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⁽¹⁾ Text with EEA relevance.

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II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2017/104

of 19 October 2016

amending Delegated Regulation (EU) No 148/2013 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards on the minimum details of the data to be reported to trade repositories

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (¹), and in particular Article 9(5) thereof,

Whereas:

- (1) Commission Delegated Regulation (EU) No 148/2013 (²) sets out details of data to be reported and obliges counterparties to ensure that data reported is agreed between both parties to a trade.
- (2) It is important to also acknowledge that a central counterparty (CCP) acts as a party to a derivative contract. Accordingly, where an existing contract is subsequently cleared by a CCP, it should be reported as terminated and the new contract resulting from clearing should be reported.
- (3) Where a derivative contract is composed of a combination of derivative contracts, the competent authorities need to understand the characteristics of each of the derivative contracts concerned. Since competent authorities also need to be able to understand the overall context, it should also be apparent from the transaction report that the transaction is part of an overall strategy. Therefore, derivative contracts relating to a combination of derivative contracts should be reported in separate legs for each derivative contract with an internal identifier to provide a linkage between the legs.
- (4) In the case of derivative contracts composed of a combination of derivative contracts which need to be reported in more than one report, it may be difficult to determine how the relevant information about the contract should be allocated across reports and thus how many reports should be submitted. Therefore, counterparties should agree on the number of reports to be submitted to report such a contract.
- (5) In order to properly monitor concentration of exposures and systemic risk, it is crucial to ensure that complete and accurate information on exposure and collateral exchanged between two counterparties is submitted to trade repositories. Therefore, it is essential that counterparties report valuations of derivative contracts according to a common methodology. Furthermore, it is equally important to require reporting of posted and received initial and variation margins.

(¹) OJ L 201, 27.7.2012, p. 1.

(²) Commission Delegated Regulation (EU) No 148/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories with regard to regulatory technical standards on the minimum details of the data to be reported to trade repositories (OJ L 52, 23.2.2013, p. 1).

- (6) In order to provide the competent authorities with complete information about real exposures of counterparties in all classes of derivatives, it is essential to set out the reporting requirements with respect to the details of credit derivatives as well as of collateral exchanged by the counterparties. Moreover, in order to enable the reporting parties to comply with their reporting obligations in the standardised and harmonised way, further clarifications are required with respect to descriptions of the existing fields.
- (7) Delegated Regulation (EU) No 148/2013 should therefore be amended accordingly.
- (8) It is appropriate to amend the reporting requirements with respect to the details of data to be reported. Counterparties and trade repositories should therefore be granted sufficient time to take all necessary actions to comply with the amended requirements
- (9) This Regulation is based on draft regulatory technical standards submitted by the European Securities and Markets Authority (ESMA) to the Commission.
- (10) In accordance with Article 10 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council (1), ESMA has conducted open public consultations on such draft regulatory technical standards, analysed the potential related costs and benefits and requested the opinion of the Securities and Markets Stakeholder Group referred to in Article 37 of that Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) No 148/2013 is amended as follows:

- (1) Paragraph 2 of Article 1 is replaced by the following:

2. The details and information referred to in paragraph 1 shall be reported within a single report.

By way of derogation from the first subparagraph, the details and information referred to in paragraph 1 shall be reported in separate reports where the following conditions apply:

- (a) the derivative contract is composed of a combination of derivative contracts;
- (b) the fields in the Tables of the Annex do not allow for the effective reporting of the details and information of the derivative contract referred to in point (a).

Counterparties to a derivative contract composed of a combination of derivative contracts shall agree, before the reporting deadline, on the number of separate reports to be sent to a trade repository in relation to that derivative contract.

The reporting counterparty shall link the separate reports by an identifier that is unique at the level of the counterparty to the group of transaction reports, in accordance with field 14 in Table 2 of the Annex.'

- (2) Articles 2 and 3 are replaced by the following:

'Article 2

Cleared trades

1. Where a derivative contract whose details have already been reported pursuant to Article 9 of Regulation (EU) No 648/2012 is subsequently cleared by a CCP, that contract shall be reported as terminated by specifying in field 93 in Table 2 of the Annex the action type "Early Termination", and new contracts resulting from clearing shall be reported.

2. Where a contract is both concluded on a trading venue and cleared on the same day, only the contracts resulting from clearing shall be reported.

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

Article 3**Reporting of exposures**

1. The data on collateral required in accordance with Table 1 of the Annex shall include all posted and received collateral in accordance with fields 21 to 35 in Table 1 of the Annex.
2. Where a counterparty does not collateralise on a transaction level basis, counterparties shall report to a trade repository collateral posted and received on a portfolio basis in accordance with fields 21 to 35 in Table 1 of the Annex.
3. Where the collateral related to a contract is reported on a portfolio basis, the reporting counterparty shall report to the trade repository a code identifying the portfolio related to the reported contract in accordance with field 23 in Table 1 of the Annex.
4. Non-financial counterparties other than those referred to in Article 10 of Regulation (EU) No 648/2012 shall not be required to report collateral, mark-to-market, or mark-to-model valuations of the contracts set out in Table 1 of the Annex to this Regulation.
5. For contracts cleared by a CCP, the counterparty shall report the valuation of the contract provided by the CCP in accordance with fields 17 to 20 in Table 1 of the Annex.
6. For contracts not cleared by a CCP, the counterparty shall report, in accordance with fields 17 to 20 in Table 1 of the Annex to this Regulation, the valuation of the contract performed in accordance with the methodology defined in International Financial Reporting Standard 13 Fair Value Measurement as adopted by the Union and referred to in the Annex to Commission Regulation (EC) No 1126/2008 (*).

(*) Commission Regulation (EC) No 1126/2008 of 3 November 2008 adopting certain international accounting standards in accordance with Regulation (EC) No 1606/2002 of the European Parliament and of the Council (OJ L 320, 29.11.2008, p. 1).;

(3) the following Article 3a is inserted:

'Article 3a**Notional amount**

1. The notional amount of a derivative contract referred to in field 20 in Table 2 of the Annex shall be specified as follows:
 - (a) in the case of swaps, futures and forwards traded in monetary units, the reference amount from which contractual payments are determined in derivatives markets;
 - (b) in the case of options, calculated using the strike price;
 - (c) in the case of financial contracts for difference and derivative contracts relating to commodities designated in units such as barrels or tons, the resulting amount of the quantity at the relevant price set in the contract;
 - (d) in the case of derivative contracts where the notional amount is calculated using the price of the underlying asset and such price is only available at the time of settlement, the end of day price of the underlying asset at the date of conclusion of the contract.
2. The initial report of a derivative contract whose notional amount varies over time shall specify the notional amount as applicable at the date of conclusion of the derivative contract.;

(4) Article 4 is replaced by the following:

'Article 4**Reporting log**

Modifications to the data registered in trade repositories shall be kept in a log identifying the person or persons that requested the modification, including the trade repository itself if applicable, the reason or reasons for such modification, a date and timestamp and a clear description of the changes, including the old and new contents of the relevant data as set out in field 93 in Table 2 of the Annex.;

(5) the Annex is replaced with the text set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 November 2017.

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

Done at Brussels, 19 October 2016.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

'ANNEX

Details to be reported to trade repositories

Table 1

Counterparty Data

	Field	Details to be reported
	Parties to the contract	
1	Reporting timestamp	Date and time of reporting to the trade repository.
2	Reporting Counterparty ID	Unique code identifying the reporting counterparty of the contract.
3	Type of ID of the other Counterparty	Type of the code used to identify the other Counterparty.
4	ID of the other Counterparty	Unique code identifying the other counterparty of the contract. This field shall be filled from the perspective of the reporting counterparty. In case of a private individual a client code shall be used in a consistent manner.
5	Country of the other Counterparty	The code of country where the registered office of the other counterparty is located or country of residence in case that the other counterparty is a natural person.
6	Corporate sector of the reporting counterparty	Nature of the reporting counterparty's company activities. If the Reporting Counterparty is a Financial Counterparty, this field shall contain all necessary codes included in the Taxonomy for Financial Counterparties and applying to that Counterparty. If the Reporting Counterparty is a Non-Financial Counterparty, this field shall contain all necessary codes included in the Taxonomy for Non-Financial Counterparties and applying to that Counterparty. Where more than one activity is reported, the codes shall be populated in order of the relative importance of the corresponding activities.
7	Nature of the reporting counterparty	Indicate if the reporting counterparty is a CCP, a financial, non-financial counterparty or other type of counterparty in accordance with point 5 of Article 1 or points 1, 8 and 9 of Article 2 of Regulation (EU) No 648/2012 of the European Parliament and of the Council (1).
8	Broker ID	In the case a broker acts as intermediary for the reporting counterparty without becoming a counterparty himself, the reporting counterparty shall identify this broker by a unique code.
9	Report submitting entity ID	In the case where the reporting counterparty has delegated the submission of the report to a third party or to the other counterparty, this entity has to be identified in this field by a unique code. Otherwise this field shall be left blank.

	Field	Details to be reported
10	Clearing member ID	In the case where the derivative contract is cleared and the reporting counterparty is not a clearing member itself, the clearing member through which the derivative contract is cleared shall be identified in this field by a unique code.
11	Type of ID of the Beneficiary	Type of the code used to identify the Beneficiary.
12	Beneficiary ID	<p>The party subject to the rights and obligations arising from the contract.</p> <p>Where the transaction is executed via a structure, such as a trust or fund, representing a number of beneficiaries, the beneficiary should be identified as that structure.</p> <p>Where the beneficiary of the contract is not a counterparty to this contract, the reporting counterparty has to identify this beneficiary by a unique code or, in case of a private individual, by a client code used in a consistent manner as assigned by the legal entity used by the private individual.</p>
13	Trading capacity	Identifies whether the reporting counterparty has concluded the contract as principal on own account (on own behalf or behalf of a client) or as agent for the account of and on behalf of a client.
14	Counterparty side	Identifies whether the reporting counterparty is a buyer or a seller.
15	Directly linked to commercial activity or treasury financing	<p>Information on whether the contract is objectively measurable as directly linked to the reporting counterparty's commercial or treasury financing activity, as referred to in Article 10(3) of Regulation (EU) No 648/2012.</p> <p>This field shall be left blank in the case where the reporting counterparty is a financial counterparty, as referred to in Article 2(8) of Regulation (EU) No 648/2012.</p>
16	Clearing threshold	<p>Information whether the reporting counterparty is above the clearing threshold referred to in Article 10(3) of Regulation (EU) No 648/2012.</p> <p>This field shall be left blank in case the reporting counterparty is a financial counterparty, as referred to in Article 2(8) of Regulation (EU) No 648/2012.</p>
17	Value of contract	Mark to market valuation of the contract, or mark to model valuation where applicable under Article 11(2) of Regulation (EU) No 648/2012. The CCP's valuation to be used for a cleared trade.
18	Currency of the value	The currency used for the valuation of the contract.
19	Valuation timestamp	Date and time of the last valuation. For mark-to-market valuation the date and time of publishing of reference prices shall be reported.
20	Valuation type	Indicate whether valuation was performed mark to market, mark to model or provided by the CCP.
21	Collateralisation	Indicate whether a collateral agreement between the counterparties exists.

	Field	Details to be reported
22	Collateral portfolio	Whether the collateralisation was performed on a portfolio basis. Portfolio means the collateral calculated on the basis of net positions resulting from a set of contracts, rather than per trade.
23	Collateral portfolio code	If collateral is reported on a portfolio basis, the portfolio should be identified by a unique code determined by the reporting counterparty.
24	Initial margin posted	Value of the initial margin posted by the reporting counterparty to the other counterparty. Where initial margin is posted on a portfolio basis, this field should include the overall value of initial margin posted for the portfolio.
25	Currency of the initial margin posted	Specify the currency of the initial margin posted.
26	Variation margin posted	Value of the variation margin posted, including cash settled, by the reporting counterparty to the other counterparty. Where variation margin is posted on a portfolio basis, this field should include the overall value of variation margin posted for the portfolio.
27	Currency of the variation margins posted	Specify the currency of variation margin posted.
28	Initial margin received	Value of the initial margin received by the reporting counterparty from the other counterparty. Where initial margin is received on a portfolio basis, this field should include the overall value of initial margin received for the portfolio.
29	Currency of the initial margin received	Specify the currency of the initial margin received.
30	Variation margin received	Value of the variation margin received, including cash settled, by the reporting counterparty from the other counterparty. Where variation margin is received on a portfolio basis, this field should include the overall value of variation margin received for the portfolio.
31	Currency of the variation margins received	Specify the currency of the variation margin received.
32	Excess collateral posted	Value of collateral posted in excess of the required collateral.
33	Currency of the excess collateral posted	Specify the currency of the excess collateral posted.
34	Excess collateral received	Value of collateral received in excess of the required. Collateral
35	Currency of the excess collateral received	Specify the currency of the excess collateral received.

(¹) Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (OJ L 201, 27.7.2012, p. 1).

Table 2

Common Data

	Field	Details to be reported	Applicable types of derivative contracts
	Section 2a — Contract type		All contracts
1	Contract type	Each reported contract shall be classified according to its type.	
2	Asset class	Each reported contract shall be classified according to the asset class it is based on.	
	Section 2b — Contract information		All contracts
3	Product classification type	The type of relevant product classification.	
4	Product classification	<p>For products identified through International Securities Identification Number (ISIN) or Alternative Instrument Identifier (AII), Classification of Financial Instruments (CFI) code shall be specified.</p> <p>For products for which ISIN or AII are not available, endorsed Unique Product Identifier (UPI) shall be specified. Until UPI is endorsed those products shall be classified with CFI code.</p>	
5	Product identification type	The type of relevant product identification.	
6	Product identification	<p>The product shall be identified through ISIN or AII. AII shall be used if a product is traded in a trading venue classified as AII in the register published on ESMA's website and set up on the basis of information provided by competent authorities pursuant to Article 13(2) of Commission Regulation (EC) No 1287/2006 (¹).</p> <p>AII shall only be used until the date of application of the delegated act adopted by the Commission pursuant to Article 27(3) of Regulation (EU) No 600/2014 of the European Parliament and of the Council (²).</p>	
7	Underlying identification type	The type of relevant underlying identifier.	
8	Underlying identification	<p>The direct underlying shall be identified by using a unique identification for this underlying based on its type.</p> <p>AII shall only be used until the date of application of the delegated act adopted by the Commission pursuant to Article 27(3) of Regulation (EU) No 600/2014.</p> <p>For Credit Default Swaps, the ISIN of the reference obligation should be provided.</p> <p>In case of baskets composed, among others, of financial instruments traded in a trading venue, only financial instruments traded in a trading venue shall be specified.</p>	

	Field	Details to be reported	Applicable types of derivative contracts
9	Notional currency 1	The currency of the notional amount. In the case of an interest rate or currency derivative contract, this will be the notional currency of leg 1.	
10	Notional currency 2	The other currency of the notional amount. In the case of an interest rate or currency derivative contract, this will be the notional currency of leg 2.	
11	Deliverable currency	The currency to be delivered.	
	Section 2c — Details on the transaction		All contracts
12	Trade ID	Until global UTI is available, a Unique Trade ID agreed with the other counterparty.	
13	Report tracking number	A unique number for the group of reports which relate to the same execution of a derivative contract.	
14	Complex trade component ID	Identifier, internal to the reporting firm, to identify and link all the reports related to the same derivative contract composed of a combination of derivative contracts. The code must be unique at the level of the counterparty to the group of transaction reports resulting from the derivative contract. Field applicable only where a firm executes a derivative contract composed of two or more derivative contracts and where this contract cannot be adequately reported in a single report.	
15	Venue of execution	The venue of execution of the derivative contract shall be identified by a unique code for this venue. Where a contract was concluded OTC and the respective instrument is admitted to trading or traded on a trading venue, MIC code "XOFF" shall be used. Where a contract was concluded OTC and the respective instrument is not admitted to trading or traded on a trading venue, MIC code "XXXX" shall be used.	
16	Compression	Identify whether the contract results from a compression operation as defined in Article 2(1)(47) of Regulation (EU) No 600/2014.	
17	Price/rate	The price per derivative excluding, where applicable, commission and accrued interest.	

	Field	Details to be reported	Applicable types of derivative contracts
18	Price notation	The manner in which the price is expressed.	
19	Currency of price	The currency in which the Price/rate is denominated.	
20	Notional	The reference amount from which contractual payments are determined. In case of partial terminations, amortisations and in case of contracts where the notional, due to the characteristics of the contract, varies over time, it shall reflect the remaining notional after the change took place.	
21	Price multiplier	The number of units of the financial instrument which are contained in a trading lot; for example, the number of derivatives represented by the contract.	
22	Quantity	Number of contracts included in the report. For spread bets, the quantity shall be the monetary value wagered per point movement in the direct underlying financial instrument.	
23	Up-front payment	Amount of any up-front payment the reporting counterparty made or received.	
24	Delivery type	Indicates whether the contract is settled physically or in cash.	
25	Execution timestamp	Date and time when the contract was executed.	
26	Effective date	Date when obligations under the contract come into effect.	
27	Maturity date	Original date of expiry of the reported contract. An early termination shall not be reported in this field.	
28	Termination date	Termination date in the case of an early termination of the reported contract.	
29	Settlement date	Date of settlement of the underlying. If more than one, further fields may be used.	
30	Master Agreement type	Reference to any master agreement, if existent (e.g. ISDA Master Agreement; Master Power Purchase and Sale Agreement; International ForEx Master Agreement; European Master Agreement or any local Master Agreements).	

	Field	Details to be reported	Applicable types of derivative contracts
31	Master Agreement version	Reference to the year of the master agreement version used for the reported trade, if applicable (e.g. 1992, 2002, etc.).	
	Section 2d — Risk mitigation/Reporting		All contracts
32	Confirmation timestamp	Date and time of the confirmation, as set out in Article 12 of Commission Delegated Regulation (EU) No 149/2013 (3).	
33	Confirmation means	Whether the contract was electronically confirmed, non-electronically confirmed or remains unconfirmed.	
	Section 2e — Clearing		All contracts
34	Clearing obligation	Indicates, whether the reported contract belongs to a class of OTC derivatives that has been declared subject to the clearing obligation and both counterparties to the contract are subject to the clearing obligation under Regulation (EU) No 648/2012, as of the time of execution of the contract.	
35	Cleared	Indicates, whether clearing has taken place.	
36	Clearing timestamp	Time and date when clearing took place.	
37	CCP	In the case of a contract that has been cleared, the unique code for the CCP that has cleared the contract.	
38	Intragroup	Indicates whether the contract was entered into as an intragroup transaction, defined in Article 3 of Regulation (EU) No 648/2012.	
	Section 2f — Interest Rates		Interest rate derivatives
39	Fixed rate of leg 1	An indication of the fixed rate leg 1 used, if applicable.	
40	Fixed rate of leg 2	An indication of the fixed rate leg 2 used, if applicable.	
41	Fixed rate day count leg 1	The actual number of days in the relevant fixed rate leg 1 payer calculation period, if applicable.	
42	Fixed rate day count leg 2	The actual number of days in the relevant fixed rate leg 2 payer calculation period, if applicable.	

	Field	Details to be reported	Applicable types of derivative contracts
43	Fixed rate payment frequency leg 1 — time period	Time period describing frequency of payments for the fixed rate leg 1, if applicable.	
44	Fixed rate payment frequency leg 1 — multiplier	Multiplier of the time period describing frequency of payments for the fixed rate leg 1, if applicable.	
45	Fixed rate payment frequency leg 2 — time period	Time period describing frequency of payments for the fixed rate leg 2, if applicable.	
46	Fixed rate payment frequency leg 2 — multiplier	Multiplier of the time period describing frequency of payments for the fixed rate leg 2, if applicable.	
47	Floating rate payment frequency leg 1 — time period	Time period describing frequency of payments for the floating rate leg 1, if applicable.	
48	Floating rate payment frequency leg 1 — multiplier	Multiplier of the time period describing frequency of payments for the floating rate leg 1, if applicable.	
49	Floating rate payment frequency leg 2 — time period	Time period describing frequency of payments for the floating rate leg 2, if applicable.	
50	Floating rate payment frequency leg 2 — multiplier	Multiplier of the time period describing frequency of payments for the floating rate leg 2, if applicable.	
51	Floating rate reset frequency leg 1 — time period	Time period describing frequency of floating rate leg 1 resets, if applicable.	
52	Floating rate reset frequency leg 1 — multiplier	Multiplier of the time period describing frequency of floating rate leg 1 resets, if applicable.	
53	Floating rate reset frequency leg 2 — time period	Time period of frequency of floating rate leg 2 resets, if applicable.	
54	Floating rate reset frequency leg 2 — multiplier	Multiplier of the time period describing frequency of floating rate leg 2 resets, if applicable.	
55	Floating rate of leg 1	An indication of the interest rates used which are reset at predetermined intervals by reference to a market reference rate, if applicable.	
56	Floating rate reference period leg 1 — time period	Time period describing the reference period for the floating rate of leg 1.	
57	Floating rate reference period leg 1 — multiplier	Multiplier of the time period describing the reference period for the floating rate of leg 1.	

	Field	Details to be reported	Applicable types of derivative contracts
58	Floating rate of leg 2	An indication of the interest rates used which are reset at predetermined intervals by reference to a market reference rate, if applicable.	
59	Floating rate reference period leg 2 — time period	Time period describing the reference period for the floating rate of leg 2.	
60	Floating rate reference period leg 2 — multiplier	Multiplier of the time period describing the reference period for the floating rate of leg 2.	
	Section 2g — Foreign Exchange		Currency derivatives
61	Delivery currency 2	The cross currency, if different from the currency of delivery.	
62	Exchange rate 1	The exchange rate as of the date and time when the contract was concluded. It shall be expressed as a price of base currency in the quoted currency.	
63	Forward exchange rate	Forward exchange rate as agreed between the counterparties in the contractual agreement. It shall be expressed as a price of base currency in the quoted currency.	
64	Exchange rate basis	Quote base for exchange rate.	
	Section 2h — Commodities and emission allowances		Commodity and emission allowance derivatives
	General		
65	Commodity base	Indicates the type of commodity underlying the contract.	
66	Commodity details	Details of the particular commodity beyond field 65.	
	Energy	Fields 67-77 apply only to derivative contracts related to natural gas and electricity delivered in the Union.	
67	Delivery point or zone	Delivery point(s) of market area(s).	
68	Interconnection Point	Identification of the border(s) or border Point(s) of a transportation contract.	
69	Load type	Identification of the delivery profile.	

	Field	Details to be reported	Applicable types of derivative contracts
	Repeatable section of fields 70-77		
70	Load delivery intervals	The time interval for each block or shape.	
71	Delivery start date and time	Start date and time of delivery.	
72	Delivery end date and time	End date and time of delivery.	
73	Duration	The duration of the delivery period.	
74	Days of the week	The days of the week of the delivery.	
75	Delivery capacity	Delivery capacity for each delivery interval specified in field 70.	
76	Quantity Unit	Daily or hourly quantity in MWh or kWh/d which corresponds to the underlying commodity.	
77	Price/time interval quantities	If applicable, price per quantity per delivery time interval.	
	Section 2i — Options		Contracts that contain an option
78	Option type	<p>Indication as to whether the derivative contract is a call (right to purchase a specific underlying asset) or a put (right to sell a specific underlying asset) or whether it cannot be determined whether it is a call or a put at the time of execution of the derivative contract.</p> <ul style="list-style-type: none"> — In case of swaptions it shall be: — “Put”, in case of receiver swaption, in which the buyer has the right to enter into a swap as a fixed-rate receiver, — “Call”, in case of payer swaption, in which the buyer has the right to enter into a swap as a fixed-rate payer. — In case of Caps and Floors it shall be: — “Put”, in case of a Floor, — “Call”, in case of a Cap. 	
79	Option exercise style	Indicates whether the option may be exercised only at a fixed date (European, and Asian style), a series of pre-specified dates (Bermudan) or at any time during the life of the contract (American style).	

	Field	Details to be reported	Applicable types of derivative contracts
80	Strike price (cap/floor rate)	The strike price of the option.	
81	Strike price notation	The manner in which the strike price is expressed.	
82	Maturity date of the underlying	In case of swaptions, maturity date of the underlying swap.	
	Section 2j — Credit derivatives		
83	Seniority	Information on the seniority in case of contract on index or on a single name entity.	
84	Reference entity	Identification of the underlying reference entity.	
85	Frequency of payment	The frequency of payment of the interest rate or coupon.	
86	The calculation basis	The calculation basis of the interest rate.	
87	Series	The series number of the composition of the index if applicable.	
88	Version	A new version of a series is issued if one of the constituents defaults and the index has to be re-weighted to account for the new number of total constituents within the index.	
89	Index factor	The factor to apply to the Notional (Field 20) to adjust it to all the previous credit events in that Index series. The figure varies between 0 and 100.	
90	Tranche	Indication whether a derivative contract is tranched.	
91	Attachment point	The point at which losses in the pool will attach to a particular tranche.	
92	Detachement point	The point beyond which losses do not affect the particular tranche.	

	Field	Details to be reported	Applicable types of derivative contracts
	Section 2k — Modifications to the contract		
93	Action type	<p>Whether the report contains:</p> <ul style="list-style-type: none"> — a derivative contract for the first time, in which case it will be identified as “new”, — a modification to the terms or details of a previously reported derivative contract, but not a correction of a report, in which case it will be identified as “modify”. This includes an update to a previous report that is showing a position in order to reflect new trades included in that position, — a cancellation of a wrongly submitted entire report in case the contract never came into existence or was not subject to Regulation (EU) No 648/2012 reporting requirements but was reported to a trade repository by mistake, in which case, it will be identified as “error”, — an early termination of an existing contract, in which case it will be identified as “early termination”, — a previously submitted report contains erroneous data fields, in which case the report correcting the erroneous data fields of the previous report shall be identified as “correction”, — a compression of the reported contract, in which case it will be identified as “compression”, — an update of a contract valuation or collateral, in which case it will be identified as “valuation update”; — a derivative contract that is to be reported as a new trade and also included in a separate position report on the same day, in which case it will be identified as a “position component”. This value will be equivalent to reporting a new trade followed by an update to that report showing it as compressed. 	
94	Level	<p>Indication whether the report is done at trade or position level.</p> <p>Position level report can be used only as a supplement to trade level reporting to report post-trade events and only if the individual trades in fungible products have been replaced by the position.</p>	

(¹) Commission Regulation (EC) No 1287/2006 of 10 August 2006 implementing Directive 2004/39/EC of the European Parliament and of the Council as regards record-keeping obligations for investment firms, transaction reporting, market transparency, admission of financial instruments to trading, and defined terms for the purposes of that Directive (OJ L 241, 2.9.2006, p. 1).

(²) Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84).

(³) Commission Delegated Regulation (EU) No 149/2013 of 19 December 2012 supplementing Regulation (EU) No 648/2012 of the European Parliament and of the Council with regard to regulatory technical standards on indirect clearing arrangements, the clearing obligation, the public register, access to a trading venue, non-financial counterparties, and risk mitigation techniques for OTC derivatives contracts not cleared by a CCP (OJ L 52, 23.2.2013, p. 11).‘

COMMISSION IMPLEMENTING REGULATION (EU) 2017/105
of 19 October 2016

amending Implementing Regulation (EU) No 1247/2012 laying down implementing technical standards with regard to the format and frequency of trade reports to trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 648/2012 of the European Parliament and of the Council of 4 July 2012 on OTC derivatives, central counterparties and trade repositories (¹) and in particular Article 9(6) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) No 1247/2012 (²) provides for the use of interim entity identifiers where a legal entity identifier is not available. An infrastructure enabling the attribution of legal entity identifiers to entities has recently become available, and market participants have become familiar with the use of such legal entity identifiers. Therefore, legal entity identifiers should now be the only means allowed for the purpose of identification of legal entities.
- (2) Determining whether the reporting counterparty is a buyer or a seller in a contract is particularly complex in the case of swap derivative contracts as such contracts involve the exchange of financial instruments between the parties. Therefore, specific rules should be established in order to ensure the accurate and consistent determination of who are the buyers and who are the sellers in swap derivative contracts.
- (3) In order to determine the real exposures of counterparties, competent authorities require complete and accurate information on the collateral exchanged between those counterparties. Accordingly, specific rules ensuring a consistent approach with regard to the reporting of collateralisation for a given derivative contract or portfolio should be determined.
- (4) The accurate classification and precise identification of derivatives is essential for the efficient use of data and for the meaningful aggregation of data across trade repositories, and therefore contributes to the objectives of the Financial Stability Board set out in the Feasibility Study on Aggregation of OTC Derivatives Trade Repository Data (³) published on 19 September 2014. Reporting requirements relating to the classification and identification of derivatives should therefore be amended so that this information is available in its entirety to competent authorities.
- (5) In order to accommodate for the reporting of new types of derivatives contracts which have become available and are traded on a frequent basis by virtue of financial innovation, swaptions and spreadbets should be added to the list of classes of derivative contracts. More broadly, in view of ongoing financial innovation giving rise to new types of derivative contracts, it is important to ensure that any new types of derivatives contracts that do not fall within an existing classification can nevertheless be reported. Therefore, it is appropriate to maintain the category 'other' in the classification of types of derivatives contracts.
- (6) Where two counterparties cannot agree on which of them should generate a unique trade identifier within the reporting timeline provided, the correct identification and association of the two reports pertaining to the same transaction may not be possible. It is therefore necessary to establish criteria for the generation of unique trade identifiers so as to avoid counting the same transaction twice.

(¹) OJ L 201, 27.7.2012, p. 1.

(²) Commission Implementing Regulation (EU) No 1247/2012 of 19 December 2012 laying down implementing technical standards with regard to the format and frequency of trade reports to trade repositories according to Regulation (EU) No 648/2012 of the European Parliament and of the Council on OTC derivatives, central counterparties and trade repositories (OJ L 352, 21.12.2012, p. 20).

(³) http://www.fsb.org/wp-content/uploads/r_140919.pdf

- (7) Counterparties may face significant difficulty in obtaining all of the relevant information with regard to trades that were terminated before the commencement date for reporting. Given the resulting complexity of reporting terminated trades and the fact that such trades do not increase systemic risk, the period for reporting terminated trades should be extended from 3 years to 5 years from the commencement date for reporting.
- (8) In order to ensure full harmonisation of the data reported to trade repositories and therefore enable its consistent interpretation and aggregation, the standards and formats to be used in trade reports should be clarified. It is also appropriate to amend the reporting requirements with respect to data formats. Counterparties and trade repositories should therefore be granted sufficient time to take all necessary action to comply with the amended requirements.
- (9) Implementing Regulation (EU) No 1247/2012 should therefore be amended accordingly.
- (10) This Regulation is based on draft implementing technical standards submitted by the European Securities and Markets Authority (ESMA) to the Commission.
- (11) In accordance with Article 15 of Regulation (EU) No 1095/2010 of the European Parliament and of the Council (¹), ESMA has conducted open public consultations on such draft implementing technical standards, analysed the potential related costs and benefits and requested the opinion of the Securities and Markets Stakeholder Group referred to in Article 37 of that Regulation,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 1247/2012 is amended as follows:

- (1) Article 3 is replaced by the following:

'Article 3

Identification of counterparties and other entities

A report shall use a legal entity identifier to identify:

- (a) a beneficiary which is a legal entity;
- (b) a broking entity;
- (c) a CCP;
- (d) a clearing member;
- (e) a counterparty which is a legal entity;
- (f) a submitting entity.'

- (2) the following Articles 3a and 3b are inserted:

'Article 3a

Counterparty side

1. The counterparty side to the derivative contract referred to in field 14 of Table 1 of the Annex shall be determined in accordance with paragraphs 2 to 10.
2. In the case of options and swaptions, the counterparty that holds the right to exercise the option shall be identified as the buyer and the counterparty that sells the option and receives a premium shall be identified as the seller.

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

3. In the case of futures and forwards other than futures and forwards relating to currencies, the counterparty buying the instrument shall be identified as the buyer and the counterparty selling the instrument shall be identified as the seller.

4. In the case of swaps related to securities, the counterparty that bears the risk of price movement of the underlying security and receives the security amount shall be identified as the buyer and the counterparty that pays the security amount shall be identified as the seller.

5. In the case of swaps related to interest rates or inflation indices, the counterparty paying the fixed rate shall be identified as the buyer and the counterparty receiving the fixed rate shall be identified as the seller. In the case of basis swaps, the counterparty that pays the spread shall be identified as the buyer and the counterparty that receives the spread shall be identified as the seller.

6. In the case of cross-currency swaps and swaps and forwards related to currencies, the counterparty receiving the currency which appears first when sorted alphabetically by International Organization for Standardization (ISO 4217) standard shall be identified as the buyer and the counterparty delivering that currency shall be identified as the seller.

7. In the case of swaps related to dividends, the counterparty receiving the equivalent actual dividend payments shall be identified as the buyer and the counterparty paying the dividend and receiving the fixed rate shall be identified as the seller.

8. With the exception of options and swaptions, in the case of derivative instruments for the transfer of credit risk, the counterparty buying the protection shall be identified as the buyer and the counterparty selling the protection shall be identified as the seller.

9. In the case of derivative contracts relating to commodities, the counterparty that receives the commodity specified in the report shall be identified as the buyer and the counterparty that delivers the commodity shall be identified as the seller.

10. In the case of forward-rate agreements, the counterparty paying the fixed rate shall be identified as the buyer and the counterparty receiving the fixed rate shall be identified as the seller.

Article 3b

Collateralisation

1. The type of collateralisation of the derivative contract referred to in Field 21 of Table 1 of the Annex shall be identified by the reporting counterparty in accordance with paragraphs 2 to 5.

2. Where no collateral agreement exists between the counterparties or where the collateral agreement between the counterparties stipulates that the reporting counterparty does not post neither initial margin nor variation margin with respect to the derivative contract, the type of collateralisation of the derivative contract shall be identified as uncollateralised;

3. Where the collateral agreement between the counterparties stipulates that the reporting counterparty only posts regularly variation margins with respect to the derivative contract, the type of collateralisation of the derivative contract shall be identified as partially collateralised;

4. Where the collateral agreement between the counterparties stipulates that the reporting counterparty posts the initial margin and regularly posts variation margins and that the other counterparty either posts only variation margins or does not post any margins with respect to the derivative contract, the type of collateralisation of the derivative contract shall be identified as one-way collateralised;

5. Where the collateral agreement between the counterparties stipulates that both counterparties post initial margin and regularly post variation margins with respect to the derivative contract, the type of collateralisation of the derivative contract shall be identified as fully collateralised';

(3) Article 4 is replaced by the following:

Article 4

Specification, identification, and classification of derivatives

1. A report shall specify a derivative on the basis of contract type and asset class in accordance with paragraphs 2 and 3.

2. The derivative shall be specified in Field 1 of Table 2 of the Annex as one of the following contract types:

(a) financial contract for difference;

(b) forward rate agreement;

(c) forward;

(d) future;

(e) option;

(f) spreadbet;

(g) swap;

(h) swaption;

(i) other.

3. The derivative shall be specified in Field 2 of Table 2 of the Annex as one of the following asset classes:

(a) commodities and emission allowances;

(b) credit;

(c) currency;

(d) equity;

(e) interest rate.

4. Where derivatives do not fall within one of the asset classes specified in paragraph 3, the counterparties shall specify in the report the asset class most closely resembling the derivative. Both counterparties shall specify the same asset class.

5. The derivative shall be identified in Field 6 of Table 2 of the Annex using the following, where available:

(a) an ISO 6166 International Securities Identification Number (ISIN) code or an Alternative Instrument Identifier code (AII), as applicable, until the date of application of the delegated act adopted by the Commission pursuant to Article 27(3) of Regulation (EU) No 600/2014 of the European Parliament and of the Council (*);

(b) an ISIN from the date of application of the delegated act adopted by the Commission pursuant to Article 27(3) of Regulation (EU) No 600/2014.

Where an AII code is used, the complete AII code shall be used.

6. The complete AII code referred to in paragraph 5 shall be the result of the concatenation of the following six elements:

(a) ISO 10383 Market Identifier Code (MIC) of the trading venue where the derivative is traded, specified using 4 alphanumeric characters;

(b) Code, which is assigned by the trading venue, uniquely associated with a particular underlying instrument and settlement type and other characteristics of the contract, specified using up to 12 alphanumeric characters;

- (c) single character identifying whether the instrument is an option or a future, specified as "O" where it is an option and as "F" where it is a future;
- (d) single character identifying whether the option is a put or a call, specified as "P" where it is a put option and as "C" where it is a call option; where the instrument has been identified as a future in accordance with point (c), it shall be specified as "F";
- (e) exercise date or maturity date of a derivative contract specified in ISO 8601 YYYY-MM-DD standard;
- (f) the strike price of an option, specified using up to 19 digits including up to five decimals without any leading or trailing zeros. A decimal point shall be used as the decimal separator. Negative values are not allowed. Where the instrument is a future, the strike price shall be populated with zero.

7. The derivative shall be classified in Field 4 of Table 2 of the Annex using an ISO 10692 Classification of Financial Instrument (CFI) code for products identified through an ISO 6166 ISIN code or an AII code.

8. Derivatives for which an ISO 6166 ISIN code or an AII code are not available shall be classified by means of a designated code. That code shall be:

- (a) unique;
- (b) neutral;
- (c) reliable;
- (d) open source;
- (e) scalable;
- (f) accessible;
- (g) available at a reasonable cost basis;
- (h) subject to an appropriate governance framework.

9. Until the code referred to in paragraph 8 is endorsed by ESMA, derivatives for which an ISO 6166 ISIN code or an AII code are not available shall be classified using an ISO 10692 CFI code.

(*) Regulation (EU) No 600/2014 of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Regulation (EU) No 648/2012 (OJ L 173, 12.6.2014, p. 84).;

(4) the following Articles 4a and 4b are inserted:

Article 4a

Unique Trade Identifier

1. A report shall be identified through either a global unique trade identifier endorsed by ESMA or, in the absence thereof, a unique trade identifier agreed by the counterparties.

2. Where counterparties fail to agree on the entity responsible for generating the unique trade identifier to be assigned to the report, the counterparties shall determine the entity responsible for generating a unique trade identifier in accordance with the following:

- (a) for centrally-executed and cleared trades, the unique trade identifier shall be generated at the point of clearing by the central counterparty (CCP) for the clearing member. Another unique trade identifier shall be generated by the clearing member for its counterparty;
- (b) for centrally-executed but not centrally-cleared trades, the unique trade identifier shall be generated by the trading venue of execution for its member;

- (c) for centrally-confirmed and cleared trades, the unique trade identifier shall be generated at the point of clearing by the CCP for the clearing member. Another unique trade identifier shall be generated by the clearing member for its counterparty;
- (d) for trades that were centrally-confirmed by electronic means but were not centrally-cleared, the unique trade identifier shall be generated by the trade confirmation platform at the point of confirmation;
- (e) for all trades other than those referred to in points (a) to (d), the following shall apply:
 - (i) where financial counterparties trade with non-financial counterparties, the financial counterparties shall generate the unique trade identifier;
 - (ii) where non-financial counterparties above the clearing threshold trade with non-financial counterparties below the clearing threshold, those non-financial counterparties above the clearing threshold shall generate the unique trade identifier;
 - (iii) for all trades other than those referred to in points (i) and (ii), the seller shall generate the unique trade identifier.

3. The counterparty generating the unique trade identifier shall communicate that unique trade identifier to the other counterparty in a timely manner so that the latter is able to meet its reporting obligation.

Article 4b

Venue of execution

The venue of execution of the derivative contract shall be identified in Field 15 of Table 2 of the Annex as follows:

- (a) until the date of application of the delegated act adopted by the Commission pursuant to Article 27(3) of Regulation (EU) No 600/2014:
 - (i) for a venue of execution inside the Union, the ISO 10383 Market Identifier Code (MIC) published on ESMA's website in the register set up on the basis of information provided by competent authorities pursuant to Article 13(2) of Commission Regulation (EC) No 1287/2006 (*);
 - (ii) for a venue of execution outside the Union, the ISO 10383 MIC included in the list of MIC codes maintained and updated by ISO and published at ISO web site;
- (b) from the date of application of the delegated act adopted by the Commission pursuant to Article 27(3) of Regulation (EU) No 600/2014, the ISO 10383 MIC.

(*) Commission Regulation (EC) No 1287/2006 of 10 August 2006 implementing Directive 2004/39/EC of the European Parliament and of the Council as regards recordkeeping obligations for investment firms, transaction reporting, market transparency, admission of financial instruments to trading, and defined terms for the purposes of that Directive (OJ L 241, 2.9.2006, p. 1);

- (5) in Article 5, paragraph 4 is replaced by the following:

4. The following derivative contracts which are not outstanding on the commencement date for reporting for a particular derivative class shall be reported to a trade repository within five years of that date:

- (a) derivative contracts that were entered into before 16 August 2012 and were still outstanding on 16 August 2012;
- (b) derivative contracts that were entered into on or after 16 August 2012.;

- (6) the Annex is replaced by the text set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 November 2017, with the exception of Article 1(5), which shall apply from the date of entry into force.

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

Done at Brussels, 19 October 2016.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

'ANNEX

Table 1

Counterparty Data

	Field	Format
	Parties to the contract	
1	Reporting timestamp	ISO 8601 date in the format and Coordinated Universal Time (UTC) time format YYYY-MM-DDThh:mm:ssZ
2	Reporting Counterparty ID	ISO 17442 Legal Entity Identifier (LEI) 20 alphanumerical character code.
3	Type of ID of the other Counterparty	“LEI” for ISO 17442 Legal Entity Identifier (LEI) “CLC” for Client code
4	ID of the other Counterparty	ISO 17442 Legal Entity Identifier (LEI) 20 alphanumerical character code. Client code (up to 50 alphanumerical digits).
5	Country of the other Counterparty	ISO 3166 — 2 character country code
6	Corporate sector of the reporting counterparty	<p>Taxonomy for Financial Counterparties:</p> <p>A = Assurance undertaking authorised in accordance with Directive 2009/138/EC of the European Parliament and of the Council (¹)</p> <p>C = Credit institution authorised in accordance with Directive 2013/36/EU of the European Parliament and of the Council (²)</p> <p>F = Investment firm authorised in accordance with Directive 2004/39/EC of the European Parliament and of the Council (³)</p> <p>I = Insurance undertaking authorised in accordance with Directive 2009/138/EC</p> <p>L = Alternative investment fund managed by Alternative Investment Fund Managers (AIFMs) authorised or registered in accordance with Directive 2011/61/EU of the European Parliament and of the Council (⁴)</p> <p>O = Institution for occupational retirement provision within the meaning of Article 6(a) of Directive 2003/41/EC of the European Parliament and of the Council (⁵)</p> <p>R = Reinsurance undertaking authorised in accordance with Directive 2009/138/EC</p> <p>U = Undertakings for the Collective Investment in Transferable Securities (UCITS) and its management company, authorised in accordance with Directive 2009/65/EC of the European Parliament and of the Council (⁶)</p> <p>Taxonomy for Non-Financial Counterparties. The following categories correspond to the main sections of Statistical classification of economic activities in the European Community (NACE) as defined in Regulation (EC) No 1893/2006 of the European Parliament and of the Council (⁷)</p> <p>1 = Agriculture, forestry and fishing</p> <p>2 = Mining and quarrying</p> <p>3 = Manufacturing</p> <p>4 = Electricity, gas, steam and air conditioning supply</p>

Field	Format
	<p>5 = Water supply, sewerage, waste management and remediation activities</p> <p>6 = Construction</p> <p>7 = Wholesale and retail trade, repair of motor vehicles and motorcycles</p> <p>8 = Transportation and storage</p> <p>9 = Accommodation and food service activities</p> <p>10 = Information and communication</p> <p>11 = Financial and insurance activities</p> <p>12 = Real estate activities</p> <p>13 = Professional, scientific and technical activities</p> <p>14 = Administrative and support service activities</p> <p>15 = Public administration and defence; compulsory social security</p> <p>16 = Education</p> <p>17 = Human health and social work activities</p> <p>18 = Arts, entertainment and recreation</p> <p>19 = Other service activities</p> <p>20 = Activities of households as employers; undifferentiated goods — and services — producing activities of households for own use</p> <p>21 = Activities of extraterritorial organisations and bodies</p> <p>Where more than one activity is reported, list the codes in order of the relative importance of the corresponding activities, separating them with a “.”.</p> <p>Leave blank in the case of CCPs and other type of counterparties in accordance with Article 1(5) of Regulation (EU) No 648/2012.</p>
7	<p>Nature of the reporting counterparty</p> <p>F = Financial Counterparty</p> <p>N = Non-Financial Counterparty</p> <p>C = Central Counterparty</p> <p>O = Other</p>
8	Broker ID
9	Report submitting entity ID
10	Clearing member ID
11	Type of ID of the Beneficiary
12	Beneficiary ID

	Field	Format
13	Trading capacity	P = Principal A = Agent
14	Counterparty side	B = Buyer S = Seller Populated in accordance with Article 3a
15	Directly linked to commercial activity or treasury financing	Y = Yes N = No
16	Clearing threshold	Y = Above the threshold N = Below the threshold
17	Value of contract	Up to 20 numerical characters including decimals. The decimal mark is not counted as a numerical character. If populated, it shall be represented by a dot. The negative symbol, if populated, is not counted as a numerical character.
18	Currency of the value	ISO 4217 Currency Code, 3 alphabetical characters
19	Valuation timestamp	ISO 8601 date in the UTC time format YYYY-MM-DDThh:mm:ssZ
20	Valuation type	M = Mark-to-market O = Mark-to-model C = CCP's valuation.
21	Collateralisation	U = uncollateralised PC = partially collateralised OC = one way collateralised FC = fully collateralised Populated in accordance with Article 3b
22	Collateral portfolio	Y = Yes N = No
23	Collateral portfolio code	Up to 52 alphanumerical characters including four special characters: ". - _." Special characters are not allowed at the beginning and at the end of the code. No space allowed.
24	Initial margin posted	Up to 20 numerical characters including decimals. The decimal mark is not counted as a numerical character. If populated, it shall be represented by a dot.
25	Currency of the initial margin posted	ISO 4217 Currency Code, 3 alphabetical characters

	Field	Format
26	Variation margin posted	Up to 20 numerical characters including decimals. The decimal mark is not counted as a numerical character. If populated, it shall be represented by a dot.
27	Currency of the variation margins posted	ISO 4217 Currency Code, 3 alphabetical characters
28	Initial margin received	Up to 20 numerical characters including decimals. The decimal mark is not counted as a numerical character. If populated, it shall be represented by a dot.
29	Currency of the initial margin received	ISO 4217 Currency Code, 3 alphabetical characters
30	Variation margin received	Up to 20 numerical characters including decimals. The decimal mark is not counted as a numerical character. If populated, it shall be represented by a dot.
31	Currency of the variation margins received	ISO 4217 Currency Code, 3 alphabetical characters
32	Excess collateral posted	Up to 20 numerical characters including decimals. The decimal mark is not counted as a numerical character. If populated, it shall be represented by a dot.
33	Currency of the excess collateral posted	ISO 4217 Currency Code, 3 alphabetical characters
34	Excess collateral received	Up to 20 numerical characters including decimals. The decimal mark is not counted as a numerical character. If populated, it shall be represented by a dot.
35	Currency of the excess collateral received	ISO 4217 Currency Code, 3 alphabetical characters

(¹) Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009 on the taking-up and pursuit of the business of Insurance and Reinsurance (Solvency II) (OJ L 335, 17.12.2009, p. 1).

(²) 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 (OJ L 176, 27.6.2013, p. 338).

(³) Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC (OJ L 145, 30.4.2004, p. 1).

(⁴) Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010 (OJ L 174, 1.7.2011, p. 1).

(⁵) Directive 2003/41/EC of the European Parliament and of the Council of 3 June 2003 on the activities and supervision of institutions for occupational retirement provision (OJ L 235, 23.9.2003, p. 10).

(⁶) Directive 2009/65/EC of the European Parliament and of the Council of 13 July 2009 on the coordination of laws, regulations and administrative provisions relating to undertakings for collective investment in transferable securities (UCITS) (OJ L 302, 17.11.2009, p. 32).

(⁷) Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (OJ L 393, 30.12.2006, p. 1).

Table 2

Common Data

	Field	Format	Applicable types of derivative contracts
	Section 2a — Contract type		All contracts
1	Contract type	CD = Financial contracts for difference FR = Forward rate agreements FU = Futures FW = Forwards OP = Option SB = Spreadbet SW = Swap ST = Swaption OT = Other	
2	Asset class	CO = Commodity and emission allowances CR = Credit CU = Currency EQ = Equity IR = Interest Rate	
	Section 2b — Contract information		All contracts
3	Product classification type	C = CFI U = UPI	
4	Product classification	ISO 10692 CFI, 6 characters alphabetical code Endorsed UPI	
5	Product identification type	Specify the applicable identification: I = ISIN A = AII	
6	Product identification	For product identifier type I: ISO 6166 ISIN 12 character alphanumerical code For product identifier type A: Complete AII code in accordance with Article 4(8)	

	Field	Format	Applicable types of derivative contracts
7	Underlying identification type	I = ISIN A = AII U = UPI B = Basket X = Index	
8	Underlying identification	For underlying identification type I: ISO 6166 ISIN 12 character alphanumerical code For underlying identification type A: complete AII code in accordance with Article 4(8) For underlying identification type U: UPI For underlying identification type B: all individual components identification through ISO 6166 ISIN or complete AII code in accordance with Article 4(8). Identifiers of individual components shall be separated with a dash “-”. For underlying identification type X: ISO 6166 ISIN if available, otherwise full name of the index as assigned by the index provider	
9	Notional currency 1	ISO 4217 Currency Code, 3 alphabetical characters	
10	Notional currency 2	ISO 4217 Currency Code, 3 alphabetical characters	
11	Deliverable currency	ISO 4217 Currency Code, 3 alphabetical characters	
	Section 2c — Details on the transaction		All contracts
12	Trade ID	Until global UTI is available, up to 52 alphanumerical character code including four special characters: “. - _.” Special characters are not allowed at the beginning and at the end of the code. No space allowed.	
13	Report tracking number	An alphanumeric field up to 52 characters	
14	Complex trade component ID	An alphanumeric field up to 35 characters	
15	Venue of execution	ISO 10383 Market Identifier Code (MIC), 4 alphanumerical characters, in accordance with Article 4(b).	

	Field	Format	Applicable types of derivative contracts
16	Compression	Y = contract results from compression N = contract does not result from compression	
17	Price/rate	Up to 20 numerical characters including decimals. The decimal mark is not counted as a numerical character. If populated, it shall be represented by a dot. The negative symbol, if populated, is not counted as a numerical character. In case the price is reported in percent values, it should be expressed as percentage where 100 % is represented as "100"	
18	Price notation	U = Units P = Percentage Y = Yield	
19	Currency of price	ISO 4217 Currency Code, 3 alphabetic characters	
20	Notional	Up to 20 numerical characters including decimals. The decimal mark is not counted as a numerical character. If populated, it shall be represented by a dot. The negative symbol, if populated, is not counted as a numerical character.	
21	Price multiplier	Up to 20 numerical characters including decimals. The decimal mark is not counted as a numerical character. If populated, it shall be represented by a dot.	
22	Quantity	Up to 20 numerical characters including decimals. The decimal mark is not counted as a numerical character. If populated, it shall be represented by a dot.	
23	Up-front payment	Up to 20 numerical characters including decimals. The negative symbol to be used to indicate that the payment was made, not received. The decimal mark is not counted as a numerical character. If populated, it shall be represented by a dot. The negative symbol, if populated, is not counted as a numerical character.	

	Field	Format	Applicable types of derivative contracts
24	Delivery type	C = Cash P = Physical O = Optional for counterparty or when determined by a third party	
25	Execution timestamp	ISO 8601 date in the UTC time format YYYY-MM-DDThh:mm:ssZ	
26	Effective date	ISO 8601 date in the format YYYY-MM-DD	
27	Maturity date	ISO 8601 date in the format YYYY-MM-DD	
28	Termination date	ISO 8601 date in the format YYYY-MM-DD	
29	Settlement date	ISO 8601 date in the format YYYY-MM-DD	
30	Master Agreement type	Free Text, field of up to 50 characters, identifying the name of the Master Agreement used, if any	
31	Master Agreement version	ISO 8601 date in the format YYYY	
	Section 2d — Risk mitigation/Reporting		All contracts
32	Confirmation timestamp	ISO 8601 date in the UTC time format YYYY-MM-DDThh:mm:ssZ	
33	Confirmation means	Y = Non-electronically confirmed N = Non-confirmed E = Electronically confirmed	
	Section 2e — Clearing		All contracts
34	Clearing obligation	Y = Yes N = No	
35	Cleared	Y = Yes N = No	
36	Clearing timestamp	ISO 8601 date in the UTC time format YYYY-MM-DDThh:mm:ssZ	
37	CCP	ISO 17442 Legal Entity Identifier (LEI) 20 alphanumerical character code	

	Field	Format	Applicable types of derivative contracts
38	Intragroup	Y = Yes N = No	
	Section 2f — Interest Rates		Interest rate derivatives
39	Fixed rate of leg 1	Up to 10 numerical characters including decimals expressed as percentage where 100 % is represented as "100". The decimal mark is not counted as a numerical character. If populated, it shall be represented by a dot. The negative symbol, if populated, is not counted as a numerical character.	
40	Fixed rate of leg 2	Up to 10 numerical characters including decimals expressed as percentage where 100 % is represented as "100". The decimal mark is not counted as a numerical character. If populated, it shall be represented by a dot. The negative symbol, if populated, is not counted as a numerical character.	
41	Fixed rate day count leg 1	Numerator/Denominator where both Numerator and Denominator are numerical characters or alphabetic expression "Actual", e.g. 30/360 or Actual/365	
42	Fixed rate day count leg 2	Numerator/Denominator where both Numerator and Denominator are numerical characters or alphabetic expression "Actual", e.g. 30/360 or Actual/365	
43	Fixed rate payment frequency leg 1 –time period	Time period describing how often the counterparties exchange payments, whereby the following abbreviations apply: Y = Year M = Month W = Week D = Day	

	Field	Format	Applicable types of derivative contracts
44	Fixed rate payment frequency leg 1 — multiplier	Integer multiplier of the time period describing how often the counterparties exchange payments. Up to 3 numerical characters.	
45	Fixed rate payment frequency leg 2 — time period	Time period describing how often the counterparties exchange payments, whereby the following abbreviations apply: Y = Year M = Month W = Week D = Day	
46	Fixed rate payment frequency leg 2 — multiplier	Integer multiplier of the time period describing how often the counterparties exchange payments. Up to 3 numerical characters.	
47	Floating rate payment frequency leg 1 — time period	Time period describing how often the counterparties exchange payments, whereby the following abbreviations apply: Y = Year M = Month W = Week D = Day	
48	Floating rate payment frequency leg 1 — multiplier	Integer multiplier of the time period describing how often the counterparties exchange payments. Up to 3 numerical characters.	
49	Floating rate payment frequency leg 2 — time period	Time period describing how often the counterparties exchange payments, whereby the following abbreviations apply: Y = Year M = Month W = Week D = Day	
50	Floating rate payment frequency leg 2 — multiplier	Integer multiplier of the time period describing how often the counterparties exchange payments. Up to 3 numerical characters.	

	Field	Format	Applicable types of derivative contracts
51	Floating rate reset frequency leg 1 — time period	<p>Time period describing how often the counterparties reset the floating rate, whereby the following abbreviations apply:</p> <p>Y = Year M = Month W = Week D = Day</p>	
52	Floating rate reset frequency leg 1 — multiplier	<p>Integer multiplier of the time period describing how often the counterparties reset the floating rate.</p> <p>Up to 3 numerical characters.</p>	
53	Floating rate reset frequency leg 2 — time period	<p>Time period describing how often the counterparties reset the floating rate, whereby the following abbreviations apply:</p> <p>Y = Year M = Month W = Week D = Day</p>	
54	Floating rate reset frequency leg 2 — multiplier	<p>Integer multiplier of the time period describing how often the counterparties reset the floating rate.</p> <p>Up to 3 numerical characters.</p>	
55	Floating rate of leg 1	<p>The name of the floating rate index</p> <p>“EONA” — EONIA “EONS” — EONIA SWAP “EURI” — EURIBOR “EUUS” — EURODOLLAR “EUCH” — EuroSwiss “GCFR” — GCF REPO “ISDA” — ISDAFIX “LIBI” — LIBID “LIBO” — LIBOR “MAAA” — Muni AAA “PFAN” — Pfandbriefe “TIBO” — TIBOR “STBO” — STIBOR “BBSW” — BBSW “JIBA” — JIBAR “BUBO” — BUBOR</p>	

	Field	Format	Applicable types of derivative contracts
		<p>“CDOR” — CDOR “CIBO” — CIBOR “MOSP” — MOSPRIM “NIBO” — NIBOR “PRBO” — PRIBOR “TLBO” — TELBOR “WIBO” — WIBOR “TREA” — Treasury “SWAP” — SWAP “FUSW” — Future SWAP Or up to 25 alphanumerical characters if the reference rate is not included in the above list</p>	
56	Floating rate reference period leg 1 — time period	<p>Time period describing reference period, whereby the following abbreviations apply:</p> <p>Y = Year M = Month W = Week D = Day</p>	
57	Floating rate reference period leg 1 — multiplier	<p>Integer multiplier of the time period describing the reference period.</p> <p>Up to 3 numerical characters.</p>	
58	Floating rate of leg 2	<p>The name of the floating rate index</p> <p>“EONA” — EONIA “EONS” — EONIA SWAP “EURI” — EURIBOR “EUUS” — EURODOLLAR “EUCH” — EuroSwiss “GCFR” — GCF REPO “ISDA” — ISDAFIX “LIBI” — LIBID “LIBO” — LIBOR “MAAA” — Muni AAA “PFAN” — Pfandbriefe “TIBO” — TIBOR “STBO” — STIBOR “BBSW” — BBSW “JIBA” — JIBAR “BUBO” — BUBOR “CDOR” — CDOR “CIBO” — CIBOR “MOSP” — MOSPRIM</p>	

	Field	Format	Applicable types of derivative contracts
		<p>“NIBO” — NIBOR “PRBO” — PRIBOR “TLBO” — TELBOR “WIBO” — WIBOR “TREA” — Treasury “SWAP” — SWAP “FUSW” — Future SWAP Or up to 25 alphanumerical characters if the reference rate is not included in the above list</p>	
59	Floating rate reference period leg 2 — time period	<p>Time period describing reference period, whereby the following abbreviations apply:</p> <p>Y = Year M = Month W = Week D = Day</p>	
60	Floating rate reference period leg 2 — multiplier	<p>Integer multiplier of the time period describing the reference period.</p> <p>Up to 3 numerical characters.</p>	
	Section 2g — Foreign Exchange		Currency derivatives
61	Delivery currency 2	ISO 4217 Currency Code, 3 alphabetical character code	
62	Exchange rate 1	<p>Up to 10 numerical digits including decimals.</p> <p>The decimal mark is not counted as a numerical character. If populated, it shall be represented by a dot.</p> <p>The negative symbol, if populated, is not counted as a numerical character.</p>	
63	Forward exchange rate	<p>Up to 10 numerical characters including decimals.</p> <p>The decimal mark is not counted as a numerical character. If populated, it shall be represented by a dot.</p> <p>The negative symbol, if populated, is not counted as a numerical character.</p>	

	Field	Format	Applicable types of derivative contracts
64	Exchange rate basis	Two ISO 4217 currency codes separated by "/". First currency code shall indicate the base currency, and the second currency code shall indicate the quote currency.	
	Section 2h — Commodities and emission allowances		Commodity and emission allowance derivatives
	General		
65	Commodity base	AG = Agricultural EN = Energy FR = Freights ME = Metals IN = Index EV = Environmental EX = Exotic OT = Other	
66	Commodity details	Agricultural GO = Grains oilseeds DA = Dairy LI = Livestock FO = Forestry SO = Softs SF = Seafood OT = Other Energy OI = Oil NG = Natural gas CO = Coal EL = Electricity IE = Inter-energy OT = Other Freights DR = Dry WT = Wet OT = Other Metals PR = Precious NP = Non-precious Environmental WE = Weather EM = Emissions OT = Other	

	Field	Format	Applicable types of derivative contracts
	Energy		
67	Delivery point or zone	EIC code, 16 character alphanumeric code Repeatable field.	
68	Interconnection Point	EIC code, 16 character alphanumeric code	
69	Load type	BL = Base Load PL = Peak Load OP = Off-Peak BH = Hour/Block Hours SH = Shaped GD = Gas Day OT = Other	
	Repeatable section of fields 70 — 77		
70	Load delivery intervals	hh:mmZ	
71	Delivery start date and time	ISO 8601 date in the UTC time format YYYY-MM-DDThh:mm:ssZ	
72	Delivery end date and time	ISO 8601 date in the UTC time format YYYY-MM-DDThh:mm:ssZ	
73	Duration	N = Minutes H = Hour D = Day W = Week M = Month Q = Quarter S = Season Y = Annual O = Other	
74	Days of the week	WD = Weekdays WN = Weekend MO = Monday TU = Tuesday WE = Wednesday TH = Thursday FR = Friday SA = Saturday SU = Sunday Multiple values separated by "/" are permitted	

	Field	Format	Applicable types of derivative contracts
75	Delivery capacity	<p>Up to 20 numerical digits including decimals</p> <p>The decimal mark is not counted as a numerical character. If populated, it shall be represented by a dot.</p> <p>The negative symbol, if populated, is not counted as a numerical character.</p>	
76	Quantity Unit	<p>KW</p> <p>KWh/h</p> <p>KWh/d</p> <p>MW</p> <p>MWh/h</p> <p>MWh/d</p> <p>GW</p> <p>GWh/h</p> <p>GWh/d</p> <p>Therm/d</p> <p>KTherm/d</p> <p>MTherm/d</p> <p>cm/d</p> <p>mcm/d</p>	
77	Price/time interval quantities	<p>Up to 20 numerical characters including decimals.</p> <p>The decimal mark is not counted as a numerical character. If populated, it shall be represented by a dot.</p> <p>The negative symbol, if populated, is not counted as a numerical character.</p>	
	Section 2i — Options		Contracts that contain an option
78	Option type	<p>P = Put</p> <p>C = Call</p> <p>O = where it cannot be determined whether it is a call or a put</p>	
79	Option exercise style	<p>A = American</p> <p>B = Bermudan</p> <p>E = European</p> <p>S = Asian</p> <p>More than one value is allowed</p>	

	Field	Format	Applicable types of derivative contracts
80	Strike price (cap/floor rate)	<p>Up to 20 numerical characters including decimals. The decimal mark is not counted as a numerical character. If populated, it shall be represented by a dot.</p> <p>The negative symbol, if populated, is not counted as a numerical character.</p> <p>Where the strike price is reported in percent values, it should be expressed as percentage where 100 % is represented as "100"</p>	
81	Strike price notation	<p>U = Units</p> <p>P = Percentage</p> <p>Y = Yield</p>	
82	Maturity date of the underlying	ISO 8601 date in the format YYYY-MM-DD	
	Section 2j — Credit derivatives		
83	Seniority	<p>SNDB = Senior, such as Senior Unsecured Debt (Corporate/Financial), Foreign Currency Sovereign Debt (Government),</p> <p>SBOD = Subordinated, such as Subordinated or Lower Tier 2 Debt (Banks), Junior Subordinated or Upper Tier 2 Debt (Banks),</p> <p>OTHR = Other, such as Preference Shares or Tier 1 Capital (Banks) or other credit derivatives</p>	
84	Reference entity	<p>ISO 3166 — 2 character country code</p> <p>or</p> <p>ISO 3166-2 — 2 character country code followed by dash “-” and up to 3 alphanumeric character country subdivision code</p> <p>or</p> <p>ISO 17442 Legal Entity Identifier (LEI) 20 alphanumeric character code</p>	
85	Frequency of payment	<p>MNTH = Monthly</p> <p>QURT = Quarterly</p> <p>MIAN = Semi-annually</p> <p>YEAR = Yearly</p>	
86	The calculation basis	Numerator/Denominator where both, Numerator and Denominator are numerical characters or alphabetic expression “Actual”, e.g. 30/360 or Actual/365	

	Field	Format	Applicable types of derivative contracts
87	Series	Integer field up to 5 characters	
88	Version	Integer field up to 5 characters	
89	Index factor	Up to 10 numerical characters including decimals. The decimal mark is not counted as a numerical character. If populated, it shall be represented by a dot.	
90	Tranche	T = Tranched U = Untranched	
91	Attachment point	Up to 10 numerical characters including decimals expressed as a decimal fraction between 0 and 1. The decimal mark is not counted as a numerical character. If populated, it shall be represented by a dot.	
92	Detachment point	Up to 10 numerical characters including decimals expressed as a decimal fraction between 0 and 1. The decimal mark is not counted as a numerical character. If populated, it shall be represented by a dot.	
	Section 2k — Modifications to the contract		
93	Action type	N = New M = Modify E = Error C = Early Termination R = Correction Z = Compression V = Valuation update P = Position component	
94	Level	T = Trade P = Position'	

COMMISSION IMPLEMENTING REGULATION (EU) 2017/106**of 20 January 2017****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

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

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

Whereas:

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

HAS ADOPTED THIS REGULATION:

Article 1

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

Article 2

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

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

Done at Brussels, 20 January 2017.

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

Jerzy PLEWA

Director-General

Directorate-General for Agriculture and Rural Development

(¹) OJ L 347, 20.12.2013, p. 671.

(²) OJ L 157, 15.6.2011, p. 1.

ANNEX

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

CN code	Third country code ⁽¹⁾	Standard import value (EUR/100 kg)
0702 00 00	IL	162,4
	MA	170,4
	TR	167,7
	ZZ	166,8
0707 00 05	EG	250,3
	MA	74,9
	TR	205,3
	ZZ	176,8
0709 91 00	EG	153,4
	ZZ	153,4
0709 93 10	MA	367,5
	TR	252,3
	ZZ	309,9
0805 10 22, 0805 10 24, 0805 10 28	EG	51,1
	MA	54,9
	TR	82,9
	ZZ	63,0
0805 21 10, 0805 21 90, 0805 29 00	IL	162,6
	TR	78,7
	ZZ	120,7
0805 22 00	MA	70,9
	ZZ	70,9
0805 50 10	AR	92,5
	TR	72,4
	ZZ	82,5
0808 10 80	US	105,5
	ZZ	105,5
0808 30 90	CN	77,5
	TR	133,1
	ZZ	105,3

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

COMMISSION IMPLEMENTING REGULATION (EU) 2017/107

of 20 January 2017

fixing the allocation coefficient to be applied to the quantities covered by the applications for import licences lodged from 1 to 7 January 2017 under the tariff quotas opened by Regulation (EC) No 341/2007 for garlic

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 341/2007 (²) opened annual tariff quotas for imports of garlic.
- (2) The quantities covered by the applications for 'A' import licences lodged in the first seven calendar days of January 2017, for the subperiod from 1 March 2017 to 31 May 2017, for certain quotas, exceed those available. The extent to which 'A' 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).
- (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 covered by the applications for 'A' import licences lodged under Regulation (EC) No 341/2007 for the subperiod from 1 March 2017 to 31 May 2017 shall be multiplied by the allocation coefficient 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 January 2017.

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

(¹) OJ L 347, 20.12.2013, p. 671.

(²) Commission Regulation (EC) No 341/2007 of 29 March 2007 opening and providing for the administration of tariff quotas and introducing a system of import licences and certificates of origin for garlic and certain other agricultural products imported from third countries (OJ L 90, 30.3.2007, p. 12).

(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).

ANNEX

Origin	Reference number	Allocation coefficient — applications lodged for the subperiod from 1.3.2017 to 31.5.2017 (%)
Argentina		
— Traditional importers	09.4104	—
— New importers	09.4099	—
China		
— Traditional importers	09.4105	—
— New importers	09.4100	0,489868
Other third countries		
— Traditional importers	09.4106	—
— New importers	09.4102	—

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2016 OF THE EPA COMMITTEE

set up by the interim Agreement with a view to an Economic Partnership Agreement between the European Community and its Member States, of the one part, and the Central Africa Party, of the other part,

of 15 December 2016

regarding the adoption of the Rules of Procedure of the EPA Committee [2017/108]

THE EPA COMMITTEE,

Having regard to the interim Agreement with a view to an Economic Partnership Agreement between the European Community and its Member States, of the one part, and the Central Africa Party, of the other part, (the 'Agreement'), signed in Brussels on 15 January 2009, and provisionally applied since 4 August 2014, in particular Article 92 thereof,

Whereas:

- (1) Under the terms of the Agreement and this Decision, the Central Africa Party is composed of the Republic of Cameroon,
- (2) The Agreement lays down that the Parties are to agree on the composition, organisation and functioning of the EPA Committee,

HAS ADOPTED THIS DECISION:

Article 1

The Rules of Procedure of the EPA Committee are established as set out in the Annex.

Those Rules of Procedure are established without prejudice to any special rules provided for in the Agreement or which may be decided by the EPA Committee.

Article 2

This Decision shall enter into force upon its signature.

Done at Yaoundé, 15 December 2016.

For the Republic of Cameroon
Abdoulaye YAOUBA

For the European Union
Cecilia MÅLSTRÖM

ANNEX

RULES OF PROCEDURE OF THE EPA COMMITTEE

set up by the interim Agreement with a view to an Economic Partnership Agreement between the European Community and its Member States, of the one part, and the Central Africa Party, of the other part,

CHAPTER I

GENERAL PROVISIONS

*Article 1***Tasks of the EPA Committee**

The EPA Committee shall be responsible for the administration of all the areas covered by the Agreement and for the completion of all tasks referred to in the Agreement.

The EPA Committee shall in particular:

1. In the area of trade:

- (a) monitor and ensure the implementation and appropriate application of the Agreement; to this end it shall examine and recommend the priority areas for cooperation;
- (b) assess the results achieved under the Agreement and make any necessary improvements to the Agreement;
- (c) carry out any measure aimed at avoiding disputes and/or resolving disputes resulting from an interpretation or application of the Agreement;
- (d) monitor the development of regional integration and economic and trade relations between the Parties;
- (e) monitor and assess the impact of the implementation of the Agreement on the sustainable development of the Parties;
- (f) discuss and undertake any measures which may promote trade, investment and business opportunities between the Parties;
- (g) discuss all subjects arising from the Agreement and any other subject likely to compromise the pursuit of its objectives.

2. In the area of development cooperation:

- (a) ensure application of the development cooperation provisions falling within the scope of the Agreement;
- (b) monitor and coordinate with the other partners the implementation of the development cooperation provisions laid down in the Agreement;
- (c) keep under periodic review the development priorities set out in the Agreement and make recommendations on the inclusion of new priorities, as appropriate;
- (d) ensure implementation of the Joint Guidance Document annexed to the Agreement.

CHAPTER II

ORGANISATION

*Article 2***Composition and Chair**

1. The EPA Committee shall be composed of representatives of the members of the Council of the European Union and of the European Commission and representatives of the Republic of Cameroon, at ministerial or senior official level.

2. Reference to 'the Parties' in these Rules of Procedure shall be in accordance with the definition provided for under Article 95 of the Agreement.

3. The EPA Committee shall be chaired alternately for periods of 12 months by a representative of the European Union and by a representative of the Republic of Cameroon. The mandate corresponding to the first period shall begin on the date of the first meeting of the EPA Committee and end on 31 December of the following year. The Chair shall be held first by a representative of the Republic of Cameroon.

Article 3

Observers

1. Representatives of the Commission of the Economic and Monetary Community of Central Africa (CEMAC) and the General Secretariat of the Economic Community of Central African States (ECCAS) shall be invited to attend all meetings of the EPA Committee as observers.

2. The Parties may decide to invite representatives of civil society and the private sector and experts or any other person of their choice to meetings of the EPA Committee as observers.

3. The EPA Committee may decide to close meetings to observers during the discussion of sensitive matters and the taking of decisions by the Committee.

Article 4

Secretariat

The European Commission, on behalf of the European Union, and the Republic of Cameroon shall act as Secretary of the EPA Committee alternately for periods of 12 months. These periods shall coincide with the alternate holding of the Chair of the EPA Committee.

Article 5

Sub-Committees

For the effective performance of its tasks the EPA Committee may set up under its authority sub-committees responsible for dealing with specific subjects under the Agreement. To this end the EPA Committee shall determine the composition and tasks of such sub-committees.

CHAPTER III

FUNCTIONING

Article 6

Decisions and recommendations

1. The EPA Committee shall adopt its decisions and recommendations by consensus.

2. The EPA Committee may decide to submit any general matter, which is of mutual interest to the ACP States and the European Union, arising under the Agreement to the ACP-EU Council of Ministers, as defined under Article 15 of the Partnership Agreement between the members of the African, Caribbean and Pacific Group of States, of the one part, and the European Community and its Member States, of the other part (the 'Cotonou Agreement').

3. In the period between meetings, the EPA Committee may adopt decisions or recommendations by written procedure if both Parties so agree. A written procedure shall consist of an exchange of notes between the Parties.

4. The decisions or recommendations of the EPA Committee shall bear the title 'Decision' or 'Recommendation' followed by a serial number, the date of their adoption and an indication of their content. Each decision shall indicate the date of its entry into force.

5. Decisions and recommendations adopted by the EPA Committee shall be authenticated by a representative of the European Commission on behalf of the European Union and by a representative of the Republic of Cameroon.

6. Decisions and recommendations shall be forwarded to the Parties as documents of the EPA Committee.

Article 7

Correspondence

1. All correspondence addressed to the EPA Committee shall be directed to its Secretary.

2. The Secretary shall ensure that correspondence addressed to the EPA Committee is forwarded to the Chair of the Committee and, where appropriate, circulated as documents referred to under Article 10 of these Rules of Procedure to the focal point of each Party, as defined under Article 92 of the Agreement.

3. Correspondence from the Chair of the EPA Committee shall be sent to the focal point of each Party by the Secretary and, where appropriate, circulated as documents referred to under Article 10 of these Rules of Procedure to the other members of the EPA Committee.

Article 8

Meetings

1. The EPA Committee shall meet at regular intervals, not exceeding a period of 1 year, and shall hold extraordinary meetings whenever circumstances so require, if the Parties so agree.

2. Each meeting of the EPA Committee shall be held at a place and on a date agreed by the Parties.

3. Meetings of the EPA Committee shall be convened by the Party holding the Chair, after consulting the other Party.

4. Invitations shall be sent to participants at the latest 15 days before each meeting.

Article 9

Delegations

Before each meeting, the Chair of the EPA Committee shall be informed of the intended composition of the delegations of the European Union and the Republic of Cameroon, and of any observers.

Article 10

Documentation

Where the deliberations of the EPA Committee are based on written supporting documents, such documents shall be numbered and circulated as documents of the EPA Committee by the Secretary at least 14 days before the beginning of the meeting.

Article 11

Agendas for Meetings

1. A provisional agenda for each meeting shall be drawn up by the Secretary of the EPA Committee on the basis of proposals made by the Parties. It shall be forwarded by the Secretary of the EPA Committee to each Party's focal point no later than 15 days before the beginning of the meeting.

2. The provisional agenda shall include the items for which a request for inclusion on the agenda has been received by the Secretary no later than 21 days before the beginning of the meeting, although such items will not be included on the provisional agenda unless the relevant supporting documents have been received by the Secretary no later than the date of dispatch of that provisional agenda.
3. The agenda shall be adopted by the EPA Committee at the beginning of each meeting. Items other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.
4. The Chair of the EPA Committee, in agreement with the Parties, may invite experts to attend the EPA Committee's meetings in order to provide information on specific subjects.
5. With the agreement of the Parties, the Secretary may shorten the time limits specified in paragraphs 1 and 2, in order to take account of the requirements of a particular case.

Article 12

Minutes

1. At the end of each meeting, a summary of the conclusions shall be drawn up and signed by the EPA Committee members.
2. Draft minutes of each meeting shall be drawn up by the Secretary at the latest within 1 month.
3. The minutes shall, as a general rule, summarise each item on the agenda, specifying where applicable:
 - (a) all the documents submitted to the EPA Committee;
 - (b) any statement that a member of the EPA Committee has asked to be entered;
 - (c) the decisions adopted, recommendations made, statements agreed upon and conclusions adopted on specific items.
4. The minutes shall also include a list of participants from the EPA Committee, a list of the members of the delegations accompanying them and a list of any observers at the meeting.
5. The minutes shall be approved in writing by both Parties within 2 months of the date of the meeting. Once approved, two copies of the minutes shall be signed by the Secretary and each of the Parties shall receive one original of these authentic documents.

Article 13

Public access

1. Unless otherwise decided by the Parties, the meetings of the EPA Committee shall not be public.
2. Each Party may decide to publish the decisions of the EPA Committee in its respective official publication.

CHAPTER IV

FINAL PROVISIONS

Article 14

Linguistic regime

1. The working languages of the EPA Committee shall be the official languages common to the Parties.
2. The EPA Committee shall base its deliberations and adopt decisions and recommendations on documents and proposals prepared in one of the languages referred to in paragraph 1.

*Article 15***Expenditure**

1. Each Party shall meet any expenses it incurs as a result of attending the meetings of the EPA Committee, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.
2. Expenditure in connection with the organisation of meetings and the reproduction of documents shall be borne by the Party hosting the meeting.
3. Expenditure in connection with the provision of interpretation services at meetings and translation of decisions and recommendations into the working languages of the EPA Committee shall be borne by the Party hosting the meeting. Expenditure in connection with the provision of interpretation services and the translation of decisions and recommendations into the other official languages of the European Union shall be borne by the European Union.

*Article 16***Amendment of Rules of Procedure**

These Rules of Procedure may be amended by a decision of the EPA Committee in accordance with Article 6(1).

CORRIGENDA**Corrigendum to Commission Regulation (EU) 2016/314 of 4 March 2016 amending Annex III to Regulation (EC) No 1223/2009 of the European Parliament and of the Council on cosmetic products**

(Official Journal of the European Union L 60 of 5 March 2016)

On page 61, in the Annex, in the amendment to column 'Ref. No.' of the table in Annex III to Regulation (EC) No 1223/2009:

for: 'x',

read: '297'.

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