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EN

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

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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2016/1608

of 17 May 2016

amending Delegated Regulation (EU) No 1222/2014 with regard to regulatory technical standards for the specification of the methodology for the identification of global systemically important institutions and for the definition of subcategories of global systemically important institutions

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC ⁽¹⁾, and in particular Article 131(18) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) No 1222/2014 ⁽²⁾ specifies the methodology for the identification of global systemically important institutions (G-SIIs) outlined in Directive 2013/36/EU. Delegated Regulation (EU) No 1222/2014 provides in particular the quantifiable indicators forming the five categories measuring systemic significance of a bank set out in Directive 2013/36/EU. The Annex to Delegated Regulation (EU) No 1222/2014 contains detailed technical specifications of the indicator values.
- (2) Delegated Regulation (EU) No 1222/2014 takes into account the international standards developed by the Basel Committee on Banking Supervision (BCBS) on the methodology to assess global systemically important banks and on the higher loss absorbency requirement, including the technical specifications of the indicators used for the identification of global systemically important banks.
- (3) The BCBS methodology to assess global systemically important banks and on the higher loss absorbency requirement is regularly updated. Most recently, the BCBS published a slightly revised reporting template and reporting instructions for the data collection exercise for 2016, based on end-2015 data. Further updates are expected in the future.
- (4) In order to reflect current developments in the global banking system and minimise the administrative burden for institutions, it is important to ensure that the values of the indicators are determined in line with the internationally-agreed standards established by the BCBS. Relevant national authorities should therefore ensure that the values of the quantifiable indicators provided in Delegated Regulation (EU) No 1222/2014 are determined in line with the applicable set of data provided by the BCBS.

⁽¹⁾ OJ L 176, 27.6.2013, p. 338.

⁽²⁾ Commission Delegated Regulation (EU) No 1222/2014 of 8 October 2014 supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards for the specification of the methodology for the identification of global systemically important institutions and for the definition of subcategories of global systemically important institutions (OJ L 330, 15.11.2014, p. 27).

- (5) In order to ensure consistency with the updated methodology used by the BCBS, Article 5(6) of Delegated Regulation (EU) No 1222/2014 should provide that decisions referred to in Articles 5(4) and 5(5) may be supported by 'ancillary data' instead of 'ancillary indicators'.
- (6) In order to ensure that the values of the indicators provided in Delegated Regulation (EU) No 1222/2014 are determined in line with the up-to-date specifications applied by the BCBS, the Annex to Delegated Regulation (EU) No 1222/2014 should be deleted.
- (7) Delegated Regulation (EU) No 1222/2014 should therefore be amended accordingly.
- (8) Given that the data collection for the identification process in 2016 has started in the first quarter of 2016 and institutions need clarity as to which data must be disclosed, this Regulation should enter into force immediately.
- (9) This Regulation is based on the draft regulatory technical standards submitted by the European Banking Authority (EBA) to the Commission.
- (10) The EBA has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, has analysed the potential related costs and benefits and requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council ⁽¹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) No 1222/2014 is amended as follows:

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

'6. The decisions referred to in paragraphs 4 and 5 may be supported by ancillary data, which shall not be indicators of the probability that the relevant entity fails. Such decisions shall comprise well documented and verifiable quantitative and qualitative information.'

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

'Article 6

Indicators

1. The category measuring the size of the group shall consist of one indicator equal to the total exposure of the group.

2. The category measuring the interconnectedness of the group with the financial system shall consist of all of the following indicators:

- (a) intra-financial system assets;
- (b) intra-financial system liabilities;
- (c) securities outstanding.

3. The category measuring the substitutability of the services or of the financial infrastructure provided by the group shall consist of all of the following indicators:

- (a) assets under custody;

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

- (b) payments activity;
 - (c) underwritten transactions in debt and equity markets.
4. The category measuring the complexity of the group shall consist of all of the following indicators:
- (a) notional amount of over-the-counter derivatives;
 - (b) assets included in the level 3 of fair-value measured in accordance with Delegated Regulation (EU) No 1255/2012 (*);
 - (c) trading and available-for-sale securities.
5. The category measuring the cross border activity of the group shall consist of the following indicators:
- (a) cross-jurisdictional claims;
 - (b) cross-jurisdictional liabilities.
6. For data reported in currencies other than the Euro, the relevant authority shall use an appropriate exchange rate taking into account the reference exchange rate published by the European Central Bank applicable on 31 December and international standards. For the payment activity indicator as referred to in paragraph 3(b), the relevant authority shall use the average exchanges rates for the relevant year.

(*) Commission Regulation (EU) No 1255/2012 of 11 December 2012 amending Regulation (EC) No 1126/2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council as regards International Accounting Standard 12, International Financial Reporting Standards 1 and 13, and Interpretation 20 of the International Financial Reporting Interpretations Committee (OJ L 360, 29.12.2012, p. 78).;

- (3) the last sentence of Article 7 is deleted;
- (4) the Annex is deleted.

Article 2

Entry into force

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

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

Done at Brussels, 17 May 2016.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2016/1609**of 7 September 2016****establishing the allocation coefficient to be applied to the quantities covered by the applications for import licences lodged from 26 August to 2 September 2016 in the context of the tariff quota for maize opened by Regulation (EC) No 969/2006**

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⁾, and in particular Article 188(1) and (3) thereof,

Whereas:

- (1) Commission Regulation (EC) No 969/2006 ⁽²⁾ opened an annual import tariff quota of 277 988 tonnes of maize (order number 09.4131).
- (2) Article 2(1) of Regulation (EC) No 969/2006 fixes a quantity of 138 994 tonnes for the subperiod No 2 from 1 July to 31 December 2016.
- (3) The quantities covered by the applications for import licences lodged from 26 August 2016 as from 13.00 to 2 September 2016 at 13.00 (Brussels time) exceed those available. The extent to which import licences may be issued should therefore be determined by establishing the allocation coefficient to be applied to the quantities requested, calculated in accordance with Article 7(2) of Commission Regulation (EC) No 1301/2006 ⁽³⁾.
- (4) Import licences should no longer be issued under Regulation (EC) No 969/2006 for the current quota period.
- (5) In order to ensure the efficiency 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

1. The quantities covered by the applications for import licences in respect of the quota referred to in Article 2(1) of Regulation (EC) No 969/2006 (order number 09.4131) lodged from 26 August 2016 as from 13.00 to 2 September 2016 at 13.00 (Brussels time) shall be multiplied by an allocation coefficient of 57,925366 %.
2. The submission of new import licence applications in respect of the quota referred to in Article 2(1) of Regulation (EC) No 969/2006 (order number 09.4131) is suspended as from 2 September 2016 at 13.00 (Brussels time) for the current quota period.

⁽¹⁾ OJ L 347, 20.12.2013, p. 671.

⁽²⁾ Commission Regulation (EC) No 969/2006 of 29 June 2006 opening and providing for the administration of a Community tariff quota for imports of maize from third countries (OJ L 176, 30.6.2006, p. 44).

⁽³⁾ Commission Regulation (EC) No 1301/2006 of 31 August 2006 laying down common rules for the administration of import tariff quotas for agricultural products managed by a system of import licences (OJ L 238, 1.9.2006, p. 13).

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, 7 September 2016.

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

DECISIONS

COMMISSION DECISION (EU) 2016/1610

of 7 September 2016

on the publication with a restriction in the *Official Journal of the European Union* of the reference of harmonised standard EN 13383-1:2002 'Armourstone: Part 1: Specifications' in accordance with Regulation (EU) No 305/2011 of the European Parliament and of the Council

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC ⁽¹⁾, and in particular Article 18 thereof,

Whereas:

- (1) Pursuant to Regulation (EU) No 305/2011, harmonised standards foreseen in Article 17 are to fulfil the requirements of the harmonised system set out in or by means of this Regulation.
- (2) In May 2002, the European Committee for Standardisation (CEN) adopted the harmonised standard EN 13383-1:2002 'Armourstone: Part 1: Specifications'. The reference of the standard was subsequently published in the *Official Journal of the European Union*.
- (3) On 12 August 2015 Cyprus launched a formal objection in accordance with Article 18 of Regulation (EU) No 305/2011 in respect of the harmonised standard EN 13383-1:2002. The formal objection was based on the inclusion in Clause 5.2 of this standard of a threshold level for one essential characteristic, density, defining the minimum density of the products in question as 2,3 Mg/m³.
- (4) According to Cyprus, the amounts of armourstone quarried in Cyprus and fulfilling the threshold level (the said minimum density) are not sufficient to respond to the demand for these products. Instead, the Cypriot authorities have successfully used for the construction of coastal protection works during several decades armourstone with a lesser density, according to them without any durability and/or stability problems.
- (5) Besides, the CEN bodies involved have stated that the assessment of durability is covered adequately in EN 13383 by other durability tests, even without the said threshold level being applied for density.
- (6) Moreover, Cyprus emphasised that the removal of the threshold level in question has already passed the formal vote in CEN in the context of developing a new version of EN 13383.
- (7) The density of armourstone plays a part as an essential characteristic in the fulfilment of basic requirements for construction works, related to the design of coastal protection works. However, the calculation formulas used in this context comprise also other factors, notably the dimensions and the size for armourstone to be used. It has been demonstrated that the same protection levels can be attained with armourstone of lesser density, when this is compensated by using stone blocks of larger size.
- (8) On the basis of the contents of EN 13383-1:2002 as well as the information submitted by Cyprus, by the other Member States, by CEN and by industry, and after consulting the committee established by Article 64 of Regulation (EU) No 305/2011, as foreseen in Article 18 of this Regulation, it is widely agreed that the threshold level for density set in Clause 5.2 of this standard could be excluded from the scope of the reference published in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 88, 4.4.2011, p. 5.

- (9) For all these reasons, the threshold level for density set in Clause 5.2 of this standard is not necessary for the fulfilment of the requirements set out in or by means of Regulation (EU) No 305/2011 for this harmonised standard.
- (10) The reference of EN 13383-1:2002 should thus continue to be published in the *Official Journal of the European Union*, but with a restriction excluding the threshold level for density set in Clause 5.2 of this standard from its scope,

HAS ADOPTED THIS DECISION:

Article 1

The reference of harmonised standard EN 13383-1:2002 'Armourstone: Part 1: Specifications' shall be published with a restriction in the *Official Journal of the European Union*. This restriction shall exclude the threshold level for density set in Clause 5.2 of this standard from the scope of the reference published.

Article 2

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

Done at Brussels, 7 September 2016.

For the Commission
The President
Jean-Claude JUNCKER

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