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⁽¹⁾ Text with EEA relevance.

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⁽¹⁾ Text with EEA relevance.

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2017/180

of 24 October 2016

supplementing Directive 2013/36/EU of the European Parliament and of the Council with regard to regulatory technical standards for benchmarking portfolio assessment standards and assessment-sharing procedures

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2013/36/EU of the European Parliament and of the Council of 26 June 2013 on access to the activity of credit institutions and the prudential supervision of credit institutions and investment firms, amending Directive 2002/87/EC and repealing Directives 2006/48/EC and 2006/49/EC ⁽¹⁾, and in particular the third subparagraph of Article 78(7) thereof,

Whereas:

- (1) It is necessary to lay down standards for the assessment by competent authorities of the internal approaches adopted by institutions' calculating own funds requirements and set out detailed rules in respect of the procedures for sharing of those assessments between competent authorities empowered to monitor the range of risk-weighted exposure amounts or own funds requirements by institutions permitted to use internal approaches for the calculation of those amounts or own fund requirements.
- (2) The assessment of the quality of advanced approaches of institutions allows for the comparison of internal approaches at the Union level, whereby the European Banking Authority (EBA) assists competent authorities with their assessment of potential underestimation of own funds requirements. The rules on the procedures for sharing assessments should contain appropriate provisions on the timing of the sharing of the assessments with the relevant competent authorities and EBA.
- (3) Competent authorities responsible for the supervision of institutions belonging to a group subject to consolidated supervision have a legitimate interest in the quality of internal approaches used by those institutions, as they contribute to the joint decision of the approval of the internal approaches in the first place, by virtue of Article 20 of Regulation (EU) No 575/2013 of the European Parliament and of the Council ⁽²⁾. Rules on the procedures for sharing assessments made in accordance with Article 78(3) of Directive 2013/36/EU should also specify how the general cooperation and information-sharing obligations within colleges apply in the particular context of the benchmarking exercise.
- (4) In order to ensure that the assessments made in accordance with Article 78(3) of Directive 2013/36/EU are shared in an efficient and practicable manner, competent authorities should make known their estimate or views on the level of potential underestimation of own fund requirements stemming from the internal approaches used by the institutions and the reasoning behind the conclusions of the competent authorities' assessment. In

⁽¹⁾ OJ L 176, 27.6.2013, p. 338.

⁽²⁾ Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ L 176, 27.6.2013, p. 1).

addition, actual or envisaged corrective actions by competent authorities in accordance with Article 78(4) of that Directive are also relevant for all other competent authorities responsible for the supervision of institutions belonging to a group subject to consolidated supervision as they have a legitimate interest in the continuous quality of an internal approach used by those institutions. Furthermore, actual or envisaged corrective actions by competent authorities should also be made known to EBA in accordance with Article 107(1) of that Directive, as they are necessary for EBA to carry out its tasks.

- (5) The EBA report produced to assist competent authorities in their assessment of the quality of the internal approaches is a cornerstone of the benchmarking exercise, given that such report contains the results of the comparison of relevant institutions with their peers at the Union level. Therefore, the information contained in the EBA report should constitute the basis on which competent authorities decide which firms and portfolios should be assessed with 'particular attention' as required by the first subparagraph of Article 78(3) of Directive 2013/36/EU.
- (6) The results of the assessment of the quality of internal approaches depend on the quality of the data reported by relevant institutions under Commission Implementing Regulation (EU) 2016/2070 ⁽¹⁾, which also need to be consistent and comparable. Therefore, competent authorities should be required to confirm the correct application of that Implementing Regulation by institutions, especially with regard to the application of the option available to institutions to refrain from reporting of certain individual portfolios.
- (7) Where competent authorities compute benchmarks based on the standardised approach, an adjustment should be made to the own fund requirements for credit risk that result from the application of the standardised approach, for reasons of prudence. This adjustment should be established at the level applied for the computation of the transitional Basel I floor based on Article 500 of Regulation (EU) No 575/2013.
- (8) Benchmarks based on the standardised approach are not currently considered appropriate to be computed in the case of market risk, as they can lead to distortions. Due to major methodological differences in the computation of own funds requirements according to the standardised and internal approaches, mainly due to sharp differences in aggregation or diversification of individual positions, a comparison between the two metrics under market risk for small portfolios would not provide a meaningful indication of potential underestimation of own funds requirements. Where standardised approach computations are considered in the assessment of credit risk models, their use should be only intended as benchmarks for assessment, rather than as floors.
- (9) When assessing the overall quality of institutions' internal approaches and the degree of variability observed in particular approaches, competent authorities should not focus solely on the outcomes but should aim at determining the key variability drivers and at extracting conclusions in the different modelling approaches. Competent authorities should therefore be required to take into account the results of the alternative value-at-risk (VaR) and stressed value-at-risk (sVaR) calculations based on the profit-and-loss time-series.
- (10) Given that the role of the competent authorities in investigating and confirming the quality of internal approaches is fundamental, in addition to the information reported by institutions in accordance with Implementing Regulation (EU) 2016/2070, competent authorities should use the powers they have under Regulation (EU) No 575/2013 for approving and reviewing internal approaches, in a proactive manner, by seeking any further information that will be useful for their on-going assessment of the quality of internal approaches.
- (11) For the assessment of market risk, back-testing, based both on hypothetical and actual changes in a portfolio's value, is already required to be conducted on a daily basis for the end-of-day positions of the whole portfolio, as set out in Article 366(3) of Regulation (EU) No 575/2013. The number of over-shootings has to be communicated to competent authorities and is regularly used to assess model performance and to determine add-on factors to the regulatory VaR and sVaR multipliers. Accordingly, no additional back-testing should be applied or assessed for the portfolios relating to market risk internal approaches.
- (12) The fact that the outcome of the benchmarking exercise for an individual portfolio is an extreme value or is identified in the EBA report as to be reviewed by competent authorities should not necessarily imply that the model used by the institution is incorrect or wrong. In this regard the assessments conducted by competent

⁽¹⁾ Commission Implementing Regulation (EU) 2016/2070 of 14 September 2016 laying down implementing technical standards for templates, definitions and IT-solutions to be used by institutions when reporting to the European Banking Authority and to competent authorities in accordance with Article 78(2) of Directive 2013/36/EU of the European Parliament and of the Council (OJ L 328. 2.12.2016, p. 1)

authorities should be used as a tool to get a more in-depth knowledge of institutions' models and modelling assumptions. In addition, the analysis of the potential differences between the own funds requirements for credit risk as reported by the institutions under Implementing Regulation (EU) 2016/2070, and the own funds requirements for credit risk that result from the use of historically observed risk parameters ('outturns') should be used by competent authorities as a proxy indicator of significant and systematic underestimation of own funds requirements, but should never substitute proper validation of the internal approach.

- (13) In using the benchmarking results, competent authorities should consider possible data limitations and reflect this in their assessment as deemed appropriate. Additional metrics based on outturns should be calculated by EBA based on the information collected and will further contribute to the analysis. Similarly, given that own funds requirements produced by market risk models are portfolio-dependent and any conclusions obtained at disaggregated levels cannot be uncritically extrapolated to real portfolios held by institutions, any preliminary conclusions based solely on the total levels of capital derived from the aggregated portfolios should be considered with due caution. When assessing the results obtained, competent authorities should consider that even the aggregated portfolios comprising the largest number of instruments will still be very different from a real portfolio in terms of size and structure. In addition, since most institutions will not be able to model all non-aggregated portfolios, the results might not be comparable in all cases. Furthermore, it should be borne in mind that the data will not be reflecting all actions on own funds, such as constraints on diversification benefits or own funds add-ons introduced to address known modelling flaws or missing risk factors.
- (14) This Regulation is based on the draft regulatory technical standards submitted by the European Banking Authority to the Commission.
- (15) The European Banking Authority has conducted open public consultations on the draft regulatory technical standards on which this Regulation is based, analysed the potential related costs and benefits and requested the opinion of the Banking Stakeholder Group established in accordance with Article 37 of Regulation (EU) No 1093/2010 of the European Parliament and of the Council ⁽¹⁾,

HAS ADOPTED THIS REGULATION:

Article 1

Procedures for sharing assessments

1. Competent authorities carrying out annual assessments of the quality of the internal approaches of institutions in accordance with Article 78(3) of Directive 2013/36/EU shall share those assessments with all other relevant competent authorities and the European Banking Authority (EBA) within three months after the circulation of the report produced by EBA referred to in the second subparagraph of Article 78(3) of that Directive.
2. Upon receipt of the assessments referred to in paragraph 1, EBA shall share them with the relevant competent authorities responsible for the supervision of institutions belonging to a group subject to consolidated supervision where the competent authorities that prepared those assessments have not already done so.

Article 2

Procedures for sharing information with other competent authorities and EBA

When sharing assessments made in accordance with Article 78(3) of Directive 2013/36/EU, competent authorities shall provide the following information:

- (a) the conclusions and rationale of their assessment, based on the application of the assessment standards referred to in Articles 3 to 11;

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

- (b) their views on the level of potential underestimation of own fund requirements stemming from the internal approaches used by institutions.

Article 3

Overview

1. When carrying out the assessment referred to in the first subparagraph of Article 78(3) or Directive 2013/36/EU, competent authorities shall identify the internal approaches that need specific assessment in a manner which is proportionate to the nature, scale and complexity of the risks inherent in the business model as well as the relevance of the portfolios included in Implementing Regulation (EU) 2016/2070 for the institution in relation to the risk profile of the institution. They shall also take into account the analysis provided in the EBA report referred to in the second subparagraph of Article 78(3) of Directive 2013/36/EU as follows:

- (a) they shall treat values resulting from modelling which are considered as extreme in the EBA report as an indication of significant differences in own funds requirements in accordance with the first subparagraph of Article 78(3) of Directive 2013/36/EU;
- (b) they shall treat values resulting from modelling and the standard deviation of those values for exposures in the same benchmark portfolio or similar benchmarking portfolios identified in the EBA report as a preliminary indication of significant differences and low or high diversity, as applicable, in own funds requirements in accordance with the first subparagraph of Article 78(3) of Directive 2013/36/EU;
- (c) they shall treat potential differences computed in accordance with Article 4 of this Regulation as a preliminary indication of significant and systematic underestimation of own funds requirements in accordance with the first subparagraph of Article 78(3) of Directive 2013/36/EU;
- (d) they shall treat potential differences between estimated risk parameters reported by the institutions under Implementing Regulation (EU) 2016/2070 and the historically observed risk parameters ('outturns') reported by the institutions in accordance with that Implementing Regulation as a preliminary indication of significant differences in own funds requirements in accordance with the first subparagraph of Article 78(3) of Directive 2013/36/EU;
- (e) they shall treat potential differences between the own funds requirements for credit risk as reported by the institutions under Implementing Regulation (EU) 2016/2070 and the own funds requirements for credit risk that result from the use of outturns by the institutions in accordance with that Implementing Regulation or computed by EBA in its report referred to in the second subparagraph of Article 78(3) of Directive 2013/36/EU as a preliminary indication of significant and systematic underestimation of own funds requirements in accordance with the first subparagraph of Article 78(3) of that Directive. When using the report provided by EBA, competent authorities may take into account possible data limitations and reflect this in their assessment as deemed appropriate.

2. When carrying out the assessment referred to in paragraph 1 of this Article, competent authorities shall apply the assessment standards referred to in Articles 6 to 11.

Article 4

Computation of potential differences for credit risk using the Standardised Approach

1. Competent authorities shall compute the potential differences referred to in point (c) of Article 3(1) by subtracting the own funds requirements for credit risk as reported by the institutions under Implementing Regulation (EU) 2016/2070 from the own funds requirements for credit risk that result from the application of the standardised approach. In addition, they shall calculate the benchmark statistics regarding those differences as follows:

- (a) for low-default portfolios (LDPs), at the portfolio level excluding the exposures to Member States' central government and central banks denominated and funded in the domestic currency as referred to in Article 114(4) of Regulation (EU) No 575/2013;
- (b) for high-default portfolios (HDPs), at the portfolio level.

2. For the computation of benchmark statistics referred to in paragraph 1 of this Article, competent authorities shall use the own funds requirements for credit risk adjusted at the level applied for the computation of the transitional Basel I floor based on Article 500 of Regulation (EU) No 575/2013.

Article 5

Computation of potential differences for credit risk using outturns

For the purposes of point (d) and (e) of Article 3(1), competent authorities shall use both one-year and five-year average outturns for computing the differences.

Article 6

Assessment standards

1. When carrying out the assessment referred to in Article 3(1) of this Regulation, competent authorities shall assess the compliance of institutions with the requirements of Implementing Regulation (EU) 2016/2070, where institutions have exercised the option of Article 3(2) of that Implementing Regulation in order to submit more limited reporting under that Implementing Regulation. Competent authorities shall do so by confirming the rationale and justification behind any limitations in the reporting that these institutions have provided under that Implementing Regulation.

2. When carrying out the assessment referred to in Article 3(1), competent authorities shall investigate the reasons for the significant and systematic underestimation and for the high or low diversity in the own funds requirements referred to in that paragraph, as follows:

- (a) for assessments relating to credit risk approaches, by applying the standards referred to in Articles 7 and 8;
- (b) for assessments relating to market risk approaches, by applying the standards referred to in Articles 9 to 11.

Article 7

General assessment standards for internal approaches for credit risk

1. When carrying out an assessment referred to in Article 3(1) relating to credit risk approaches, competent authorities shall use at least the information on the internal approaches applied to the supervisory benchmarking portfolios which is contained in the following documents, where relevant:

- (a) the EBA report referred to in the second subparagraph of Article 78(3) of Directive 2013/36/EU;
- (b) the institution's regular validation reports;
- (c) model documentation including manuals, documentation on the development and calibration of the model and methodology for the internal approaches;
- (d) reports regarding on-site visits.

2. When carrying out an assessment referred to in Article 3(1) relating to credit risk approaches, competent authorities shall take into account the following elements, where relevant:

- (a) whether the institution uses own estimates of loss given default (LGD) and conversion factors in accordance with Article 143 of Regulation (EU) No 575/2013;
- (b) the model's application perimeter and the representativeness of the benchmarking portfolios;

- (c) key characteristics of the models such as distinguishing between models designed and calibrated at the centralised group level (global) and models designed and calibrated only at the level of the host jurisdiction (local), vendor and institution models, models developed and calibrated using internal data and models developed and calibrated using external data;
- (d) the date of model approval and the date of model development;
- (e) the comparison of predicted and observed default rates over a relevant time period;
- (f) the comparison of predicted downturn LGDs with observed LGDs;
- (g) the comparison of estimated and observed exposures at default;
- (h) the length of the time series used and, as applicable, the inclusion of distressed years or nature and materiality of any adjustment for capturing downturn conditions and adding margins of conservatism in the models' calibration;
- (i) recent changes in the composition of the portfolio of the institution to which the internal approach is applied;
- (j) the micro- and macroeconomic situation of the institution's portfolio, the risk and business strategy as well as internal process, such as recovery procedures for defaulted assets ('workout procedures');
- (k) the current position in the cycle, choice of rating philosophy between point-in-time (PIT) or through-the-cycle (TTC) and the observed cyclical in the model;
- (l) the number of rating grades and dimensions used by the institutions in the probability of default (PD), LGD and conversion factor models;
- (m) the default and cure rates definitions used by the institution;
- (n) the inclusion or not of open workout procedures in the time series used for the calibration of the LGD models, where applicable.

3. Where competent authorities deem that the information referred to in paragraph 1 is not sufficient in order to reach conclusions in relation to the elements listed in paragraph 2, they shall promptly collect from the institutions additional information they deem necessary in order to finalise their assessment.

When deciding on what additional information to collect, competent authorities shall consider the materiality and relevance of the deviation of the institution's parameters and own funds requirements. Competent authorities shall collect the additional information in the way they deem to be most appropriate, including through questionnaires, interviews and ad hoc on-site visits.

Article 8

Assessment standards for internal approaches for credit risk specific to the LDP

1. When carrying out an assessment referred to in Article 3(1) relating to the LDP counterparties set out in template 101 of Annex I of Implementing Regulation (EU) 2016/2070, competent authorities shall assess whether the differences between the own funds requirements for credit risk of an institution and those of its peers are driven by any of the following:

- (a) different rank ordering of the counterparties included in the LDP samples or different PD levels assigned to each grade;
- (b) specific facility types, collateral instruments or location of the counterparties;
- (c) heterogeneity in the PDs, LGDs, maturities or conversion factors;
- (d) collateralisation practices;
- (e) level of independency from external ratings assessment and frequency in the internal rating update.

2. Where an institution classifies a counterparty as 'defaulted' while other institutions classify it as 'performing', or vice versa, competent authorities shall apply the approach referred to in paragraph 1 to that counterparty.

Article 9

General assessment standards for internal approaches for market risk

1. When carrying out an assessment referred to in Article 3(1), competent authorities shall use at least the information on the internal approaches applied to the supervisory benchmarking portfolios which is contained in the following documents, where relevant:

- (a) the EBA report referred to in the second subparagraph of Article 78(3) of Directive 2013/36/EU;
- (b) the institution's validation reports, conducted by qualified independent parties, when the internal model is initially developed and when any significant changes are made to the internal model. This information shall include tests to demonstrate that any assumptions made within the internal approaches are appropriate and do not underestimate or overestimate the risk, specific back-testing designed in relation to the risks and structures of their portfolios and use of hypothetical portfolios to ensure that the internal approaches are able to account for particular structural features that may arise, such as material basis risks and concentration risk;
- (c) notifications of the number and justification of daily back-testing over-shootings, observed over the previous year, on the basis of back-testing on hypothetical and actual changes in the portfolio's value;
- (d) model documentation including manuals, documentation on the development and calibration of the model and methodology for the internal approaches;
- (e) reports regarding on-site visits.

2. When carrying out an assessment referred to in Article 3(1), competent authorities shall take into account the following elements, where relevant:

- (a) the choice of the VaR methodology applied by the institution;
- (b) the model's application perimeter and the representativeness of the benchmarking portfolios;
- (c) the justification and rationale in case a risk factor is incorporated into the institution's pricing model but not into the risk-measurement model;
- (d) the set of risk factors incorporated corresponding to the interest rates in each currency in which the institution has interest rate sensitive on- or off-balance sheet positions;
- (e) the number of maturity segments in which each yield curve is divided;
- (f) the methodology applied to capture the risk of less than perfectly correlated movements between different yield curves;
- (g) the set of risk factors modelled corresponding to gold and to the individual foreign currencies in which the institution's positions are denominated;
- (h) the number of risk factors used to capture equity risk;
- (i) the methodology applied to assess the risk arising from less liquid positions and positions with limited price transparency under realistic market scenarios;
- (j) the track record of the proxies used in the model, assessment of their impact on the risk metrics;
- (k) the length of the time series used for VaR;
- (l) the methodology applied for determining the stressed period for sVaR, adequacy of the stressed period selected for the benchmarking portfolios;
- (m) the methodologies applied in the risk-measurement model to capture nonlinearities for options, in particular where the institution uses Taylor-approximation approaches instead of full revaluation, and other products as well as to capture correlation risk and basis risk;

- (n) the methodologies applied to capture name-related basis risk and whether they are sensitive to material idiosyncratic differences between similar but not identical positions;
 - (o) the methodologies applied to capture event risk;
 - (p) for internal incremental default and migration risk (IRC), the methodologies applied to determine liquidity horizons by position, as well as the PDs, LGDs and transition matrices used in the simulation referred to in Article 374 of Regulation (EU) No 575/2013;
 - (q) for the internal approach for correlation trading, the methodologies applied to capture risks laid down in Article 377(3) of Regulation (EU) No 575/2013, as well as the correlation assumptions between the relevant modelled risk factors.
3. Where competent authorities deem that the information referred to in paragraph 1 is not sufficient in order to reach conclusions in relation to the elements listed in paragraph 2, they shall promptly collect from the institutions additional information they deem necessary in order to finalise their assessment.

When deciding on what additional information to collect, competent authorities shall consider the materiality and relevance of the deviation of the institution's parameters and own funds requirements. Competent authorities shall collect the additional information in the way they deem to be most appropriate, including through questionnaires, interviews and ad hoc on-site visits.

Article 10

Assessment of differences in the outcomes of internal approaches for market risk

1. When carrying out an assessment referred to in Article 3(1) relating to market risk approaches, competent authorities shall apply the standards set out in paragraphs 2 to 8 of this Article.
2. When assessing the causes of the differences for VaR values, competent authorities shall consider both of the following:
 - (a) any alternative homogenised VaR calculations that EBA may provide in its report referred to in the second subparagraph of Article 78(3) of Directive 2013/36/EU, using available profit-and-loss data;
 - (b) the dispersion observed in the VaR metric provided by institutions under Implementing Regulation (EU) 2016/2070.
3. For institutions using historical simulation, competent authorities shall assess the variability observed both in the alternative homogenised VaR calculations and in the VaR data reported by institutions referred to in paragraph 2, in order to determine the effect of the different options applied by those institutions within the historical simulation.
4. Competent authorities shall assess the dispersion among institutions in relation to particular risk factors included in each one of the non-aggregated benchmark portfolios using the observed volatility and the observed correlation in the profit-and-loss vector provided by institutions applying historical simulation for non-aggregated portfolios.
5. Competent authorities shall analyse VaR models of an institution for portfolios which might show a profit-and-loss time-series that significantly diverges from the profit-and-loss time-series of the institution's peers, as identified in the EBA report referred to in the second subparagraph of Article 78(3) of Directive 2013/36/EU, even where the final own funds requirement for that particular portfolio is similar to the one provided by the institution's peers in absolute terms.
6. In addition, for VaR, sVaR, IRC and models used for correlation trading activities, competent authorities shall assess the effect of regulatory variability drivers using the data provided by the EBA report referred to in the second subparagraph of Article 78(3) of Directive 2013/36/EU by clustering the metric outcomes by the different modelling options.
7. Once the causes of variability stemming from the different regulatory options have been assessed, competent authorities shall assess whether the remaining variability and underestimation of own funds requirements is driven by one or more of the following:
 - (a) misunderstandings regarding the positions or risk factors involved;

- (b) incomplete model implementation;
- (c) missing risk factors;
- (d) differences in calibration or data series used in modelling simulation;
- (e) additional risk factors incorporated in the model;
- (f) alternative model assumptions applied;
- (g) differences attributable to the methodology applied by the institution.

8. Competent authorities shall carry out a comparison between the outcomes obtained from portfolios, which only differ in a specific risk factor, to determine whether institutions have incorporated such a risk factor into their internal models consistently with their peer institutions.

Article 11

Assessment of the level of own funds for internal approaches for market risk

1. Where assessing the level of own funds of each institution, competent authorities shall take into account both of the following:

- (a) the level of own funds by non-aggregated portfolio;
- (b) the effect of the diversification benefit applied by each institution in aggregated portfolios, by comparing the sum of own funds of the non-aggregated portfolios referred to in point (a) of this paragraph with the level of own funds provided for the aggregated portfolio, as provided in the EBA report referred to in the second subparagraph of Article 78(3) of Directive 2013/36/EU.

2. Where assessing the level of own funds by institution, competent authorities shall also take into account both of the following:

- (a) the effect of the supervisory add-ons;
- (b) the effect of the supervisory actions not contemplated in the data collected by EBA.

Article 12

Entry into force

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

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

Done at Brussels, 24 October 2016.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2017/181
of 27 January 2017
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

Article 3

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

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

Done at Brussels, 27 January 2017.

For the Commission
On behalf of the President
Stephen QUEST
Director-General
Directorate-General for Taxation and Customs Union

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>A single glass shelf presented with metal supports for fixing it to the wall.</p> <p>The glass shelf consists of a transparent glass plate measuring approximately 60 × 13,5 × 0,7 cm of irregular shape with processed edges (the front edge is formed in a curve shape) and two holders made of an alloy of copper and zinc (brass), plated with nickel and chrome. The glass plate has two holes for mounting on the holders.</p> <p>The product is presented unassembled, together with screws and dowels for mounting, packed in a carton box.</p> <p>See image (*).</p>	9403 89 00	<p>Classification is determined by General Rules 1, 3(b) and 6 for the interpretation of the Combined Nomenclature (CN), note 2(a) to Chapter 94 and by the wording of CN codes 9403 and 9403 89 00.</p> <p>The article is used for equipping rooms in, for example, private dwellings. It is therefore a piece of furniture in the sense of heading 9403. According to note 2 (a) to Chapter 94, this heading includes single shelves presented with supports for fixing them to the wall. Classification under heading 7020 as other articles of glass is therefore excluded.</p> <p>The glass shelf gives the article its essential character. The metal holders, screws and dowels only serve to fix the glass shelf to the wall. Classification under CN code 9403 20 80 as other metal furniture is therefore excluded.</p> <p>The article is therefore to be classified under CN code 9403 89 00 as other furniture.</p>

(*). The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) 2017/182
of 27 January 2017
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

Article 3

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

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

Done at Brussels, 27 January 2017.

*For the Commission,
On behalf of the President,
Stephen QUEST
Director-General
Directorate-General for Taxation and Customs Union*

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>Articles (so-called 'thumb grips for a game console controller') measuring approximately 20 mm in diameter and 6 mm in height made of elastic silicone (plastics) with an anti-slip surface. They are equipped with a self-adhesive aluminium profile, cut to the design of the support.</p> <p>These grips are used as caps on the joysticks of a game console controller.</p> <p>The thumb grip caps are intended to protect the game controller against the sweat, wear and tear caused by intensive use, as well as to prevent fingers from slipping off the controller, by means of their anti-slip surface.</p> <p>See image (*)</p>	3926 90 97	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 3926, 3926 90 and 3926 90 97.</p> <p>The 'thumb grips' merely enhance the function of the game controller. Thus, they are neither adapting the game controller for a particular operation, nor increasing its range of operations, nor performing a particular service relative to the main function of the game controller or of the game console (see case C-152/10 Unomedical ECLI:EU:C:2011:402, paragraphs 13, 29 and 38).</p> <p>Consequently, the classification as an accessory of video game consoles and machines of heading 9504 is excluded.</p> <p>The article is therefore to be classified according to its constituent material (plastics) under CN code 3926 90 97 as other articles of plastics.</p>

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) 2017/183
of 27 January 2017
concerning the classification of certain goods in the Combined Nomenclature

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Article 57(4) and Article 58(2) thereof,

Whereas:

- (1) In order to ensure uniform application of the Combined Nomenclature annexed to Council Regulation (EEC) No 2658/87 ⁽²⁾, it is necessary to adopt measures concerning the classification of the goods referred to in the Annex to this Regulation.
- (2) Regulation (EEC) No 2658/87 has laid down the general rules for the interpretation of the Combined Nomenclature. Those rules apply also to any other nomenclature which is wholly or partly based on it or which adds any additional subdivision to it and which is established by specific provisions of the Union, with a view to the application of tariff and other measures relating to trade in goods.
- (3) Pursuant to those general rules, the goods described in column (1) of the table set out in the Annex should be classified under the CN code indicated in column (2), by virtue of the reasons set out in column (3) of that table.
- (4) It is appropriate to provide that binding tariff information issued in respect of the goods concerned by this Regulation which does not conform to this Regulation may, for a certain period, continue to be invoked by the holder in accordance with Article 34(9) of Regulation (EU) No 952/2013. That period should be set at three months.
- (5) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

The goods described in column (1) of the table set out in the Annex shall be classified within the Combined Nomenclature under the CN code indicated in column (2) of that table.

Article 2

Binding tariff information which does not conform to this Regulation may continue to be invoked in accordance with Article 34(9) of Regulation (EU) No 952/2013 for a period of three months from the date of entry into force of this Regulation.

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

Article 3

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

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

Done at Brussels, 27 January 2017.

For the Commission
On behalf of the President
Stephen QUEST
Director-General
Directorate-General for Taxation and Customs Union

ANNEX

Description of the goods	Classification (CN-code)	Reasons
(1)	(2)	(3)
<p>An article (so-called 'tatami puzzle mat') made of EVA (Ethylene-vinyl acetate) in the form of 100 × 100 cm tiles with non-slip surface, and of a thickness of approximately 3 cm. The tiles have an interlocking connecting system based on the principle of puzzles, which are laid firmly on another surface and thus form a mat.</p> <p>The article is designed to absorb shocks generated during various sportive activities (for example yoga, gymnastics, or martial arts) through the cellular structure of the mat to protect the body. The 'tatami puzzle mat' is also designed as an insulator of noise, heat, and moisture. It serves thus as a protection against damage of the surface underneath and to protect people performing various other activities, for example, when used by nurseries or artists.</p> <p>See image (*)</p>	3918 90 00	<p>Classification is determined by general rules 1 and 6 for the interpretation of the Combined Nomenclature and by the wording of CN codes 3918 and 3918 90 00.</p> <p>Classification under heading 9506 as articles and equipment for general physical exercise, gymnastics, athletics, other sports or outdoor games is excluded as the unassembled plastic floor covering is not solely for sports but also for the protection of surfaces and to protect people performing other activities.</p> <p>Accordingly, the article is to be classified according to its constituent material (plastics).</p> <p>It is therefore to be classified as floor coverings of plastics under CN code 3918 90 00.</p>

(*) The image is purely for information.



COMMISSION IMPLEMENTING REGULATION (EU) 2017/184**of 1 February 2017****amending Council Regulation (EC) No 1210/2003 concerning certain specific restrictions on economic and financial relations with Iraq**

THE EUROPEAN COMMISSION,

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

Having regard to Council Regulation (EC) No 1210/2003 of 7 July 2003 concerning certain specific restrictions on economic and financial relations with Iraq and repealing Regulation (EC) No 2465/96 ⁽¹⁾, and in particular Article 11(b) thereof,

Whereas:

- (1) Annex III to Regulation (EC) No 1210/2003 lists public bodies, corporations and agencies and natural and legal persons, bodies and entities of the previous government of Iraq covered by the freezing of funds and economic resources that were located outside Iraq on the date of 22 May 2003 under that Regulation.
- (2) On 26 January 2017, the Sanctions Committee of the United Nations Security Council decided to remove one entry from the list of persons or entities to whom the freezing of funds and economic resources should apply.
- (3) Annex III to Regulation (EC) No 1210/2003 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex III to Regulation (EC) No 1210/2003 is amended as set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, 1 February 2017.

*For the Commission,
On behalf of the President,
Acting Head of the Service for Foreign Policy Instruments*

⁽¹⁾ OJ L 169, 8.7.2003, p. 6.

ANNEX

In Annex III to Regulation (EC) No 1210/2003, the following entry is deleted:

'13. AMANAT AL-ASIMA. Address: P.O. Box 11151, Masarif, near Baghdad Muhafadha, Al-Kishia, Baghdad, Iraq.'

COMMISSION REGULATION (EU) 2017/185**of 2 February 2017****laying down transitional measures for the application of certain provisions of Regulations (EC) No 853/2004 and (EC) No 854/2004 of the European Parliament and of the Council****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 853/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific hygiene rules for food of animal origin ⁽¹⁾, and in particular the first paragraph of Article 9 thereof,

Having regard to Regulation (EC) No 854/2004 of the European Parliament and of the Council of 29 April 2004 laying down specific rules for the organisation of official controls on products of animal origin intended for human consumption ⁽²⁾, and in particular the first paragraph of Article 16 thereof,

Whereas:

- (1) Regulations (EC) No 853/2004 and (EC) No 854/2004 provide for significant changes to the rules and procedures to be complied with by food business operators and the competent authorities of the Member States. Since the application of a number of those rules and procedures with immediate effect would have presented practical difficulties in certain cases, it was necessary to adopt transitional measures.
- (2) The Report of 28 July 2009 from the Commission to the European Parliament and the Council on the experience gained from the application of the hygiene Regulations (EC) No 852/2004, (EC) No 853/2004 and (EC) No 854/2004 of the European Parliament and of the Council ⁽³⁾ ('the report') presents a fact-based outline of the experience gained, including the difficulties encountered, in 2006, 2007 and 2008 by all parties involved in the implementation of those Regulations.
- (3) The report includes feedback on the experiences of the transitional measures laid down in Commission Regulation (EC) No 2076/2005 ⁽⁴⁾. The report also refers to difficulties noted in relation to the local supply of small quantities of certain food, and mentions that further clarification of import conditions is necessary where national import rules apply in the absence of rules laid down at Union level and that crises due to imported food containing both products of plant origin and processed products of animal origin (composite products) have confirmed the need for a greater control of such products.
- (4) Commission Regulation (EU) No 1079/2013 ⁽⁵⁾ laid down transitional measures for a transitional period ending on 31 December 2016, in order to permit a smooth transition to the full implementation of the new rules and procedures. The duration of the transitional period was fixed taking into account the review of the regulatory framework on hygiene provided for in Regulations (EC) No 853/2004 and (EC) No 854/2004.
- (5) In addition, based on the information gathered during recent audits carried out by inspectors of the Health and Food Safety Directorate-General of the Commission, from the competent authorities in the Member States and from the relevant food business sectors in the Union, it is necessary that certain transitional measures laid down in Regulation (EU) No 1079/2013 are maintained pending the introduction of permanent requirements indicated in the preamble of this Regulation.

⁽¹⁾ OJ L 139, 30.4.2004, p. 55.

⁽²⁾ OJ L 139, 30.4.2004, p. 206.

⁽³⁾ COM(2009) 403 final.

⁽⁴⁾ Commission Regulation (EC) No 2076/2005 of 5 December 2005 laying down transitional arrangements for the implementation of Regulations (EC) No 853/2004, (EC) No 854/2004 and (EC) No 882/2004 of the European Parliament and of the Council and amending Regulations (EC) No 853/2004 and (EC) No 854/2004 (OJ L 338, 22.12.2005, p. 83).

⁽⁵⁾ Commission Regulation (EU) No 1079/2013 of 31 October 2013 laying down transitional measures for the application of Regulation (EC) No 853/2004 and (EC) No 854/2004 of the European Parliament and of the Council (OJ L 292, 1.11.2013, p. 10).

- (6) Regulation (EC) No 853/2004 excludes from its scope of application the direct supply, by the producer, of small quantities of meat from poultry and lagomorphs slaughtered on the farm to the final consumer or to local retail establishments supplying directly the final consumer as fresh meat. Limiting that provision to fresh meat would impose an additional burden on small producers. Accordingly, Regulation (EU) No 1079/2013 provides for a derogation from the application of Regulation (EC) No 853/2004 for the direct supply of such commodities under certain conditions, without limiting it to fresh meat. That exclusion should be maintained during a further transitional period provided for in this Regulation, while the possibility for a permanent derogation is considered.
- (7) Regulations (EC) No 853/2004 and (EC) No 854/2004 lay down certain rules for importation of products of animal origin and composite products into the Union. Regulation (EU) No 1079/2013 provides for transitional measures derogating from a number of those rules for certain composite products for which the public health requirements for importing into the Union have not yet been laid down at Union level e.g. for composite products other than those referred to in Article 3(1) and (3) of Commission Regulation (EU) No 28/2012 ⁽¹⁾.
- (8) A Commission proposal for a Regulation on official controls in the agri-food chain is currently being close to adoption in ordinary legislative procedure. Once adopted and applicable, that Regulation is going to provide for a legal basis for a risk-adapted approach to control composite products at importation. It is necessary to provide for derogations during a further transitional period of four years until the new Regulation is expected to become applicable.
- (9) Regulations (EC) No 853/2004 and (EC) No 854/2004 allow the import of food of animal origin from establishments handling products of animal origin for which Annex III to Regulation (EC) No 853/2004 does not set out any specific requirements unless a harmonised list of authorised non-EU member countries has been established and a common model import certificate laid down. More time is needed for consultation of stakeholders and competent authorities of Member States and non-EU countries, taking into account the possible impact on the import of such food by establishing such list and laying down the model import certificate.
- (10) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down transitional measures for the application of certain provisions of Regulations (EC) No 853/2004 and (EC) No 854/2004 for a transitional period from 1 January 2017 to 31 December 2020.

Article 2

Derogation concerning the direct supply of small quantities of meat from poultry and lagomorphs

By way of derogation from Article 1(3)(d) of Regulation (EC) No 853/2004, the provisions laid down in that Regulation shall not apply to the direct supply, by the producer, of small quantities of meat from poultry and lagomorphs slaughtered on the farm to the final consumer or to local retail establishments directly supplying to the final consumer.

Article 3

Derogation concerning public health requirements for imports of products of animal origin and food containing both products of plant origin and processed products of animal origin

1. Article 6(1) of Regulation (EC) No 853/2004 shall not apply to imports of products of animal origin for which no harmonised public health import requirements have been established.

⁽¹⁾ Commission Regulation (EU) No 28/2012 of 11 January 2012 laying down requirements for the certification for imports and transit through the Union of certain composite products and amending Decision 2007/275/EC and Regulation (EC) No 1162/2009 (OJ L 12, 14.1.2012, p. 1).

Imports of such products shall comply with the public health import requirements of the Member State of import.

2. By way of derogation from Article 6(4) of Regulation (EC) No 853/2004, food business operators importing food containing both products of plant origin and processed products of animal origin, others than those referred to in Article 3(1) and (3) of Regulation (EU) No 28/2012 shall be exempt from the requirements referred to in Article 6(4) of Regulation (EC) No 853/2004.

Imports of such products shall comply with the public health import requirements of the Member State of import.

Article 4

Derogation concerning public health procedures concerning imports of products of animal origin

Chapter III of Regulation (EC) No 854/2004 shall not apply to imports of products of animal origin for which no harmonised public health import requirements have been established.

Imports of such products shall comply with the public health import requirements of the Member State of import.

Article 5

Entry into force and application

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

It shall apply from 1 January 2017 to 31 December 2020.

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

Done at Brussels, 2 February 2017.

For the Commission
The President
Jean-Claude JUNCKER

COMMISSION IMPLEMENTING REGULATION (EU) 2017/186**of 2 February 2017****laying down specific conditions applicable to the introduction into the Union of consignments from certain third countries due to microbiological contamination and amending Regulation (EC) No 669/2009****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 178/2002 of the European Parliament and of the Council of 28 January 2002 laying down the general principles and requirements of food law, establishing the European Food Safety Authority and laying down procedures in matters of food safety ⁽¹⁾, and in particular Article 53(1)(b)(ii) thereof,Having regard to Regulation (EC) No 882/2004 of the European Parliament and of the Council of 29 April 2004 on official controls performed to ensure the verification of compliance with feed and food law, animal health and animal welfare rules ⁽²⁾, and in particular Article 15(5) thereof,

Whereas:

- (1) Article 53 of Regulation (EC) No 178/2002 provides for the possibility to adopt appropriate Union emergency measures for food imported from a third country in order to protect human health, animal health and the environment, where it is evident that there is a serious risk that cannot be contained satisfactorily by means of measures taken by the Member States individually.
- (2) Article 11 of Regulation (EC) No 178/2002 requires that food imported into the Union for placing on the market within the Union is to comply with the relevant requirements of food law or conditions recognised by the Union to be at least equivalent thereto or, where a specific agreement exists between the Union and the exporting country, with requirements contained therein.
- (3) Regulation (EC) No 852/2004 of the European Parliament and of the Council ⁽³⁾ lays down general rules for food business operators on the hygiene of foodstuffs.
- (4) Article 11 of Regulation (EC) No 882/2004 sets the requirements for sampling and analysis methods used in the context of official controls.
- (5) Article 14 of Regulation (EC) No 178/2002 provides that unsafe food products are not to be placed on the market. According to Regulation (EC) No 882/2004, the Competent Authorities are to verify the food business operators' compliance with Union legislation.
- (6) Commission Regulation (EC) No 669/2009 ⁽⁴⁾ lays down rules concerning the increased level of official controls on imports of certain feed and food of non-animal origin listed in Annex I to that Regulation.
- (7) For many years, there has been a high frequency of non-compliance with microbiological safety issues in sesame seeds ('*Sesamum seeds*') and betel leaves ('*Piper betle L.*') from India. An increased frequency of official controls on import of those foods has therefore been established in 2014 with regard to the presence of *Salmonella* spp. Nonetheless these increased controls confirmed the high frequency of non-compliance of those foods with microbiological safety due to *Salmonella* spp. The import of those foods constitutes therefore a serious risk to public health within the Union and it is therefore necessary to adopt Union emergency measures.

⁽¹⁾ OJ L 31, 1.2.2002, p. 1.

⁽²⁾ OJ L 165, 30.4.2004, p. 1.

⁽³⁾ Regulation (EC) No 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs (OJ L 139, 30.4.2004, p. 1).

⁽⁴⁾ Commission Regulation (EC) No 669/2009 of 24 July 2009 implementing Regulation (EC) No 882/2004 of the European Parliament and of the Council as regards the increased level of official controls on imports of certain feed and food of non-animal origin and amending Decision 2006/504/EC (OJ L 194, 25.7.2009, p. 11).

- (8) Guarantees from the competent authorities of exporting countries that those foods have been produced in line with the hygiene provisions set up in Regulation (EC) No 852/2004 are necessary to protect human health in the Union. In order to ensure harmonised enforcement of import controls across the Union, all consignments of such foods should be accompanied by a health certificate signed by the competent authorities of exporting countries and by the results of analytical tests guaranteeing that they have been sampled and analysed with satisfactory results for the presence of microbiological pathogens.
- (9) Article 6 of Regulation (EC) No 669/2009 requires the food business operators, responsible for consignments, to give prior notification of the arrival and nature of such consignments at the designated point of entry (DPE).
- (10) Article 8 of Regulation (EC) No 669/2009 requires, with regard to the increased level of official controls, those controls to cover documentary, identity and physical checks. Documentary checks are to be carried out without undue delay on all consignments within two working days from the time of arrival at the DPE and identity and physical checks, including laboratory analysis, at the frequencies set out in Annex I to that Regulation.
- (11) In order to ensure an efficient organisation and harmonised import controls at Union level with regard to the presence of microbiological pathogens in certain foods from certain third countries, specific import conditions for such foods should be laid down. For legal clarity, it is appropriate to gather all foods from third countries subject to specific conditions because of microbiological risks into one Regulation. Therefore the provisions regarding Betel leaves from India laid down in Commission Implementing Regulation (EU) 2016/166 ⁽¹⁾ should be inserted into this Regulation and Regulation (EC) No 669/2009 should be amended accordingly.
- (12) Implementing Regulation (EU) 2016/166 should be repealed and replaced simultaneously by a more general Regulation laying down the provisions as regards import of certain foods from certain third countries due to microbiological contamination.
- (13) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter and scope

This Regulation shall apply to the introduction of the foods listed in Annex I.

Article 2

Definitions

For the purpose of this Regulation, the definitions laid down in Articles 2 and 3 of Regulation (EC) No 178/2002, in Article 2 of Regulation (EC) No 882/2004 and in Article 3 of Regulation (EC) No 669/2009 shall apply.

Article 3

Introduction into the Union

The food business operator shall ensure that:

- (a) consignments of foods referred to in Annex I ('food') shall only be introduced into the Union in accordance with the procedures laid down in this Regulation;
- (b) consignments of foods shall only be introduced into the Union through the designated point of entry ('DPE').

⁽¹⁾ Commission Implementing Regulation (EU) 2016/166 of 8 February 2016 laying down specific conditions applicable to the import of foodstuffs containing or consisting of betel leaves ('Piper betle') from India and amending Regulation (EC) No 669/2009 (OJ L 32, 9.2.2016, p. 143).

*Article 4***Results of sampling and analysis accompanying the consignment**

1. Each consignment of foods shall be accompanied by the results of sampling and analysis performed by the competent authority of the third country of dispatch verifying the absence of the hazard specified in Annex I.
2. The sampling and the analysis referred to in paragraph 1 shall be performed in accordance with Chapter III 'Sampling and analysis' in Title II of Regulation (EC) No 882/2004. In particular, the sampling shall be performed in accordance with the relevant standards of the ISO (International Organisation for Standardisation) and the guidelines of the Codex Alimentarius used as reference and the analysis for *Salmonella* shall be performed according to the reference method EN/ISO 6579 (the latest updated version of the detection method) or a method validated against it in accordance with the protocol set out in EN/ISO 16140 or other internationally accepted similar protocols.

*Article 5***Health certificate**

1. The consignments of foods listed in Annex I shall be accompanied by a health certificate in accordance with the model set out in Annex III.
2. The health certificate shall be signed and stamped by an authorised representative of the competent authority of the third country of dispatch.
3. The health certificate and its attachments shall be drawn up in the official language, or in one of the official languages, of the Member State where the DPE is located. However, the Member State of the DPE may consent to health certificates being drawn up in another official language of the Union.
4. The health certificate shall be valid for a period of four months from the date of issue, but no longer than six months from the date of the last microbiological laboratory analysis.

*Article 6***Identification**

Each consignment of foods shall be identified with an identification code (consignment code) which corresponds to the identification code referred to on the results of the sampling and analysis referred to in Article 4 and the health certificate referred to in Article 5. Each individual bag, or other packaging form, of the consignment shall be identified with that identification code.

*Article 7***Prior notification of consignments**

1. Food business operators or their representatives shall give prior notification of the estimated date and time of physical arrival of consignments of food and of the nature of the consignment to the competent authority of the DPE.
2. For the purpose of prior notification, food business operators or their representatives shall complete Part I of the common entry document ('CED') and transmit that document to the competent authority of the DPE, at least one working day prior to the physical arrival of the consignment.
3. For the completion of the CED, food business operators or their representatives shall take into account the notes for guidance for the CED laid down in Annex II to Regulation (EC) No 669/2009.
4. CEDs shall be drawn up in the official language, or in one of the official languages, of the Member State where the DPE is located. However, a Member State of the DPE may consent to CEDs being drawn up in another official language of the Union.

*Article 8***Official controls**

1. The competent authority at the DPE shall carry out documentary checks for each consignment of food to ascertain compliance with the requirements laid down in Articles 4 and 5.
2. The identity checks and physical checks on food shall be carried out in accordance with Articles 8, 9 and 19 of Regulation (EC) No 669/2009 at the frequency set out in Annex II to this Regulation.
3. Where a consignment of food is not accompanied by the results of sampling and analysis referred to in Article 4 and the health certificate referred to in Article 5 or where those results or that health certificate do not comply with the requirements laid down in this Regulation, the consignment shall not be imported into the Union and shall be re-dispatched to the third country of origin or destroyed.
4. After completion of the identity checks and physical checks, the competent authorities shall:
 - (a) complete the relevant entries of Part II of the CED;
 - (b) attach the results of sampling and analysis carried out, in accordance with paragraph 2 of this Article;
 - (c) provide the CED with the CED reference number;
 - (d) stamp and sign the original of the CED;
 - (e) make and retain a copy of the signed and stamped CED.
5. The originals of the CED and the health certificate referred to in Article 5 with the accompanying results of sampling and analysis referred to in Article 4 shall accompany the consignment during transportation and until it is released for free circulation. In case of authorisation of onward transportation of the consignments pending the results of the physical checks, a certified copy of the original CED shall be issued. Where authorisation is given, the competent authority at the DPE shall notify the competent authority at the point of destination and appropriate arrangements shall be put in place to ensure that the consignment remains under the continuous control of the competent authorities and cannot be tampered with in any manner pending the results of the physical checks.

*Article 9***Splitting of a consignment**

1. Consignments shall not be split until all checks have been completed, and the CED has been fully filled in by the competent authorities of the DPE as provided for in Article 8.
2. In the case of subsequent splitting of the consignment, an authenticated copy of the CED shall accompany each part of the consignment during its transport and until it is released for free circulation.

*Article 10***Release for free circulation**

The release for free circulation of consignments of food listed in Annex I shall be subject to the presentation (physically or electronically) by the food business operators or their representatives to the customs authorities of a CED duly filled in by the competent authority of the DPE once all official controls have been carried out and favourable results from physical checks, where such checks are required, are known. The customs authorities shall only release the consignment for free circulation if a favourable decision by the competent authority is indicated in box II.14 and signed in box II.21 of the CED.

*Article 11***Non-compliance**

If the official controls establish non-compliance with the relevant provisions of Regulation (EC) No 852/2004, the competent authority of the DPE shall complete Part III of the CED and shall take actions as laid down in provisions of Articles 19, 20 and 21 of Regulation (EC) No 882/2004.

*Article 12***Reports**

Member States shall submit to the Commission a report of all analytical results on consignments of foods pursuant to Article 8 of this Regulation.

That report shall cover a period of six months and shall be submitted biannually by the end of the month following each semester.

The report shall include the following information:

- (a) number of consignments introduced, including size in terms of net weight and country of origin of each consignment;
- (b) number of consignments subjected to sampling for analysis;
- (c) results of the identity checks and physical checks referred to in Article 8(2).

*Article 13***Costs**

All costs resulting from the official controls provided for in Article 8, including sampling, analysis, storage and any measures taken in case of non-compliance as referred to in Article 11, shall be borne by the food business operators.

*Article 14***Transitional measures**

Member States shall authorise introduction of consignments of food which left the third country of dispatch, prior to the date of entry into force of this Regulation without being accompanied by a health certificate as referred to in Article 5 and the results of sampling and analysis as referred to in Article 4.

*Article 15***Repeal**

Implementing Regulation (EU) 2016/166 is repealed.

*Article 16***Amendment of Regulation (EC) No 669/2009**

Regulation (EC) No 669/2009 is amended in accordance with Annex IV to this Regulation.

*Article 17***Entry into force**

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

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

Done at Brussels, 2 February 2017.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX I

List of foods mentioned in Article 1

Food (intended use)	CN code ⁽¹⁾	TARIC sub-division	Country of origin	Hazard
Sesame seeds (<i>Sesamum seeds</i>) (Food — fresh or chilled)	1207 40 90		India (IN)	<i>Salmonella</i>
Betel leaves (<i>Piper betle</i> L.) (Food)	ex 1404 90 00	10	India (IN)	<i>Salmonella</i>

⁽¹⁾ Where only certain products under any CN code are required to be examined and no specific subdivision under that code exists, the CN code is marked 'ex'.

ANNEX II

Frequency of identity and physical checks for the foods mentioned in Article 1 at the designated point of entry (DPE) according to Article 8(2)

Food (intended use)	CN code ⁽¹⁾	TARIC sub-division	Country of origin	Hazard	Frequency of physical and identity checks (%)
Sesame seeds (<i>Sesamum seeds</i>) (Food — fresh or chilled)	1207 40 90		India (IN)	<i>Salmonella</i> ⁽²⁾	20
Betel leaves (<i>Piper betle</i> L.) (Food)	ex 1404 90 00	10	India (IN)	<i>Salmonella</i> ⁽²⁾	10

⁽¹⁾ Where only certain products under any CN code are required to be examined and no specific subdivision under that code exists, the CN code is marked 'ex'.

⁽²⁾ Reference method EN/ISO 6579 (the latest updated version of the detection method) or a method validated against it in accordance with the protocol set out in EN/ISO 16140 or other internationally accepted similar protocols.

ANNEX III

Health Certificate for the introduction of betel leaves and sesame seeds from India into the European Union

COUNTRY:

Health certificate to the EU

Part I: Details of dispatched consignment	I.1. Consignor		I.2. Certificate reference number		I.2.a.		
	Name						
	Address						
	Country						
	Tel.		I.3. Central Competent Authority		I.4. Local Competent authority		
	I.5. Consignee		/				
	Name						
	Address						
Country		I.6.		Tel.			
I.7. Country of origin		ISO code		I.8. Region of origin		Code	
I.9. Country of destination		ISO code		I.10.			
I.11. Place of origin				I.12.			
Name				/			
Address							
I.13. Place of loading				I.14. Date of departure		Time of departure	
Address							
I.15. Means of transport				I.16. Entry DPE in the EU			
Aeroplane <input type="checkbox"/> Ship <input type="checkbox"/> Railway wagon <input type="checkbox"/>				/			
Road vehicle <input type="checkbox"/> Other <input type="checkbox"/>							
Identification:							
Document:				I.17. No.(s) of CITES			
I.18. Description of commodity				I.19. Commodity code (HS code)			
				I.20. Quantity			

I.21.	I.22. Number of packages				
I.23. Seal/Container No	I.24.				
I.25. Commodities certified as: Human consumption <input type="checkbox"/>					
I.26.	I.27. For import or admission into the EU <input type="checkbox"/>				
I.28. Identification of the commodity <table border="1" data-bbox="201 784 1482 956"><thead><tr><th data-bbox="201 784 558 851">Product name</th><th data-bbox="558 784 798 851">Type of packaging</th><th data-bbox="798 784 1197 851">Number of packages</th><th data-bbox="1197 784 1482 851">Net weight</th></tr></thead></table>		Product name	Type of packaging	Number of packages	Net weight
Product name	Type of packaging	Number of packages	Net weight		

COUNTRY:

<p>II. Health information</p>	<p>II.a. Certificate reference number</p>	<p>II.b.</p>
<p>Part II: Certification</p>	<p>II.1. Health attestation</p> <p>I, the undersigned authorised representative of the competent authority, declare that I am aware of the relevant provisions of Regulations (EC) No 852/2004 and (EC) No 882/2004, and hereby certify that:</p> <p>II.1.1. The food of the consignment described under Part I has been produced under conditions which comply with Regulation (EC) No 852/2004;</p> <p>II.1.2. From this consignment, sampling and analysis were carried out in accordance with Article 4 of C Implementing Regulation (EU) 2017/186 on (date), subjected to microbiological laboratory analysis on..... (date) in the (name of laboratory).</p> <p>The details of sampling, methods of analysis used and all results are attached, that show absence of <i>Salmonella</i> in 25 g.</p> <p>Notes</p> <p>This health certificate is valid during 4 months from the date of issue.</p> <p>Part I: Box I.19: Use the appropriate Harmonised System (HS) code of the World Customs Organisation: 14049000 for Betel leaves (<i>Piper betle</i> L.) and 1207 40 90 for Sesame seeds (<i>Sesamum seeds</i>)</p>	
<p>Authorised representative of the competent authority</p> <p style="margin-left: 40px;">Name (in capital letters):</p> <p style="margin-left: 40px;">Date:</p> <p style="margin-left: 40px;">Stamp:</p> <p style="margin-left: 400px;">Qualification and title:</p> <p style="margin-left: 400px;">Signature:</p>		

ANNEX IV

In Annex I to Regulation (EC) No 669/2009, the following entry is deleted:

'Sesamum seeds (Food — fresh or chilled)	1207 40 90		India (IN)	<i>Salmonella</i> ⁽¹²⁾	20'
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COMMISSION IMPLEMENTING REGULATION (EU) 2017/187**of 2 February 2017****concerning the authorisation of a preparation of *Bacillus subtilis* (DSM 28343) as a feed additive for chickens for fattening (holder of authorisation Lactosan GmbH & Co. KG)****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 1831/2003 of the European Parliament and of the Council of 22 September 2003 on additives for use in animal nutrition ⁽¹⁾, and in particular Article 9(2) thereof,

Whereas:

- (1) Regulation (EC) No 1831/2003 provides for the authorisation of additives for use in animal nutrition and for the grounds and procedures for granting such authorisation.
- (2) In accordance with Article 7 of Regulation (EC) No 1831/2003 an application was submitted for the authorisation of a preparation of *Bacillus subtilis* (DSM 28343). That application was accompanied by the particulars and documents required under Article 7(3) of Regulation (EC) No 1831/2003.
- (3) That application concerns the authorisation of a preparation of *Bacillus subtilis* (DSM 28343) as a feed additive for chickens for fattening to be classified in the additive category 'zootechnical additives'.
- (4) The European Food Safety Authority ('the Authority') concluded in its opinion of 24 May 2016 ⁽²⁾ that, under the proposed conditions of use, the preparation of *Bacillus subtilis* (DSM 28343) does not have an adverse effect on animal health, human health or the environment, and that it has a potential to improve performance in chickens for fattening. The Authority does not consider that there is a need for specific requirements of post-market monitoring. It also verified the report on the method of analysis of the feed additive in feed submitted by the Reference Laboratory set up by Regulation (EC) No 1831/2003.
- (5) The assessment of the preparation of *Bacillus subtilis* (DSM 28343) shows that the conditions for authorisation, as provided for in Article 5 of Regulation (EC) No 1831/2003, are satisfied. Accordingly, the use of that preparation should be authorised as specified in the Annex to this Regulation.
- (6) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

The preparation specified in the Annex, belonging to the additive category 'zootechnical additives' and to the functional group 'gut flora stabilisers', is authorised as an additive in animal nutrition, subject to the conditions laid down in that Annex.

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*.

⁽¹⁾ OJ L 268, 18.10.2003, p. 29.

⁽²⁾ EFSA Journal 2016;14(6):4507.

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

Done at Brussels, 2 February 2017.

For the Commission

The President

Jean-Claude JUNCKER

ANNEX

Identification number of the additive	Name of the holder of authorisation	Additive	Composition, chemical formula, description, analytical method	Species or category of animal	Maximum age	Minimum content	Maximum content	Other provisions	End of period of authorisation
						CFU/kg of complete feedingstuff with a moisture content of 12 %			
Category of zootechnical additives. Functional group: gut flora stabilisers									
4b1825	Lactosan GmbH & Co. KG	<i>Bacillus subtilis</i> (DSM 28343)	<p><i>Additive composition</i></p> <p>Preparation of <i>Bacillus subtilis</i> (DSM 28343) containing a minimum of 1×10^{10} CFU/g of additive</p> <p>Solid form</p> <p><i>Characterisation of the active substance</i></p> <p>Viable spores of <i>Bacillus subtilis</i> (DSM 28343)</p> <p><i>Analytical method</i> ⁽¹⁾</p> <p>Identification and enumeration of <i>Bacillus subtilis</i> (DSM 28343) in the feed additive, premixtures and feedingstuffs</p> <p>— Identification: Pulsed Field Gel Electrophoresis (PFGE)</p> <p>— Enumeration: Spread plate method using tryptone soya agar — EN 15784.</p>	Chickens for fattening	—	1×10^9	—	<ol style="list-style-type: none"> 1. In the directions for use of the additive and premixture, indicate the storage temperature, storage life and stability to pelleting. 2. The use is permitted in feed containing the following authorised coccidiostats: diclazuril, nicarbazine, decoquinate, lasalocid A sodium, monensin sodium, robenidine hydrochloride, maduramicin ammonium or halofuginone hydrobromide. 3. For users of the additive and premixtures, feed business operators shall establish operational procedures and organisational measures to address potential risks resulting from its use. Where those risks cannot be eliminated or reduced to a minimum by such procedures and measures, the additive and premixtures shall be used with personal protective equipment, including breathing protection and skin protections. 	23 February 2027

⁽¹⁾ Details of the analytical methods are available at the following address of the Reference Laboratory: <https://ec.europa.eu/jrc/en/eurl/feed-additives/evaluation-reports>

COMMISSION IMPLEMENTING REGULATION (EU) 2017/188**of 2 February 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, 2 February 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

(EUR/100 kg)		
CN code	Third country code ⁽¹⁾	Standard import value
0702 00 00	IL	299,8
	MA	120,2
	TR	157,6
	ZZ	192,5
0707 00 05	MA	48,2
	TR	191,4
	ZZ	119,8
0709 91 00	EG	79,4
	ZZ	79,4
0709 93 10	MA	142,6
	TR	234,0
	ZZ	188,3
0805 10 22, 0805 10 24, 0805 10 28	EG	41,3
	MA	47,1
	TN	52,7
	TR	71,9
	ZZ	53,3
0805 21 10, 0805 21 90, 0805 29 00	EG	90,8
	IL	135,7
	JM	112,4
	MA	88,4
	TR	83,1
	ZZ	102,1
0805 22 00	IL	139,7
	MA	85,5
	ZZ	112,6
0805 50 10	EG	85,5
	TR	88,8
	ZZ	87,2
0808 10 80	US	205,0
	ZZ	205,0
0808 30 90	CL	81,7
	CN	96,1
	TR	154,0
	ZA	99,6
	ZZ	107,9

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

DECISIONS

COUNCIL DECISION (EU) 2017/189

of 16 January 2017

on the positions to be adopted on behalf of the European Union within the Sanitary and Phytosanitary Management Sub-Committee, the Trade and Sustainable Development Sub-Committee, the Customs Sub-Committee and the Sub-Committee on Geographical Indications established pursuant to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards the adoption of the Rules of Procedure of those Sub-Committees

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the proposal from the European Commission,

Whereas:

- (1) Article 486 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ('the Agreement')⁽¹⁾ provides for the provisional application of the Agreement in part.
- (2) Article 4 of Council Decision 2014/668/EU⁽²⁾ specifies the provisions of the Agreement to be applied provisionally. Those include the provisions on the establishment and functioning of the Sanitary and Phytosanitary Management Sub-Committee ('the SPS Sub-Committee'), the Trade and Sustainable Development Sub-Committee ('the TSD Sub-Committee'), the Customs Sub-Committee and the Sub-Committee on Geographical Indications ('the GI Sub-Committee').
- (3) Article 74 of the Agreement provides that the SPS Sub-Committee is to establish its working procedures at the first meeting.
- (4) Article 300 of the Agreement provides that the TSD Sub-Committee is to establish its rules of procedure.
- (5) Article 83 of the Agreement provides that the Customs Sub-Committee is to establish its rules of procedure.
- (6) Article 211 of the Agreement provides that the GI Sub-Committee is to establish its rules of procedure.
- (7) It is appropriate to establish the positions to be adopted on the Union's behalf within the SPS Sub-Committee, the TSD Sub-Committee, the Customs Sub-Committee and the GI Sub-Committee with regard to the adoption of the Rules of Procedure of those Sub-Committees,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be adopted on the Union's behalf within the SPS Sub-Committee established pursuant to Article 74 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ('the Agreement'), shall be based on the draft Decision of the SPS Sub-Committee attached to this Decision.

⁽¹⁾ OJ L 161, 29.5.2014, p. 3.

⁽²⁾ Council Decision 2014/668/EU of 23 June 2014 on the signing, on behalf of the European Union, and provisional application of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part, as regards Title III (with the exception of the provisions relating to the treatment of third-country nationals legally employed as workers in the territory of the other Party) and Titles IV, V, VI and VII thereof, as well as the related Annexes and Protocols (OJ L 278, 20.9.2014, p. 1).

2. Minor technical corrections to the draft Decision may be agreed to by the representatives of the Union in the SPS Sub-Committee without a further decision of the Council.

Article 2

1. The position to be adopted on the Union's behalf within the TSD Sub-Committee established pursuant to Article 300 of the Agreement shall be based on the draft Decision of the TSD Sub-Committee attached to this Decision.

2. Minor technical corrections to the draft Decision may be agreed to by the representatives of the Union in the TSD Sub-Committee without a further decision of the Council.

Article 3

1. The position to be adopted on the Union's behalf within the Customs Sub-Committee established pursuant to Article 83 of the Agreement shall be based on the draft Decision of the Customs Sub-Committee attached to this Decision.

2. Minor technical corrections to the draft Decision may be agreed to by the representatives of the Union in the Customs Sub-Committee without a further decision of the Council.

Article 4

1. The position to be adopted on the Union's behalf within the GI Sub-Committee established pursuant to Article 211 of the Agreement shall be based on the draft Decision of the GI Sub-Committee attached to this Decision.

2. Minor technical corrections to the draft Decision may be agreed to by the representatives of the Union in the GI Sub-Committee without a further decision of the Council.

Article 5

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

Done at Brussels, 16 January 2017.

For the Council
The President
F. MOGHERINI

DRAFT

**DECISION No ... OF THE EU-UKRAINE SANITARY AND PHYTOSANITARY MANAGEMENT
SUB-COMMITTEE**

of ...

adopting its Rules of Procedure

THE EU-UKRAINE SANITARY AND PHYTOSANITARY MANAGEMENT SUB-COMMITTEE,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ⁽¹⁾, and in particular Article 74 thereof,

Whereas:

- (1) In accordance with Article 486 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ('the Agreement'), parts of the Agreement, including Chapter 4 (Sanitary and phytosanitary measures) of Title IV (Trade and trade-related matters), are applied provisionally as of 1 January 2016.
- (2) Article 74 of the Agreement provides that the Sanitary and Phytosanitary Management Sub-Committee ('SPS Sub-Committee') is to consider any matter relating to the implementation of Chapter 4 of Title IV of the Agreement.
- (3) Article 74(5) of the Agreement provides that the SPS Sub-Committee is to adopt its working procedures,

HAS ADOPTED THIS DECISION:

Article 1

The Rules of Procedure of the SPS Sub-Committee, as set out in the Annex to this Decision, are hereby adopted.

Article 2

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

Done at ...,

*For the EU-Ukraine Sanitary and Phytosanitary
Management Sub-Committee*

The Chair

⁽¹⁾ OJ L 161, 29.5.2014, p. 3.

ANNEX

RULES OF PROCEDURE OF THE EU-UKRAINE SANITARY AND PHYTOSANITARY MANAGEMENT SUB-COMMITTEE

*Article 1***General provisions**

1. The Sanitary and Phytosanitary Management Sub-Committee ('SPS Sub-Committee'), established pursuant to Article 74(1) of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ⁽¹⁾ ('the Agreement'), shall assist the Association Committee in its Trade configuration, as referred to in Article 465(4) of the Agreement, in the performance of its duties.
2. The SPS Sub-Committee shall perform the tasks set out in Article 74(2) of the Agreement in the light of the objective set out in Article 59 of the Agreement.
3. The SPS Sub-Committee shall be composed of representatives of the competent authorities of the Parties, responsible for sanitary and phytosanitary matters.
4. A representative of the European Commission or of Ukraine responsible for sanitary and phytosanitary matters shall act as Chair in accordance with Article 2.
5. For the purposes of these Rules of Procedure, the definition of the term 'Parties' set out in Article 482 of the Agreement applies.

*Article 2***Chairmanship**

The chairmanship of the SPS Sub-Committee shall alternate between the Parties every 12 months. The first period of 12 months shall begin on the date of the first Association Council meeting and end on 31 December of the same year.

*Article 3***Meetings**

1. Save as otherwise agreed by the Parties, the SPS Sub-Committee shall meet within three months of the entry into force of the Agreement and, thereafter, upon the request of either Party or at least once a year.
2. Each meeting of the SPS Sub-Committee shall be convened by the Chair on a date and in a place agreed by the Parties. The notice regarding the convening of the meeting shall be issued by the Chair no later than 28 calendar days prior to the start of the meeting, unless the Parties agree otherwise.
3. Whenever possible, regular meetings of the SPS Sub-Committee shall be convened in due time in advance of the regular meeting of the Association Committee in its Trade configuration.
4. The meetings of the SPS Sub-Committee may be held by any agreed technological means, such as video- or audio-conference.
5. When out of session, the SPS Sub-Committee may address any issue by correspondence.

⁽¹⁾ OJ L 161, 29.5.2014, p. 3.

*Article 4***Delegations**

Before each meeting, each Party shall inform the other, through the Secretariat of the SPS Sub-Committee provided for in Article 5, of the intended composition of its delegation.

*Article 5***Secretariat**

An official of the European Commission and an official of Ukraine shall act jointly as Secretaries of the SPS Sub-Committee and shall execute secretarial tasks in a joint manner and in a spirit of mutual trust and cooperation.

*Article 6***Correspondence**

1. Correspondence addressed to the SPS Sub-Committee shall be directed to the Secretary of either of the Parties, who in turn shall inform the other Secretary.
2. The Secretariat shall ensure that correspondence addressed to the SPS Sub-Committee is forwarded to the Chair and circulated, where appropriate, in accordance with Article 7.
3. Correspondence from the Chair shall be sent to the Parties by the Secretariat of the SPS Sub-Committee on behalf of the Chair. Such correspondence shall be circulated, where appropriate, in accordance with Article 7.

*Article 7***Documents**

1. Documents shall be circulated through the Secretariat of the SPS Sub-Committee.
2. A Party shall transmit its documents to its Secretary. That Secretary shall transmit those documents to the Secretary of the other Party.
3. The Secretary of the Union shall circulate the documents to the relevant representatives of the Union and shall systematically copy the Secretary of Ukraine and the Secretaries of the Association Committee in its Trade configuration into such correspondence.
4. The Secretary of Ukraine shall circulate the documents to the relevant representatives of Ukraine and shall systematically copy the Secretary of the Union and the Secretaries of the Association Committee in its Trade configuration into such correspondence.
5. The Secretaries of the SPS Sub-Committee shall serve as contact points for exchanges provided for in Article 67 of the Agreement.

*Article 8***Confidentiality**

Unless otherwise decided by the Parties, the meetings of the SPS Sub-Committee shall not be public.

When a Party submits to the SPS Sub-Committee information designated as confidential, the other Party shall treat that information as such.

*Article 9***Agendas for the meetings**

1. A provisional agenda for each meeting, as well as draft operational conclusions as provided for in Article 10, shall be drawn up by the Secretariat of the SPS Sub-Committee on the basis of proposals made by the Parties. The provisional agenda shall include items in respect of which the Secretariat has received a request for inclusion in the agenda by a Party, supported by relevant documents, no later than 21 calendar days before the meeting date.
2. The provisional agenda, together with the relevant documents, shall be circulated in accordance with Article 7 no later than 15 calendar days before the beginning of the meeting.
3. The agenda shall be adopted by the SPS Sub-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 may, on an ad-hoc basis and with the agreement of the other Party, invite representatives of other bodies of the Parties or independent experts to attend meetings of the SPS Sub-Committee as observers in order to provide information on specific subjects. The Parties shall ensure that those observers respect any confidentiality requirements.
5. The Chair may, in consultation with the Parties, reduce the time periods specified in paragraphs 1 and 2 in order to take account of special circumstances.

*Article 10***Minutes and operational conclusions**

1. Draft minutes of each meeting shall be drawn up jointly by the two Secretaries.
2. The minutes shall, as a general rule, include in respect of each item on the agenda:
 - (a) the participants in the meeting, the officials accompanying them and any observer who attended the meeting;
 - (b) the documents submitted to the SPS Sub-Committee;
 - (c) the statements that the SPS Sub-Committee has requested be entered; and
 - (d) the operational conclusions of the meeting, as referred to in paragraph 4.
3. The draft minutes shall be submitted to the SPS Sub-Committee for approval. They shall be approved within 28 calendar days of each SPS Sub-Committee meeting. A copy of the approved minutes shall be sent to each of the addressees referred to in Article 7.
4. Draft operational conclusions of each meeting shall be drawn up by the Secretary of the Party holding the chairmanship and circulated to the Parties together with the agenda, as a rule no later than 15 calendar days before the beginning of the meeting. The draft operational conclusions shall be updated as the meeting proceeds, so that at the end of the meeting, unless agreed otherwise, the SPS Sub-Committee adopts the operational conclusions, reflecting the follow-up actions agreed by the Parties. Once agreed, the operational conclusions shall be attached to the minutes, and their implementation shall be reviewed during subsequent meetings of the SPS Sub-Committee. To that end, the SPS Sub-Committee shall adopt a template, allowing for each action point to be tracked against a specific deadline.

*Article 11***Decisions and recommendations**

1. The SPS Sub-Committee adopts decisions, opinions, recommendations, reports and joint actions as provided for in Article 74 of the Agreement. Those decisions, opinions, recommendations, reports and joint actions shall be adopted by consensus between the Parties after the completion of the respective internal procedures for their adoption. The decisions shall be binding upon the Parties, which shall take appropriate measures to implement them.

2. Each decision, opinion, recommendation or report shall be signed by the Chair and authenticated by the two Secretaries. Without prejudice to paragraph 3, the Chair shall sign those documents during the meeting in which the relevant decision, opinion, recommendation or report is adopted.
3. If the Parties so agree, the SPS Sub-Committee may adopt decisions, recommendations, opinions or reports by written procedure, after the completion of the respective internal procedures. The written procedure shall consist of an exchange of notes between the two Secretaries, acting in agreement with the Parties. For that purpose, the text of the proposal shall be circulated in accordance with Article 7, with a time limit of at least 21 calendar days within which any reservations or amendments must be made known. The Chair may, in consultation with the Parties, reduce the time periods specified in this paragraph in order to take account of special circumstances. Once the text is agreed, the decision, opinion, recommendation or report shall be signed by the Chair and authenticated by the two Secretaries.
4. The acts of the SPS Sub-Committee shall be entitled 'Decision', 'Opinion', 'Recommendation' or 'Report'. Each decision shall enter into force on the date of its adoption unless the decision provides otherwise.
5. The decisions, opinions, recommendations and reports shall be circulated to both Parties.
6. The Secretariat of the Association Committee in its Trade configuration shall be informed of any decisions, opinions, recommendations, reports or other agreed actions of the SPS Sub-Committee.
7. Each Party may decide whether to publish the decisions, opinions and recommendations of the SPS Sub-Committee in its respective official journal.

Article 12

Reports

The SPS Sub-Committee shall submit to the Association Committee in its Trade configuration a report on its activities and those of the technical working groups or the ad-hoc groups set up by the SPS Sub-Committee. The report shall be submitted 25 days before the regular annual meeting of the Association Committee in its Trade configuration.

Article 13

Languages

1. The working languages of the SPS Sub-Committee shall be English and Ukrainian.
2. Unless otherwise decided, the SPS Sub-Committee shall base its deliberations on documentation prepared in those languages.

Article 14

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the SPS Sub-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 interpreting at meetings and the translation of documents into or from English and Ukrainian to comply with Article 13(1) shall be borne by the Party hosting the meeting.

Expenditure in connection with interpreting and translation into or from other languages shall be borne directly by the requesting Party.

*Article 15***Technical working groups and ad-hoc groups**

1. The SPS Sub-Committee may by a decision pursuant to Article 74(3) of the Agreement create or abolish, where appropriate, technical working groups or ad-hoc working groups, including scientific groups.
2. The membership of the ad-hoc working groups shall not be restricted to representatives of the Parties. The Parties shall ensure that the members of any groups created by the SPS Sub-Committee respect any appropriate confidentiality requirements.
3. Unless otherwise decided, the groups created by the SPS Sub-Committee shall work under the authority of the SPS Sub-Committee, to which they shall report.
4. The meetings of the working groups may be held when required, in person or by video- or audio-conference.
5. The Secretariat of the SPS Sub-Committee shall be in copy of all relevant correspondence, documents and communications pertaining to the activities of the working groups.
6. The working groups shall have the power to make recommendations in writing to the SPS Sub-Committee. The recommendations shall be adopted by consensus and communicated to the Chair, who shall circulate the recommendations as provided for in Article 7.
7. These Rules of Procedure shall be applied *mutatis mutandis* to any technical working group or an ad-hoc working group created by the SPS Sub-Committee, unless otherwise specified in this Article. The references to the Association Committee in its Trade configuration shall be understood as references to the SPS Sub-Committee.

*Article 16***Amendment**

These Rules of Procedure may be amended by a decision of the SPS Sub-Committee in accordance with Article 74(5) of the Agreement.

DRAFT

**DECISION No ... OF THE EU-UKRAINE TRADE AND SUSTAINABLE DEVELOPMENT
SUB-COMMITTEE**

of ...

adopting its Rules of Procedure

THE EU-UKRAINE TRADE AND SUSTAINABLE DEVELOPMENT SUB-COMMITTEE,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ⁽¹⁾, and in particular Article 300 thereof,

Whereas:

- (1) In accordance with Article 486 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ('the Agreement'), parts of the Agreement, including Chapter 13 (Trade and sustainable development) of Title IV (Trade and trade-related matters), are applied provisionally as of 1 January 2016.
- (2) Article 300 of the Agreement provides that the Trade and Sustainable Development Sub-Committee ('the TSD Sub-Committee') is to oversee the implementation of Chapter 13 of Title IV of the Agreement.
- (3) Article 300(1) of the Agreement provides that the TSD Sub-Committee is to establish its own rules of procedure,

HAS ADOPTED THIS DECISION:

Article 1

The Rules of Procedure of the Trade and Sustainable Development Sub-Committee, as set out in the Annex to this Decision, are hereby adopted.

Article 2

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

Done at ...,

*For the EU-Ukraine Trade and Sustainable Development
Sub-Committee*

The Chair

⁽¹⁾ OJ L 161, 29.5.2014, p. 3.

ANNEX

RULES OF PROCEDURE OF THE EU-UKRAINE TRADE AND SUSTAINABLE DEVELOPMENT SUB-COMMITTEE

Article 1

General provisions

1. The Trade and Sustainable Development Sub-Committee ('the TSD Sub-Committee'), established pursuant to Article 300 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ⁽¹⁾ ('the Agreement'), shall assist the Association Committee in its Trade configuration, as referred to in Article 465(4) of the Agreement, in the performance of its duties.
2. The TSD Sub-Committee shall perform the functions set out in Chapter 13 (Trade and sustainable development) of Title IV (Trade and trade-related matters) of the Agreement.
3. The TSD Sub-Committee shall be composed of representatives from within the administration of each Party, responsible for trade and sustainable development matters.
4. A representative of the European Commission or of Ukraine responsible for trade and sustainable development matters shall act as Chair of the TSD Sub-Committee.
5. For the purposes of these Rules of Procedure, the definition of the term 'Parties' set out in Article 482 of the Agreement applies.

Article 2

Specific provisions

1. Articles 2 to 14 of the Rules of Procedure of the EU-Ukraine Association Committee shall apply *mutatis mutandis*, unless otherwise provided for in these Rules of Procedure.
2. The references to the Association Council shall be read as references to the Association Committee in its Trade configuration. The references to the Association Committee or the Association Committee in its Trade configuration shall be read as references to the TSD Sub-Committee.

Article 3

Meetings

The TSD Sub-Committee shall meet as necessary. The Parties shall aim to meet once per year.

Article 4

Amendment

These Rules of Procedure may be amended by a decision of the TSD Sub-Committee in accordance with Article 300(1) of the Agreement.

⁽¹⁾ OJ L 161, 29.5.2014, p. 3.

DRAFT

DECISION No ... OF THE EU-UKRAINE CUSTOMS SUB-COMMITTEE
of ...
adopting its Rules of Procedure

THE EU-UKRAINE CUSTOMS SUB-COMMITTEE,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ⁽¹⁾, and in particular Article 83 thereof,

Whereas:

- (1) In accordance with Article 486 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ('the Agreement'), parts of the Agreement, including Chapter 5 (Customs and trade facilitation) of Title IV (Trade and trade-related matters), are applied provisionally as of 1 January 2016.
- (2) Article 83 of the Agreement provides that the Customs Sub-Committee is to monitor the implementation and administration of Chapter 5 of Title IV of the Agreement.
- (3) Article 83(e) of the Agreement provides that the Customs Sub-Committee is to adopt its rules of procedure,

HAS ADOPTED THIS DECISION:

Article 1

The Rules of Procedure of the Customs Sub-Committee, as set out in the Annex to this Decision, are hereby adopted.

Article 2

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

Done at ...,

For the EU-Ukraine Customs Sub-Committee
The Chair

⁽¹⁾ OJ L 161, 29.5.2014, p. 3.

ANNEX

RULES OF PROCEDURE OF THE EU-UKRAINE CUSTOMS SUB-COMMITTEE

*Article 1***General provisions**

1. The Customs Sub-Committee, established pursuant to Article 83 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ⁽¹⁾ ('the Agreement'), shall perform its duties as provided for in that Article.
2. The Customs Sub-Committee shall be composed of representatives of the European Commission and of Ukraine responsible for customs and customs-related matters.
3. A representative of the European Commission or of Ukraine responsible for customs and customs-related matters shall act as Chair in accordance with Article 2.
4. For the purposes of these Rules of Procedure, the definition of the term 'Parties' set out in Article 482 of the Agreement applies.

*Article 2***Chairmanship**

The chairmanship of the Customs Sub-Committee shall alternate between the Parties every 12 months. The first period of 12 months shall begin on the date of the first Association Council meeting and end on 31 December of the same year.

*Article 3***Meetings**

1. Save as otherwise agreed by the Parties, the Customs Sub-Committee shall meet once a year or upon the request of either Party.
2. Each meeting of the Customs Sub-Committee shall be convened by the Chair on a date and in a place agreed by the Parties. The notice regarding the convening of the meeting shall be issued by the Chair no later than 28 calendar days prior to the start of the meeting, unless the Parties agree otherwise.
3. The meetings of the Customs Sub-Committee may be held by any agreed technological means, such as video- or audio-conference.
4. When out of session, the Customs Sub-Committee may address any issue by correspondence.

*Article 4***Delegations**

Before each meeting, each Party shall inform the other, through the Secretariat of the Customs Sub-Committee provided for in Article 5, of the intended composition of its delegation.

⁽¹⁾ OJ L 161, 29.5.2014, p. 3.

*Article 5***Secretariat**

An official of the European Commission and an official of Ukraine responsible for customs and customs-related matters shall act jointly as Secretaries of the Customs Sub-Committee and shall execute secretarial tasks in a joint manner and in a spirit of mutual trust and cooperation.

*Article 6***Correspondence**

1. Correspondence addressed to the Customs Sub-Committee shall be directed to the Secretary of either of the Parties, who in turn shall inform the other Secretary.
2. The Secretariat shall ensure that correspondence addressed to the Customs Sub-Committee is forwarded to the Chair and circulated, where appropriate, in accordance with Article 7.
3. Correspondence from the Chair shall be sent to the Parties by the Secretariat of the Customs Sub-Committee on behalf of the Chair. Such correspondence shall be circulated, where appropriate, in accordance with Article 7.

*Article 7***Documents**

1. Documents shall be circulated through the Secretariat of the Customs Sub-Committee.
2. A Party shall transmit its documents to its Secretary. That Secretary shall transmit those documents to the Secretary of the other Party.
3. The Secretary of the Union shall circulate the documents to the relevant representatives of the Union and shall systematically copy the Secretary of Ukraine into such correspondence. The Secretary of the Union shall send a copy of the final documents to the Secretaries of the Association Committee in its Trade configuration.
4. The Secretary of Ukraine shall circulate the documents to the relevant representatives of Ukraine and shall systematically copy the Secretary of the Union into such correspondence. The Secretary of Ukraine shall send a copy of the final documents to the Secretaries of the Association Committee in its Trade configuration.

*Article 8***Confidentiality**

Unless otherwise decided by the Parties, the meetings of the Customs Sub-Committee shall not be public.

When a Party submits to the Customs Sub-Committee information designated as confidential, the other Party shall treat that information as such.

*Article 9***Agendas for the meetings**

1. A provisional agenda for each meeting shall be drawn up by the Secretariat of the Customs Sub-Committee on the basis of proposals made by the Parties. The provisional agenda shall include items in respect of which the Secretariat has received a request for inclusion in the agenda by a Party, supported by relevant documents, no later than 21 calendar days before the meeting date.

2. The provisional agenda, together with the relevant documents, shall be circulated in accordance with Article 7 no later than 15 calendar days before the beginning of the meeting.
3. The agenda shall be adopted by the Customs Sub-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 may, on an ad-hoc basis and with the agreement of the other Party, invite representatives of other bodies of the Parties or independent experts to attend meetings of the Customs Sub-Committee as observers in order to provide information on specific subjects. The Parties shall ensure that those observers respect any confidentiality requirements.
5. The Chair may, in consultation with the Parties, reduce the time periods specified in paragraphs 1 and 2 in order to take account of special circumstances.

Article 10

Minutes and operational conclusions

1. Draft minutes, including operational conclusions, of each meeting shall be drawn up by the Secretary of the Party holding the chairmanship.
2. The draft minutes, including the operational conclusions, shall be submitted to the Customs Sub-Committee for approval. They shall be approved within 28 calendar days of each Customs Sub-Committee meeting. A copy of the approved minutes shall be sent to each of the addressees referred to in Article 7.

Article 11

Decisions and recommendations

1. The Customs Sub-Committee shall adopt practical arrangements, measures, decisions and recommendations as provided for in Article 83 of the Agreement. They shall be adopted by consensus between the Parties after the completion of the respective internal procedures for their adoption. The decisions shall be binding upon the Parties, which shall take appropriate measures to implement them.
2. Each decision or recommendation shall be signed by a representative of each Party. Without prejudice to paragraph 3, the representatives shall sign those documents during the meeting in which the relevant decision or recommendation is adopted.
3. If the Parties so agree, the Customs Sub-Committee may adopt decisions or recommendations by written procedure, after the completion of the respective internal procedures. The written procedure shall consist of an exchange of notes between the two Secretaries, acting in agreement with the Parties. For that purpose, the text of the proposal shall be circulated in accordance with Article 7, with a time limit of at least 21 calendar days within which any reservations or amendments must be made known. The Chair may, in consultation with the Parties, reduce the time periods specified in this paragraph in order to take account of special circumstances. Once the text is agreed, the decision or recommendation shall be signed by a representative of each Party.
4. The acts of the Customs Sub-Committee shall be entitled 'Decision' or 'Recommendation'. Each decision shall enter into force on the date of its adoption unless the decision provides otherwise.
5. The decisions and recommendations of the Customs Sub-Committee shall be authenticated by the two Secretaries.
6. The decisions and recommendations shall be circulated to both Parties.

7. The Secretariat of the Association Committee in its Trade configuration shall be informed of any decisions, opinions, recommendations, reports or other agreed actions of the Customs Sub-Committee.
8. Each Party may decide whether to publish the decisions and recommendations of the Customs Sub-Committee in its respective official journal.

Article 12

Reports

The Customs Sub-Committee shall report to the Association Committee in its Trade configuration at each regular annual meeting of the Association Committee in its Trade configuration.

Article 13

Languages

1. The working languages of the Customs Sub-Committee shall be English and Ukrainian.
2. Unless otherwise decided, the Customs Sub-Committee shall base its deliberations on documentation prepared in those languages.

Article 14

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the Customs Sub-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 interpreting at meetings and the translation of documents into or from English and Ukrainian to comply with Article 13(1) shall be borne by the Party hosting the meeting.

Expenditure in connection with interpreting and translation into or from other languages shall be borne directly by the requesting Party.

Article 15

Amendment

These Rules of Procedure may be amended by a decision of the Customs Sub-Committee in accordance with Article 83(e) of the Agreement.

DRAFT

**DECISION No ... OF THE EU-UKRAINE SUB-COMMITTEE ON GEOGRAPHICAL INDICATIONS
of ...
adopting its Rules of Procedure**

THE EU-UKRAINE SUB-COMMITTEE ON GEOGRAPHICAL INDICATIONS,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ⁽¹⁾, and in particular Article 211 thereof,

Whereas:

- (1) In accordance with Article 486 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ('the Agreement'), parts of the Agreement, including subsection 3 (Geographical indications) of Section 2 of Chapter 9 (Intellectual property) of Title IV (Trade and trade-related matters), are applied provisionally as of 1 January 2016.
- (2) Article 211 of the Agreement provides that the Sub-Committee on Geographical Indications ('GI Sub-Committee') is to monitor the development of the Agreement in the field of geographical indications and to serve as a forum for cooperation and dialogue on geographical indications.
- (3) Article 211(2) of the Agreement provides that the GI Sub-Committee is to adopt its rules of procedure,

HAS ADOPTED THIS DECISION:

Article 1

The Rules of Procedure of the GI Sub-Committee, as set out in the Annex to this Decision, are hereby adopted.

Article 2

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

Done at ...,

*For the EU-Ukraine Sub-Committee on Geographical
Indications
The Chair*

⁽¹⁾ OJ L 161, 29.5.2014, p. 3.

ANNEX

RULES OF PROCEDURE OF THE EU-UKRAINE SUB-COMMITTEE ON GEOGRAPHICAL INDICATIONS

*Article 1***General provisions**

1. The Sub-Committee on Geographical Indications ('GI Sub-Committee'), established pursuant to Article 211 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ⁽¹⁾ ('the Agreement'), shall assist the Association Committee in its Trade configuration, as referred to in Article 465(4) of the Agreement, in the performance of its functions.
2. The GI Sub-Committee shall perform the functions set out in Article 211 of the Agreement.
3. The GI Sub-Committee shall be composed of officials of the European Commission and of Ukraine responsible for matters relating to geographical indications.
4. Each Party shall appoint a Head of Delegation who shall be the contact person for all matters relating to the Sub-Committee.
5. The Heads of Delegation shall act as Chair in accordance with Article 2.
6. Each Head of Delegation may delegate any or all of his functions to a nominated deputy, in which case all references hereafter to the Head of Delegation apply equally to the nominated deputy.
7. For the purposes of these Rules of Procedure, the definition of the term 'Parties' set out in Article 482 of the Agreement applies.

*Article 2***Chairmanship**

The chairmanship of the GI Sub-Committee shall alternate between the Parties every 12 months. The first period of 12 months shall begin on the date of the first Association Council meeting and end on 31 December of the same year.

*Article 3***Meetings**

1. Save as otherwise agreed by the Parties, the GI Sub-Committee shall meet alternately in the Union and in Ukraine upon the request of either Party, no later than 90 days from the request.
2. Each meeting of the GI Sub-Committee shall be convened by the Chair on a date and in a place agreed by the Parties. The notice regarding the convening of the meeting shall be issued by the Chair no later than 28 calendar days prior to the start of the meeting, unless the Parties agree otherwise.
3. Whenever possible, regular meetings of the GI Sub-Committee shall be convened in due time in advance of the regular meeting of the Association Committee in its Trade configuration.
4. By way of exception, the meetings of the GI Sub-Committee may be held by any technological means agreed by the Parties, including video-conference.

⁽¹⁾ OJ L 161, 29.5.2014, p. 3.

*Article 4***Delegations**

Before each meeting, each Party shall inform the other, through the Secretariat of the GI Sub-Committee, provided for in Article 5, of the intended composition of its delegation.

*Article 5***Secretariat**

A representative of the European Commission and a representative of Ukraine shall be appointed by the respective Head of Delegation to act jointly as Secretaries of the GI Sub-Committee and shall execute secretarial tasks in a joint manner and in a spirit of mutual trust and cooperation.

*Article 6***Correspondence**

1. Correspondence addressed to the GI Sub-Committee shall be directed to the Secretary of either of the Parties, who in turn shall inform the other Secretary.
2. The Secretariat shall ensure that correspondence addressed to the GI Sub-Committee is forwarded to the Chair and circulated, where appropriate, in accordance with Article 7.
3. Correspondence from the Chair shall be sent to the Parties by the Secretariat of the GI Sub-Committee on behalf of the Chair. Such correspondence shall be circulated, where appropriate, in accordance with Article 7.

*Article 7***Documents**

1. Documents shall be circulated through the Secretariat of the GI Sub-Committee.
2. A Party shall transmit its documents to its Secretary. The Secretary shall transmit those documents to the Secretary of the other Party.
3. The Secretary of the Union shall circulate the documents to the relevant representatives of the Union and shall systematically copy the Secretary of Ukraine and the Secretaries of the Association Committee in its Trade configuration into such correspondence.
4. The Secretary of Ukraine shall circulate the documents to the relevant representatives of Ukraine and shall systematically copy the Secretary of the Union and the Secretaries of the Association Committee in its Trade configuration into such correspondence.

*Article 8***Confidentiality**

Unless otherwise decided by the Parties, the meetings of the GI Sub-Committee shall not be public.

When a Party submits to the GI Sub-Committee information designated as confidential, the other Party shall treat that information as such.

*Article 9***Agendas for the meetings**

1. A provisional agenda for each meeting, as well as draft operational conclusions as provided for in Article 10, shall be drawn up by the Secretariat of the GI Sub-Committee on the basis of proposals made by the Parties. The provisional agenda shall include items in respect of which the Secretariat of the GI Sub-Committee has received a request for inclusion in the agenda by a Party, supported by relevant documents, no later than 21 calendar days before the meeting date.
2. The provisional agenda, together with the relevant documents, shall be circulated in accordance with Article 7 no later than 15 calendar days before the beginning of the meeting.
3. The agenda shall be adopted by the Chair and the other Head of Delegation 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 may, on an ad-hoc basis and with the agreement of the other Party, invite representatives of other bodies of the Parties or independent experts to attend meetings of the GI Sub-Committee as observers in order to provide information on specific subjects. The Parties shall ensure that those observers respect any confidentiality requirements.
5. The Chair may, in consultation with the Parties, reduce the time periods specified in paragraphs 1 and 2 in order to take account of special circumstances.

*Article 10***Minutes and operational conclusions**

1. Draft minutes of each meeting shall be drawn up jointly by the two Secretaries.
2. The minutes shall, as a general rule, include in respect of each item on the agenda:
 - (a) the participants in the meeting, the officials accompanying them and any observer who attended the meeting;
 - (b) the documents submitted to the GI Sub-Committee;
 - (c) the statements that the GI Sub-Committee has requested be entered; and
 - (d) if necessary, the operational conclusions of the meeting, as referred to in paragraph 4.
3. The draft minutes shall be submitted to the GI Sub-Committee for approval. They shall be approved within 28 calendar days after each GI Sub-Committee meeting. A copy of the approved minutes shall be sent to each of the addressees referred to in Article 7.
4. Draft operational conclusions of each meeting shall be drawn up by the Secretary of the GI Sub-Committee of the Party holding the chairmanship and circulated to the Parties together with the agenda, as a rule no later than 15 calendar days before the beginning of the meeting. The draft operational conclusions shall be updated as the meeting proceeds, so that at the end of the meeting, unless otherwise agreed, the GI Sub-Committee adopts the operational conclusions, reflecting the follow-up actions agreed by the Parties. Once agreed, the operational conclusions shall be attached to the minutes, and their implementation shall be reviewed during subsequent meetings of the GI Sub-Committee. To that end, the GI Sub-Committee shall adopt a template, allowing for each action point to be tracked against a specific deadline.

Article 11

Decisions

1. The GI Sub-Committee shall have the power to adopt decisions in the cases provided for in Article 211(3) of the Agreement. Those decisions shall be adopted by consensus between the Parties after the completion of the respective internal procedures for their adoption. They shall be binding upon the Parties, which shall take appropriate measures to implement them.
2. Each decision shall be signed by a representative of each Party. Without prejudice to paragraph 3, the representatives shall sign those documents during the meeting in which the relevant decision is adopted.
3. If the Parties so agree, the GI Sub-Committee may adopt decisions by written procedure, after the completion of the respective internal procedures. The written procedure shall consist of an exchange of notes between the two Secretaries, acting in agreement with the Parties. For that purpose, the text of the proposal shall be circulated in accordance with Article 7, with a time limit of at least 21 calendar days within which any reservations or amendments must be made known. The Chair may, in consultation with the Parties, reduce the time periods specified in this paragraph in order to take account of special circumstances. Once the text is agreed, the decision shall be signed by a representative of each Party.
4. The acts of the GI Sub-Committee shall be entitled 'Decision'. Each decision shall enter into force on the date of its adoption unless the decision provides otherwise.
5. The decisions of the GI Sub-Committee shall be authenticated by the two Secretaries.
6. The decisions shall be circulated to both Parties.
7. The Secretariat of the Association Committee in its Trade configuration shall be informed of any decisions, reports or other agreed actions of the GI Sub-Committee.
8. Each Party may decide whether to publish the decisions of the GI Sub-Committee in its respective official journal.

Article 12

Reports

1. The GI Sub-Committee shall report to the Association Committee in its Trade configuration on its activities at each regular meeting of the latter.
2. The reports shall be adopted by consensus between the Parties and shall be entitled 'Report'. The reports shall be circulated to both Parties.
3. The procedure for adoption of decisions set out in Article 11(2) and (3) shall apply *mutatis mutandis* to reports.

Article 13

Languages

1. The working languages of the GI Sub-Committee shall be English and Ukrainian.
2. Unless otherwise decided, the GI Sub-Committee shall base its deliberations on documentation prepared in those languages.

*Article 14***Expenses**

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the GI Sub-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 interpreting at meetings and the translation of documents into or from English and Ukrainian to comply with Article 13(1) shall be borne by the Party hosting the meeting.

Expenditure in connection with interpreting and translation into or from other languages shall be borne directly by the requesting Party.

*Article 15***Amendment**

These Rules of Procedure may be amended by a decision of the GI Sub-Committee in accordance with Article 211(2) of the Agreement.

COMMISSION DECISION (EU) 2017/190**of 1 February 2017****authorising France to derogate pursuant to Article 14(6) of Regulation (EC) No 216/2008 of the European Parliament and of the Council from certain common aviation safety rules concerning the installation of components***(notified under document C(2017) 458)*

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Regulation (EC) No 1592/2002 and Directive 2004/36/EC ⁽¹⁾, and in particular Article 14(7) thereof,

Whereas:

- (1) France notified its intention to grant an approval derogating from the common aviation safety rules implementing Regulation (EC) No 216/2008 contained in Commission Regulation (EU) No 1321/2014 ⁽²⁾. Pursuant to Article 14(7) of Regulation (EC) No 216/2008, the Commission assessed the need for, and the level of protection emerging from, the proposed derogation, based on the recommendation of the European Aviation Safety Agency (hereinafter EASA) of 24 September 2015 ⁽³⁾.
- (2) The proposed derogation, notified by France on 24 July 2015, concerns point M.A.501 of Annex I (Part-M) to Regulation (EU) No 1321/2014, which requires that no component may be fitted on aircraft unless it has been appropriately released to service on an EASA Form 1 or equivalent.
- (3) The proposed derogation concerns the installation of engines R755B2M on YMF5C aircraft registered in France. Those aircraft are produced by WACO Classic Aircraft Corporation, established in the United States of America, which holds the EASA approved type certificate EASA.IM.A.055 and the FAA production certificate No 328CE, approving production of the related type of aircraft. Engines R755B2M are produced by Air Repair, also established in the United States of America, which holds the EASA approved type certificate EASA.E.092. Air Repair provides WACO Classic Aircraft Corporation with its engines for installation. However, Air Repair does not hold either a production approval or an FAA 145 repair station approval and cannot therefore deliver engines with release to service forms to other customers. The information received by EASA indicates that Air Repair does not wish to obtain either a production approval or an EASA Part-145 approval.
- (4) Since the new engines produced by Air Repair cannot be delivered to customers with an EASA Form 1 or equivalent, the French authorities explained that derogation from the requirement of point M.A.501 is necessary so as to ensure that an owner of an YMF5C aircraft, who intends to buy a new engine P/N (Model) R755B2M, Serial Number 17819, may have that engine installed, in France, on that aircraft.
- (5) The French authorities explained that an equivalent level of protection can be achieved by other means. Those means consist of the requirement that the aircraft producer declares that the engines to be installed are similar to ones it would install in its production line and of the requirement that those engines are installed by qualified personnel and in accordance with the applicable aircraft maintenance manual which contains the necessary information for the removal and installation of those engines.

⁽¹⁾ OJ L 79, 19.3.2008, p. 1.

⁽²⁾ Commission Regulation (EU) No 1321/2014 of 26 November 2014 on the continuing airworthiness of aircraft and aeronautical products, parts and appliances, and on the approval of organisations and personnel involved in these tasks (OJ L 362, 17.12.2014, p. 1).

⁽³⁾ EASA CASE 2015/87 — Recommendation No FR/18/2015 — EASA letter 2015(D)54366

- (6) Based on the recommendation of EASA, issued on 24 September 2015, the Commission considers that, through those other means, an equivalent level of protection to that attained by the application of point M.A.501 of Annex I (Part-M) to Regulation (EU) No 1321/2014 can be achieved. Consequently, France should be entitled to grant the proposed derogation.
- (7) In accordance with Article 14(7) of Regulation (EC) No 216/2008, a decision by the Commission that a Member State may grant a proposed derogation needs to be notified to all Member States, which would also be entitled to apply the measure in question. This Decision should therefore be addressed to all Member States. The description of the derogation, as well as the conditions attached to it, should be such as to enable other Member States to also apply that measure when they are in the same situation, without requiring a further decision by the Commission. Member States should exchange information on the application of the measure where they apply it, in accordance with Article 15(1) of Regulation (EC) No 216/2008, as this application may have effects outside the Member States that grant the derogation.
- (8) The measures provided for in this Decision are in accordance with the opinion of the European Aviation Safety Agency Committee,

HAS ADOPTED THIS DECISION:

Article 1

France may grant approvals derogating from point M.A.501 of Annex I (Part-M) to Regulation (EU) No 1321/2014 to owners of YMF5C aircraft, produced by WACO Classic Aircraft Corporation, who intend to buy engines R755B2M and have them installed on their aircraft, provided that the aircraft manufacturer has declared that those engines are similar to the ones that would be installed in its production line and provided that those engines are installed by qualified personnel and in accordance with the applicable aircraft maintenance manual which contains the necessary information for the removal and installation of those engines.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 1 February 2017.

For the Commission
Violeta BULC
Member of the Commission

COMMISSION IMPLEMENTING DECISION (EU) 2017/191**of 1 February 2017****amending Decision 2010/166/EU, in order to introduce new technologies and frequency bands for mobile communication services on board vessels (MCV services) in the European Union***(notified under document C(2017) 450)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Decision No 676/2002/EC of the European Parliament and of the Council of 7 March 2002 on a regulatory framework for radio spectrum policy in the European Community (Radio Spectrum Decision) ⁽¹⁾, and in particular Article 4(3) thereof,

Whereas:

- (1) Commission Decision 2010/166/EU ⁽²⁾ sets technical and operational conditions necessary to allow the use of GSM on board vessels (MCV services) in the Union.
- (2) The development of enhanced means of communications supported by technical progress can improve the capacity for all citizens to be connected everywhere and at all times in line with the Radio Spectrum Policy Programme established by Decision No 243/2012/EU of the European Parliament and of the Council ⁽³⁾ and contribute to the implementation of the Digital Single Market. Moreover, spectrum should be used in accordance with the principles of technology and service neutrality set out in Directive 2002/21/EC of the European Parliament and of the Council ⁽⁴⁾.
- (3) Decision 2010/166/EU calls on the Member States to keep under review the use of the 900 MHz and 1 800 MHz bands by systems providing MCV services in their territorial seas, in particular with regard to the continued relevance of all the conditions in that Decision and to instances of harmful interference. Member States are also required to submit to the Commission a report on their findings and the Commission should, where appropriate, review Decision 2010/166/EU.
- (4) The reports provided by Member States to the Commission have strongly confirmed the need to allow new communication technologies for MCV use.
- (5) In order to facilitate further deployment of MCV applications in the Union, the Commission gave a mandate on 16 November 2015 to the European Conference of Postal and Telecommunications Administrations ('the CEPT') in accordance with Article 4(2) of Decision No 676/2002/EC to examine the possibility for coexistence of seaborne devices using LTE technology with terrestrial electronic communications networks operating in the 1 710-1 785/1 805-1 880 MHz and 2 500-2 570/2 620-2 690 MHz bands and the coexistence of seaborne devices using UMTS technology with terrestrial electronic communications networks operating in the 1 920-1 980/2 110-2 170 MHz bands.
- (6) Following that mandate, the CEPT adopted on 17 June 2016 its report 62 which concluded that it would be possible to operate MCV, provided that the relevant technical conditions are met, using LTE technology in the 1 710-1 785/1 805-1 880 MHz and 2 500-2 570/2 620-2 690 MHz bands and UMTS technology in the 1 920-1 980/2 110-2 170 MHz band. Therefore, Decision 2010/166/EU should be amended based on the results of CEPT report 62 to include those technologies and frequencies and allow the use of systems based on these technologies on board vessels.

⁽¹⁾ OJ L 108, 24.4.2002, p. 1.

⁽²⁾ Commission Decision 2010/166/EU of 19 March 2010 on harmonised conditions of use of radio spectrum for mobile communication services on board vessels (MCV services) in the European Union (OJ L 72, 20.3.2010, p. 38).

⁽³⁾ Decision No 243/2012/EU of the European Parliament and of the Council of 14 March 2012 establishing a multiannual radio spectrum policy programme (OJ L 81, 21.3.2012, p. 7).

⁽⁴⁾ Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) (OJ L 108, 24.4.2002, p. 33).

- (7) Without prejudice to the requirements set out in the Annex, and in order to protect other authorised uses of spectrum, Member States may place additional geographic restrictions on the operation of the MCV system in their territorial sea.
- (8) Considering the importance of the UMTS and LTE technologies for wireless communications in the Union, the possibility to use MCV LTE systems and MCV UMTS systems as described in this Decision should apply as early as possible and not later than 6 months after the date of notification of this Decision.
- (9) MCV technical specifications should remain under review in order to ensure that they match technological progress.
- (10) The measures provided for in this Decision are in accordance with the opinion of the Radio Spectrum Committee,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2010/166/EU is amended as follows:

1. Article 1 is replaced by the following:

Article 1

The purpose of this Decision is to harmonise the technical conditions for the availability and efficient use of the 900 MHz, 1 800 MHz, 1 900/2 100 MHz, 2 600 MHz frequency bands for systems providing mobile communications on board vessels services within territorial seas in the Union.’

2. Article 2 is amended as follows:

- (a) point 1 is replaced by the following:

‘1. “mobile communication services on board vessels (MCV services)” means electronic communication services, as defined in Article 2(c) of Directive 2002/21/EC of the European Parliament and of the Council (*), provided by an undertaking to enable persons on board a vessel to communicate via public communication networks using a system subject to Article 3 without establishing direct connections with land-based mobile networks;

(*) Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive) (OJ L 108, 24.4.2002, p. 33).’;

- (b) point 7 is replaced by the following:

‘7. “vessel base transceiver station (vessel BS)” means a mobile pico-cell located on a vessel and supporting GSM, LTE or UMTS services in compliance with the Annex to this Decision;’;

- (c) the following points are added:

‘8. “the 1 900/2 100 MHz bands” means the 1 920-1 980 MHz band for uplink (terminal transmit, base station receive) and 2 110-2 170 MHz band for downlink (base station transmit, terminal receive);

9. “the 2 600 MHz band” means the 2 500-2 570 MHz band for uplink (terminal transmit, base station receive) and 2 620-2 690 MHz band for downlink (base station transmit, terminal receive);

10. “LTE system” means an electronic communications network as defined in the Annex to Commission Implementing Decision 2011/251/EU (*);

11. “UMTS system” means an electronic communications network as defined in the Annex to Implementing Decision 2011/251/EU.

(*) Commission Implementing Decision 2011/251/EU of 18 April 2011 amending Decision 2009/766/EC on the harmonisation of the 900 MHz and 1 800 MHz frequency bands for terrestrial systems capable of providing pan-European electronic communications services in the Community (OJ L 106, 27.4.2011, p. 9).

3. Article 3 is replaced by the following:

Article 3

1. Member States shall make available at least 2 MHz of spectrum in the uplink direction and 2 MHz of corresponding paired spectrum in the downlink direction within the 900 and/or 1 800 MHz bands for GSM systems providing MCV services on a non-interference and non-protected basis in their territorial seas.

2. As early as possible, and 6 months after the date of notification of this Decision at the latest, Member States shall make available 5 MHz of spectrum in the uplink direction and 5 MHz of corresponding paired spectrum in the downlink direction within the 1 900/2 100 MHz bands for UMTS systems and within the 1 800 and 2 600 MHz bands for LTE systems providing MCV services on a non-interference and non-protected basis in their territorial seas.

3. Member States shall ensure that the systems covered by paragraphs 1 and 2 comply with the conditions set out in the Annex.

4. Article 4 is replaced by the following:

Article 4

Member States shall keep under review the use of the frequency bands by the systems providing MCV services in their territorial seas, which are referred to in Article 3(1) and (2), in particular with regard to the continued relevance of all the conditions set out in Article 3 and to instances of harmful interference.

5. The Annex is replaced by the text in the Annex to this Decision.

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 1 February 2017.

For the Commission

Andrus ANSIP

Vice-President

ANNEX

ANNEX

Conditions to be met by a system providing MCV services in the territorial seas of the Member States of the European Union, in order to avoid harmful interference to land-based mobile networks

- (1) Conditions to be met by GSM systems operating in the 900 MHz band and 1 800 MHz band providing MCV services in the territorial seas of the Member States, in order to avoid harmful interference to land-based mobile networks

The following conditions shall apply:

- (a) the system providing MCV services shall not be used closer than 2 nautical miles ⁽¹⁾ from the baseline, as defined in the United Nations Convention on the Law of the Sea;
- (b) only indoor vessel-BS antenna(s) shall be used between 2 and 12 nautical miles from the baseline;
- (c) limits to be set for mobile terminals when used on board vessel and for vessel-BS:

Parameter	Description
Transmit power/power density	For mobile terminals used on board vessels and controlled by the vessel-BS in the 900 MHz band, maximum radiated output power: 5 dBm
	For mobile terminals used on board vessels and controlled by the vessel-BS in the 1 800 MHz band, maximum radiated output power: 0 dBm
	For base stations on board vessels, the maximum power density measured in external areas of the vessel, with reference to a 0 dBi measurement antenna gain: – 80 dBm/200 kHz
Channel access and occupation rules	Techniques to mitigate interference that provide at least equivalent performance to the following mitigation factors based on GSM standards shall be used: <ul style="list-style-type: none"> — between 2 and 3 nautical miles from the baseline, the receiver sensitivity and the disconnection threshold (ACCMIN ⁽¹⁾ and min RXLEV ⁽²⁾ level) of the mobile terminal used on board vessel shall be equal to or higher than – 70 dBm/200 kHz and between 3 and 12 nautical miles from the baseline equal to or higher than – 75 dBm/200 kHz, — discontinuous transmission ⁽³⁾ shall be activated in the MCV system uplink direction, — the timing advance ⁽⁴⁾ value of the vessel-BS shall be set to the minimum.

⁽¹⁾ ACCMIN (RX_LEV_ACCESS_MIN); as described in GSM standard ETSI TS 144 018.

⁽²⁾ RXLEV (RXLEV-FULL-SERVING-CELL); as described in GSM standard ETSI TS 148 008.

⁽³⁾ Discontinuous transmission, or DTX; as described in GSM standard ETSI TS 148 008.

⁽⁴⁾ Timing advance; as described in GSM standard ETSI TS 144 018.

- (2) Conditions to be met by UMTS systems in the 1 900/2 100 MHz bands providing MCV services in the territorial seas of the Member States, in order to avoid harmful interference to land-based mobile networks

The following conditions shall apply:

- (a) the system providing MCV services shall not be used closer than 2 nautical miles from the baseline, as defined in the United Nations Convention on the Law of the Sea;

⁽¹⁾ One nautical mile = 1 852 metres

- (b) only indoor vessel-BS antenna(s) shall be used between 2 and 12 nautical miles from the baseline;
- (c) only bandwidth up to 5 MHz (duplex) can be used;
- (d) limits to be set for mobile terminals when used on board vessel and for vessel-BS:

Parameter	Description
Transmit power/power density	For mobile terminals transmitting in the 1 900 MHz band used on board vessels and controlled by the vessel-BS transmitting in the 2 100 MHz band, maximum radiated output power: 0 dBm/5 MHz
Emissions on deck	The vessel-BS emission on deck shall be equal or below – 102 dBm/5 MHz (Common Pilot Channel)
Channel access and occupation rules	Between 2 and 12 nautical miles from the baseline, the quality criteria (minimum required received signal level in the cell) shall be equal to or higher than: – 87 dBm/5 MHz
	The Public Land Mobile Network selection timer shall be set to 10 minutes
	The timing advance parameter shall be set according to a cell range for the MCV distributed antenna system equal to 600 m
	The Radio Resource Control user inactivity release timer shall be set to 2 seconds
Non alignment with land networks	MCV carrier centre frequency shall not be aligned with land network carriers

- (3) Conditions to be met by LTE systems in the 1 800 MHz band and 2 600 MHz band providing MCV services in the territorial seas of the Member States, in order to avoid harmful interference to land-based mobile networks

The following conditions shall apply:

- (a) the system providing MCV services shall not be used closer than 4 nautical miles from the baseline, as defined in the United Nations Convention on the Law of the Sea;
- (b) only indoor vessel-BS antenna(s) shall be used between 4 and 12 nautical miles from the baseline;
- (c) only a bandwidth of up to 5 MHz (duplex) can be used per frequency band (1 800 MHz and 2 600 MHz);
- (d) limits to be set for mobile terminals when used on board vessel and for vessel-BS:

Parameter	Description
Transmit power/power density	For mobile terminals used on board vessels and controlled by the vessel-BS in the 1 800 MHz band and 2 600 MHz band, maximum radiated output power: 0 dBm
Emissions on deck	The vessel-BS emission on deck shall be equal or below – 98 dBm/5 MHz (equivalent to – 120 dBm/15 kHz)

Parameter	Description
Channel access and occupation rules	Between 4 and 12 nautical miles from the baseline, the quality criteria (minimum required received signal level in the cell) shall be equal to or higher than – 83 dBm/5 MHz (equivalent to – 105 dBm/15 kHz)
	The Public Land Mobile Network selection timer shall be set to 10 minutes
	The timing advance parameter shall be set according to a cell range for the MCV distributed antenna system equal to 400 m
	The Radio Resource Control user inactivity release timer shall be set to 2 seconds
Non alignment with land networks	MCV carrier centre frequency shall not be aligned with land network carriers'

CORRIGENDA**Corrigendum to Council Decision (CFSP) 2016/2240 of 12 December 2016 amending Decision 2012/389/CFSP on the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR)**

(Official Journal of the European Union L 337 of 13 December 2016)

On page 18, Article 1, point (1):

for: '(1) In the title and throughout the text, the name "EUCAP NESTOR" is replaced by "EUCAP Somalia".',

read: '(1) The title is replaced by "Council Decision 2012/389/CFSP of 16 July 2012 on the European Union Capacity Building Mission in Somalia (EUCAP Somalia)", and throughout the text the name "EUCAP NESTOR" is replaced by "EUCAP Somalia".'.

Corrigendum to Commission Delegated Regulation (EU) 2016/2251 of 4 October 2016 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 for risk-mitigation techniques for OTC derivative contracts not cleared by a central counterparty

(Official Journal of the European Union L 340 of 15 December 2016)

On page 37, in point (ii) of Article 36(2)(b):

for: '(ii) the applicable date determined pursuant to paragraph 3.',

read: '(ii) the applicable date determined pursuant to paragraph 1.'.

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