrid trading system, the nature of any algorithm or program used to determine the matching and execution of trading interests;
- (c) in the case of a voice trading system, the rules and protocols used to determine the matching and execution of trading interests;
- (d) a description explaining how the trading system satisfies each element of the definition of an MTF or an OTF.

3. A relevant operator shall provide its competent authority with information on how and in what instances the operation of the MTF or OTF will give rise to any potential conflicts between the interests of the MTF or OTF, its operator or its owners and the sound functioning of the MTF or OTF. The relevant operator shall specify the procedures and arrangements to comply with the requirements set out in Article 18(4) of Directive 2014/65/EU.

4. A relevant operator shall provide its competent authority with the following information on its outsourcing arrangements that relate to the management, operation or oversight of the MTF or OTF:

- (a) the organisational measures to identify the risks in relation to those outsourced activities and to monitor the outsourced activities;
- (b) the contractual agreement between the relevant operator and the entity providing the outsourced service in which the nature, scope, objectives, and service level agreements are outlined.

5. A relevant operator shall provide its competent authority with information on any links to or participation by a regulated market, MTF, OTF or systematic internaliser owned by the same relevant operator.

Article 3

Additional information to be provided on MTFs

In addition to the information set out in Article 2, a relevant operator shall provide its competent authority with the following information relating to the requirements set out in Article 19(3) of Directive 2014/65/EU:

- (a) a description of the arrangements and the systems implemented to manage the risks to which the operator is exposed, to identify all significant risks to its operation and to put in place effective measures to mitigate those risks;

- (b) a description of the arrangements implemented to facilitate the efficient and timely finalisation of the transactions executed under the operator's systems;
- (c) having regard to the nature and extent of the transactions concluded on the market and the range and degree of the risks to which the operator is exposed, a description of the financial resources considered sufficient to facilitate its orderly functioning.

Article 4

Information to be provided on MTFs already in operation

In the case of an investment firm or market operator authorised to operate an MTF under Article 5 of Directive 2004/39/EC of the European Parliament and of the Council⁽¹⁾ which is operating at the date of application of this Regulation, that firm or operator shall provide the information referred to under Articles 2 and 3 of this Regulation where it is required:

- (a) to correct, update or clarify information previously submitted by the relevant operator to its competent authority;
- (b) to demonstrate compliance with obligations under Directive 2014/65/EU and Regulation (EU) No 600/2014 that did not apply to the MTF prior to the application of this Regulation.

Article 5

Additional information to be provided on MTFs for registration as an SME growth market

In the case of a relevant operator which is applying for registration of an MTF as an SME growth market, that operator shall ensure that the information provided under Articles 2 and 3 clearly identifies which functionalities or arrangements are applicable to the SME growth market.

Article 6

Additional information to be provided on OTFs

In addition to Article 2, a relevant operator operating an OTF shall provide its competent authority with the following information:

- (a) information on whether another investment firm is engaged to carry out market making on its OTF on an independent basis in accordance with Article 20(5) of Directive 2014/65/EU;
- (b) a detailed description of how and under what circumstances it executes orders on the OTF on a discretionary basis in accordance with Article 20(6) of Directive 2014/65/EU;
- (c) the rules, procedures and protocols which allow the operator to route the trading interest of a member or participant outside the facilities of the OTF;
- (d) a description of the use of matched principal trading which complies with Article 20(7) of Directive 2014/65/EU;
- (e) the rules and procedures to ensure compliance with Articles 24, 25, 27 and 28 of Directive 2014/65/EU for transactions concluded on the OTF where those rules are applicable to the relevant operator in relation to an OTF user.

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

*Article 7***Asset class specific information**

Where a relevant operator of an MTF or OTF applies different rules to different asset classes, it shall provide the information required by this Regulation for each of those asset classes separately.

*Article 8***Material changes**

1. A relevant operator shall provide its competent authority with a description of any material changes to the information previously submitted in accordance with this Regulation which would be relevant to an assessment of that operator's compliance with Directive 2014/65/EU and Regulation (EU) No 600/2014.
2. Where a relevant operator sends new information to its competent authority to correct, update or clarify information previously submitted in accordance with this Regulation, it does not need to include information which is of a purely minor or technical nature that would not be relevant to an assessment of its compliance with Directive 2014/65/EU or Regulation (EU) No 600/2014.
3. An investment firm or market operator authorised to operate an MTF under Directive 2004/39/EC which is operating at the date of application of this Regulation shall, in addition to paragraph 1 of this Article, provide its competent authority with a description of any material changes to the information previously submitted to the competent authority in respect of that MTF under that Directive.

*Article 9***Format for providing the description**

1. Where the relevant operator provides the competent authority with the description of the functioning of the MTF or OTF it operates as set out under this Regulation, the relevant operator shall include clear references in its submission which satisfy the requirements of the template set out in Table 1 of the Annex.
2. In providing the information required by this Regulation, a relevant operator shall include references to the appropriate provisions of the rules of its MTF or OTF, agreements or contracts with participants or relevant third parties and internal procedures and policies.
3. A relevant operator shall provide the information required by this Regulation to its competent authority in an electronic format.
4. When providing the information required by this Regulation, a relevant operator shall:
 - (a) give a unique reference number to each document it submits;
 - (b) ensure that the information it submits clearly identifies which specific requirement of this Regulation it refers to and in which document that information is provided by using the unique reference number to identify the document;
 - (c) ensure that if a requirement of this Regulation does not apply to it, that fact is stated together with an explanation;
 - (d) submit that information in the format set out in Table 1 of the Annex.
5. Where the description is provided in the context of an authorisation request, an entity requesting authorisation to provide more than one service at the same time shall submit one application clearly identifying the services to which the information provided applies. When the same document is to be considered as part of several authorisation requests, for the purpose of providing the information in the format set out in Table 1 of the Annex, the same reference number shall be used when submitting the same document for several applications.

*Article 10***Notification to ESMA**

A competent authority shall notify ESMA of the authorisation of a relevant operator as an MTF or an OTF in electronic format and in the format set out in Table 2 of the Annex.

*Article 11***Entry into force and application**

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 the date that appears in the second subparagraph of Article 93(1) of Directive 2014/65/EU.

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

Done at Brussels, 25 May 2016.

For the Commission
The President
Jean-Claude JUNCKER

ANNEX

Formats

Table 1

Information by operators of MTFs and OTFs

Relevant operator for which the application is submitted	Relevant Article of Implementing Regulation (EU) 2016/824	Document reference number	Title of the document	Chapter or section or page of the document where the information is provided or reasons why the information has not been provided

Table 2

Information to be sent to ESMA

Notifying competent authority	Name of the relevant operator	Name of the MTF or OTF operated	MIC code	Services provided by MTF or OTF

COMMISSION IMPLEMENTING REGULATION (EU) 2016/825**of 25 May 2016****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

- (1) Implementing Regulation (EU) No 543/2011 lays down, pursuant to the outcome of the Uruguay Round multilateral trade negotiations, the criteria whereby the Commission fixes the standard values for imports from third countries, in respect of the products and periods stipulated in Annex XVI, Part A thereto.
- (2) The standard import value is calculated each working day, in accordance with Article 136(1) of Implementing Regulation (EU) No 543/2011, taking into account variable daily data. Therefore this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 25 May 2016.

*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	101,2	
	TR	60,8	
	ZZ	81,0	
0707 00 05	TR	99,6	
	ZZ	99,6	
0709 93 10	TR	133,0	
	ZZ	133,0	
0805 10 20	EG	53,2	
	IL	42,6	
	MA	56,1	
	TR	42,3	
	ZA	80,4	
	ZZ	54,9	
	AR	129,2	
0805 50 10	TR	143,1	
	ZA	175,0	
	ZZ	149,1	
	AR	107,3	
0808 10 80	BR	101,7	
	CL	120,4	
	CN	65,7	
	NZ	153,7	
	US	227,3	
	ZA	107,1	
	ZZ	126,2	
	0809 29 00	TR	538,5
		US	931,3
ZZ		734,9	

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

COMMISSION IMPLEMENTING REGULATION (EU) 2016/826**of 25 May 2016****closing intervention buying-in of skimmed milk powder at fixed price for the intervention period ending 30 September 2016 and opening the tendering procedure for buying-in**

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 Council Regulation (EU) No 1370/2013 of 16 December 2013 determining measures on fixing certain aids and refunds related to the common organisation of the markets in agricultural products ⁽²⁾, and in particular Article 3(6) thereof,

Having regard to Commission Regulation (EU) No 1272/2009 of 11 December 2009 laying down common detailed rules for the implementation of Council Regulation (EC) No 1234/2007 as regards buying-in and selling of agricultural products under public intervention ⁽³⁾, and in particular Article 14 and Article 16(2)(a),

Whereas:

- (1) Pursuant to Commission Delegated Regulation (EU) 2015/1549 ⁽⁴⁾, public intervention of skimmed milk powder is available until 30 September 2016.
- (2) On the basis of the notifications submitted by Member States on 25 May 2016 in accordance with Article 13(1) and (3) of Regulation (EU) No 1272/2009, it appears that the total quantity of skimmed milk powder offered for intervention at fixed price since 1 January 2016 has exceeded the limit of 218 000 tonnes fixed in Article 3(1)(c) of Regulation (EU) No 1370/2013. Therefore, the intervention buying-in of skimmed milk powder at fixed price should be closed for the intervention period ending 30 September 2016, an allocation coefficient should be fixed for the quantities offered to the intervention agencies of the Member States on 24 May 2016 and the offers received by the intervention agencies of the Member States on and after 25 May 2016 should be rejected.
- (3) In accordance with Article 28(2) of Regulation (EU) No 1272/2009, the skimmed milk powder offered for intervention has to be put in bags of a net weight of 25 kilograms net. Therefore, offered quantities of skimmed milk powder which have been affected by an allocation coefficient should be rounded down to the closest multiple of 25 kg.
- (4) In accordance with Article 3(2) of Regulation (EU) No 1370/2013 a tendering procedure for skimmed milk powder is to be opened to determine the maximum buying-in price.
- (5) Section III of Chapter I of Title II of Regulation (EU) No 1272/2009 lays down the rules to be followed when the Commission opens the intervention buying-in of products referred to in Article 11 of Regulation (EU) No 1308/2013 by a tendering procedure.
- (6) According to Article 16(3)(b) of Regulation (EU) No 1272/2009 the periods for the submission of tenders should be fixed.
- (7) In accordance with Article 18(1) of Regulation (EU) No 1272/2009 the time limit for the intervention agencies to notify all admissible tenders to the Commission should be set.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 346, 20.12.2013, p. 12.

⁽³⁾ OJ L 349, 29.12.2009, p. 1.

⁽⁴⁾ Commission Delegated Regulation (EU) 2015/1549 of 17 September 2015 laying down temporary exceptional measures for the milk and milk product sector in the form of extending the public intervention period for butter and skimmed milk powder in 2015 and advancing the public intervention period for butter and skimmed milk powder in 2016 (OJ L 242, 18.9.2015, p. 28).

- (8) In the interests of efficient administration, Member States should use, for the notifications to the Commission, the information systems in accordance with Commission Regulation (EC) No 792/2009 ⁽¹⁾.
- (9) Since intervention agencies have to notify offerers swiftly following the publication of this Regulation of the closing of the intervention buying-in at fixed price and of the allocation coefficient, 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

Closing of the intervention buying-in at fixed price

1. The intervention buying-in of skimmed milk powder at fixed price is closed for the intervention period ending on 30 September 2016.

The total quantity of the offers of skimmed milk powder for intervention which were received from each offerer by the intervention agencies of the Member States on 24 May 2016 shall be accepted after being multiplied by an allocation coefficient of 10,4707 %, and rounded down to the closest multiple of 25 kg.

2. Offers at fixed price received by the intervention agencies of the Member States on and after 25 May 2016 until 30 September 2016 shall be rejected.

Article 2

Opening of the tendering procedure

The intervention buying-in by a tendering procedure of skimmed milk powder, in excess of the limit set out in Article 3(1)(c) of Regulation (EU) No 1370/2013, is open until 30 September 2016, under the conditions provided for in Section III of Chapter I of Title II of Regulation (EU) No 1272/2009 and in this Regulation.

Article 3

Submission of tenders

1. The time limit for the submission of tenders for the first individual tender is 7 June 2016 at 12.00 (Brussels time).

The closing date for the submission of tenders for subsequent individual tenders is the first and the third Tuesday of the month at 12.00 (Brussels time).

If Tuesday is a public holiday the time limit shall be 12.00 (Brussels time) on the previous working day.

2. Tenders shall be submitted to the intervention agencies approved by the Member States ⁽²⁾.

Article 4

Notification to the Commission

The notification provided for in Article 18(1) of Regulation (EU) No 1272/2009 shall be made by 16.00 (Brussels time) on the closing dates for submission of tenders as referred to in Article 3 of this Regulation, in accordance with Regulation (EC) No 792/2009.

⁽¹⁾ Commission Regulation (EC) No 792/2009 of 31 August 2009 laying down detailed rules for the Member States' notification to the Commission of information and documents in implementation of the common organisation of the markets, the direct payments' regime, the promotion of agricultural products and the regimes applicable to the outermost regions and the smaller Aegean islands (OJ L 228, 1.9.2009, p. 3).

⁽²⁾ The addresses of the intervention agencies are available on the European Commission website http://ec.europa.eu/agriculture/milk/policy-instruments/index_en.htm

By way of derogation from Article 18(3) of Regulation (EU) No 1272/2009, where a Member State does not notify the Commission of an admissible tender within the time limits referred to in the first paragraph, it shall be deemed to have notified the Commission of a nil return.

Article 5

Entry into force

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, 25 May 2016.

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

DECISIONS

COMMISSION DECISION (EU) 2016/827

of 20 May 2016

on the renewal of the mandate of the European Group on Ethics in Science and New Technologies

THE EUROPEAN COMMISSION,

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

Whereas:

- (1) Article 2 of the Treaty on European Union enshrines the values on which the Union is founded and Article 6 accords the Charter of Fundamental Rights the same legal value as the Treaties and establishes that fundamental rights shall constitute general principles of Union law.
- (2) On 20 November 1991, the European Commission decided to incorporate ethics into the decision-making process for Community research and technological development policies by setting up the Group of Advisers on the Ethical Implications of Biotechnology ('GAEIB').
- (3) The Commission decided on 16 December 1997 to replace the GAEIB by the European Group on Ethics in Science and New Technologies ('EGE') extending the Group's mandate to cover all areas of the application of science and technology. The EGE's mandate was subsequently renewed, most recently by the Commission Decision 2010/1/EU ⁽¹⁾. It is now appropriate to renew the mandate for a period of 5 years and subsequently to appoint the new members.
- (4) The EGE is tasked with providing ethical guidance to the European Commission either at the request of the Commission or on its own initiative and upon agreement with the Commission. The Commission may draw the EGE's attention to issues considered by the European Parliament and the Council to be of major ethical importance.
- (5) Rules on disclosure of information by members of the group should be laid down.
- (6) Personal data should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽²⁾.
- (7) Decision 2010/1/EU should be repealed,

HAS ADOPTED THIS DECISION:

Article 1

Mandate

The mandate of the European Group on Ethics in Science and New Technologies, hereafter referred to as 'EGE', is renewed for a period of 5 years.

⁽¹⁾ Commission Decision 2010/1/EU of 23 December 2009 on the renewal of the mandate of the European Group on Ethics in Science and New Technologies (OJ L 1, 5.1.2010, p. 8).

⁽²⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

*Article 2***Task**

The task of the EGE shall be to advise the Commission on ethical questions relating to sciences and new technologies and the wider societal implications of advances in these fields, either at the request of the Commission or on request by its chair with the agreement of the Commission services. The Group therefore shall:

- (a) identify, define and examine ethical questions raised by developments in science and technologies;
- (b) provide guidance in the form of analyses and recommendations that shall be oriented towards the promotion of ethical EU policymaking, with due regard to the Charter of Fundamental Rights of the European Union.

*Article 3***Consultation**

The Commission may consult the group on any matter in the remit referred to in Article 2. In that context, the Commission may draw the Group's attention to issues considered by the Parliament and the Council to be of major ethical importance.

*Article 4***Membership — Appointment**

1. The EGE shall have up to 15 members. Members shall have competence in the remit referred to in Article 2.
2. Members shall serve in a personal capacity. They shall advise the Commission in the public interest and independently from any outside influence. Members shall inform the Commission in due time of any conflict of interest which might undermine their independence.
3. Members shall be appointed by the President of the Commission on the basis of a proposal from the Commissioner in charge of Research, Science and Innovation, following the submission of their candidacy to a call for expression of interest for membership of the EGE and a selection process overseen by an Identification Committee, based on the criteria set out in paragraphs 4 and 6 of this Article.
4. When proposing the composition of the EGE, the Identification Committee shall aim at ensuring, as far as possible, a high level of expertise and pluralism, a geographical balance, as well as a balanced representation of relevant know-how and areas of interest, taking into account the specific tasks of the EGE, the type of expertise required and the response to the call for expression of interest. The EGE shall be independent, pluralist and multidisciplinary.
5. Each member of the EGE shall be appointed for a term of 2½ years. At the end of a term, his or her appointment may be renewed. Membership of the EGE shall be limited to a maximum of three terms.
6. The following factors and criteria will be taken into account for the selection of candidates for membership of the Group:
 - (a) The composition of the group shall ensure that independent advice of the highest quality can be provided, combining wisdom and foresight. The credibility of the group shall be built on the balance of qualities amongst the women and men who make it up, and they shall collectively reflect the breadth of perspectives across Europe. Gender balance shall be strictly taken into account, and due consideration accorded to age balance and geographical distribution.
 - (b) The Members of the group shall be internationally recognised experts, with a track record of excellence and experience at the European and global level.

- (c) The Members shall reflect the broad cross-disciplinary scope of the group's mandate, embracing philosophy and ethics; natural and social sciences; and the law. However, they shall not perceive themselves as representatives of a particular discipline, worldview, or line of research; they shall have a broad vision which collectively reflects an understanding of important ongoing and emerging developments, including inter-, trans-, and multi-disciplinary perspectives, and the need for ethical advice at the European level.
- (d) Beyond their proven reputation, the membership shall collectively bring experience in providing ethical advice to policymakers, acquired across a broad range of Member States, and at European and international levels.
- (e) The group shall include members with experience in bodies such as advisory councils and committees, government advisors, national ethics councils, universities and research institutes. It may be valuable to the group to include members who have gained experience in more than one country and members from outside the European Union.
7. The selection of the EGE members will be made on the basis of an open call for expression of interest, specifying the modalities for submitting a complete application. The Commission shall publish the call on the Europa website. A link from the Register of Commission expert groups and other similar entities ('the register of expert groups') to the Europa website will also be ensured.
8. Nominations may be submitted, provided the nominee follows the modalities for submitting a complete application.
9. The list of EGE members shall be published by the Commission in the Register of expert groups.
10. Suitable candidates who are not appointed pursuant to paragraph 2 of this Article, shall be placed on a reserve list. The President of the Commission may appoint members from the reserve list.
11. Where a member is no longer capable of contributing effectively to the work of the EGE, or resigns or does not comply with the conditions set out in Article 339 of the Treaty on the Functioning of the European Union, the President of the Commission may appoint a replacement member from the reserve list, for the remaining duration of the original member's term of office.

Article 5

Operation

1. The Directorate-General for Research and Innovation, acting in close cooperation with the EGE's chairperson, shall be responsible for coordinating and organising the work of the EGE and for providing its Secretariat.
2. The EGE shall elect a chairperson and a deputy-chairperson from among its members for the duration of their term by a simple majority.
3. Members of the EGE, as well as invited experts, shall comply with the obligations of professional secrecy laid down by the Treaties and their implementing rules, as well as with the Commission's rules on security regarding the protection of EU classified information, laid down in Commission Decisions (EU, Euratom) 2015/443 ⁽¹⁾ and (EU, Euratom) 2015/444 ⁽²⁾. Should they fail to respect these obligations, the Commission may take all appropriate measures.
4. The EGE Work Programme, including such ethical analyses suggested on the own initiative of the EGE, shall be agreed by the Commission. Each request for an ethical analysis shall include the parameters of the requested analysis. The Commission shall, when seeking the advice of the EGE, set a time limit within which such advice shall be given.
5. EGE Opinions shall include a set of recommendations. They shall be based on an overview of the state of the art of the sciences and technologies concerned and a thorough analysis of the ethical issues at stake. Relevant services of the Commission shall be informed of the recommendations produced by the EGE.

⁽¹⁾ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

⁽²⁾ Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

6. The EGE shall operate in a collegial way, seeking consensus among its members. The EGE shall adopt its Rules of Procedure on the basis of the standard Rules of Procedure for expert groups with the agreement of the Commission's representative. The working procedures shall seek to ensure that all members take an active role in the activities of the group.

7. The meetings of the EGE shall normally be held on Commission premises according to the modalities and the calendar fixed by the Commission. The EGE should meet at least six times during a 12-month period involving around 12 working days a year. Further meetings may be organised when necessary, in agreement with the Commission's representative.

For the purpose of the preparation of EGE analyses and within the limits of the available resources, the Commission's representative may:

- Invite experts and representatives of relevant NGOs or representative organisations when appropriate for an exchange of views on an ad hoc basis. The Commission may also enlist external experts to participate in the work of the EGE on an ad hoc and temporary basis should it be deemed necessary to cover the wide spectrum of ethical questions related to advances in science and new technologies.
- Initiate studies in order to collect all necessary scientific and technical information.
- Allow for working groups to be set up to consider specific issues.
- Establish close links with representatives of the various ethics bodies in the Member States and in third countries.

Moreover, the Commission shall organise a public round table in order to promote dialogue and improve transparency for each Opinion that the EGE produces. The EGE shall establish close links with Commission departments concerned by issues the Group is working on.

8. The Group shall endeavour to reach consensus. However, where an Opinion is not adopted unanimously, it shall include any dissenting point of view (as a 'minority opinion') together with the name(s) of the dissenting Member(s). The Opinion shall be transmitted to the President of the Commission or to a representative designated by the President. Each Opinion shall be forthwith published and transmitted to the European Parliament and to the Council of the European Union after its adoption.

9. If operational circumstances require that advice on a particular subject be given more quickly than the adoption of an Opinion would allow, short Statements or other forms of analyses can be produced, to be followed if necessary by a fuller analysis in the form of an Opinion, while ensuring that transparency is respected as for any other Opinion. Statements will be published and made available on the EGE website. As part of its Work Programme, in agreement with the Commission's representative, the EGE may update an Opinion if it deems it necessary.

10. The EGE's discussions shall be confidential. In agreement with the Commission's representative, the EGE may, by a simple majority of its members, decide to open its deliberations to the public.

11. All relevant documents related to the activities of the EGE (such as agendas, minutes, Opinions and participants' submissions) shall be made available either in the Register of expert groups or via a link from the Register to a dedicated website. Exceptions to publication are possible where disclosure of a document is deemed to undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council ⁽¹⁾.

12. A report on the activities of the EGE shall be produced under the responsibility of the chairperson before the end of its mandate. The report shall be published and transmitted according to the modalities set out in paragraph 11.

Article 6

Meeting expenses

1. Participants in the activities of the EGE shall not be remunerated for the services they render.

⁽¹⁾ Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).

2. Travel and subsistence expenses for the meetings of the EGE shall be reimbursed by the Commission in accordance with the provisions in force.
3. Those expenses shall be reimbursed within the limits of the available appropriations allocated under the annual procedure for the allocation of resources.

Article 7

Final provisions

The present decision will be published in the *Official Journal of the European Union* and shall enter into force on the day following that of its publication in the *Official Journal of the European Union*. Decision 2010/1/EU is hereby repealed.

Done at Brussels, 20 May 2016.

For the Commission
The President
Jean-Claude JUNCKER

CORRIGENDA**Corrigendum to Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment**

(Official Journal of the European Communities L 377 of 31 December 1991)

On page 54, Annex VI, point (a):

for: '(a) Article 18 of Council Directive 74/439/EEC of 16 June 1975 on the disposal of waste oils ⁽¹⁾, as amended by Directive 87/101/EEC ⁽²⁾.'

read: '(a) Article 18 of Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils ⁽¹⁾, as amended by Directive 87/101/EEC ⁽²⁾.'

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