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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.

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<sup>(1)</sup> Text with EEA relevance

## II

*(Non-legislative acts)*

## REGULATIONS

**COUNCIL REGULATION (EU) 2016/983****of 20 June 2016****repealing Regulation (EC) No 234/2004 concerning certain restrictive measures in respect of  
Liberia**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Decision (CFSP) 2016/994 of 20 June 2016 repealing Common Position 2008/109/CFSP concerning restrictive measures imposed against Liberia <sup>(1)</sup>,

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

Whereas:

- (1) On 25 May 2016, the United Nations Security Council, by Resolution 2288 (2016), decided to terminate, with immediate effect, the arms embargo with regard to the situation in Liberia.
- (2) On 20 June 2016 the Council adopted Decision (CFSP) 2016/994 repealing Common position 2008/109/CFSP concerning restrictive measures imposed against Liberia.
- (3) Regulatory action at Union level is necessary,

HAS ADOPTED THIS REGULATION:

*Article 1*Council Regulation (EC) No 234/2004 <sup>(2)</sup> is repealed.*Article 2*This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.<sup>(1)</sup> See page 21 of this Official Journal.<sup>(2)</sup> Council Regulation (EC) No 234/2004 of 10 February 2004 concerning certain restrictive measures in respect of Liberia and repealing Regulation (EC) No 1030/2003 (OJ L 40, 12.2.2004, p. 1).

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

Done at Luxembourg, 20 June 2016.

*For the Council*

*The President*

F. MOGHERINI

  

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**COMMISSION IMPLEMENTING REGULATION (EU) 2016/984****of 7 June 2016****entering a name in the register of protected designations of origin and protected geographical indications (Krupnioki śląskie (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs <sup>(1)</sup>, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Poland's application to register the name 'Krupnioki śląskie' was published in the *Official Journal of the European Union* <sup>(2)</sup>.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Krupnioki śląskie' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

*Article 1*

The name 'Krupnioki śląskie' (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.2. Meat products (cooked, salted, smoked, etc.) set out in Annex XI to Commission Implementing Regulation (EU) No 668/2014 <sup>(3)</sup>.*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, 7 June 2016.

*For the Commission,*  
*On behalf of the President,*  
Phil HOGAN  
*Member of the Commission*

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<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.

<sup>(2)</sup> OJ C 67, 20.2.2016, p. 17.

<sup>(3)</sup> Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/985****of 7 June 2016****approving non-minor amendments to the specification for a name entered in the register of protected designations of origin and protected geographical indications (Agneau de Pauillac (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs <sup>(1)</sup>, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to the first subparagraph of Article 53(1) of Regulation (EU) No 1151/2012, the Commission has examined France's application for the approval of amendments to the specification for the protected geographical indication 'Agneau de Pauillac', registered under Commission Regulation (EC) No 2400/96 <sup>(2)</sup>, as amended by Regulation (EC) No 637/2004 <sup>(3)</sup>.
- (2) Since the amendments in question are not minor within the meaning of Article 53(2) of Regulation (EU) No 1151/2012, the Commission published the amendment application in the *Official Journal of the European Union* as required by Article 50(2)(a) of that Regulation <sup>(4)</sup>.
- (3) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the amendments to the specification should therefore be approved,

HAS ADOPTED THIS REGULATION:

*Article 1*The amendments to the specification published in the *Official Journal of the European Union* regarding the name 'Agneau de Pauillac' (PGI) are hereby approved.*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, 7 June 2016.

*For the Commission,*  
*On behalf of the President,*  
Phil HOGAN  
*Member of the Commission*

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<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.

<sup>(2)</sup> Commission Regulation (EC) No 2400/96 of 17 December 1996 on the entry of certain names in the 'Register of protected designation of origin and protected geographical indications' provided for in Council Regulation (EEC) No 2081/92 on the protection of geographical indications and designations of origin for agricultural products and foodstuffs (OJ L 327, 18.12.1996, p. 11).

<sup>(3)</sup> Commission Regulation (EC) No 637/2004 of 5 April 2004 supplementing the Annex to Regulation (EC) No 2400/96 on the entry of certain names in the Register of protected designations of origin and protected geographical indications (Agneau de Pauillac and Agneau du Poitou-Charentes) (OJ L 100, 6.4.2004, p. 31).

<sup>(4)</sup> OJ C 61, 17.2.2016, p. 26.

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/986****of 13 June 2016****entering a name in the register of protected designations of origin and protected geographical indications (Γλυκό Τριαντάφυλλο Αγρού (Glyko Triantafyllo Agrou) (PGI))**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs <sup>(1)</sup>, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Cyprus's application to register the name 'Γλυκό Τριαντάφυλλο Αγρού' (Glyko Triantafyllo Agrou) was published in the *Official Journal of the European Union* <sup>(2)</sup>.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Γλυκό Τριαντάφυλλο Αγρού' (Glyko Triantafyllo Agrou) should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

*Article 1*

The name 'Γλυκό Τριαντάφυλλο Αγρού' (Glyko Triantafyllo Agrou) (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 2.3 Bread, pastry, cakes, confectionery, biscuits and other baker's wares, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 <sup>(3)</sup>.*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, 13 June 2016.

*For the Commission,*  
*On behalf of the President,*  
Phil HOGAN  
*Member of the Commission*

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<sup>(1)</sup> OJ L 343, 14.12.2012, p. 1.

<sup>(2)</sup> OJ C 52, 11.2.2016, p. 19.

<sup>(3)</sup> Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/987****of 20 June 2016****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

*Article 2*

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

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

Done at Brussels, 20 June 2016.

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

*Jerzy PLEWA  
Director-General for Agriculture and Rural Development*

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

<sup>(2)</sup> OJ L 157, 15.6.2011, p. 1.



## ANNEX

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

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	MA	132,7
	ZZ	132,7
0709 93 10	TR	137,2
	ZZ	137,2
0805 50 10	AR	169,4
	BR	92,5
	MA	179,9
	TR	151,6
	UY	147,6
	ZA	174,3
	ZZ	152,6
	AR	117,9
	BR	88,5
	CL	125,6
0808 10 80	CN	66,5
	NZ	156,7
	SA	114,4
	US	120,4
	ZA	115,7
	ZZ	113,2
	TR	265,2
	ZZ	265,2
	TR	389,4
	ZZ	389,4
0809 10 00	TR	265,2
	ZZ	265,2
0809 29 00	TR	389,4
	ZZ	389,4
0809 30 10, 0809 30 90	TR	143,1
	ZZ	143,1
0809 40 05	TR	180,1
	ZZ	180,1

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

**COMMISSION IMPLEMENTING REGULATION (EU) 2016/988****of 20 June 2016****determining the quantities to be added to the quantity fixed for the subperiod 1 October to 31 December 2016 under the tariff quotas opened by Regulation (EC) No 442/2009 in the pigmeat sector**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 <sup>(1)</sup>, and in particular Article 188(2) and (3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 442/2009 <sup>(2)</sup> opened annual tariff quotas for imports of pigmeat products. The quotas listed in Part B of Annex I to that Regulation are managed using the simultaneous examination method.
- (2) The quantities covered by import licence applications lodged from 1 to 7 June 2016 for the subperiod 1 July to 30 September 2016 are smaller than those available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the following quota subperiod.
- (3) In order to ensure the efficient management of the measure, 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 quantities for which import licence applications have not been lodged under Regulation (EC) No 442/2009, to be added to the subperiod 1 October to 31 December 2016, are set out 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, 20 June 2016.

*For the Commission,*

*On behalf of the President,*

Jerzy PLEWA

*Director-General for Agriculture and Rural Development*

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

<sup>(2)</sup> Commission Regulation (EC) No 442/2009 of 27 May 2009 opening and providing for the administration of Community tariff quotas in the pigmeat sector (OJ L 129, 28.5.2009, p. 13).

## ANNEX

Order No	Quantities not applied for, to be added to the quantities available for the subperiod 1 October to 31 December 2016 (kg)
09.4038	8 516 250
09.4170	1 230 500
09.4204	1 156 000

# DECISIONS

## DECISION (EU) 2016/989 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 8 June 2016

### on the mobilisation of the European Globalisation Adjustment Fund (application from France — EGF/2015/010 FR/MoryGlobal)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) No 1309/2013 of the European Parliament and of the Council of 17 December 2013 on the European Globalisation Adjustment Fund (2014-2020) and repealing Regulation (EC) No 1927/2006 <sup>(1)</sup>, and in particular Article 15(4) thereof,

Having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management <sup>(2)</sup>, and in particular point 13 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) aims to provide support for workers made redundant and self-employed persons whose activity has ceased as a result of major structural changes in world trade patterns due to globalisation, as a result of a continuation of the global financial and economic crisis, or as a result of a new global financial and economic crisis, and to assist them with their reintegration into the labour market.
- (2) The EGF is not to exceed a maximum annual amount of EUR 150 million (2011 prices), as laid down in Article 12 of Council Regulation (EU, Euratom) No 1311/2013 <sup>(3)</sup>.
- (3) On 19 November 2015, France submitted an application EGF/2015/010 FR/MoryGlobal for a financial contribution from the EGF, following redundancies in MoryGlobal SAS in France. It was supplemented by additional information provided in accordance with Article 8(3) of Regulation (EU) No 1309/2013. That application complies with the requirements for determining a financial contribution from the EGF as laid down in Article 13 of Regulation (EU) No 1309/2013.
- (4) The EGF should, therefore, be mobilised in order to provide a financial contribution of EUR 5 146 800 in respect of the application submitted by France.
- (5) In order to minimise the time taken to mobilise the EGF, this decision should apply from the date of its adoption,

HAVE ADOPTED THIS DECISION:

#### Article 1

For the general budget of the European Union for the financial year 2016, the European Globalisation Adjustment Fund shall be mobilised to provide the sum of EUR 5 146 800 in commitment and payment appropriations.

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 855.

<sup>(2)</sup> OJ C 373, 20.12.2013, p. 1.

<sup>(3)</sup> Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).

*Article 2*

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*. It shall apply from 8 June 2016.

Done at Strasbourg, 8 June 2016

*For the European Parliament*  
*The President*  
M. SCHULZ

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

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**DECISION (EU) 2016/990 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**of 8 June 2016**  
**on the mobilisation of the European Globalisation Adjustment Fund (application from Greece —**  
**EGF/2015/011 GR/Supermarket Larissa)**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Regulation (EU) No 1309/2013 of the European Parliament and of the Council of 17 December 2013 on the European Globalisation Adjustment Fund (2014-2020) and repealing Regulation (EC) No 1927/2006 <sup>(1)</sup>, and in particular Article 15(4) thereof,

Having regard to the Interinstitutional Agreement of 2 December 2013 between the European Parliament, the Council and the Commission on budgetary discipline, on cooperation in budgetary matters and on sound financial management <sup>(2)</sup>, and in particular point 13 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Globalisation Adjustment Fund (EGF) aims to provide support for workers made redundant and self-employed persons whose activity has ceased as a result of major structural changes in world trade patterns due to globalisation, as a result of a continuation of the global financial and economic crisis, or as a result of a new global financial and economic crisis, and to assist them with their reintegration into the labour market.
- (2) The EGF is not to exceed a maximum annual amount of EUR 150 million (2011 prices), as laid down in Article 12 of Council Regulation (EU, Euratom) No 1311/2013 <sup>(3)</sup>.
- (3) On 26 November 2015, Greece submitted an application EGF/2015/011 GR/Supermarket Larissa for a financial contribution from the EGF, following redundancies in Supermarket Larissa ABEE in Greece. It was supplemented by additional information provided in accordance with Article 8(3) of Regulation (EU) No 1309/2013. That application complies with the requirements for determining a financial contribution from the EGF as laid down in Article 13 of Regulation (EU) No 1309/2013.
- (4) In accordance with Article 6(2) of Regulation (EU) No 1309/2013, Greece has decided to provide personalised services co-financed by the EGF also to 543 young persons not in employment, education or training (NEETs).
- (5) The EGF should, therefore, be mobilised in order to provide a financial contribution of EUR 6 468 000 in respect of the application submitted by Greece.
- (6) In order to minimise the time taken to mobilise the EGF, this decision should apply from the date of its adoption,

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 855.

<sup>(2)</sup> OJ C 373, 20.12.2013, p. 1.

<sup>(3)</sup> Council Regulation (EU, Euratom) No 1311/2013 of 2 December 2013 laying down the multiannual financial framework for the years 2014-2020 (OJ L 347, 20.12.2013, p. 884).

HAVE ADOPTED THIS DECISION:

*Article 1*

For the general budget of the European Union for the financial year 2016, the European Globalisation Adjustment Fund shall be mobilised to provide the sum of EUR 6 468 000 in commitment and payment appropriations.

*Article 2*

This Decision shall enter into force on the day of its publication in the *Official Journal of the European Union*. It shall apply from 8 June 2016.

Done at Strasbourg, 8 June 2016.

*For the European Parliament*

*The President*

M. SCHULZ

*For the Council*

*The President*

A.G. KOENDERS

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**COUNCIL DECISION (EU) 2016/991****of 9 June 2016****appointing an alternate member, proposed by the Kingdom of Spain of the Committee of the Regions**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal of the Spanish Government,

Whereas:

- (1) On 26 January 2015, 5 February 2015 and 23 June 2015, the Council adopted Decisions (EU) 2015/116 <sup>(1)</sup>, (EU) 2015/190 <sup>(2)</sup> and (EU) 2015/994 <sup>(3)</sup> appointing the members and alternate members of the Committee of the Regions for the period from 26 January 2015 to 25 January 2020. On 9 October 2015, by Council Decision (EU) 2015/1915 <sup>(4)</sup>, Mr Esteban MAS PORTELL was replaced by Mr Marc PONS i PONS as an alternate member.
- (2) An alternate member's seat on the Committee of the Regions has become vacant following the end of the term of office of Mr Marc PONS i PONS,

HAS ADOPTED THIS DECISION:

*Article 1*

The following is hereby appointed as an alternate member of the Committee of the Regions for the remainder of the current term of office, which runs until 25 January 2020:

— Sra. Pilar COSTA i SERRA, *Consejera de Presidencia del Gobierno de las Islas Baleares*.

*Article 2*

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

Done at Luxembourg, 9 June 2016.

*For the Council*

*The President*

G.A. VAN DER STEUR

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

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

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

<sup>(4)</sup> Council Decision (EU) 2015/1915 of 9 October 2015 appointing two Spanish members and three Spanish alternate members of the Committee of the Regions (OJ L 280, 24.10.2015, p. 26)



**COUNCIL IMPLEMENTING DECISION (EU) 2016/992****of 16 June 2016****amending Implementing Decision 2014/170/EU establishing a list of non-cooperating third countries in fighting IUU fishing pursuant to Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing as regards Sri Lanka**

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EC) No 1005/2008 of 29 September 2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing, amending Regulations (EEC) No 2847/93, (EC) No 1936/2001 and (EC) No 601/2004 and repealing Regulations (EC) No 1093/94 and (EC) No 1447/1999 <sup>(1)</sup>, and in particular Article 34(1) thereof,

Having regard to the proposal from the European Commission,

Whereas:

**1. INTRODUCTION**

- (1) Regulation (EC) No 1005/2008 establishes a Union system to prevent, deter and eliminate illegal, unreported and unregulated (IUU) fishing.
- (2) Chapter VI of Regulation (EC) No 1005/2008 lays down the procedure with respect to the identification of non-cooperating third countries and *démarches* in respect of countries identified as non-cooperating third countries, and establishes a list of non-cooperating third countries, the procedure for removal from the list of non-cooperating third countries, and provides for the publication of the list of non-cooperating third countries and any emergency measures.
- (3) In accordance with Article 32 of Regulation (EC) No 1005/2008, by Decision of 15 November 2012 <sup>(2)</sup> ('Decision of 15 November 2012'), the Commission notified eight third countries of the possibility of their being identified as countries which the Commission considered as non-cooperating third countries. The Democratic Socialist Republic of Sri Lanka was among those countries.
- (4) In the Decision of 15 November 2012 the Commission included information concerning the essential facts and considerations supporting that possibility.
- (5) Also on 15 November 2012, the Commission notified the eight third countries by separate letters that it was considering the possibility of identifying them as non-cooperating third countries. Sri Lanka was among those countries.
- (6) By Implementing Decision 2014/715/EU <sup>(3)</sup>, the Commission identified Sri Lanka as a non-cooperating third country in fighting IUU fishing. In accordance with Regulation (EC) No 1005/2008, the Commission stated the reasons for which it considered that Sri Lanka had failed to discharge its duties under international law, as flag, port, coastal or market State, to take action prevent, deter and eliminate IUU fishing.

<sup>(1)</sup> OJ L 286, 29.10.2008, p. 1.

<sup>(2)</sup> Commission Decision of 15 November 2012 on notifying the third countries that the Commission considers as possible of being identified as non-cooperating third countries pursuant to Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (OJ C 354, 17.11.2012, p. 1).

<sup>(3)</sup> Commission Implementing Decision 2014/715/EU of 14 October 2014 identifying a third country that the Commission considers as a non-cooperating third country pursuant to Council Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (OJ L 297, 15.10.2014, p. 13).

- (7) In accordance with Article 33 of Regulation (EC) No 1005/2008, the Council, by Implementing Decision (EU) 2015/200 <sup>(1)</sup>, amended the list of non-cooperating third countries in fighting IUU fishing by adding Sri Lanka.
- (8) Following that amendment, the Commission offered to Sri Lanka the opportunity to continue the dialogue in line with the substantive and procedural requirements laid out in Regulation (EC) No 1005/2008. The Commission continued to seek and verify all information it considered necessary, including oral and written comments, aiming at giving to Sri Lanka the opportunity to rectify the situation that warranted its listing, and to take concrete measures capable of remedying the failures that had been identified. That process resulted in the acknowledgement by the Commission that Sri Lanka has rectified the situation and taken remedial action.
- (9) Pursuant to Article 34(1) of Regulation (EC) No 1005/2008, the Council should therefore amend Implementing Decision 2014/170/EU <sup>(2)</sup> by removing Sri Lanka from the list of non-cooperating third countries.
- (10) Upon the adoption of this Decision removing Sri Lanka from the list of non-cooperating third countries in accordance with Article 34(1) of the Regulation (EC) No 1005/2008, Implementing Decision 2014/715/EU identifying Sri Lanka as a non-cooperating third country should be no longer relevant.

## 2. REMOVAL OF SRI LANKA FROM THE LIST OF NON-COOPERATING THIRD COUNTRIES

- (11) Following the adoption of Implementing Decision 2014/715/EU and Implementing Decision (EU) 2015/200, the Commission continued its dialogue with Sri Lanka. In particular, Sri Lanka appears to have implemented its international law obligations and has adopted an adequate legal framework for fighting IUU fishing. It has introduced an adequate and efficient monitoring, control and inspection scheme by introducing logbooks to record catch data, plus radio call signs for fishing vessels and equipping the entire high seas fleet with a Vessel Monitoring System ('VMS'). It has also created a deterrent sanctioning system, revised its fisheries legal framework and ensured the proper implementation of the catch certification scheme. Furthermore, Sri Lanka continued to improve its compliance with its international obligations, including those stemming from Regional Fisheries Management Organisations' (RFMO) recommendations and resolutions, such as Port State Control measures and transposition of RFMO rules, into Sri Lankan law and has adopted its own National Plan of Action against IUU, in line with the International Plan of Action against Illegal, Unreported and Unregulated fishing of the United Nations.
- (12) The Commission reviewed Sri Lanka's compliance with its international obligations as flag, port, coastal or market State in line with the findings in the Decision of 15 November 2012, Implementing Decision 2014/715/EU and Implementing Decision (EU) 2015/200, and with relevant information provided by Sri Lanka. It also considered the measures taken to rectify the situation as well as the guarantees provided by the competent authorities of Sri Lanka.
- (13) The Commission concluded, on the basis of the above, that the actions undertaken by Sri Lanka in the light of its duties as flag State are sufficient to comply with Articles 94, 117 and 118 of United Nations Convention on the Law of the Sea and Articles 18, 19, 20 and 23 of United Nations Fish Stocks Agreement. The Commission concluded that the elements put forward by Sri Lanka demonstrate that the situation which warranted the listing of Sri Lanka has been rectified and that Sri Lanka has taken concrete measures capable of achieving a lasting improvement of the situation.
- (14) In the light of all those circumstances and pursuant to Article 34(1) of Regulation (EC) No 1005/2008, the Council should conclude that Sri Lanka be removed from the list of non-cooperating third countries. Implementing Decision 2014/170/EU should therefore be amended accordingly.
- (15) This Decision does not preclude any subsequent steps that might be taken by the Council or the Commission, in line with Chapter VI of the Regulation (EC) No 1005/2008, in the event factual elements were to reveal that Sri Lanka has failed to discharge the duties incumbent upon it under international law as flag, port, coastal or market State, to take action to prevent, deter and eliminate IUU fishing.

<sup>(1)</sup> Council Implementing Decision (EU) 2015/200 of 26 January 2015 amending Implementing Decision 2014/170/EU establishing a list of non-cooperating third countries in fighting IUU fishing pursuant to Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing as regards Sri Lanka (OJ L 33, 10.2.2015, p. 15).

<sup>(2)</sup> Council Implementing Decision 2014/170/EU of 24 March 2014 establishing a list of non-cooperating third countries in fighting IUU fishing pursuant to Regulation (EC) No 1005/2008 establishing a Community system to prevent, deter and eliminate illegal, unreported and unregulated fishing (OJ L 91, 27.3.2014, p. 43).

- (16) In the light of the adverse consequences caused by listing as a non-cooperating third country, it is appropriate to give immediate effect to the delisting of Sri Lanka as non-cooperating third country,

HAS ADOPTED THIS DECISION:

*Article 1*

Sri Lanka shall be removed from the Annex to Implementing Decision 2014/170/EU.

*Article 2*

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

Done at Luxembourg, 16 June 2016.

*For the Council*  
*The President*  
L.F. ASSCHER

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**COUNCIL DECISION (CFSP) 2016/993****of 20 June 2016****amending Decision (CFSP) 2015/778 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 42(4) and Article 43(2) thereof,

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

Whereas:

- (1) On 18 May 2015, the Council adopted Decision (CFSP) 2015/778 <sup>(1)</sup>.
- (2) On 23 May 2016, the Council, in its conclusions on EUNAVFOR MED operation SOPHIA, welcomed the expressed readiness by the President of the Presidency Council of the Libyan Government of National Accord to cooperate with the Union on the basis of those conclusions, agreed to extend the mandate of EUNAVFOR MED operation SOPHIA by 1 year and, while retaining the focus on its core mandate, to add two further supporting tasks:
  - capacity building and training of, and information sharing with, the Libyan Coastguard and Navy, based on a request by the legitimate Libyan authorities taking into account the need for Libyan ownership,
  - contributing to information sharing, as well as implementation of the UN arms embargo on the high seas off the coast of Libya on the basis of a new UN Security Council Resolution.
- (3) The UN Security Council imposed, modified and reaffirmed an arms embargo on Libya by UN Security Council Resolutions (UNSCR) 1970 (2011), 1973 (2011), 2009 (2011), 2040 (2012), 2095 (2013), 2144 (2014), 2174 (2014), 2213 (2015), 2214 (2015) and 2278 (2016).
- (4) On 14 June 2016, the UN Security Council adopted UNSCR 2292 (2016) on the arms embargo on Libya, expressing in particular concern that the situation in Libya is exacerbated by the smuggling of illegal arms and related materiel.
- (5) The Council underlines the urgency to start the operational implementation of the two supporting tasks before the end of the initial mandate of EUNAVFOR MED operation SOPHIA.
- (6) Decision (CFSP) 2015/778 should be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision (CFSP) 2015/778 is amended as follows:

- (1) Article 1(1) is replaced by the following:

‘1. The Union shall conduct a military crisis management operation contributing to the disruption of the business model of human smuggling and trafficking networks in the Southern Central Mediterranean (EUNAVFORMED operation SOPHIA), achieved by undertaking systematic efforts to identify, capture and dispose of vessels and assets used or suspected of being used by smugglers and traffickers, in accordance with applicable international law, including UNCLOS and any UN Security Council Resolution. To that end, EUNAVFOR MED operation SOPHIA shall also provide training to the Libyan Coast Guard and Navy. In addition, the operation shall contribute to preventing arms trafficking within its agreed area of operation in accordance with UNSCR 1970 (2011) and subsequent Resolutions on the arms embargo on Libya, including UNSCR 2292 (2016).’;

<sup>(1)</sup> Council Decision (CFSP) 2015/778 of 18 May 2015 on a European Union military operation in the Southern Central Mediterranean (EUNAVFOR MED operation SOPHIA) (OJ L 122, 19.5.2015, p. 31).

(2) in Article 2(2), the first sentence is replaced by the following:

‘As regards its core tasks in relation to human smuggling and trafficking, EUNAVFOR MED operation SOPHIA shall be conducted in sequential phases, and in accordance with the requirements of international law.’;

(3) the following Articles are inserted:

*‘Article 2a*

#### **Capacity building and training of Libyan Coast Guard and Navy**

1. As a supporting task, EUNAVFOR MED operation SOPHIA shall assist in the development of the capacities and in the training of the Libyan Coast Guard and Navy in law enforcement tasks at sea, in particular to prevent human smuggling and trafficking.

2. When the PSC decides that the necessary preparations have been made, in particular as regards force generation and vetting procedures for the trainees, the supporting task referred to in paragraph 1 shall be carried out on the high seas in EUNAVFOR MED operation SOPHIA’s agreed area of operation as defined in the relevant planning documents.

3. The supporting task referred to in paragraph 1 may also be carried out in the territory, including the territorial waters, of Libya or of a host third State neighbouring Libya where the PSC so decides following an assessment by the Council on the basis of an invitation by Libya or the host State concerned, and in accordance with international law.

4. In view of the exceptional operational requirements, part of the supporting task referred to in paragraph 1 may be conducted, by invitation, within a Member State, including in relevant training centres.

5. Insofar as required by the supporting task referred to in paragraph 1 EUNAVFOR MED operation SOPHIA may collect, store and share with Member States, UNSMIL, EUROPOL and Frontex the information, including personal data, gathered for the purpose of vetting procedures on possible trainees, provided that they have given their consent in writing. Moreover, EUNAVFOR MED operation SOPHIA may collect and store necessary medical information and biometric data on trainees with their written consent.

*Article 2b*

#### **Contributing to information sharing and implementation of the UN arms embargo on the high seas off the coast of Libya**

1. As part of its supporting task to contribute to the implementation of the UN arms embargo on the high seas off the coast of Libya, EUNAVFOR MED operation SOPHIA shall gather and share information with relevant partners and agencies through the mechanisms in the planning documents in order to contribute to a comprehensive maritime situational awareness in the agreed area of operation as defined in the relevant planning documents. Where such information is classified up to “RESTREINT UE/EU RESTRICTED” level, it may be shared with relevant partners and agencies in accordance with Decision 2013/488/EU and based on Arrangements concluded between the HR and those partners, in full respect of the principles of reciprocity and inclusiveness. Classified information received shall be handled by EUNAVFOR MED operation SOPHIA without any distinction between its staff and solely on the basis of operational requirements.

2. When the PSC decides that the relevant conditions are met, EUNAVFOR MED operation SOPHIA shall commence, within the agreed area of operation, as defined in the relevant planning documents, on the high seas off the coast of Libya, inspections of vessels bound to or from Libya where there are reasonable grounds to believe that such vessels are carrying arms or related materiel to or from Libya, directly or indirectly, in violation of the arms embargo on Libya, and shall take relevant action to seize and dispose of such items, including with a view to diverting such vessels and their crews to a suitable port to facilitate such disposal, with the consent of the port State, in accordance with the relevant UN Security Council Resolutions, including UNSCR 2292 (2016).

3. In accordance with the relevant UN Security Council Resolutions, including UNSCR 2292 (2016), EUNAVFOR MED operation SOPHIA may, in the course of inspections carried out in accordance with paragraph 2, collect evidence directly related to the carriage of items prohibited under the arms embargo on Libya. It may transmit such evidence to the relevant law enforcement authorities of Member States and/or to competent Union bodies.’;

(4) in Article 11, paragraph 2 is replaced by the following:

‘2. For the period from 18 May 2015 to 27 July 2016, the reference amount for the common costs of EUNAVFOR MED operation SOPHIA shall be EUR 11,82 million. The percentage of the reference amount referred to in Article 25(1) of Decision (CFSP) 2015/528 shall be 70 % in commitments and 40 % for payments.’;

(5) in Article 11, the following paragraph is added:

‘3. For the period 28 July 2016 to 27 July 2017, the reference amount for the common costs of EUNAVFOR MED operation SOPHIA shall be EUR 6 700 000. The percentage of the reference amount referred to in Article 25(1) of Decision (CFSP) 2015/528 shall be 0 % in commitments and 0 % for payments.’;

(6) in Article 12, the following paragraph is added:

‘3a. In the event of specific operational need, the HR shall be authorised to release to legitimate Libyan authorities any EU classified information up to “RESTREINT UE/EU RESTRICTED” level generated for the purposes of EUNAVFOR MED operation SOPHIA, in accordance with Decision 2013/488/EU. Arrangements between the HR and the competent authorities of Libya shall be drawn up for this purpose.’;

(7) in Article 13, the second paragraph is replaced by the following:

‘EUNAVFOR MED operation SOPHIA shall end on 27 July 2017.’.

#### *Article 2*

#### **Entry into force**

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

Done at Luxembourg, 20 June 2016.

*For the Council*  
*The President*  
F. MOGHERINI

**COUNCIL DECISION (CFSP) 2016/994****of 20 June 2016****repealing Common Position 2008/109/CFSP concerning restrictive measures imposed against Liberia**

THE COUNCIL OF THE EUROPEAN UNION,

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

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

Whereas:

- (1) On 12 February 2008, the Council adopted Common Position 2008/109/CFSP<sup>(1)</sup> concerning restrictive measures against Liberia that provided for an arms embargo.
- (2) On 25 May 2016, the United Nations Security Council adopted UNSCR 2288 (2016) with regard to Liberia, terminating, with immediate effect, the measures on arms previously set out in paragraph 2 of UNSCR 1521 (2003) and modified by paragraphs 1 and 2 of UNSCR 1683 (2006), by paragraph 1(b) of UNSCR 1731 (2006), by paragraphs 3, 4, 5 and 6 of UNSCR 1903 (2009), by paragraph 3 of UNSCR 1961 (2010) and by paragraph 2(b) of UNSCR 2128 (2013).
- (3) Common Position 2008/109/CFSP should therefore be repealed,

HAS ADOPTED THIS DECISION:

*Article 1*

Common Position 2008/109/CFSP is repealed.

*Article 2*

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

Done at Luxembourg, 20 June 2016.

*For the Council*  
*The President*  
F. MOGHERINI

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<sup>(1)</sup> Council Common Position 2008/109/CFSP of 12 February 2008 concerning restrictive measures imposed against Liberia (OJ L 38, 13.2.2008, p. 26).

**COMMISSION DECISION (EU) 2016/995****of 26 October 2015****on the State aid SA.24571 — 2009/C (ex C 1/09, ex NN 69/08) granted by Hungary to MOL Nyrt.***(notified under document C(2015) 7324)***(Only the Hungarian text is authentic)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 108(2) thereof,

Having regard to the Agreement on the European Economic Area, and in particular Article 62(1)(a) thereof,

Having regard to the decision by which the Commission decided to initiate the procedure laid down in Article 108(2) of the Treaty on the Functioning of the European Union, in respect of the aid SA.24571 (ex C 1/09, ex NN 69/08) <sup>(1)</sup>,

Having called on interested parties to submit their comments pursuant to the provisions cited above, and having regard to their comments,

Whereas:

**1. BACKGROUND****1.1. Measures at issue**

- (1) The general rules governing mining activities in Hungary are laid down in the 1993 Act on Mining <sup>(2)</sup> ('the Mining Act'). The Mining Act distinguishes mining activities exercised on the basis of two different legal instruments: (i) concession <sup>(3)</sup>; and (ii) authorisation <sup>(4)</sup>. In both cases the extraction of mineral resources is subject to a mining fee payable to the state constituting a percentage of the value of the minerals extracted.
- (2) The Mining Act stipulates that where a mining company which obtained the mining authorisation does not start extraction within five years from the date of the authorisation, the mining right is withdrawn. However, according to Section 26/A (5) of the Mining Act this deadline may be extended by agreement between the mining authority and the mining company. In such case the mining company shall pay a fee which is higher than the fee applied at the time of the original application but at no more than 1,2 times the original level.
- (3) Hungarian Oil & Gas Plc (*Magyar Olaj- és Gázipari Nyrt.*; 'MOL') obtained several authorisations to extract hydrocarbons. Since MOL did not start the extraction of hydrocarbons within five years from the date of the authorisations, on 22 December 2005 the competent minister concluded an extension agreement ('the 2005 agreement') with MOL. The 2005 agreement provided for an extension fee calculated on a yearly basis until 2020 by using the original authorisation mining fee of 12 % and a multiplier ranging between 1,020 and 1,050.
- (4) On the basis of the amendment to the Mining Act that which entered into force on 8 January 2008, the mining fee for authorisations to extract hydrocarbons was increased from 12 % to 30 % of the value of the minerals extracted <sup>(5)</sup> ('the 2008 amendment to the Mining Act'). The increased fee was not applicable to those operators whose mining authorisations had previously been extended.

<sup>(1)</sup> OJ C 74, 28.3.2009, p. 63.

<sup>(2)</sup> 1993. évi XLVIII. Törvény a bányászatról (Act No XLVIII of 1993 on Mining).

<sup>(3)</sup> Concessions concern so called 'closed areas' considered to be rich in minerals and highly valuable. Concessions are granted by the competent national authority to successful bidders following an open tender procedure.

<sup>(4)</sup> Authorisations concern so called 'open areas' considered to be less rich in minerals and less valuable. Authorisations cannot be refused by the competent national authority if the applicant fulfils the conditions laid down by law.

<sup>(5)</sup> This increase concerned the fields put into production between 1 January 1998 and 1 January 2008.



### 1.2. Opening of the formal investigation

- (5) On 13 January 2009, the Commission decided to initiate the formal investigation procedure laid down in Article 108(2) of the Treaty on the Functioning of the European Union <sup>(6)</sup> ("TFEU") into measures put in place by Hungary allegedly constituting State aid in favour of MOL. The Commission Decision of 13 January 2009 concerning the case SA.24571 (ex C 1/09; ex NN 69/08) ('the opening decision') was published in the *Official Journal of the European Union* on 28 March 2009 <sup>(7)</sup>.
- (6) In the opening decision the Commission expressed its concerns as to whether the combined sequence of actions undertaken by Hungary led to a selective advantage being granted to MOL. The sequence of actions was composed of two elements: the 2005 agreement and the 2008 amendment to the Mining Act. In the preliminary assessment of the Commission, the Hungarian authorities treated MOL more favourably than its competitors operating under the same authorisation regime.

### 1.3. Closing of the formal investigation

- (7) By its Decision 2011/88/EU <sup>(8)</sup> on State aid SA.24571 (ex C 1/09; ex NN 69/08) granted by Hungary to MOL ('the contested decision'), the Commission concluded that the measure in favour of MOL, i.e. the combination of the 2005 agreement and the 2008 amendment to the Mining Act, constituted State aid incompatible with the internal market within the meaning of Article 107(1) TFEU. The Commission requested that Hungary recover the aid from MOL in order to re-establish the situation that existed on the market before it was granted <sup>(9)</sup>.

### 1.4. The General Court judgment of 12 November 2013 in Case T-499/10, MOL Nyrt. v European Commission

- (8) Following an action brought by MOL, the General Court by its judgment of 12 November 2013 in Case T-499/10 <sup>(10)</sup> annulled the contested decision on the ground that the selectivity of the measure had not been established.
- (9) The General Court concluded that the 2005 agreement was not selective. The General Court stated that the scope of discretion of the Hungarian authorities enabled them to preserve equal treatment between mining companies in a comparable situation. Therefore, in view of the General Court, if conditions external to an agreement which does not involve State aid change later on in such a way that the party to such agreement is in an advantageous position vis-à-vis other operators that have not concluded a similar agreement, this should not be sufficient to consider the agreement and the subsequent modification of the conditions external to that agreement as constituting State aid.

### 1.5. The European Court of Justice judgment of 4 June 2015 in Case C-15/14 P, European Commission v MOL Nyrt.

- (10) By its judgment of 4 June 2015 in Case C-15/14 P <sup>(11)</sup>, the Court of Justice upheld the judgment of the General Court annulling the contested decision.
- (11) In its ruling, the Court of Justice confirmed the General Court's assessment that the selective nature of the 2005 agreement was not established and that the combination of the 2005 agreement and the 2008 amendment to the Mining Act could not be categorised as a single State aid measure for the purposes of Article 107(1) TFEU.

<sup>(6)</sup> OJ C 115, 9.5.2008, p. 92.

<sup>(7)</sup> See footnote 1.

<sup>(8)</sup> Commission Decision 2011/88/EU of 9 June 2010 on state aid C 1/09 (ex NN 69/08) granted by Hungary to MOL Nyrt. (OJ L 34, 9.2.2011, p. 55).

<sup>(9)</sup> The amount to be recovered was HUF 28 444,7 million for 2008 and HUF 1 942,1 million for 2009. As regards 2010, in respect of mining fee payments already made, the amount to be recovered was supposed to be calculated by Hungary, in the same way as for 2008 and 2009, until the measure was abolished.

<sup>(10)</sup> Case T-499/10 MOL v Commission, EU:T:2013:592.

<sup>(11)</sup> Case C-15/14 P Commission v MOL, EU:C:2015:362.

- (12) The Court of Justice underlined that there is a fundamental difference between the assessment of the selectivity of general schemes for exemption or relief which by definition confer an advantage and the assessment of the selectivity of optional provisions of national law prescribing the imposition of additional charges. In cases in which the national authorities impose additional charges in order to maintain equal treatment between operators, the simple fact that those authorities enjoy discretion defined by law, and not unlimited, cannot be sufficient to establish that the corresponding scheme is selective.
- (13) For the above reason, according to the Court of Justice, the present case can be distinguished from cases in which the exercise of such a margin is connected with the grant of an advantage in favour of a specific economic operator <sup>(12)</sup>.
- (14) Furthermore, the Court of Justice stated that the legal framework by which the national authorities impose additional charges in order to maintain equal treatment between operators could be only considered as selective if the national authorities while exercising their margin of assessment would favour certain operators without any objective reason.
- (15) The Court of Justice pointed out that in the present case there was no evidence that the Hungarian authorities, when exercising their power to increase the mining fees in the event of an extension of authorisation, treated MOL in unjustified, favourable manner <sup>(13)</sup>.
- (16) Therefore, the Court of Justice concluded that the legal framework governing the conclusion of the extension agreements cannot be considered as selective in the present case.
- (17) With reference to the combined sequence of actions constituting a single State aid measure, the Court of Justice made reference to the case-law, by stating that a single aid measure may consist of combined elements on condition that, having regard to their chronology, their purpose and the circumstances of the undertaking at the time of their intervention, they are so closely linked to each other that they are inseparable from one another <sup>(14)</sup>.
- (18) Nevertheless, in the present case, the Court of Justice underlined that the increase in mining fees, which entered into force in 2008, occurred in a context of an increase in international crude oil prices, i.e. the state exercised its regulatory power in an objectively justified manner following a market evolution. Furthermore, there were no indications that the 2005 agreement had been concluded in anticipation of the 2008 amendment <sup>(15)</sup>.
- (19) Therefore, the Court of Justice concluded that there was no chronological and/or functional link between the 2005 agreement and the 2008 amendment to the Mining Act that could allow them to be interpreted as a single State aid measure.

## 2. PROCEDURE

- (20) In view of the annulment of the contested decision by the Court, the formal investigation procedure remains open. Indeed, neither the General Court nor the Court of Justice had considered that the opening decision in the present case was vitiated by any error. The Commission has therefore to adopt a final decision remedying the defects identified by the EU Courts.

## 3. ASSESSMENT

- (21) Article 107(1) TFEU provides that any aid granted by a Member State or through State resources in any form whatsoever, which distorts or threatens to distort competition by favouring certain undertakings or the production of certain goods and affects trade among Member States, is incompatible with the internal market. Those conditions are cumulative. If one of them is not met, the measure at hand does not qualify as State aid within the meaning of Article 107(1) TFEU.

<sup>(12)</sup> Judgment in Case C-15/14 P; see footnote 11 above; paragraphs 64, 65 and 69.

<sup>(13)</sup> Judgment in Case C-15/14 P; see footnote 11 above; paragraphs 66 and 69.

<sup>(14)</sup> Judgment in Case C-15/14 P; see footnote 11 above; paragraph 92.

<sup>(15)</sup> Judgment in Case C-15/14 P; see footnote 11 above; paragraphs 96 and 98.

- (22) In the circumstances of the present case, it is appropriate to confine the assessment to the condition of selectivity.

### 3.1. Selectivity

- (23) To be considered State aid, a measure must be specific or selective in that it favours only certain undertakings or the production of certain goods.
- (24) As described above in recitals 12 and 13, Section 26/A (5) of the Mining Act does not constitute a general scheme for an exemption or relief provided to certain undertakings. On the contrary, it allows the Hungarian authorities to impose a higher extension fee for the extension of mining authorisations. The same terms and conditions are applied to all operators in a comparable factual and legal situation.
- (25) As described above in recitals 14 and 15, there is no evidence of unjustified favourable treatment of MOL by the Hungarian authorities in relation to any other operator that could have been potentially in a comparable situation. The fact that the Hungarian authorities enjoy a certain level of discretion which is defined by law but not unlimited when fixing the extension fee cannot be sufficient to establish that the legal framework set out under Section 26/A (5) of the Mining Act is selective.
- (26) With reference to the combined effects of the 2005 agreement and the 2008 amendment to the Mining Act, the Commission notes that in line with the case-law of the Court of Justice a single aid measure may consist of combined elements on condition that, having regard to their chronology, their purpose and the circumstances of the undertaking at the time of their intervention, they are so closely linked to each other that they are inseparable from one another <sup>(16)</sup>.
- (27) However, in the present case, as described above in recital 18, there is no evidence that Hungary signed the 2005 agreement while having already at that time an intention to subsequently increase the mining fee to the detriment of other market operators already present on the market on the date when that agreement was signed or of new operators. The increase in the mining fees imposed on the basis of the 2008 amendment to the Mining Act occurred in a context of an increase in international prices.
- (28) Therefore, as described above in recital 19, since there is no chronological and/or functional link between the 2005 agreement and 2008 amendment to the Mining Act, they cannot be interpreted as constituting a single aid measure.

### 3.2. Conclusion on assessment

- (29) On the basis of the foregoing, the Commission concludes that the sequence of actions undertaken by Hungary, i.e. the 2005 extension agreement and the subsequent amendment to the Mining Act, was not selective towards MOL.
- (30) Considering that the sequence of actions composed of the 2005 agreement and the subsequent amendment to the Mining Act is not selective, it is not necessary to assess whether the other conditions for State aid under Article 107(1) TFEU exist.

## 4. CONCLUSION

- (31) In the light of the above, the re-assessment of the alleged aid which was the object of the opening decision leads to the conclusion that the measure in favour of MOL under scrutiny, i.e. the combination of the 2005 agreement and the 2008 amendment to the Mining Act does not constitute State aid within the meaning of Article 107(1) TFEU,

<sup>(16)</sup> Joined Cases C-399/10 P and C-401/10 P *Bouygues and Bouygues Télécom v Commission and others*, EU:C:2013:175, paragraphs 103 and 104.

HAS ADOPTED THIS DECISION:

*Article 1*

The combination of the fixed mining fee defined in the extension agreement concluded between the Hungarian State and MOL Nyrt. on 22 December 2005 and the subsequent amendments to Act XLVIII of 1993 on Mining does not constitute State aid to MOL Nyrt. within the meaning of Article 107(1) TFEU.

*Article 2*

This Decision is addressed to Hungary.

Done at Brussels, 26 October 2015.

*For the Commission*  
Margrethe VESTAGER  
*Member of the Commission*

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