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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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II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1038

of 27 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 ⁽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*.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ OJ L 157, 15.6.2011, p. 1.

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

Done at Brussels, 27 June 2016.

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

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	152,3
	ZZ	152,3
0709 93 10	TR	130,4
	ZZ	130,4
0805 50 10	AR	147,9
	CL	182,0
	MA	174,9
	UY	196,2
	ZA	179,3
	ZZ	176,1
	0808 10 80	AR
0809 10 00	BR	101,6
	CL	135,4
	CN	75,7
	NZ	149,9
	US	161,9
	ZA	114,5
	ZZ	124,2
	TR	232,2
	ZA	254,4
	ZZ	243,3
0809 29 00	TR	368,8
	ZZ	368,8
0809 30 10, 0809 30 90	TR	155,9
	ZZ	155,9
0809 40 05	TR	148,6
	ZZ	148,6

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

DECISIONS

COUNCIL DECISION (EU) 2016/1039

of 16 June 2016

establishing the position to be taken on behalf of the European Union within the General Council of the World Trade Organization on the European Union request for an extension of the WTO waiver relating to the autonomous preferential regime for the Western Balkans

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Paragraphs 3 and 4 of Article IX of the Marrakesh Agreement establishing the World Trade Organization ('WTO Agreement') set out the procedures for waiving an obligation imposed on a Member by the WTO Agreement or by any of the Multilateral Trade Agreements.
- (2) Council Regulation (EC) No 2007/2000 ⁽¹⁾ introducing duty-free or preferential treatment to products originating in the Western Balkans (Albania, Bosnia and Herzegovina, Croatia, the former Yugoslav Republic of Macedonia, Kosovo ^(*), Montenegro and Serbia) was substantially amended several times and codified by Council Regulation (EC) No 1215/2009 ⁽²⁾. Regulation (EU) No 1336/2011 of the European Parliament and of the Council ⁽³⁾ extended the granting of the autonomous trade preferences until 31 December 2015.

Council Regulation (EU) No 517/2013 ⁽⁴⁾ removed Croatia from the scope of Regulation (EC) No 1215/2009, following its accession to the European Union. Regulation (EU) 2015/2423 of the European Parliament and of the Council ⁽⁵⁾ extends the granting of the autonomous trade preferences until 31 December 2020. Regulation (EC) No 1215/2009, as most recently amended, provides for free access to the Union market for products originating in the Western Balkan countries and territories, except for certain agricultural products, which benefit from limited concessions in the form of duty free tariff quotas.
- (3) In the absence of a waiver from the obligations of the Union under paragraph 1 of Article I of the General Agreement on Tariffs and Trade (GATT) 1994 and Article XIII GATT 1994, to the extent necessary, the treatment provided by the autonomous trade preferences would need to be extended to all other Members of the World Trade Organization (WTO).

⁽¹⁾ Council Regulation (EC) No 2007/2000 of 18 September 2000 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process, amending Regulation (EC) No 2820/98, and repealing Regulations (EC) No 1763/1999 and (EC) No 6/2000 (OJ L 240, 23.9.2000, p. 1).

^(*) This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

⁽²⁾ Council Regulation (EC) No 1215/2009 of 30 November 2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process (OJ L 328, 15.12.2009, p. 1).

⁽³⁾ Regulation (EU) No 1336/2011 of the European Parliament and of the Council of 13 December 2011 amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's Stabilisation and Association process (OJ L 347, 30.12.2011, p. 1).

⁽⁴⁾ Council Regulation (EU) No 517/2013 of 13 May 2013 adapting certain regulations and decisions in the fields of free movement of goods, freedom of movement for persons, company law, competition policy, agriculture, food safety, veterinary and phytosanitary policy, transport policy, energy, taxation, statistics, trans-European networks, judiciary and fundamental rights, justice, freedom and security, environment, customs union, external relations, foreign, security and defence policy and institutions, by reason of the accession of the Republic of Croatia (OJ L 158, 10.6.2013, p. 1).

⁽⁵⁾ Regulation (EU) 2015/2423 of the European Parliament and of the Council of 16 December 2015 amending Council Regulation (EC) No 1215/2009 introducing exceptional trade measures for countries and territories participating in or linked to the European Union's stabilisation and association process and suspending its application with regard to Bosnia and Herzegovina (OJ L 341, 24.12.2015, p. 18).

- (4) It is in the interest of the Union to request an extension of the WTO waiver on autonomous trade preferences granted by the Union to the Western Balkans pursuant to paragraph 3 of Article IX of the WTO Agreement.
- (5) The Union is required to submit such a request to the WTO.
- (6) It is appropriate, therefore, to establish the position to be taken by the Union within the General Council of the WTO concerning this request,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on behalf of the European Union within the General Council of the World Trade Organization shall be to request an extension of the existing WTO waiver on the autonomous trade preferences granted by the Union to the Western Balkans until 31 December 2021, and to support the adoption of that request.

That position shall be expressed by the Commission.

Article 2

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

Done at Luxembourg, 16 June 2016.

For the Council
The President
L.F. ASSCHER

COMMISSION IMPLEMENTING DECISION (EU) 2016/1040**of 24 June 2016****on granting a derogation requested by Italian Republic with regard to the Regions of Lombardia and Piemonte pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources***(notified under document C(2016) 3820)***(Only the Italian text is authentic)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources ⁽¹⁾ and, in particular, the third subparagraph of paragraph 2 of Annex III thereto,

Whereas:

- (1) If the amount of manure that a Member State intends to apply per hectare each year is different from those specified in the first sentence of the second subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC and in point (a) of that subparagraph, that amount is to be fixed so as not to prejudice the achievement of the objectives specified in Article 1 of that Directive and it has to be justified on the basis of objective criteria, such as long growing seasons and crops with high nitrogen uptake.
- (2) On 3 November 2011, the Commission adopted Implementing Decision 2011/721/EU ⁽²⁾, allowing Italy to authorise in the regions of Emilia Romagna, Lombardia, Piemonte and Veneto, under certain conditions, the application of up to 250 kg nitrogen per hectare per year from cattle manure and treated pig manure on farms with at least 70 % of crops with high nitrogen demand and long growing season.
- (3) The derogation granted by Implementing Decision 2011/721/EU concerned approximately 300 farms and 13 000 ha of land and expired on 31 December 2015.
- (4) On 20 January 2016, Italy submitted to the Commission a request for a derogation under the third subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC with regard to the Regions of Lombardia and Piemonte.
- (5) The requested derogation concerns the intention of Italy to allow the application in the Regions of Lombardia and Piemonte of up to 250 kg nitrogen per hectare per year from cattle manure and treated pig manure on farms with at least 70 % of crops with high nitrogen demand and long growing season. Approximately 600 cattle farms and 60 pig farms in the Regions of Lombardia and Piemonte corresponding to respectively 15 % and 6 % of total cattle and total pig farms in the same regions, 4 % of the Utilized Agricultural Area (UAA) and 14 % of the total dairy livestock and 7,4 % of total pig numbers in the same regions are estimated to be potentially encompassed by the derogation. Arable farms can also apply for the derogation.
- (6) The legislation implementing Directive 91/676/EEC and establishing the action programmes in Lombardia (Decision n. X/5171 of 16 May 2016) and Piemonte (Decision n. 19/2971 of 29 February 2016) has been adopted and applies in conjunction with this Decision for the period 2016 to 2019.
- (7) The designated vulnerable zones to which the action programmes apply cover about 80 % of the UAA of Lombardia and 44 % of the UAA of Piemonte.

⁽¹⁾ OJ L 375, 31.12.1991, p. 1.

⁽²⁾ Commission Implementing Decision 2011/721/EU of 3 November 2011 on granting a derogation requested by Italy with regard to the Regions of Emilia Romagna, Lombardia, Piemonte and Veneto pursuant to Council Directive 91/676/EEC concerning the protection of waters against pollution caused by nitrates from agricultural sources (OJ L 287, 4.11.2011, p. 36).

- (8) Water quality data submitted show that for groundwater in the Regions of Lombardia and Piemonte 87 % of groundwater bodies have mean nitrate concentrations below 50 mg/l nitrate and 55 % have mean nitrate concentrations below 25 mg/l nitrate. For surface waters, more than 90 % of monitoring sites have mean nitrate concentrations below 25 mg/l and no points have nitrate concentrations over 50 mg/l nitrate.
- (9) The Regions Lombardia and Piemonte account for more than 35 % of livestock in Italy: in particular, 38 % of dairy cattle, 60 % of pigs and 15 % of poultry. Livestock numbers show a decreasing trend in the period 2007-2013.
- (10) In the period 2003-2013, chemical nitrogen consumption declined about 27 %, as well as utilisation of mineral phosphorus fertilisers; the latter has been reduced by 57 %.
- (11) Grassland, maize grain, maize silage and winter cereals occupy about 65 % of the total agricultural area in Lombardia and Piemonte.
- (12) The supporting documents presented in the request for the derogation show that the proposed amount of 250 kg nitrogen per hectare per year from cattle manure and treated pig manure is justified on the basis of objective criteria such as high net precipitation, long growing seasons and high yields of crops with high nitrogen uptake.
- (13) After examining the request, the Commission considers that the proposed amount of 250 kg per hectare from cattle manure and treated pig manure will not prejudice the achievement of the objectives of Directive 91/676/EEC, subject to certain strict conditions being met.
- (14) Directive 2000/60/EC of the European Parliament and the Council ⁽¹⁾ provides for a comprehensive, cross-border approach to water protection organised around river basin districts, with the objective of achieving a good status for European bodies of water by 2015. Reducing nutrients is an integral part of that objective. Granting of a derogation under this Decision is without prejudice to the provisions pursuant to Directive 2000/60/EC and does not exclude that additional measures may be needed to fulfil obligations derived from it.
- (15) Directive 2007/2/EC of the European Parliament and of the Council ⁽²⁾ lays down general rules aimed at the establishment of the Infrastructure for Spatial Information in the Union for the purposes of environmental policies of the Union and policies or activities which may have an impact on the environment. Where applicable, the spatial information collected in the context of this Decision should be in line with the provisions set out in that Directive. In order to reduce administrative burden and enhance data coherence, Italy, when collecting the necessary data under this Decision should, where appropriate, make use of the information generated under the Integrated Administration and Control System established pursuant to Chapter II of Title V of Regulation (EU) No 1306/2013 of the European Parliament and of the Council ⁽³⁾.
- (16) The measures provided for in this Decision are in accordance with the opinion of the Nitrates Committee set up pursuant to Article 9 of Directive 91/676/EEC,

HAS ADOPTED THIS DECISION:

Article 1

Derogation

The derogation requested by Italy, with regard to Regions of Lombardia and Piemonte for the purpose of allowing a higher amount of livestock manure than that provided for in the first sentence of the second subparagraph of paragraph 2 of Annex III to Directive 91/676/EEC and in point (a) thereof, is granted, subject to the conditions laid down in this Decision.

⁽¹⁾ Directive 2000/60/EC of the European Parliament and the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1).

⁽²⁾ Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).

⁽³⁾ Regulation (EU) No 1306/2013 of the European Parliament and of the Council of 17 December 2013 on the financing, management and monitoring of the common agricultural policy and repealing Council Regulations (EEC) No 352/78, (EC) No 165/94, (EC) No 2799/98, (EC) No 814/2000, (EC) No 1290/2005 and (EC) No 485/2008 (OJ L 347, 20.12.2013, p. 549).

*Article 2***Scope**

This Decision applies on an individual basis and subject to the conditions set out in Articles 4 to 7 to farms, where 70 % or more of the acreage of the farm is cultivated with crops with high nitrogen demand and long growing season.

*Article 3***Definitions**

For the purpose of this Decision, the following definitions shall apply:

- (a) 'farms' means agricultural holdings with or without livestock rearing;
- (b) 'parcel' means an individual field or a group of fields, homogeneous regarding cropping, soil type and fertilisation practices;
- (c) 'grassland' means permanent or temporary grassland (temporary lies less than five years);
- (d) 'late maturing maize' means maize class FAO 600-700, planted from mid-March to the beginning of April, with a growing cycle of at least 145-150 days;
- (e) 'maize or sorghum followed by winter herbage' means medium-late or early maturing maize, according to FAO international classification, or sorghum followed by winter herbage, such as Italian ryegrass, barley, triticale or winter rye;
- (f) 'winter cereal followed by summer herbage' means winter wheat, winter barley or triticale, followed by summer herbage, such as maize, sorghum, *Setaria* or *Panicum* sp.;
- (g) 'crops with high nitrogen demand and long growing season' means grassland, late maturing maize, maize or sorghum followed by winter herbage and winter cereal followed by summer herbage;
- (h) 'cattle manure' means livestock manure excreted by cattle, including during grazing or in processed form;
- (i) 'manure treatment' means the processing of pig manure into two fractions, a solid fraction and a liquid fraction, performed in order to improve land application and enhance nitrogen and phosphorus recovery;
- (j) 'treated manure' means the liquid fraction resulting from pig manure treatment, with a minimum nitrogen to phosphate ratio (N/P₂O₅) of 2,5;
- (k) 'treated manure with nitrogen removal' means treated manure with a nitrogen content of less than 30 % compared to nitrogen content of the raw pig manure;
- (l) 'soils with low organic matter content' means soils with organic carbon content lower than 2 % in the top 30 centimetres of soil;
- (m) 'non-saline and low salinity soils' means those soils with electrical conductivity on saturated soil paste extract EC_e < 4 mS/cm or electrical conductivity on aqueous extract with 1:2 soil/water ratio EC 1:2 < 1 mS/cm, or areas defined as certainly not affected by risk of salinization, as indicated on the soil map defined at regional level;
- (n) 'nitrogen use efficiency' means the percentage of total nitrogen applied in livestock manure form which is available to crops in the year of application.

*Article 4***Annual application and commitment**

1. Farmers who want to benefit from a derogation under this Decision shall submit an application for derogation to the competent authorities annually by 15 February. For the year 2016, the annual application shall be submitted by 30 June 2016.

2. Together with the annual application referred to in paragraph 1 farmers shall undertake in writing to fulfil the conditions provided for in Articles 5, 6 and 7.

Article 5

Manure treatment

1. Farmers benefiting from a derogation for the application of treated pig manure shall notify each year to the competent authorities the following information:

- (a) the type of manure treatment;
- (b) the capacity and main characteristics of the treatment plant, including its efficiency;
- (c) the amount of manure sent to treatment;
- (d) the amount, the composition, including a specification of the nitrogen and phosphorus content, and the destination of the solid fraction;
- (e) the amount, the composition, including a specification of the nitrogen and phosphorus content, and the destination of the treated manure;
- (f) the estimation of gaseous losses during treatment.

2. The solid fraction resulting from manure treatment shall be stabilized in order to reduce odours and other emissions, improving agronomic and hygienic properties, facilitating handling and enhancing nitrogen and phosphate availability to crops. The resulting product shall not be applied to derogated farms. The competent authorities shall adopt measures to encourage the use of stabilized solid fraction on soils with low organic matter content. Those soils are indicated in maps established at regional level and made available to farmers.

3. The competent authorities shall establish the methodologies to assess the composition of treated manure, the variations in composition and treatment efficiency for each farm benefiting from individual derogation.

4. Ammonia and other emissions deriving from manure treatment shall be monitored by the competent authorities in representative locations for each treatment technique. On the basis of the monitoring results, competent authorities shall establish an inventory of emissions.

Article 6

Application of manure and other fertilisers

1. Subject to the conditions laid down in paragraphs 2 to 12, the amount of cattle manure, including manure excreted by the animals themselves, and treated manure applied to the land each year on farms benefiting from a derogation shall not exceed the amount of manure containing 250 kg nitrogen per hectare.

2. The total nitrogen inputs shall not exceed the foreseeable nutrient demand of the considered crop. It shall take into account the supply from the soil and the increased manure nitrogen availability due to manure treatment. It shall not exceed maximum application standards, as established in the action programmes applicable to the farm in Lombardia (Decision n. X/5171 of 16 May 2016) and Piemonte (Decision n. 19/2971 of 29 February 2016).

3. The total phosphorus inputs shall not exceed the foreseeable nutrient demand of the considered crop and take into account the phosphorus supply from the soil. Phosphorus in chemical fertilisers shall not be applied in derogated farms.

4. A fertilisation plan describing the crop rotation of the farmland and the planned application of manure and mineral fertilisers shall be prepared for each farm annually by 15 February at the latest. For the year 2016, it shall be prepared by 30 June 2016.

The fertilisation plan shall include the following:

- (a) the number of livestock, a description of the housing and storage system, including the volume and type of manure storage available;
- (b) a calculation of manure nitrogen and phosphorus produced in the farm;
- (c) the description of manure treatment and characteristics of treated manure (if relevant);
- (d) the amount, type and characteristics of manure delivered outside the farm or in the farm;
- (e) the crop rotation and acreage of parcels with crops with high nitrogen demand and long growing season and parcels with other crops;
- (f) the expected yields for each cultivated crop, depending on nutrient and water availability, as well as local conditions, such as climate, soil type, etc.;
- (g) the estimated nitrogen and phosphorus crop requirements for each parcel;
- (h) a calculation of manure nitrogen and phosphorus to be applied over each parcel;
- (i) a calculation of nitrogen from chemical fertilisers to be applied over each parcel;
- (j) the estimation of the amount of water needed for irrigation and the precise indication of water source; the authorization for water abstraction or the contract for water use with the relevant 'water consortium' or the map indicating that the farm is located in areas where the shallow groundwater is in contact with the root zone shall be included in the plan.

Plans shall be revised no later than seven days following any changes in agricultural practices to ensure consistency between plans and actual agricultural practices.

5. Fertilisation accounts shall be prepared by each farm on a parcel basis. They shall include applied amounts and time of application of manure and chemical fertilisers.

6. The authorization for water abstraction or the contract for water use with the relevant 'water consortium' or the map indicating that the farm is located in areas where the shallow groundwater is in contact with the root zone shall be available at the farm. The amount of authorized or contracted amount of water, where applicable, shall be sufficient to reach crops yields obtained in conditions without water constraints.

7. Results of nitrogen and phosphorus analysis in soil shall be available for each farm benefiting from a derogation. Sampling and analysis shall be carried out before 1 June at least once every four years for phosphorus and for nitrogen for each homogeneous area of the farm, with regard to crop rotation and soil characteristics. At least one analysis per five hectares of farmland shall be required.

8. Livestock manure applied on derogation farms shall have a nitrogen use efficiency of at least 65 % for slurry and 50 % for solid manure.

9. Livestock manure and chemical fertilisers applied on derogation farms cannot be spread after 1 November.

10. At least two thirds of the amount of nitrogen from manure, excluding nitrogen from manure from grazing livestock, shall be applied before 31 July each year. For this purposes, farms benefiting from a derogation shall have adequate storage capacity for livestock manure, which can cover at least periods during which manure application is not allowed.

11. Liquid manure, including treated manure and slurries, shall be applied through low emissions application techniques. Solid manure shall be incorporated within 24 hours.

12. In order to protect soils from risk of salinization, treated manure with nitrogen removal shall be allowed only on non-saline and low salinity soils. For that purpose, farmers intending to apply treated manure with nitrogen removal, shall measure electrical conductivity on parcels to be used for application at least every four years and shall include results in the application referred to Article 4(1). The competent authorities shall establish a protocol to be used by farmers to measure electrical conductivity. The competent authorities shall establish maps showing areas at risk of salinization.

Article 7

Land management

Farmers seeking to benefit from a derogation shall ensure that all the following conditions are met:

- (a) 70 % or more of the acreage of the farm shall be cultivated with crops with high nitrogen demand and long growing season;
- (b) temporary grassland shall be ploughed in spring;
- (c) temporary and permanent grassland shall not include more than 50 % of leguminous or other plants fixing atmospheric nitrogen;
- (d) late maturing maize shall be harvested, including the stalks;
- (e) winter herbage, such as Italian ryegrass, barley, triticale or winter rye, shall be seeded within two weeks after harvest of maize or sorghum and shall be harvested no earlier than two weeks before maize or sorghum sowing;
- (f) summer herbage, such as maize, sorghum, *Setaria* or *Panicum* sp., shall be seeded within two weeks after harvest of winter cereals and shall be harvested no earlier than two weeks before winter cereals sowing;
- (g) a crop with high nitrogen demand shall be seeded within two weeks after ploughing grass and fertilisers shall not be applied in the year of ploughing of permanent grassland.

Article 8

Other measures

1. The competent authorities shall ensure that derogations granted for the application of treated manure are compatible with the capacity of manure treatment plants.
2. The competent authorities shall ensure that each granted derogation is compatible with the authorized water use in the farm benefitting from the derogation.

Article 9

Measures on manure transport

1. The competent authorities shall ensure that transport of livestock manure to and from farms benefitting from a derogation is recorded through geographic positioning systems or is registered in accompanying documents, specifying the place of origin and destination. The recording through geographic positioning systems is obligatory for transports covering distances longer than 30 km.
2. The competent authorities shall ensure that a document specifying the amount of transported manure and its nitrogen and phosphorus content is available during transport.
3. The competent authorities shall ensure that treated manure and solid fractions resulting from manure treatment are analysed with regard to their nitrogen and phosphorus content. The analysis shall be performed by recognised laboratories. The results of the analysis shall be communicated to the competent authorities and to the receiving farmer. A certificate of the analysis shall be available in each transport.

*Article 10***Monitoring**

1. The competent authorities shall ensure that maps showing the percentage of farms, percentage of livestock, percentage of agricultural land covered by individual derogations and maps showing local land use for each municipality are drawn up and updated every year.
2. Data on crop rotations and agricultural practices in farms benefiting from derogations shall be collected and updated every year.
3. A monitoring network for sampling of surface and shallow groundwater shall be established and maintained to assess the impact of the derogation on water quality. The plan on monitoring network shall be submitted to the Commission. The amount of initial monitoring sites cannot be reduced and the location of the sites cannot be changed during the period of applicability of this Decision unless duly justified.
4. A reinforced water monitoring shall be conducted for agricultural catchments located in proximity to most vulnerable water bodies, to be identified by the competent authorities.
5. Monitoring sites shall be established, in order to provide data on nitrogen and phosphorus concentration in soil water, on mineral nitrogen in soil profile and corresponding nitrogen and phosphorus losses through the root zone into groundwater, as well as on nitrogen and phosphorus losses by surface and subsurface run-off, both under derogation and non derogation conditions. The monitoring sites shall include main soil types, fertilisation practices and crops. The plan on monitoring network shall be submitted to the Commission. The amount of initial monitoring sites cannot be reduced and the location of the sites cannot be changed during the period of applicability of this Decision unless duly justified.

*Article 11***Controls and verification**

1. The competent authorities shall ensure that all the applications for derogation are submitted to administrative control. Where the control demonstrates that the conditions provided for in Articles 5, 6 and 7 are not fulfilled, the applicant shall be informed thereof. In this instance, the application shall be considered to be refused.
2. A programme of field inspections shall be established based on risk analysis, results of controls of the previous years and results of general random controls of legislation implementing Directive 91/676/EEC. The field inspections shall cover at least 7 % of farms benefiting from a derogation in respect to the conditions set out in Articles 5, 6 and 7 of this Decision.
3. The competent authorities shall ensure on-the-spot controls of at least 2 % of manure transport operations, based on risk assessment and results of administrative controls referred to in paragraph 1. Controls shall include, at least, assessment of accompanying documents, verification of manure origin and destination and availability of analysis of transported manure.
4. Where verification indicates non-compliance with this Decision, the competent authorities shall take the necessary action for redress. In particular, farmers which do not comply with Articles 5, 6 and 7 shall be excluded from derogation the following year.

*Article 12***Reporting**

The competent authorities shall submit to the Commission every year by 31 December, and for the year 2019 by 30 September, a report containing the following information:

- (a) evaluation of the implementation of the derogation, on the basis of controls at farm level, as well as controls on manure transport, and information on non-compliant farms, on the basis of the results of the administrative and field inspections;

- (b) information on manure treatment, including further processing and utilisation of the solid fractions, and provide detailed data on characteristics of treatment systems, their efficiency and composition of treated manure, as well as final destination of solid fractions;
- (c) maps showing areas with low organic matter content, as well as the measures taken in order to encourage the use of the stabilized solid fraction on soils with low organic matter content, as referred to in Article 5(2);
- (d) the methodologies to assess the composition of treated manure, the variations in composition and treatment efficiency for each farm benefiting from individual derogation, referred to in Article 5(3);
- (e) the inventory of ammonia and other emissions from manure treatment, referred to in Article 5(4);
- (f) the established protocol to measure electrical conductivity and maps showing areas affected by salinization, referred to in Article 6(12);
- (g) the methodologies to verify the compatibility of granted derogations with the capacity of manure treatment plants, referred to in Article 8(1);
- (h) the methodologies to verify the compatibility of each granted derogation with the authorized water use in the farm benefiting from the derogation, referred to in Article 8(2);
- (i) maps showing the percentage of farms, percentage of livestock, percentage of agricultural land covered by individual derogations and maps showing local land use, as well as data on crop rotations and agricultural practices in derogation farms, referred to in Article 10(1) and (2)
- (j) the results of water monitoring, including information on water quality trends for ground and surface waters, including coastal waters, as well as the impact on derogation on water quality as referred to in Article 10(3);
- (k) the list of most vulnerable water bodies, referred to in Article 10(4);
- (l) summary and evaluation of data obtained from the monitoring sites referred to in Article 10(5);

Article 13

Period of application

This Decision shall expire on 31 December 2019.

Article 14

Addressee

This Decision is addressed to the Italian Republic.

Done at Brussels, 24 June 2016.

For the Commission
Karmenu VELLA
Member of the Commission

DECISION (EU) 2016/1041 OF THE EUROPEAN CENTRAL BANK**of 22 June 2016****on the eligibility of marketable debt instruments issued or fully guaranteed by the Hellenic Republic and repealing Decision (EU) 2015/300 (ECB/2016/18)**

THE GOVERNING COUNCIL OF THE EUROPEAN CENTRAL BANK,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first indent of Article 127(2) thereof,

Having regard to the Statute of the European System of Central Banks and of the European Central Bank, and in particular the first indent of Article 3.1, Article 12.1, Article 18 and the second indent of Article 34.1 thereof,

Having regard to Guideline (EU) 2015/510 of the European Central Bank of 19 December 2014 on the implementation of the Eurosystem monetary policy framework (ECB/2014/60) ⁽¹⁾ (General Documentation Guideline), and in particular Article 1(4), Titles I, II, IV, V, VI and VIII of Part Four, and Part Six thereof,

Having regard to Guideline ECB/2014/31 of 9 July 2014 on additional temporary measures relating to Eurosystem refinancing operations and eligibility of collateral and amending Guideline ECB/2007/9 ⁽²⁾, and in particular Article 1(3) and Article 8 thereof,

Having regard to Decision (EU) 2015/774 of the European Central Bank of 4 March 2015 on a secondary markets public sector asset purchase programme (ECB/2015/10) ⁽³⁾, and in particular Article 3(2) thereof,

Whereas:

- (1) Pursuant to Article 18.1 of the Statute of the European System of Central Banks and of the European Central Bank, the European Central Bank (ECB) and the national central banks of Member States whose currency is the euro may conduct credit operations with credit institutions and other market participants, with lending being based on adequate collateral.
- (2) The standard criteria and minimum requirements for credit quality thresholds determining the eligibility of marketable assets as collateral for the purposes of Eurosystem monetary policy operations are laid down in Guideline (EU) 2015/510 (ECB/2014/60) and in particular in Article 59 and in Part Four, Title II thereof.
- (3) Pursuant to Article 1(4) of Guideline (EU) 2015/510 (ECB/2014/60), the Governing Council may, at any time, change the tools, instruments, requirements, criteria and procedures for the implementation of Eurosystem monetary policy operations. Pursuant to Article 59(6) of Guideline (EU) 2015/510 (ECB/2014/60), the Eurosystem reserves the right to determine whether an issue, issuer, debtor or guarantor fulfils the Eurosystem's credit quality requirements on the basis of any information that the Eurosystem may consider relevant for ensuring adequate risk protection of the Eurosystem.
- (4) Article 8(2) of Guideline ECB/2014/31 provides that the Eurosystem's credit quality thresholds do not apply to marketable debt instruments issued or fully guaranteed by the central governments of Member States whose currency is the euro under a European Union/International Monetary Fund programme, unless the Governing Council decides that the respective Member State does not comply with the conditionality of the financial support and/or the macroeconomic programme.
- (5) In February 2015, the Governing Council concluded that it was not possible to assume a successful conclusion of the review of the European Union/International Monetary Fund financial assistance programme for the Hellenic Republic that was ongoing at the time. Consequently, Decision (EU) 2015/300 of the European Central Bank

⁽¹⁾ OJ L 91, 2.4.2015, p. 3.

⁽²⁾ OJ L 240, 13.8.2014, p. 28.

⁽³⁾ OJ L 121, 14.5.2015, p. 20.

(ECB/2015/6) ⁽¹⁾ provided that the Hellenic Republic should no longer be considered to be in compliance with a European Union/International Monetary Fund programme for the purposes of Article 6(1) and Article 8 of Guideline ECB/2014/31 and that the Eurosystem's credit quality thresholds should apply in respect of marketable debt instruments issued or fully guaranteed by the Hellenic Republic. On 19 August 2015, following the expiry of the European Financial Stability Facility (EFSF) programme of financial support for Greece, the Board of Governors of the European Stability Mechanism (ESM) approved a new three-year financial assistance programme for Greece.

- (6) The first tranche under the new ESM programme was disbursed once all required measures were taken and milestones met which supported the gradual stabilisation of the Greek economy and allowed for the recapitalisation of the Greek banking system at the end of 2015. Upon completion of the prior actions agreed under the programme for the first review, the Board of Directors of the ESM approved on 17 June 2016 the disbursement of the first part of the second tranche of the programme. The first review of the ESM programme has thus been successfully concluded.
- (7) The Governing Council has assessed the effects of the new ESM programme for Greece, the continued implementation thereof and the commitment demonstrated by the Greek authorities to fully implement the programme.
- (8) On the basis of the abovementioned assessment, the Governing Council considers the Hellenic Republic to be in compliance with the conditionality of the programme and has decided to restore the eligibility of marketable debt instruments issued or fully guaranteed by the Hellenic Republic for Eurosystem's monetary policy operations. Therefore, Decision (EU) 2015/300 (ECB/2015/6) should be repealed.
- (9) In view of the specific market and credit risk conditions for marketable debt instruments issued or fully guaranteed by the Hellenic Republic, the Governing Council has decided to revise the haircut schedule applicable to those instruments pursuant to Article 8(3) of Guideline ECB/2014/31.
- (10) In line with past Governing Council deliberations, potential purchases of marketable debt instruments issued or guaranteed by the Hellenic Republic in the secondary markets public sector asset purchase programme (PSPP) will be examined at a later stage, taking into account the progress in the analysis and reinforcement of the sustainability of Greece's public debt and other risk management considerations,

HAS ADOPTED THIS DECISION:

Article 1

Eligibility of marketable debt instruments issued or fully guaranteed by the Hellenic Republic

1. The Hellenic Republic shall be considered to be in compliance with a European Union/International Monetary Fund programme.
2. The Eurosystem's minimum requirements for credit quality thresholds, as laid down in Guideline (EU) 2015/510 (ECB/2014/60) and in particular in Article 59 and in Part Four thereof, shall not apply to marketable debt instruments issued or fully guaranteed by the Hellenic Republic.

Article 2

Haircut schedule applying to marketable debt instruments issued or fully guaranteed by the Hellenic Republic

Marketable debt instruments issued or fully guaranteed by the Hellenic Republic shall be subject to the specific haircuts set out in the Annex to this Decision.

⁽¹⁾ Decision (EU) 2015/300 of the European Central Bank of 10 February 2015 on the eligibility of marketable debt instruments issued or fully guaranteed by the Hellenic Republic (ECB/2015/6) (OJ L 53, 25.2.2015, p. 29)

*Article 3***PSPP purchases**

Purchases of marketable debt securities issued or fully guaranteed by the central government of the Hellenic Republic pursuant to Decision (EU) 2015/774 (ECB/2015/10) shall be conducted — in line with Article 5(3) of that Decision and within the limits to be set by the Governing Council in accordance therewith — following a positive assessment by the Governing Council of the progress made in the analysis and reinforcement of the sustainability of Greece's public debt and other risk management considerations.

*Article 4***Repeal**

Decision (EU) 2015/300 (ECB/2015/6) is hereby repealed.

*Article 5***Final provisions**

1. This Decision shall enter into force on 29 June 2016.
2. In the event of any discrepancy between this Decision, Decision (EU) 2015/774 (ECB/2015/10) and any of Guideline (EU) 2015/510 (ECB/2014/60) and Guideline ECB/2014/31, as implemented at national level by the national central banks of Member States whose currency is the euro, this Decision shall prevail.

Done at Frankfurt am Main, 22 June 2016.

The President of the ECB
Mario DRAGHI

ANNEX

**HAIRCUT SCHEDULE APPLYING TO MARKETABLE DEBT INSTRUMENTS ISSUED OR FULLY
GUARANTEED BY THE HELLENIC REPUBLIC**

	Residual maturity (years)	Haircuts for fixed coupons and floaters	Haircuts for zero coupon
Government bonds	0-1	15,0	15,0
	1-3	33,0	35,5
	3-5	45,0	48,5
	5-7	54,0	58,5
	7-10	56,0	62,0
	> 10	57,0	71,0
	Residual maturity (years)	Haircuts for fixed coupons and floaters	Haircuts for zero coupon
Government-guaranteed bank bonds and govern- ment-guaranteed non-financial corporate bonds	0-1	23,0	23,0
	1-3	42,5	45,0
	3-5	55,5	59,0
	5-7	64,5	69,5
	7-10	67,0	72,5
	> 10	67,5	81,0

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