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

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I

(Legislative acts)

REGULATIONS

REGULATION (EU) 2017/352 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 15 February 2017
establishing a framework for the provision of port services and common rules on the financial
transparency of ports
(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the ordinary legislative procedure ⁽³⁾,

Whereas:

- (1) The full integration of ports in seamless transport and logistics chains is needed to contribute to growth and a more efficient use and functioning of the trans-European transport network and the internal market. This requires modern port services that contribute to the efficient use of ports and a climate favourable to investments to develop ports in line with current and future transport and logistics requirements.
- (2) Ports contribute to the long-term competitiveness of European industries in world markets while adding value and jobs in all Union coastal regions. In order to address the challenges facing the maritime transport sector and to improve the efficiency and the sustainability of transport and logistics chains, it is essential that the actions on administrative simplification set out in the Commission's communication of 23 May 2013 entitled 'Ports: an engine for growth' be implemented in tandem with this Regulation.
- (3) In its communication of 3 October 2012 entitled 'Single Market Act II — Together for new growth', the Commission recalled that the attractiveness of maritime transport is dependent on the availability, efficiency and reliability of port services and the necessity of addressing questions regarding the transparency of public funding and port charges, as well as administrative simplification efforts in ports, and of reviewing restrictions on the provision of services at ports.

⁽¹⁾ OJ C 327, 12.11.2013, p. 111.

⁽²⁾ OJ C 114, 15.4.2014, p. 57.

⁽³⁾ Position of the European Parliament of 14 December 2016 (not yet published in the Official Journal) and decision of the Council of 23 January 2017.

- (4) Facilitating access to the port services market and introducing financial transparency and autonomy of maritime ports will improve the quality and efficiency of the service provided to port users and contribute to a climate that is more favourable to investment in ports, thereby helping to reduce costs for transport users and contributing to the promotion of short sea shipping and a better integration of maritime transport with rail, inland waterway and road transport.
- (5) The simplification of customs procedures can create significant economic advantages for maritime ports in terms of competitiveness. In order to promote fair competition and to reduce customs formalities, it is important that the competent authorities of the Member States adopt a proper and effective risk-based approach. In this context, it is necessary that the Commission consider the need for appropriate measures to reduce reporting formalities in maritime ports and to tackle unfair competition.
- (6) The establishment of a clear framework of transparent, fair and non-discriminatory provisions relating to the funding of and charges for port infrastructure and port services plays a fundamental role in ensuring that the port's own commercial strategy and investment plans and, where relevant, the general national ports policy framework comply fully with competition rules. In particular, the transparency of financial relations allows a fair and effective control of State aid, hence preventing market distortion. To that end, the Council conclusions of 5 June 2014 called upon the Commission to explore State aid guidelines for maritime ports, with the aim of ensuring fair competition and a stable legal framework for port investment.
- (7) The overwhelming majority of Union maritime traffic transits through the maritime ports of the trans-European transport network established by Regulation (EU) No 1315/2013 of the European Parliament and of the Council⁽¹⁾. In order to achieve the aim of this Regulation in a proportionate way without imposing any unnecessary burden on other ports, this Regulation should apply to the maritime ports of the trans-European transport network, each of which plays a significant role for the European transport system, either because it handles more than 0,1 % of the total EU freight or the total number of passengers, or because it improves the regional accessibility of island or peripheral areas. However, this Regulation should give Member States the possibility to decide whether or not to apply this Regulation to maritime ports of the comprehensive network located in the outermost regions. Member States should also have the possibility of introducing derogations in order to avoid disproportionate administrative burdens for those maritime ports of the comprehensive network annual freight traffic of which does not justify the full application of this Regulation.
- (8) Deep sea pilotage services do not have a direct impact on the efficiency of ports as they are not used for the direct entry and exit of ports and therefore do not need to be included in this Regulation.
- (9) This Regulation should in no way prejudice the rules in Member States governing the system of property ownership applicable to maritime ports, and should allow for different port structures in Member States.
- (10) This Regulation does not impose a specific model for the management of maritime ports and does not affect in any way the competence of Member States to provide, in conformity with Union law, non-economic services of general interest. Different port management models are possible, provided that the framework for the provision of port services and the common rules on financial transparency set out in this Regulation are respected.
- (11) In accordance with the general principles set out in the Treaties, providers of port services should be free to provide their services in maritime ports covered by this Regulation. However, it should be possible to impose certain conditions on the exercise of that freedom.
- (12) This Regulation should not limit the managing body of the port, or the competent authority, in setting up its charging system, as long as port infrastructure charges paid by the operators of waterborne vessels or cargo owners are transparent, in particular easily identifiable, and non-discriminatory, and contribute to the maintenance and development of infrastructure and service facilities and to the provision of services that are needed to perform or to facilitate transport operations within the port area and on the waterways giving access to those ports that fall within the competence of the managing body of the port.

⁽¹⁾ Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1).

- (13) In the interest of efficient, safe and environmentally sound port management, the managing body of the port, or the competent authority, should be able to require that providers of port services are able to demonstrate that they meet minimum requirements for the performance of the service in an appropriate way. Those minimum requirements should be limited to a clearly defined set of conditions in so far as those requirements are transparent, objective, non-discriminatory, proportionate and relevant for the provision of the port service. In accordance with the general objectives of this Regulation, the minimum requirements should contribute to a high quality of port services and should not introduce market barriers.
- (14) It is important that all providers of port services, at the request of the managing body of the port, are able to demonstrate their ability to serve a minimum number of vessels, making available necessary staff and equipment. They should apply the relevant provisions and rules, including the applicable labour law and relevant collective agreements and the quality requirements of the port concerned.
- (15) In deciding whether a port service provider satisfies the requirements of good repute, the competent authority, or the managing body of the port, should consider whether there are any compelling grounds to doubt the reliability of the provider of port services, such as convictions or penalties for serious criminal offences, or serious infringements of applicable Union and national law.
- (16) Member States should be able to require compliance with obligations in the field of social and labour law for the operation of port services in the port concerned.
- (17) Member States should inform the Commission prior to any decision to impose a flag requirement for vessels predominantly used for towage and mooring operations. Such a decision should be non-discriminatory, should be based on transparent and objective grounds and should not introduce disproportionate market barriers.
- (18) Where compliance with minimum requirements is required, the procedure for granting the right to provide port services should be transparent, objective, non-discriminatory and proportionate, and should allow the providers of port services to start the provision of their port services in a timely manner.
- (19) Since ports are constituted of limited geographical areas, the number of providers of port services could, in certain cases, be subject to limitations relating to the scarcity of land or waterside space, the characteristics of the port infrastructure or the nature of the port traffic, or the need to ensure safe, secure or environmentally sustainable port operations.
- (20) Any limitation on the number of providers of port services should be justified by clear and objective reasons and should not introduce disproportionate market barriers.
- (21) The managing body of the port, or the competent authority, should publish its intention to conduct a selection procedure for the provision of a port service, including on the internet and, where appropriate, in the *Official Journal of the European Union*. Such publication should contain information on the selection procedure, the deadline for the submission of tenders, the relevant award criteria and information on how the relevant documents necessary to prepare an application can be accessed.
- (22) In order to ensure transparency and equal treatment, amendments to the provisions of a contract during its term should be considered to constitute a new award of a contract when they render the contract materially different in character from the original contract and, therefore, such as to demonstrate the intention of the parties to renegotiate the essential terms of that contract.
- (23) This Regulation should be without prejudice to the right of Member States to impose public service obligations related to port services.
- (24) The Union has a wide variety of maritime ports with different models for the organisation of port services. Accordingly, imposing a single model would not be appropriate. The managing body of the port, or the competent authority, should be able to limit the number of providers of a given port service, where justified for one or more reasons.

- (25) Article 34 of Directive 2014/25/EU of the European Parliament and of the Council⁽¹⁾ provides that contracts intended to enable certain types of activity to be carried out shall not be subject to that Directive if the Member State or the contracting entities can demonstrate that, in the Member State in which the activity is performed, the activity is directly exposed to competition in markets to which access is not restricted. The procedure for establishing whether this is the case should be that set out in Article 35 of Directive 2014/25/EU. Consequently, if it is established through that procedure that a port sector or subsector, together with its port services, is directly exposed to such competition, it is appropriate that it should not be subject to the rules framing the market access limitations under this Regulation.
- (26) Except where a competitive market derogation applies, any intention to limit the number of providers of port services should be published in advance by the managing body of the port or the competent authority and should be fully justified, in order to give the interested parties the opportunity to comment.
- (27) If the managing body of a port, or the competent authority, provides port services itself or through a legally distinct entity which it directly or indirectly controls, measures should be taken to avoid conflicts of interests and to ensure fair and transparent market access to port services when the number of providers of port services is limited. Such measures could, inter alia, take the form of entrusting the adoption of the decision limiting the number of providers of port services to a relevant national authority which is independent from the managing body of the port or from the competent authority.
- (28) The possibility to impose minimum requirements and limit the number of providers of port services that Member States continue to enjoy should not prevent them from ensuring an unrestricted freedom to provide services in their ports.
- (29) The procedure for choosing providers of port services and its result should be made public and should be non-discriminatory, transparent and open to all interested parties.
- (30) The only justification for recourse to public service obligations leading to a limitation on the number of providers of port services should be reasons of public interest in order to ensure the accessibility of the port service to all users, the availability of the port service all year long, the affordability of the port service to a certain category of users, the safety, security or environmental sustainability of port operations and territorial cohesion.
- (31) While public service obligations are determined and imposed by national authorities, a general obligation set by Union or national law for a port to accept any vessel physically capable of entering and mooring without discrimination or hindrance should not be understood to be a public service obligation for the purposes of this Regulation.
- (32) This Regulation should not preclude competent authorities from granting compensation for actions taken in fulfilment of the public service obligations provided that such compensation complies with the applicable State aid rules. Where public service obligations qualify as services of general economic interest, it is necessary to ensure compliance with Commission Decision 2012/21/EU⁽²⁾ and Commission Regulation (EU) No 360/2012⁽³⁾, as well as observance of the Commission's communication of 11 January 2012 entitled 'European Union framework for State aid in the form of public service compensation'.
- (33) Where there are multiple providers of port services, the managing body of the port, or the competent authority, should not discriminate between providers of port services, and especially not in favour of an undertaking or a body in which it holds an interest.

⁽¹⁾ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

⁽²⁾ Commission Decision 2012/21/EU of 20 December 2011 on the application of Article 106(2) of the Treaty on the Functioning of the European Union to State aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest (OJ L 7, 11.1.2012, p. 3).

⁽³⁾ Commission Regulation (EU) No 360/2012 of 25 April 2012 on the application of Articles 107 and 108 of the Treaty on the Functioning of the European Union to *de minimis* aid granted to undertakings providing services of general economic interest (OJ L 114, 26.4.2012, p. 8).

- (34) The managing body of a port, or the competent authority, should have the choice of deciding whether to provide port services itself or to entrust the provision of such services directly to an internal operator. When there is a limitation on the number of providers of port services, the provision of port services by the internal operators should be limited to only the port or ports for which those internal operators were designated, except where a competitive market derogation applies.
- (35) Member States should retain the power to ensure an adequate level of social protection for the staff of undertakings providing port services. This Regulation should not affect the application of the social and labour rules of the Member States. It is appropriate to clarify that in cases where Council Directive 2001/23/EC⁽¹⁾ does not apply, where the conclusion of a port service contract entails a change of port service provider, the managing body of the port, or the competent authority, should nevertheless be able to require that the rights and obligations of the outgoing provider of port services arising from a contract of employment, or from an employment relationship, existing on the date of that change be transferred to the newly appointed port service provider.
- (36) Whenever measures provided for in this Regulation entail the processing of personal data, such processing should be carried out in accordance with the applicable Union law, and in particular Regulation (EU) 2016/679 of the European Parliament and of the Council⁽²⁾.
- (37) In a complex and competitive sector such as port services, initial and periodic training of staff is essential to ensure the quality of services and to protect the health and safety of port workers. Member States should therefore ensure that providers of port services provide adequate training to their employees.
- (38) In many ports, the market access for providers of cargo-handling and passenger services is granted by means of public contracts. The Court of Justice of the European Union has confirmed that the competent authorities are bound by the principles of transparency and non-discrimination when concluding such contracts. Therefore, while Chapter II of this Regulation should not apply to the provision of cargo-handling and passenger services, Member States should remain free to decide to apply the rules of Chapter II to those two services or to keep their existing national law on market access with regard to cargo-handling and passenger services while respecting the main principles set out in the case-law of the Court of Justice.
- (39) According to Resolution A.960 of the International Maritime Organization, each pilotage area needs highly specialised experience and local knowledge on the part of the pilot. Moreover, pilotage is generally mandatory and often organised or provided by the Member States themselves. Furthermore, Directive 2009/16/EC of the European Parliament and of the Council⁽³⁾ entrusts a role to pilots in reporting to competent authorities apparent anomalies which may prejudice the safe navigation of the waterborne vessel, or which may pose a threat to or may harm the marine environment. In addition, where safety conditions allow it, it is important that all Member States encourage the use of Pilotage Exemption Certificates, or equivalent mechanisms, in order to improve efficiency in ports, in particular to stimulate short sea shipping. In order to avoid potential conflicts of interests between such public interest functions and commercial considerations, Chapter II of this Regulation should not apply to pilotage. However, Member States should remain free to decide to apply Chapter II to pilotage. If they decide to do so, the Commission should be informed accordingly, in order to ensure the distribution of relevant information.
- (40) Without prejudice to Union competition rules, this Regulation should not interfere with the right of Member States, where applicable, to regulate charges in order to avoid over-charging of port services in cases where the situation of the market in port services is such that effective competition cannot be achieved.

⁽¹⁾ Council Directive 2001/23/EC of 12 March 2001 on the approximation of the laws of the Member States relating to the safeguarding of employees' rights in the event of transfers of undertakings, businesses or parts of undertakings or businesses (OJ L 82, 22.3.2001, p. 16).

⁽²⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁽³⁾ Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (OJ L 131, 28.5.2009, p. 57).

- (41) Financial relations between maritime ports in receipt of public funds and providers of port services, on the one hand, and public authorities, on the other hand, should be made transparent in order to ensure a level playing field and to avoid market distortions. In this respect, this Regulation should extend to other categories of addressees the principles of transparency of financial relations set out in Commission Directive 2006/111/EC⁽¹⁾ without prejudice to the scope of that Directive.
- (42) Rules on the transparency of financial relations need to be introduced in this Regulation to prevent unfair competition between ports in the Union, particularly since ports in the trans-European transport network are eligible to apply for Union funding through the Connecting Europe Facility established by Regulation (EU) No 1316/2013 of the European Parliament and of the Council⁽²⁾.
- (43) In order to ensure a level playing field and transparency in the allocation and use of public funds and to avoid market distortions, it is necessary to impose on the managing body of the port in receipt of public funds, when it is also acting as a service provider, an obligation to keep accounts for publicly funded activities carried out in its capacity as managing body of the port separate from accounts for activities carried out on a competitive basis. In any event, compliance with State aid rules should be ensured.
- (44) With a view to ensuring transparency, when a port or another entity provides dredging within a port area, the accounts for dredging should be kept separate from those for other activities.
- (45) Without prejudice to Union law and to the prerogatives of the Commission, it is important that the Commission identify, in a timely manner and in consultation with all interested parties, which public investments in port infrastructure fall within the scope of Commission Regulation (EU) No 651/2014⁽³⁾ (General Block Exemption Regulation), and which infrastructure does not fall under the scope of State aid, taking into consideration the non-economic nature of certain infrastructure, including access and defence infrastructure, provided that they are accessible to all potential users on equal and non-discriminatory terms.
- (46) Port service charges applied by providers of port services under public service obligations and the charges for pilotage services which are not exposed to effective competition might entail a higher risk of price abuse in cases where monopoly power exists. For those services, arrangements should be established to ensure that the charges are set in a transparent, objective and non-discriminatory way and are proportionate to the cost of the service provided.
- (47) In order to be efficient, the port infrastructure charges of each individual port should be set in a transparent way in accordance with the port's own commercial strategy and investment plans and, where relevant, with the general requirements laid down within the framework of the general ports policy of the Member State concerned.
- (48) This Regulation should not affect the rights, where applicable, of the ports and their customers to agree commercially confidential discounts. This Regulation is not intended to require the disclosure to the public or to third parties of any such discounts. However, the managing body of the port, or the competent authority, should at least publish standard charges before any price differentiation.
- (49) The variation of port infrastructure charges should be allowed in order to promote short sea shipping and to attract waterborne vessels which have an environmental performance, energy efficiency or carbon efficiency of transport operations, in particular offshore or onshore maritime transport operations, that is better than average. That should help to contribute to the attainment of environmental and climate change policy goals and the sustainable development of the port and its surroundings, in particular by contributing to the reduction of the environmental footprint of the waterborne vessels calling and staying in the port.

⁽¹⁾ Commission Directive 2006/111/EC of 16 November 2006 on the transparency of financial relations between Member States and public undertakings as well as on financial transparency within certain undertakings (OJ L 318, 17.11.2006, p. 17).

⁽²⁾ Regulation (EU) No 1316/2013 of the European Parliament and of the Council of 11 December 2013 establishing the Connecting Europe Facility, amending Regulation (EU) No 913/2010 and repealing Regulations (EC) No 680/2007 and (EC) No 67/2010 (OJ L 348, 20.12.2013, p. 129).

⁽³⁾ Commission Regulation (EU) No 651/2014 of 17 June 2014 declaring certain categories of aid compatible with the internal market in application of Articles 107 and 108 of the Treaty (OJ L 187, 26.6.2014, p. 1).

- (50) Depending on the economic strategy of the port, port spatial planning policy or port commercial practices and, where relevant, the general ports policy of the Member State concerned, the variation of port infrastructure charges may result in rates being set at zero for certain categories of users. Such categories of users could include, among others, hospital ships, vessels in scientific, cultural or humanitarian missions, tugs and floating service equipment of the port.
- (51) The Commission, in cooperation with Member States, should elaborate guidance on common classification criteria for vessels for the purpose of voluntary environmental charging, taking into account internationally agreed standards.
- (52) It is necessary to ensure that port users and other stakeholders be consulted on essential issues related to the sound development of the port, its charging policy, its performance and its capacity to attract and generate economic activities. Such essential issues include the coordination of port services within the port area, the efficiency of the connections with the hinterland and the efficiency of the administrative procedures in ports, as well as environmental issues. Such consultations should be without prejudice to any other specific competence related to those issues, as well as to the possibility for Member States to hold those consultations at a national level. The managing body of the port should in particular consult port users and other relevant stakeholders regarding port development plans.
- (53) In order to ensure the proper and effective application of this Regulation, Member States should ensure that an effective procedure is in place to handle complaints.
- (54) Member States' authorities should cooperate when handling complaints in disputes involving parties established in different Member States and should exchange general information on the handling of complaints in order to facilitate a uniform application of this Regulation.
- (55) Since the objectives of this Regulation, namely ensuring a framework for the provision of port services as well as an appropriate framework to attract necessary investments in all the maritime ports of the trans-European transport network, cannot be sufficiently achieved by the Member States because of the European dimension or the international and cross-border nature of port and related maritime business, but can rather, by reason of the need for a European level playing field, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity, as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (56) The EU Sectoral Social Dialogue Committee in the Port Sector provides the social partners with a framework to develop a joint approach to the social challenges related to port labour relations, including working conditions, health and safety questions, training requirements and professional qualifications. That framework should be developed in particular, in the light of market-based and technological developments, and should enhance the attractiveness of the sector for young workers and female workers, while taking into consideration the importance of safeguarding the competitiveness of European maritime ports and promoting good working conditions. With full respect for the autonomy of the social partners and taking into account technological progress and advances in transport logistics, the EU Sectoral Social Dialogue Committee in the Port Sector is invited to develop guidelines on the development of training requirements in order to prevent accidents in the workplace and to ensure the highest level of health and safety for port workers. Social partners should also explore different models for the organisation of maritime port labour that secure quality jobs and safe working conditions and that address fluctuations in the demand for port work. It is important that the Commission support and facilitate the work of the EU Sectoral Social Dialogue Committee in the Port Sector.
- (57) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

SUBJECT MATTER, SCOPE AND DEFINITIONS

Article 1

Subject matter and scope

1. This Regulation establishes:
 - (a) a framework for the provision of port services;
 - (b) common rules on financial transparency and on port service and port infrastructure charges.
2. This Regulation applies to the provision of the following categories of port services ('port services'), either inside the port area or on the waterway access to the port:
 - (a) bunkering;
 - (b) cargo-handling;
 - (c) mooring;
 - (d) passenger services;
 - (e) collection of ship-generated waste and cargo residues;
 - (f) pilotage; and
 - (g) towage.
3. Article 11(2) also applies to dredging.
4. This Regulation applies to all maritime ports of the trans-European transport network, as listed in Annex II to Regulation (EU) No 1315/2013.
5. Member States may decide not to apply this Regulation to maritime ports of the comprehensive network located in the outermost regions referred to in Article 349 of the Treaty on the Functioning of the European Union. Where Member States decide not to apply this Regulation to such maritime ports, they shall notify such decision to the Commission.
6. Member States may also apply this Regulation to other maritime ports. Where Member States decide to apply this Regulation to other maritime ports, they shall notify their decision to the Commission.
7. This Regulation is without prejudice to Directives 2014/23/EU ⁽¹⁾ and 2014/24/EU ⁽²⁾ of the European Parliament and of the Council and Directive 2014/25/EU.

Article 2

Definitions

For the purposes of this Regulation:

- (1) 'bunkering' means the provision of solid, liquid or gaseous fuel or of any other energy source used for the propulsion of the waterborne vessel as well as for general and specific energy provision on board of the waterborne vessel whilst at berth;
- (2) 'cargo-handling' means the organisation and handling of cargo between the carrying waterborne vessel and the shore, whether it be for import, export or transit of the cargo, including the processing, lashing, unlash, stowing, transporting and temporary storage of the cargo on the relevant cargo-handling terminal and directly related to the transporting of the cargo, but excluding, unless the Member State determines otherwise, warehousing, stripping, repackaging or any other value added services related to the cargo;

⁽¹⁾ Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contracts (OJ L 94, 28.3.2014, p. 1).

⁽²⁾ Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

- (3) 'competent authority' means any public or private body which, on behalf of a local, regional or national level, is entitled to carry out, under national law or instruments, activities related to the organisation and administration of port activities, in conjunction with or instead of the managing body of the port;
- (4) 'dredging' means the removal of sand, sediment or other substances from the bottom of the waterway access to the port, or within the port area that falls within the competence of the managing body of the port, including the disposal of the removed materials, in order to allow waterborne vessels to have access to the port; it comprises both the initial removal (capital dredging) and the maintenance dredging carried out in order to keep the waterway accessible, whilst not being a port service offered to the user;
- (5) 'managing body of the port' means any public or private body which, under national law or instruments, has the objective of carrying out, or is empowered to carry out, at a local level, whether in conjunction with other activities or not, the administration and management of the port infrastructure and one or more of the following tasks in the port concerned: the coordination of port traffic, the management of port traffic, the coordination of the activities of the operators present in the port concerned, and the control of the activities of the operators present in the port concerned;
- (6) 'mooring' means the berthing and unberthing services, including shifting along the quayside, that are required for the safe operation of a waterborne vessel in the port or in the waterway access to the port;
- (7) 'passenger services' means the organisation and handling of passengers, their luggage and their vehicles between the carrying waterborne vessel and the shore, and also includes the processing of personal data and the transport of passengers inside the relevant passenger terminal;
- (8) 'pilotage' means the guidance service of a waterborne vessel by a pilot or a pilotage station in order to allow for safe entry or exit of the waterborne vessel in the waterway access to the port or safe navigation within the port;
- (9) 'port infrastructure charge' means a charge levied, for the direct or indirect benefit of the managing body of the port or of the competent authority, for the use of infrastructure, facilities and services, including the waterway access to the port concerned, as well as access to the processing of passengers and cargo, but excluding land lease rates and charges having equivalent effect;
- (10) 'collection of ship-generated waste and cargo residues' means the reception of ship-generated waste and cargo residues by any facility, which is fixed, floating or mobile and capable of receiving ship-generated waste or cargo residues as defined in Directive 2000/59/EC of the European Parliament and of the Council⁽¹⁾;
- (11) 'port service charge' means a charge levied for the benefit of the provider of port services and paid by the users of the relevant service;
- (12) 'port service contract' means a formal and legally binding agreement or an act of equivalent legal effect between a provider of port services and a managing body of the port, or a competent authority, having as its subject-matter the provision of one or more port services, without prejudice to the form of designating providers of port services;
- (13) 'provider of port services' means any natural or legal person providing, or wishing to provide, for remuneration one or more categories of port services;
- (14) 'public service obligation' means a requirement defined or determined in order to ensure the provision of those port services or activities of general interest that an operator, if it were considering its own commercial interests, would not assume or would not assume to the same extent or under the same conditions;
- (15) 'short sea shipping' means the movement of cargo and passengers by sea between ports situated in geographical Europe or between those ports and ports situated in non-European countries having a coastline on the enclosed seas bordering Europe;

⁽¹⁾ Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues (OJ L 332, 28.12.2000, p. 81).

- (16) 'maritime port' means an area of land and water made up of such infrastructure and equipment so as to permit, principally, the reception of waterborne vessels, their loading and unloading, the storage of goods, the receipt and delivery of those goods and the embarkation and disembarkation of passengers, crew and other persons and any other infrastructure necessary for transport operators within the port area;
- (17) 'towage' means the assistance given to a waterborne vessel by means of a tug in order to allow for a safe entry or exit of the port or safe navigation within the port by providing assistance to the manoeuvring of the waterborne vessel;
- (18) 'waterway access' means water access to the port from the open sea, such as port approaches, fairways, rivers, sea canals and fjords, provided that such waterway falls within the competence of the managing body of the port.

CHAPTER II

PROVISION OF PORT SERVICES

Article 3

Organisation of port services

1. Access to the market for the provision of port services in maritime ports may, in accordance with this Regulation, be subject to:
 - (a) minimum requirements for the provision of port services;
 - (b) limitations on the number of providers;
 - (c) public service obligations;
 - (d) restrictions related to internal operators.
2. Member States may decide by national law not to impose any of the conditions referred to in paragraph 1 on one or more categories of port services.
3. The terms of access to the facilities, installations and equipment of the port shall be fair, reasonable and non-discriminatory.

Article 4

Minimum requirements for the provision of port services

1. The managing body of the port, or the competent authority, may require providers of port services, including subcontractors, to comply with minimum requirements for the performance of the corresponding port service.
2. The minimum requirements provided for in paragraph 1 may only relate to:
 - (a) the professional qualifications of the provider of port services, its personnel or the natural persons who actually and continuously manage the activities of the provider of port services;
 - (b) the financial capacity of the provider of port services;
 - (c) the equipment needed to provide the relevant port service in normal and safe conditions and the capacity to maintain this equipment at the required level;
 - (d) the availability of the relevant port service to all users, at all berths and without interruptions, day and night, throughout the year;
 - (e) compliance with requirements on maritime safety or the safety and security of the port or access to it, its installations, equipment and workers and other persons;
 - (f) compliance with local, national, Union and international environmental requirements;

(g) compliance with obligations in the field of social and labour law that apply in the Member State of the port concerned, including the terms of applicable collective agreements, manning requirements and requirements relating to hours of work and hours of rest for seafarers, and with applicable rules on labour inspections;

(h) the good repute of the port service provider, as determined in accordance with any applicable national law on good repute, taking into consideration any compelling grounds to doubt the reliability of the provider of port services.

3. Without prejudice to paragraph 4, where a Member State deems that it is necessary to impose a flag requirement in order to ensure full compliance with point (g) of paragraph 2 for waterborne vessels predominantly used for towage or mooring operations in ports located on its territory, it shall inform the Commission of its decision prior to the publication of the contract notice or, in the absence of a contract notice, prior to imposing a flag requirement.

4. The minimum requirements shall:

(a) be transparent, objective, non-discriminatory, proportionate, and relevant to the category and nature of the port service concerned;

(b) be complied with until the right to provide a port service expires.

5. Where the minimum requirements include specific knowledge of local conditions, the managing body of the port, or the competent authority, shall ensure that there is adequate access to information, under transparent and non-discriminatory conditions.

6. In the cases provided for in paragraph 1, the managing body of the port, or the competent authority, shall publish the minimum requirements referred to in paragraph 2 and the procedure for the granting of the right to provide port services under those requirements by 24 March 2019 or, in the case of minimum requirements that are to apply after that date, at least three months before the date from which those requirements are to apply. The managing body of the port, or the competent authority, shall, in advance, inform providers of port services of any change in the criteria and of the procedure.

7. This Article applies without prejudice to Article 7.

Article 5

Procedure to ensure compliance with the minimum requirements

1. The managing body of the port, or the competent authority, shall treat providers of port services in a transparent, objective, non-discriminatory and proportionate manner.

2. The managing body of the port, or the competent authority, shall grant or refuse the right to provide port services on the basis of the minimum requirements established in accordance with Article 4 within a reasonable period, which in any event shall not exceed four months, from receiving a request for the granting of such a right and the necessary documents.

3. Any such refusal, by the managing body of the port, or by the competent authority, shall be duly justified on the basis of the minimum requirements set out in Article 4(2).

4. Any limitation or termination by the managing body of the port, or the competent authority, of the right to provide a port service shall be duly justified and shall be in accordance with paragraph 1.

Article 6

Limitations on the number of providers of port services

1. The managing body of the port, or the competent authority, may limit the number of providers of port services for a given port service for one or more of the following reasons:

(a) the scarcity or reserved use of land or waterside space, provided that the limitation is in accordance with the decisions or plans agreed by the managing body of the port and, where appropriate, any other public authorities competent in accordance with the national law;

- (b) the absence of such a limitation is obstructing the performance of public service obligations as provided for in Article 7, including when such absence leads to excessively high costs related to the performance of such obligations for the managing body of the port, the competent authority, or the port users;
- (c) the absence of such a limitation runs counter to the need to ensure safe, secure or environmentally sustainable port operations;
- (d) the characteristics of the port infrastructure or the nature of the port traffic are such that the operations of multiple providers of port services in the port would not be possible;
- (e) where it has been established pursuant to Article 35 of Directive 2014/25/EU that a port sector or subsector, together with its port services, within a Member State carries out an activity that is directly exposed to competition in accordance with Article 34 of that Directive. In such cases, paragraphs 2 and 3 of this Article shall not apply.

2. In order to give interested parties the opportunity to submit comments within a reasonable period, the managing body of the port, or the competent authority, shall publish any proposal to limit the number of providers of port services in accordance with paragraph 1 together with the grounds justifying it at least three months in advance of the adoption of the decision to limit the number of providers of port services.

3. The managing body of the port, or the competent authority, shall publish the adopted decision to limit the number of providers of port services.

4. Where the managing body of the port, or the competent authority, decides to limit the number of providers of a port service, it shall follow a selection procedure which shall be open to all interested parties, non-discriminatory and transparent. The managing body of the port, or the competent authority, shall publish information on the port service to be provided and on the selection procedure, and shall ensure that all essential information that is necessary for the preparation of their applications is effectively accessible to all interested parties. Interested parties shall be given long enough to allow them to make a meaningful assessment and prepare their applications. In normal circumstances, the minimum such period shall be 30 days.

5. Paragraph 4 shall not apply in the cases referred to in point (e) of paragraph 1 and in paragraph 7 of this Article and in Article 8.

6. Where the managing body of a port, or the competent authority, provides port services either itself or through a legally distinct entity which it directly or indirectly controls, the Member State concerned shall take such measures as are necessary to avoid conflicts of interests. In the absence of such measures, the number of providers shall not be fewer than two, unless one or more of the reasons listed in paragraph 1 justifies a limitation on the number of providers of port services to a single provider.

7. Member States may decide that their ports of the comprehensive network which do not meet the criteria in point (b) of Article 20(2) of Regulation (EU) No 1315/2013 may limit the number of service providers for a given port service. Member States shall inform the Commission of such a decision.

Article 7

Public service obligations

1. Member States may decide to impose public service obligations related to port services on providers of port services and may entrust the right to impose such obligations to the managing body of the port, or to the competent authority, in order to ensure at least one of the following:

- (a) the availability of the port service to all port users, at all berths, without interruption, day and night, throughout the year;
- (b) the availability of the service to all users on equal terms;
- (c) the affordability of the service for certain categories of users;
- (d) the safety, security or environmental sustainability of port operations;

(e) the provision of adequate transport services to the public; and

(f) territorial cohesion.

2. The public service obligations referred to in paragraph 1 shall be clearly defined, transparent, non-discriminatory and verifiable, and shall guarantee equality of access to all providers of port services established in the Union.

3. Where a Member State decides to impose public service obligations for the same service in all its maritime ports covered by this Regulation, it shall notify those obligations to the Commission.

4. In the event of a disruption of port services for which public service obligations are imposed or when an immediate risk of such a situation occurs, the managing body of the port, or the competent authority, may take an emergency measure. The emergency measure may take the form of a direct award so as to attribute the service to a different provider for a period of up to two years. During that period, the managing body of the port, or the competent authority, shall either launch a new procedure to select a provider of port services or shall apply Article 8. Collective industrial action that takes place in accordance with national law shall not be considered a disruption of port services for which an emergency measure may be taken.

Article 8

Internal operator

1. Without prejudice to Article 6(6), the managing body of the port, or the competent authority, may decide either to provide a port service itself or to do so through a legally distinct entity over which it exercises a degree of control similar to that which it has over its own departments, provided that Article 4 applies equally to all operators providing the port service concerned. In such a case, the provider of port services shall be considered to be an internal operator for the purpose of this Regulation.

2. The managing body of the port, or the competent authority, shall be considered to be exercising a degree of control over a legally distinct entity similar to that which it has over its own departments only if it has a decisive influence over both the strategic objectives and the significant decisions of the legal entity concerned.

3. In the cases provided for in points (a) to (d) of Article 6(1), the internal operator shall be limited to performing the assigned port service only in the port or ports attributed to it in the assignment to provide the port service.

Article 9

Safeguarding of employees' rights

1. This Regulation shall not affect the application of the social and labour rules of the Member States.

2. Without prejudice to Union and national law, including applicable collective agreements between social partners, the managing body of the port, or the competent authority, shall require the designated provider of port services to grant staff working conditions in accordance with applicable obligations in the field of social and labour law and to comply with social standards as set out in Union law, national law or collective agreements.

3. In the case of a change of provider of port services that is due to the award of a concession or public contract, the managing body of the port, or the competent authority, may require that the rights and obligations of the outgoing provider of port services arising from a contract of employment, or from an employment relationship as defined in national law, and existing on the date of that change, be transferred to the newly appointed provider of port services. In such a case, the staff previously taken on by the outgoing provider of port services shall be granted the same rights as those to which they would have been entitled if there had been a transfer of undertaking within the meaning of Directive 2001/23/EC.

4. Where, in the context of the provision of port services, a transfer of staff occurs, tender documents and port service contracts shall list the staff concerned and give transparent details of their contractual rights and the conditions under which employees are deemed to be linked to the port services.

*Article 10***Exemptions**

1. This Chapter and Article 21 shall not apply to cargo-handling, passenger services or pilotage.
2. Member States may decide to apply this Chapter and Article 21 to pilotage. Member States shall inform the Commission of such a decision.

CHAPTER III

FINANCIAL TRANSPARENCY AND AUTONOMY*Article 11***Transparency of financial relations**

1. The financial relations between public authorities and a managing body of a port, or other entity that provides port services on its behalf, in receipt of public funds shall be reflected in a transparent way in the accounting system in order to clearly show the following:
 - (a) public funds made available directly by public authorities to the managing bodies of the port concerned;
 - (b) public funds made available by public authorities through the intermediary of public undertakings or public financial institutions; and
 - (c) the use for which those public funds have been attributed.
2. Where the managing body of a port in receipt of public funds provides port services or dredging itself, or another entity provides such services on its behalf, it shall keep the accounts for that publicly funded port service or dredging separate from those for its other activities in such a way that:
 - (a) all costs and revenues are correctly assigned or allocated on the basis of consistently applied and objectively justifiable cost accounting principles; and
 - (b) the cost accounting principles according to which separate accounts are maintained are clearly established.
3. The public funds referred to in paragraph 1 shall include share capital and quasi-capital funds, non-refundable grants, grants only refundable in certain circumstances, loans including overdrafts and advances on capital injections, guarantees given to the managing body of the port by public authorities and any other form of public financial support.
4. The managing body of the port, or other entity that provides port services on its behalf, shall keep the information concerning the financial relations as referred to in paragraphs 1 and 2 for five years from the end of the fiscal year to which the information refers.
5. The managing body of the port, or other entity that provides port services on its behalf, shall, in the event of a formal complaint and upon request, make available to the relevant authority in the Member State concerned the information referred to in paragraphs 1 and 2 and any additional information that it deems necessary in order to complete a thorough appraisal of the data submitted and to assess compliance with this Regulation in accordance with competition rules. Such information shall be made available to the Commission by the relevant authority upon request. The information shall be transmitted within three months from the date of the request.
6. Where the managing body of the port, or other entity that provides port services on its behalf, has not received public funds in previous accounting years but starts benefitting from public funds, it shall apply paragraphs 1 and 2 from the accounting year following the transfer of the public funds.

7. Where public funds are paid as compensation for a public service obligation, they shall be shown separately in the relevant accounts and may not be transferred to any other service or business activity.

8. Member States may decide that paragraph 2 of this Article shall not apply to those of their ports of the comprehensive network which do not meet the criteria set out in point (b) of Article 20(2) of Regulation (EU) No 1315/2013 where this results in disproportionate administrative burdens, provided that any public funds received, and their use for providing port services, remain fully transparent in the accounting system. Member States shall inform the Commission in advance of such a decision.

Article 12

Port service charges

1. The charges for the services provided by an internal operator under a public service obligation, the charges for pilotage services that are not exposed to effective competition and the charges levied by providers of port services, referred to in point (b) of Article 6(1), shall be set in a transparent, objective and non-discriminatory way, and shall be proportionate to the cost of the service provided.

2. The payment of the port service charges may be integrated into other payments, such as the payment of the port infrastructure charges. In such a case, the provider of port services and, where appropriate, the managing body of the port shall make sure that the amount of the port service charge remains easily identifiable by the user of the port service.

3. The provider of port services shall, in the event of a formal complaint and upon request, make available to the relevant authority in the Member State concerned any relevant information on the elements that serve as the basis for determining the structure and the level of the port service charges that fall under paragraph 1.

Article 13

Port infrastructure charges

1. Member States shall ensure that a port infrastructure charge is levied. This shall not prevent providers of port services which are using the port infrastructure from levying port service charges.

2. The payment of the port infrastructure charges may be integrated into other payments, such as the payment of the port service charges. In such a case, the managing body of the port shall make sure that the amount of the port infrastructure charge remains easily identifiable by the user of the port infrastructure.

3. In order to contribute to an efficient infrastructure charging system, the structure and the level of port infrastructure charges shall be determined according to the port's own commercial strategy and investment plans, and shall comply with competition rules. Where relevant, such charges shall also respect the general requirements set within the framework of the general ports policy of the Member State concerned.

4. Without prejudice to paragraph 3, port infrastructure charges may vary, in accordance with the port's own economic strategy and its spatial planning policy, in relation to, inter alia, certain categories of users, or in order to promote a more efficient use of the port infrastructure, short sea shipping or a high environmental performance, energy efficiency or carbon efficiency of transport operations. The criteria for such a variation shall be transparent, objective and non-discriminatory, and shall be consistent with competition law, including rules on State aid. Port infrastructure charges may take into account external costs and may vary depending on commercial practices.

5. The managing body of the port, or the competent authority, shall ensure that port users and the representatives or associations of port users are informed about the nature and level of the port infrastructure charges. The managing body of the port, or the competent authority, shall ensure that users of the port infrastructure are informed of any changes in the nature or level of the port infrastructure charges at least two months in advance of the date on which those changes come into effect. The managing body of the port, or the competent authority, shall not be required to disclose differentiations in the charges that are the result of individual negotiations.

6. The managing body of the port shall, in the event of a formal complaint and upon request, make available to the relevant authority of the Member State concerned the information referred to in paragraphs 4 and 5, and any relevant information on the elements that serve as a basis for determining the structure and the level of the port infrastructure charges. That authority shall make the information available to the Commission upon request.

CHAPTER IV

GENERAL AND FINAL PROVISIONS

Article 14

Training of staff

Providers of port services shall ensure that employees receive the necessary training to acquire the knowledge which is essential for their work, with particular emphasis on health and safety aspects, and that training requirements are regularly updated to meet the challenges of technological innovation.

Article 15

Consultation of port users and other stakeholders

1. The managing body of the port shall, in accordance with applicable national law, consult port users on its charging policy, including in cases covered by Article 8. Such consultation shall include any substantial changes to the port infrastructure charges and port service charges in cases where internal operators provide port services under public service obligations.

2. The managing body of the port shall, in accordance with applicable national law, consult port users and other relevant stakeholders on essential matters within its competence regarding:

- (a) the coordination of port services within the port area;
- (b) measures to improve connections with the hinterland, including measures to develop and improve the efficiency of rail and inland waterways transport;
- (c) the efficiency of administrative procedures in the port and measures to simplify them;
- (d) environmental matters;
- (e) spatial planning; and
- (f) measures to ensure safety in the port area, including, where appropriate, health and safety of port workers.

3. The providers of port services shall make available to port users adequate information about the nature and level of the port service charges.

4. The managing body of the port and providers of port services shall respect the confidentiality of commercially sensitive information when carrying out their obligations under this Article.

Article 16

Handling of complaints

1. Each Member State shall ensure that an effective procedure is in place to handle complaints arising from the application of this Regulation for its maritime ports covered by this Regulation.

2. The handling of complaints shall be carried out in a manner which avoids conflicts of interest and which is functionally independent of any managing body of the port or providers of port services. Member States shall ensure that there is effective functional separation between the handling of complaints, on the one hand, and the ownership and management of ports, provision of port services and port use, on the other hand. The handling of complaints shall be impartial and transparent, and shall duly respect the right to freely conduct business.

3. Complaints shall be filed in the Member State of the port where the dispute is presumed to have its origin. Member States shall ensure that port users and other relevant stakeholders are informed of where and how to lodge a complaint and which authorities are responsible for handling complaints.
4. The authorities responsible for handling complaints shall, where appropriate, cooperate for the purposes of mutual assistance in disputes involving parties established in different Member States.
5. The authorities responsible for the handling of complaints shall, in accordance with national law, have the power to require managing bodies of the ports, providers of port services and port users to provide them with information relevant to a complaint.
6. The authorities responsible for the handling of complaints shall, in accordance with national law, have the power to take decisions that have binding effect, subject to judicial review, where applicable.
7. Member States shall inform the Commission of the procedure for the handling of complaints and of the authorities referred to in paragraph 3 by 24 March 2019 and, subsequently, of any changes to that information. The Commission shall publish and regularly update such information on its website.
8. Member States shall, where appropriate, exchange general information about the application of this Article. The Commission shall support such cooperation.

Article 17

Relevant authorities

Member States shall ensure that port users and other relevant stakeholders are informed of the relevant authorities referred to in Articles 11(5), 12(3) and 13(6). Member States shall also inform the Commission of those authorities by 24 March 2019 and, subsequently, of any changes to that information. The Commission shall publish and regularly update such information on its website.

Article 18

Appeals

1. Any party with a legitimate interest shall have the right to appeal against the decisions or individual measures taken under this Regulation by the managing body of the port, the competent authority, or any other relevant national authority. Appeal bodies shall be independent of the parties involved and may be courts.
2. Where the appeal body referred in paragraph 1 is not judicial in character, it shall give reasons in writing for its decisions. Its decisions shall also be subject to review by a national court.

Article 19

Penalties

Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive. Member States shall notify those measures to the Commission by 24 March 2019 and shall without delay notify it of any subsequent amendment affecting them.

Article 20

Report

The Commission shall, no later than 24 March 2023, submit a report to the European Parliament and the Council on the functioning and effect of this Regulation.

That report shall take into account any progress made in the framework of the EU Sectoral Social Dialogue Committee in the Port Sector.

Article 21

Transitional measures

1. This Regulation shall not apply to port service contracts which were concluded before 15 February 2017 and are limited in time.

2. Port service contracts concluded before 15 February 2017 which are not limited in time, or have similar effects, shall be amended in order to comply with this Regulation by 1 July 2025.

Article 22

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*.

It shall apply from 24 March 2019.

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

Done at Strasbourg, 15 February 2017.

For the European Parliament

The President

A. TAJANI

For the Council

The President

I. BORG

REGULATION (EU) 2017/353 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 15 February 2017
replacing Annexes A and B to Regulation (EU) 2015/848 on insolvency proceedings

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 81 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure⁽¹⁾,

Whereas:

- (1) Annexes A and B to Regulation (EU) 2015/848 of the European Parliament and of the Council⁽²⁾ list the designations given in the national law of the Member States to the insolvency proceedings and insolvency practitioners to which that Regulation applies. Annex A lists the insolvency proceedings referred to in point (4) of Article 2 of that Regulation and Annex B lists the insolvency practitioners referred to in point (5) of that Article.
- (2) On 4 December 2015, Poland notified the Commission of amendments to the lists set out in Annexes A and B to Regulation (EU) 2015/848. Those amendments comply with the requirements set out in that Regulation.
- (3) In accordance with Article 3 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, the United Kingdom has notified, by letter of 1 September 2016, its wish to take part in the adoption and application of this Regulation.
- (4) In accordance with Articles 1 and 2 and Article 4a(1) of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (5) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (6) Annexes A and B to Regulation (EU) 2015/848 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Annexes A and B to Regulation (EU) 2015/848 are replaced by the text set out in the Annex to this Regulation.

⁽¹⁾ Position of the European Parliament of 14 December 2016 (not yet published in the Official Journal) and decision of the Council of 23 January 2017.

⁽²⁾ Regulation (EU) 2015/848 of the European Parliament and of the Council of 20 May 2015 on insolvency proceedings (OJ L 141, 5.6.2015, p. 19).

Article 2

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

It shall apply from 26 June 2017.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at Strasbourg, 15 February 2017.

For the European Parliament

The President

A. TAJANI

For the Council

The President

I. BORG

ANNEX

ANNEX A

Insolvency proceedings referred to in point (4) of Article 2

BELGIQUE/BELGIË

- Het faillissement/La faillite,
- De gerechtelijke reorganisatie door een collectief akkoord/La réorganisation judiciaire par accord collectif,
- De gerechtelijke reorganisatie door een minnelijk akkoord/La réorganisation judiciaire par accord amiable,
- De gerechtelijke reorganisatie door overdracht onder gerechtelijk gezag/La réorganisation judiciaire par transfert sous autorité de justice,
- De collectieve schuldenregeling/Le règlement collectif de dettes,
- De vrijwillige vereffening/La liquidation volontaire,
- De gerechtelijke vereffening/La liquidation judiciaire,
- De voorlopige ontneming van beheer, bepaald in artikel 8 van de faillissementswet/Le dessaisissement provisoire, visé à l'article 8 de la loi sur les faillites,

БЪЛГАРИЯ

- Производство по несъстоятелност,

ČESKÁ REPUBLIKA

- Konkurs,
- Reorganizace,
- Oddlužení,

DEUTSCHLAND

- Das Konkursverfahren,
- Das gerichtliche Vergleichsverfahren,
- Das Gesamtvollstreckungsverfahren,
- Das Insolvenzverfahren,

EESTI

- Pankrotimenetus,
- Võlgade ümberkujundamise menetlus,

ÉIRE/IRELAND

- Compulsory winding-up by the court,
- Bankruptcy,
- The administration in bankruptcy of the estate of persons dying insolvent,
- Winding-up in bankruptcy of partnerships,
- Creditors' voluntary winding-up (with confirmation of a court),
- Arrangements under the control of the court which involve the vesting of all or part of the property of the debtor in the Official Assignee for realisation and distribution,
- Examinership,
- Debt Relief Notice,
- Debt Settlement Arrangement,
- Personal Insolvency Arrangement,

ΕΛΛΑΔΑ

- Η πτώχευση,
- Η ειδική εκκαθάριση εν λειτουργία,
- Σχέδιο αναδιοργάνωσης,
- Απλοποιημένη διαδικασία επί πτωχεύσεων μικρού αντικειμένου,
- Διαδικασία εξυγίανσης,

ESPAÑA

- Concurso,
- Procedimiento de homologación de acuerdos de refinanciación,
- Procedimiento de acuerdos extrajudiciales de pago,
- Procedimiento de negociación pública para la consecución de acuerdos de refinanciación colectivos, acuerdos de refinanciación homologados y propuestas anticipadas de convenio,

FRANCE

- Sauvegarde,
- Sauvegarde accélérée,
- Sauvegarde financière accélérée,
- Redressement judiciaire,
- Liquidation judiciaire,

HRVATSKA

- Stečajni postupak,

ITALIA

- Fallimento,
- Concordato preventivo,
- Liquidazione coatta amministrativa,
- Amministrazione straordinaria,
- Accordi di ristrutturazione,
- Procedure di composizione della crisi da sovraindebitamento del consumatore (accordo o piano),
- Liquidazione dei beni,

ΚΥΠΡΟΣ

- Υποχρεωτική εκκαθάριση από το Δικαστήριο,
- Εκούσια εκκαθάριση από μέλη,
- Εκούσια εκκαθάριση από πιστωτές
- Εκκαθάριση με την εποπτεία του Δικαστηρίου,
- Διάταγμα παραλαβής και πτώχευσης κατόπιν Δικαστικού Διατάγματος,
- Διαχείριση της περιουσίας προσώπων που απεβίωσαν αφερέγγυα,

LATVIJA

- Tiesiskās aizsardzības process,
- Juridiskās personas maksātspējas process,
- Fiziskās personas maksātspējas process,

LIETUVA

- Įmonės restruktūrizavimo byla,
- Įmonės bankroto byla,
- Įmonės bankroto procesas ne teismo tvarka,
- Fizinio asmens bankroto procesas,

LUXEMBOURG

- Faillite,
- Gestion contrôlée,
- Concordat préventif de faillite (par abandon d'actif),

- Régime spécial de liquidation du notariat,
- Procédure de règlement collectif des dettes dans le cadre du surendettement,

MAGYARORSZÁG

- Csődeljárás,
- Felszámolási eljárás,

MALTA

- Xoljiment,
- Amministrazzjoni,
- Stralċ volontarju mill-membri jew mill-kredituri,
- Stralċ mill-Qorti,
- Falliment f'każ ta' kummerċjant,
- Proċedura biex kumpanija tirkupra,

NEDERLAND

- Het faillissement,
- De surséance van betaling,
- De schuldsaneringsregeling natuurlijke personen,

ÖSTERREICH

- Das Konkursverfahren (Insolvenzverfahren),
- Das Sanierungsverfahren ohne Eigenverwaltung (Insolvenzverfahren),
- Das Sanierungsverfahren mit Eigenverwaltung (Insolvenzverfahren),
- Das Schuldenregulierungsverfahren,
- Das Abschöpfungsverfahren,
- Das Ausgleichsverfahren,

POLSKA

- Upadłość,
- Postępowanie o zatwierdzenie układu,
- Przyspieszone postępowanie układowe,
- Postępowanie układowe,
- Postępowanie sanacyjne,

PORTUGAL

- Processo de insolvência,
- Processo especial de revitalização,

ROMÂNIA

- Procedura insolvenței,
- Reorganizarea judiciară,
- Procedura falimentului,
- Concordatul preventiv,

SLOVENIJA

- Postopek preventivnega prestrukturiranja,
- Postopek prisilne poravnave,
- Postopek poenostavljene prisilne poravnave,
- Stečajni postopek: stečajni postopek nad pravno osebo, postopek osebnega stečaja in postopek stečaja zapuščine,

SLOVENSKO

- Konkurzné konanie,
- Reštrukturalizačné konanie,
- Oddĺženie,

SUOMI/FINLAND

- Konkurssi/konkurs,
- Yrityssaneeraus/företagssanering,
- Yksityishenkilön velkajärjestely/skuldsanering för privatpersoner,

SVERIGE

- Konkurs,
- Företagsrekonstruktion,
- Skuldsanering,

UNITED KINGDOM

- Winding-up by or subject to the supervision of the court,
- Creditors' voluntary winding-up (with confirmation by the court),
- Administration, including appointments made by filing prescribed documents with the court,
- Voluntary arrangements under insolvency legislation,
- Bankruptcy or sequestration.

ANNEX B

Insolvency practitioners referred to in point (5) of Article 2

BELGIQUE/BELGIË

- De curator/Le curateur,
- De gedelegeerd rechter/Le juge-délégué,
- De gerechtsmandataris/Le mandataire de justice,
- De schuldbemiddelaar/Le médiateur de dettes,
- De vereffenaar/Le liquidateur,
- De voorlopige bewindvoerder/L'administrateur provisoire,

БЪЛГАРИЯ

- Назначен предварително временен синдик,
- Временен синдик,
- (Постоянен) синдик,
- Служебен синдик,

ČESKÁ REPUBLIKA

- Insolvenční správce,
- Předběžný insolvenční správce,
- Oddělený insolvenční správce,
- Zvláštní insolvenční správce,
- Zástupce insolvenčního správce,

DEUTSCHLAND

- Konkursverwalter,
- Vergleichsverwalter,
- Sachwalter (nach der Vergleichsordnung),
- Verwalter,
- Insolvenzverwalter,
- Sachwalter (nach der Insolvenzordnung),
- Treuhänder,
- Vorläufiger Insolvenzverwalter,
- Vorläufiger Sachwalter,

EESTI

- Pankrotihaldur,
- Ajutine pankrotihaldur,
- Usaldusisik,

ÉIRE/IRELAND

- Liquidator,
- Official Assignee,
- Trustee in bankruptcy,
- Provisional Liquidator,
- Examiner,
- Personal Insolvency Practitioner,
- Insolvency Service,

ΕΛΛΑΔΑ

- Ο σύνδικος,
- Ο εισηγητής,
- Η επιτροπή των πιστωτών,
- Ο ειδικός εκκαθαριστής,

ESPAÑA

- Administrador concursal,
- Mediador concursal,

FRANCE

- Mandataire judiciaire,
- Liquidateur,
- Administrateur judiciaire,
- Commissaire à l'exécution du plan,

HRVATSKA

- Stečajni upravitelj,
- Privremeni stečajni upravitelj,
- Stečajni povjerenik,
- Povjerenik,

ITALIA

- Curatore,
- Commissario giudiziale,
- Commissario straordinario,
- Commissario liquidatore,
- Liquidatore giudiziale,
- Professionista nominato dal Tribunale,
- Organismo di composizione della crisi nella procedura di composizione della crisi da sovraindebitamento del consumatore,
- Liquidatore,

ΚΥΠΡΟΣ

- Εκκαθαριστής και Προσωρινός Εκκαθαριστής,
- Επίσημος Παραλήπτης,
- Διαχειριστής της Πτώχευσης,

LATVIJA

- Maksātnespējas procesa administrators,

LIETUVA

- Bankroto administratorius,
- Restruktūrizavimo administratorius,

LUXEMBOURG

- Le curateur,
- Le commissaire,
- Le liquidateur,
- Le conseil de gérance de la section d'assainissement du notariat,
- Le liquidateur dans le cadre du surendettement,

MAGYARORSZÁG

- Vagyongfelügyelő,
- Felszámoló,

MALTA

- Amministratur Provizorju,
- Riċevitur Uffiċjali,
- Stralċjarju,

- Manager Speċjali,
- Kuraturi f'każ ta' proċeduri ta' falliment,
- Kontrollur Speċjali,

NEDERLAND

- De curator in het faillissement,
- De bewindvoerder in de surséance van betaling,
- De bewindvoerder in de schuldsaneringsregeling natuurlijke personen,

ÖSTERREICH

- Masseverwalter,
- Sanierungsverwalter,
- Ausgleichsverwalter,
- Besonderer Verwalter,
- Einstweiliger Verwalter,
- Sachwalter,
- Treuhänder,
- Insolvenzgericht,
- Konkursgericht,

POLSKA

- Syndyk,
- Nadzorca sądowy,
- Zarządca,
- Nadzorca układu,
- Tymczasowy nadzorca sądowy,
- Tymczasowy zarządca,
- Zarządca przymusowy,

PORTUGAL

- Administrador da insolvência,
- Administrador judicial provisório,

ROMÂNIA

- Practician în insolvență,
- Administrator concordatar,
- Administrator judiciar,
- Lichidator judiciar,

SLOVENIJA

- Upravitelj,

SLOVENSKO

- Predbežný správca,
- Správca,

SUOMI/FINLAND

- Pesänhoitaja/boförvaltare,
- Selvittäjä/utredare,

SVERIGE

- Förvaltare,
- Rekonstruktör,

UNITED KINGDOM

- Liquidator,
 - Supervisor of a voluntary arrangement,
 - Administrator,
 - Official Receiver,
 - Trustee,
 - Provisional Liquidator,
 - Interim Receiver,
 - Judicial factor.:
-

REGULATION (EU) 2017/354 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 15 February 2017

amending Regulation (EU) 2015/936 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Union import rules

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure ⁽¹⁾,

Whereas:

- (1) Regulation (EU) 2015/936 of the European Parliament and of the Council ⁽²⁾ lays down the common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Union import rules.
- (2) The release of political prisoners in the Republic of Belarus on 22 August 2015 was an important step which, together with several positive initiatives undertaken by the Republic of Belarus over the last 2 years, such as resumption of the EU-Belarus Human Rights Dialogue, contributed to the improvement of relations between the Union and the Republic of Belarus.
- (3) EU-Belarus relations should be based on common values, in particular with regard to human rights, democracy and the rule of law, and it should be recalled that the human rights situation in the Republic of Belarus remains of concern to the Union, in particular with regard to issues such as the death penalty, which should be abolished.
- (4) Those positive political developments between the Union and the Republic of Belarus should be recognised and bilateral relations further improved. Accordingly, this Regulation should repeal the autonomous quotas on imports of textiles and clothing originating in the Republic of Belarus, provided for in Annexes II and III to Regulation (EU) 2015/936, without prejudice to the Union's ability to have recourse to quotas in the future should the human rights situation in the Republic of Belarus seriously deteriorate.
- (5) The removal of autonomous quotas on imports of textiles and clothing originating in the Republic of Belarus implies that the quotas on outward processing traffic are no longer necessary. As a result, Article 4(2) and Chapter V of Regulation (EU) 2015/936, together with Annex V thereto should be deleted. Article 31 of that Regulation concerning the adoption of delegated acts should also be amended accordingly. The limited use of autonomous and outward processing quotas on imports of textiles and clothing originating in the Republic of Belarus implies that the removal of those quotas would have a limited impact on Union trade.
- (6) In order to correct erroneous Combined Nomenclature codes in categories 12, 13, 18, 68, 78, 83 (Group II B), 67, 70, 94, 96 (Group III B) and 161 (Group V), Annex I to Regulation (EU) 2015/936 should be amended.
- (7) The official name of the Democratic People's Republic of Korea should be used in Annexes II, III and IV to Regulation (EU) 2015/936.
- (8) In order to facilitate administrative procedures, the period of validity of import authorisations laid down in Article 21(2) of Regulation (EU) 2015/936 should be increased from 6 to 9 months,

⁽¹⁾ Position of the European Parliament of 19 January 2017 (not yet published in the Official Journal) and decision of the Council of 7 February 2017.

⁽²⁾ Regulation (EU) 2015/936 of the European Parliament and of the Council of 9 June 2015 on common rules for imports of textile products from certain third countries not covered by bilateral agreements, protocols or other arrangements, or by other specific Union import rules (OJ L 160, 25.6.2015, p. 1).

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2015/936 is amended as follows:

(1) Article 4(2) is deleted.

(2) Article 21(2) is replaced by the following:

'2. The period of validity of import authorisations issued by the competent authorities of the Member States shall be 9 months. That period of validity may be modified where necessary, in accordance with the examination procedure referred to in Article 30(3).'

(3) Chapter V is deleted.

(4) Article 31(2) and (3) are replaced by the following:

'2. The power to adopt delegated acts referred to in Article 3(3), Article 5(2), Article 12(3), Article 13 and Article 35 shall be conferred on the Commission for a period of 5 years from 20 February 2014. The Commission shall draw up a report in respect of the delegation of power not later than 9 months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than 3 months before the end of each period.

3. The delegation of power referred to in Article 3(3), Article 5(2), Article 12(3), Article 13 and Article 35 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.'

(5) Article 31(6) is replaced by the following:

'6. A delegated act adopted pursuant to Article 3(3) or Article 12(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 4 months at the initiative of the European Parliament or of the Council.'

(6) Section A of Annex I is amended in accordance with the Annex to this Regulation and Annexes II, III and IV are replaced by texts set out in the Annex to this Regulation.

(7) Annex V is deleted.

Article 2

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

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

Done at Strasbourg, 15 February 2017.

For the European Parliament
The President
A. TAJANI

For the Council
The President
I. BORG

ANNEX

Annexes I, II, III and IV to Regulation (EU) 2015/936 are amended as follows:

1. Section A of Annex I is replaced by the following:

‘A. TEXTILE PRODUCTS REFERRED TO IN ARTICLE 1

1. Without prejudice to the rules for the interpretation of the Combined Nomenclature (CN), the wording of the description of goods is considered to be of indicative value only since the products covered by each category are determined, within this Annex, by CN codes. Where there is an “ex” symbol in front of a CN code, the products covered in each category are determined by the scope of the CN code and by that of the corresponding description.
2. Garments which are not recognisable as being garments for men or boys or as being garments for women or girls are classified with the latter.
3. Where the expression “babies’ garments” is used, this is meant to cover garments up to and including commercial size 86.

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
GROUP I A			
1	Cotton yarn, not put up for retail sale		
	5204 11 00 5204 19 00 5205 11 00 5205 12 00 5205 13 00 5205 14 00 5205 15 10 5205 15 90 5205 21 00 5205 22 00 5205 23 00 5205 24 00 5205 26 00 5205 27 00 5205 28 00 5205 31 00 5205 32 00 5205 33 00 5205 34 00 5205 35 00 5205 41 00 5205 42 00 5205 43 00 5205 44 00 5205 46 00 5205 47 00 5205 48 00 5206 11 00 5206 12 00 5206 13 00 5206 14 00 5206 15 00 5206 21 00 5206 22 00 5206 23 00 5206 24 00 5206 25 00 5206 31 00 5206 32 00 5206 33 00 5206 34 00 5206 35 00 5206 41 00 5206 42 00 5206 43 00 5206 44 00 5206 45 00 ex 5604 90 90		
2	Woven fabrics of cotton, other than gauze, terry fabrics, narrow woven fabrics, pile fabrics, chenille fabrics, tulle and other net fabrics		
	5208 11 10 5208 11 90 5208 12 16 5208 12 19 5208 12 96 5208 12 99 5208 13 00 5208 19 00 5208 21 10 5208 21 90 5208 22 16 5208 22 19 5208 22 96 5208 22 99 5208 23 00 5208 29 00 5208 31 00 5208 32 16 5208 32 19 5208 32 96 5208 32 99 5208 33 00 5208 39 00 5208 41 00 5208 42 00 5208 43 00 5208 49 00 5208 51 00 5208 52 00 5208 59 10 5208 59 90 5209 11 00 5209 12 00 5209 19 00 5209 21 00 5209 22 00 5209 29 00 5209 31 00 5209 32 00 5209 39 00 5209 41 00 5209 42 00 5209 43 00 5209 49 00 5209 51 00 5209 52 00 5209 59 00 5210 11 00 5210 19 00 5210 21 00 5210 29 00 5210 31 00 5210 32 00 5210 39 00 5210 41 00 5210 49 00 5210 51 00 5210 59 00 5211 11 00 5211 12 00 5211 19 00 5211 20 00 5211 31 00 5211 32 00 5211 39 00 5211 41 00 5211 42 00 5211 43 00 5211 49 10 5211 49 90 5211 51 00 5211 52 00 5211 59 00 5212 11 10 5212 11 90 5212 12 10 5212 12 90 5212 13 10 5212 13 90 5212 14 10 5212 14 90 5212 15 10 5212 15 90 5212 21 10 5212 21 90 5212 22 10 5212 22 90 5212 23 10 5212 23 90 5212 24 10 5212 24 90 5212 25 10 5212 25 90 ex 5811 00 00 ex 6308 00 00		

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
2 a)	Of which: other than unbleached or bleached		
	5208 31 00 5208 32 16 5208 32 19 5208 32 96 5208 32 99 5208 33 00 5208 39 00 5208 41 00 5208 42 00 5208 43 00 5208 49 00 5208 51 00 5208 52 00 5208 59 10 5208 59 90 5209 31 00 5209 32 00 5209 39 00 5209 41 00 5209 42 00 5209 43 00 5209 49 00 5209 51 00 5209 52 00 5209 59 00 5210 31 00 5210 32 00 5210 39 00 5210 41 00 5210 49 00 5210 51 00 5210 59 00 5211 31 00 5211 32 00 5211 39 00 5211 41 00 5211 42 00 5211 43 00 5211 49 10 5211 49 90 5211 51 00 5211 52 00 5211 59 00 5212 13 10 5212 13 90 5212 14 10 5212 14 90 5212 15 10 5212 15 90 5212 23 10 5212 23 90 5212 24 10 5212 24 90 5212 25 10 5212 25 90 ex 5811 00 00 ex 6308 00 00		
3	Woven fabrics of synthetic fibres (discontinuous or waste) other than narrow woven fabrics, pile fabrics (including terry fabrics) and chenille fabrics		
	5512 11 00 5512 19 10 5512 19 90 5512 21 00 5512 29 10 5512 29 90 5512 91 00 5512 99 10 5512 99 90 5513 11 20 5513 11 90 5513 12 00 5513 13 00 5513 19 00 5513 21 00 5513 23 10 5513 23 90 5513 29 00 5513 31 00 5513 39 00 5513 41 00 5513 49 00 5514 11 00 5514 12 00 5514 19 10 5514 19 90 5514 21 00 5514 22 00 5514 23 00 5514 29 00 5514 30 10 5514 30 30 5514 30 50 5514 30 90 5514 41 00 5514 42 00 5514 43 00 5514 49 00 5515 11 10 5515 11 30 5515 11 90 5515 12 10 5515 12 30 5515 12 90 5515 13 11 5515 13 19 5515 13 91 5515 13 99 5515 19 10 5515 19 30 5515 19 90 5515 21 10 5515 21 30 5515 21 90 5515 22 11 5515 22 19 5515 22 91 5515 22 99 5515 29 00 5515 91 10 5515 91 30 5515 91 90 5515 99 20 5515 99 40 5515 99 80 ex 5803 00 90 ex 5905 00 70 ex 6308 00 00		
3 a)	Of which: other than unbleached or bleached		
	5512 19 10 5512 19 90 5512 29 10 5512 29 90 5512 99 10 5512 99 90 5513 21 00 5513 23 10 5513 23 90 5513 29 00 5513 31 00 5513 39 00 5513 41 00 5513 49 00 5514 21 00 5514 22 00 5514 23 00 5514 29 00 5514 30 10 5514 30 30 5514 30 50 5514 30 90 5514 41 00 5514 42 00 5514 43 00 5514 49 00 5515 11 30 5515 11 90 5515 12 30 5515 12 90 5515 13 19 5515 13 99 5515 19 30 5515 19 90 5515 21 30 5515 21 90 5515 22 19 5515 22 99 ex 5515 29 00 5515 91 30 5515 91 90 5515 99 40 5515 99 80 ex 5803 00 90 ex 5905 00 70 ex 6308 00 00		
GROUP I B			
4	Shirts, T-shirts, lightweight fine knit roll, polo or turtle necked jumpers and pullovers (other than of wool or fine animal hair), undershirts and the like, knitted or crocheted	6,48	154
	6105 10 00 6105 20 10 6105 20 90 6105 90 10 6109 10 00 6109 90 20 6110 20 10 6110 30 10	—	—

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
5	Jerseys, pullovers, slip-overs, waistcoats, twinsets, cardigans, bed-jackets and jumpers (others than jackets and blazers), anoraks, wind-cheaters, waister jackets and the like, knitted or crocheted	4,53	221
	ex 6101 90 80 6101 20 90 6101 30 90 6102 10 90 6102 20 90 6102 30 90 6110 11 10 6110 11 30 6110 11 90 6110 12 10 6110 12 90 6110 19 10 6110 19 90 6110 20 91 6110 20 99 6110 30 91 6110 30 99	—	—
6	Men's or boys' woven breeches, shorts other than swimwear and trousers (including slacks); women's or girls' woven trousers and slacks, of wool, of cotton or of man-made fibres; lower parts of track suits with lining, other than category 16 or 29, of cotton or of man-made fibres	1,76	568
	6203 41 10 6203 41 90 6203 42 31 6203 42 33 6203 42 35 6203 42 90 6203 43 19 6203 43 90 6203 49 19 6203 49 50 6204 61 10 6204 62 31 6204 62 33 6204 62 39 6204 63 18 6204 69 18 6211 32 42 6211 33 42 6211 42 42 6211 43 42	—	—
7	Women's or girls' blouses, shirts and shirt-blouses, whether or not knitted or crocheted, of wool, of cotton or man-made fibres	5,55	180
	6106 10 00 6106 20 00 6106 90 10 6206 20 00 6206 30 00 6206 40 00	—	—
8	Men's or boys' shirts, other than knitted or crocheted, of wool, cotton or man-made fibres	4,60	217
	ex 6205 90 80 6205 20 00 6205 30 00	—	—
GROUP II A			
9	Terry towelling and similar woven terry fabrics of cotton; toilet linen and kitchen linen, other than knitted or crocheted, of terry towelling and woven terry fabrics, of cotton		
	5802 11 00 5802 19 00 ex 6302 60 00		
20	Bed linen, other than knitted or crocheted		
	6302 21 00 6302 22 90 6302 29 90 6302 31 00 6302 32 90 6302 39 90		

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
22	Yarn of staple or waste synthetic fibres, not put up for retail sale		
	5508 10 10 5509 11 00 5509 12 00 5509 21 00 5509 22 00 5509 31 00 5509 32 00 5509 41 00 5509 42 00 5509 51 00 5509 52 00 5509 53 00 5509 59 00 5509 61 00 5509 62 00 5509 69 00 5509 91 00 5509 92 00 5509 99 00		
22 a)	Of which: acrylic		
	ex 5508 10 10 5509 31 00 5509 32 00 5509 61 00 5509 62 00 5509 69 00		
23	Yarn of staple or waste artificial fibres, not put up for retail sale		
	5508 20 10 5510 11 00 5510 12 00 5510 20 00 5510 30 00 5510 90 00		
32	Woven pile fabrics and chenille fabrics (other than terry towelling or terry fabrics of cotton and narrow woven fabrics) and tufted textile surfaces, of wool, of cotton or of man-made textile fibres		
	5801 10 00 5801 21 00 5801 22 00 5801 23 00 5801 26 00 5801 27 00 5801 31 00 5801 32 00 5801 33 00 5801 36 00 5801 37 00 5802 20 00 5802 30 00		
32 a)	Of which: cotton corduroy		
	5801 22 00		
39	Table linen, toilet linen and kitchen linen, other than knitted or crocheted, other than of terry towelling or a similar terry fabrics of cotton		
	6302 51 00 6302 53 90 ex 6302 59 90 6302 91 00 6302 93 90 ex 6302 99 90		
GROUP II B			
12	Pantyhose and tights, stockings, understockings, socks, ankle-socks, sockettes and the like, knitted or crocheted, other than for babies, including stockings for varicose veins, other than products of category 70	24,3 pairs	41
	ex 6115 10 10 6115 10 90 6115 22 00 6115 29 00 6115 30 11 6115 30 90 6115 94 00 6115 95 00 6115 96 10 6115 96 99 6115 99 00	—	—

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
13	Men's or boys' underpants and briefs, women's or girls' knickers and briefs, knitted or crocheted, of wool, of cotton or of man-made fibres	17	59
	6107 11 00 6107 12 00 6107 19 00 6108 21 00 6108 22 00 6108 29 00 ex 6212 10 10 ex 9619 00 50	—	—
14	Men's or boys' woven overcoats, raincoats and other coats, cloaks and capes, of wool, of cotton or of man-made textile fibres (other than parkas) (of category 21)	0,72	1389
	6201 11 00 ex 6201 12 10 ex 6201 12 90 ex 6201 13 10 ex 6201 13 90 6210 20 00	—	—
15	Women's or girls' woven overcoats, raincoats and other coats, cloaks and capes; jackets and blazers, of wool, of cotton or of man-made textile fibres (other than parkas) (of category 21)	0,84	1190
	6202 11 00 ex 6202 12 10 ex 6202 12 90 ex 6202 13 10 ex 6202 13 90 6204 31 00 6204 32 90 6204 33 90 6204 39 19 6210 30 00	—	—
16	Men's or boys' suits and ensembles, other than knitted or crocheted, of wool, of cotton or of man-made fibres, excluding ski suits; men's or boys' track suits with lining, with an outer shell of a single identical fabric, of cotton or of man-made fibres	0,80	1250
	6203 11 00 6203 12 00 6203 19 10 6203 19 30 6203 22 80 6203 23 80 6203 29 18 6203 29 30 6211 32 31 6211 33 31	—	—
17	Men's or boys' jackets or blazers, other than knitted or crocheted, of wool, of cotton or of man-made fibres	1,43	700
	6203 31 00 6203 32 90 6203 33 90 6203 39 19	—	—
18	Men's or boys' singlets and other vests, underpants, briefs, night-shirts, pyjamas, bathrobes, dressing gowns and similar articles, other than knitted or crocheted		
	6207 11 00 6207 19 00 6207 21 00 6207 22 00 6207 29 00 6207 91 00 6207 99 10 6207 99 90		
	Women's or girls' singlets and other vests, slips, petticoats, briefs, panties, night-dresses, pyjamas, negligees, bathrobes, dressing gowns and similar articles, other than knitted or crocheted		
	6208 11 00 6208 19 00 6208 21 00 6208 22 00 6208 29 00 6208 91 00 6208 92 00 6208 99 00 ex 6212 10 10 ex 9619 00 50		

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
19	Handkerchiefs, other than knitted or crocheted	59	17
	6213 20 00 ex 6213 90 00	—	—
21	Parkas; anoraks, windcheaters, waister jackets and the like, other than knitted or crocheted, of wool, of cotton or of man-made fibres; upper parts of tracksuits with lining, other than category 16 or 29, of cotton or of man-made fibres	2,3	435
	ex 6201 12 10 ex 6201 12 90 ex 6201 13 10 ex 6201 13 90 6201 91 00 6201 92 00 6201 93 00 ex 6202 12 10 ex 6202 12 90 ex 6202 13 10 ex 6202 13 90 6202 91 00 6202 92 00 6202 93 00 6211 32 41 6211 33 41 6211 42 41 6211 43 41	—	—
24	Men's or boys' nightshirts, pyjamas, bathrobes, dressing gowns and similar articles, knitted or crocheted	3,9	257
	6107 21 00 6107 22 00 6107 29 00 6107 91 00 ex 6107 99 00	—	—
	Women's or girls' night-dresses, pyjamas, négligees, bathrobes, dressing gowns and similar articles, knitted or crocheted	—	—
	6108 31 00 6108 32 00 6108 39 00 6108 91 00 6108 92 00 ex 6108 99 00	—	—
26	Women's or girls' dresses, of wool, of cotton or of man-made fibres	3,1	323
	6104 41 00 6104 42 00 6104 43 00 6104 44 00 6204 41 00 6204 42 00 6204 43 00 6204 44 00	—	—
27	Women's or girls' skirts, including divided skirts	2,6	385
	6104 51 00 6104 52 00 6104 53 00 6104 59 00 6204 51 00 6204 52 00 6204 53 00 6204 59 10	—	—
28	Trousers, bib and brace overalls, breeches and shorts (other than swimwear), knitted or crocheted, of wool, of cotton or of man-made fibres	1,61	620
	6103 41 00 6103 42 00 6103 43 00 ex 6103 49 00 6104 61 00 6104 62 00 6104 63 00 ex 6104 69 00	—	—

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
29	Women's or girls' suits and ensembles, other than knitted or crocheted, of wool, of cotton or of man-made fibres, excluding ski suits; women's or girls' track suits with lining, with an outer shell of an identical fabric, of cotton or of man-made fibres	1,37	730
	6204 11 00 6204 12 00 6204 13 00 6204 19 10 6204 21 00 6204 22 80 6204 23 80 6204 29 18 6211 42 31 6211 43 31	—	—
31	Brassières, woven, knitted or crocheted	18,2	55
	ex 6212 10 10 6212 10 90	—	—
68	Babies' garments and clothing accessories, excluding babies' gloves, mittens and mitts of categories 10 and 87, and babies' stockings, socks and sockettes, other than knitted or crocheted, of category 88		
	6111 90 19 6111 20 90 6111 30 90 ex 6111 90 90 ex 6209 90 10 ex 6209 20 00 ex 6209 30 00 ex 6209 90 90 ex 9619 00 50		
73	Track suits of knitted or crocheted fabric, of wool, of cotton or of man-made textile fibres	1,67	600
	6112 11 00 6112 12 00 6112 19 00	—	—
76	Men's or boys' industrial or occupational clothing, other than knitted or crocheted		
	6203 22 10 6203 23 10 6203 29 11 6203 32 10 6203 33 10 6203 39 11 6203 42 11 6203 42 51 6203 43 11 6203 43 31 6203 49 11 6203 49 31 6211 32 10 6211 33 10		
	Women's or girls' aprons, smock overalls and other industrial or occupational clothing, other than knitted or crocheted		
	6204 22 10 6204 23 10 6204 29 11 6204 32 10 6204 33 10 6204 39 11 6204 62 11 6204 62 51 6204 63 11 6204 63 31 6204 69 11 6204 69 31 6211 42 10 6211 43 10		
77	Ski suits, other than knitted or crocheted		
	ex 6211 20 00		

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
78	Garments, other than knitted or crocheted, excluding garments of categories 6, 7, 8, 14, 15, 16, 17, 18, 21, 26, 27, 29, 68, 72, 76 and 77		
	6203 41 30 6203 42 59 6203 43 39 6203 49 39 6204 61 85 6204 62 59 6204 62 90 6204 63 39 6204 63 90 6204 69 39 6204 69 50 6210 40 00 6210 50 00 6211 32 90 6211 33 90 ex 6211 39 00 6211 42 90 6211 43 90 ex 6211 49 00 ex 9619 00 50		
83	Overcoats, jackets, blazers and other garments, including ski suits, knitted or crocheted, excluding garments of categories 4, 5, 7, 13, 24, 26, 27, 28, 68, 69, 72, 73, 74, 75		
	ex 6101 90 20 6101 20 10 6101 30 10 6102 10 10 6102 20 10 6102 30 10 6103 31 00 6103 32 00 6103 33 00 ex 6103 39 00 6104 31 00 6104 32 00 6104 33 00 ex 6104 39 00 6112 20 00 6113 00 90 6114 20 00 6114 30 00 ex 6114 90 00 ex 9619 00 50		
GROUP III A			
33	Woven fabrics of synthetic filament yarn obtained from strip or the like of polyethylene or polypropylene, less than 3 m wide		
	5407 20 11		
	Sacks and bags, of a kind used for the packing of goods, not knitted or crocheted, obtained from strip or the like		
	6305 32 19 6305 33 90		
34	Woven fabrics of synthetic filament yarn obtained from strip or the like of polyethylene or polypropylene, 3 m or more wide		
	5407 20 19		
35	Woven fabrics of synthetic filaments, other than those for tyres of category 114		
	5407 10 00 5407 20 90 5407 30 00 5407 41 00 5407 42 00 5407 43 00 5407 44 00 5407 51 00 5407 52 00 5407 53 00 5407 54 00 5407 61 10 5407 61 30 5407 61 50 5407 61 90 5407 69 10 5407 69 90 5407 71 00 5407 72 00 5407 73 00 5407 74 00 5407 81 00 5407 82 00 5407 83 00 5407 84 00 5407 91 00 5407 92 00 5407 93 00 5407 94 00 ex 5811 00 00 ex 5905 00 70		

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
35 a)	Of which: other than unbleached or bleached		
	ex 5407 10 00 ex 5407 20 90 ex 5407 30 00 5407 42 00 5407 43 00 5407 44 00 5407 52 00 5407 53 00 5407 54 00 5407 61 30 5407 61 50 5407 61 90 5407 69 90 5407 72 00 5407 73 00 5407 74 00 5407 82 00 5407 83 00 5407 84 00 5407 92 00 5407 93 00 5407 94 00 ex 5811 00 00 ex 5905 00 70		
36	Woven fabrics of artificial filaments, other than those for tyres of category 114		
	5408 10 00 5408 21 00 5408 22 10 5408 22 90 5408 23 00 5408 24 00 5408 31 00 5408 32 00 5408 33 00 5408 34 00 ex 5811 00 00 ex 5905 00 70		
36 a)	Of which: other than unbleached or bleached		
	ex 5408 10 00 5408 22 10 5408 22 90 5408 23 00 5408 24 00 5408 32 00 5408 33 00 5408 34 00 ex 5811 00 00 ex 5905 00 70		
37	Woven fabrics of artificial staple fibres		
	5516 11 00 5516 12 00 5516 13 00 5516 14 00 5516 21 00 5516 22 00 5516 23 10 5516 23 90 5516 24 00 5516 31 00 5516 32 00 5516 33 00 5516 34 00 5516 41 00 5516 42 00 5516 43 00 5516 44 00 5516 91 00 5516 92 00 5516 93 00 5516 94 00 ex 5803 00 90 ex 5905 00 70		
37 a)	Of which: other than unbleached or bleached		
	5516 12 00 5516 13 00 5516 14 00 5516 22 00 5516 23 10 5516 23 90 5516 24 00 5516 32 00 5516 33 00 5516 34 00 5516 42 00 5516 43 00 5516 44 00 5516 92 00 5516 93 00 5516 94 00 ex 5803 00 90 ex 5905 00 70		
38 A	Knitted or crocheted synthetic curtain fabric including net curtain fabric		
	6005 31 10 6005 32 10 6005 33 10 6005 34 10 6006 31 10 6006 32 10 6006 33 10 6006 34 10		
38 B	Net curtains, other than knitted or crocheted		
	ex 6303 91 00 ex 6303 92 90 ex 6303 99 90		

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
40	Woven curtains (including drapes, interior blinds, curtain and bed valances and other furnishing articles), other than knitted or crocheted, of wool, of cotton or of man-made fibres		
	ex 6303 91 00 ex 6303 92 90 ex 6303 99 90 6304 19 10 ex 6304 19 90 6304 92 00 ex 6304 93 00 ex 6304 99 00		
41	Yarn of synthetic filament (continuous), not put up for retail sale, other than non-textured single yarn untwisted or with a twist of not more than 50 turns/m		
	5401 10 12 5401 10 14 5401 10 16 5401 10 18 5402 11 00 5402 19 00 5402 20 00 5402 31 00 5402 32 00 5402 33 00 5402 34 00 5402 39 00 5402 44 00 5402 48 00 5402 49 00 5402 51 00 5402 52 00 5402 59 10 5402 59 90 5402 61 00 5402 62 00 5402 69 10 5402 69 90 ex 5604 90 10 ex 5604 90 90		
42	Yarn of continuous man-made fibres, not put up for retail sale		
	5401 20 10		
	Yarn of artificial fibres; yarn of artificial filaments, not put up for retail sale, other than single yarn of viscose rayon untwisted or with a twist of not more than 250 turns/m and single non textured yarn of cellulose acetate		
	5403 10 00 5403 32 00 ex 5403 33 00 5403 39 00 5403 41 00 5403 42 00 5403 49 00 ex 5604 90 10		
43	Yarn of man-made filament, yarn of artificial staple fibres, cotton yarn, put up for retail sale		
	5204 20 00 5207 10 00 5207 90 00 5401 10 90 5401 20 90 5406 00 00 5508 20 90 5511 30 00		
46	Carded or combed sheep's or lambs' wool or other fine animal hair		
	5105 10 00 5105 21 00 5105 29 00 5105 31 00 5105 39 00		
47	Yarn of carded sheep's or lambs' wool (woollen yarn) or of carded fine animal hair, not put up for retail sale		
	5106 10 10 5106 10 90 5106 20 10 5106 20 91 5106 20 99 5108 10 10 5108 10 90		

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
48	Yarn of combed sheep's or lambs' wool (worsted yarn) or of combed fine animal hair, not put up for retail sale		
	5107 10 10 5107 10 90 5107 20 10 5107 20 30 5107 20 51 5107 20 59 5107 20 91 5107 20 99 5108 20 10 5108 20 90		
49	Yarn of sheep's or lambs' wool or of combed fine animal hair, put up for retail sale		
	5109 10 10 5109 10 90 5109 90 00		
50	Woven fabrics of sheep's or lambs' wool or of fine animal hair		
	5111 11 00 5111 19 00 5111 20 00 5111 30 10 5111 30 80 5111 90 10 5111 90 91 5111 90 98 5112 11 00 5112 19 00 5112 20 00 5112 30 10 5112 30 80 5112 90 10 5112 90 91 5112 90 98		
51	Cotton, carded or combed		
	5203 00 00		
53	Cotton gauze		
	5803 00 10		
54	Artificial staple fibres, including waste, carded, combed or otherwise processed for spinning		
	5507 00 00		
55	Synthetic staple fibres, including waste, carded, combed or otherwise processed for spinning		
	5506 10 00 5506 20 00 5506 30 00 5506 90 00		
56	Yarn of synthetic staple fibres (including waste), put up for retail sale		
	5508 10 90 5511 10 00 5511 20 00		
58	Carpets, carportines and rugs, knotted (made up or not)		
	5701 10 10 5701 10 90 5701 90 10 5701 90 90		

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
59	Carpets and other textile floor coverings, other than the carpets of category 58		
	5702 10 00 5702 31 10 5702 31 80 5702 32 10 5702 32 90 ex 5702 39 00 5702 41 10 5702 41 90 5702 42 10 5702 42 90 ex 5702 49 00 5702 50 10 5702 50 31 5702 50 39 ex 5702 50 90 5702 91 00 5702 92 10 5702 92 90 ex 5702 99 00 5703 10 00 5703 20 12 5703 20 18 5703 20 92 5703 20 98 5703 30 12 5703 30 18 5703 30 82 5703 30 88 5703 90 20 5703 90 80 5704 10 00 5704 90 00 5705 00 30 ex 5705 00 80		
60	Tapestries, hand-made, of the type Gobelins, Flanders, Aubusson, Beauvais and the like, and needlework tapestries (e.g. petit point and cross stitch) made in panels and the like by hand		
	5805 00 00		
61	Narrow woven fabrics, and narrow fabrics (bolduc) consisting of warp without weft, assembled by means of an adhesive, other than labels and similar articles of category 62 Elastic fabrics and trimmings (not knitted or crocheted), made from textile materials assembled from rubber thread		
	ex 5806 10 00 5806 20 00 5806 31 00 5806 32 10 5806 32 90 5806 39 00 5806 40 00		
62	Chenille yarn (including flock chenille yarn), gimped yarn (other than metallised yarn and gimped horsehair yarn)		
	5606 00 91 5606 00 99		
	Tulle and other net fabrics but not including woven, knitted or crocheted fabrics, hand or mechanically-made lace, in the piece, in strips or in motifs		
	5804 10 10 5804 10 90 5804 21 10 5804 21 90 5804 29 10 5804 29 90 5804 30 00		
	Labels, badges and the like of textile materials, not embroidered, in the piece, in strips or cut to shape or size, woven		
	5807 10 10 5807 10 90		
	Braids and ornamental trimmings in the piece; tassels, pompons and the like		
5808 10 00 5808 90 00			

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
	Embroidery, in the piece, in strips or in motifs		
	5810 10 10 5810 10 90 5810 91 10 5810 91 90 5810 92 10 5810 92 90 5810 99 10 5810 99 90		
63	Knitted or crocheted fabric of synthetic fibres containing by weight 5 % or more elastomeric yarn and knitted or crocheted fabrics containing by weight 5 % or more of rubber thread		
	5906 91 00 ex 6002 40 00 6002 90 00 ex 6004 10 00 6004 90 00		
	Raschel lace and long-pile fabric of synthetic fibres		
	ex 6001 10 00 6003 30 10 6005 31 50 6005 32 50 6005 33 50 6005 34 50		
65	Knitted or crocheted fabric, other than those of categories 38 A and 63, of wool, of cotton or of man-made fibres		
	5606 00 10 ex 6001 10 00 6001 21 00 6001 22 00 ex 6001 29 00 6001 91 00 6001 92 00 ex 6001 99 00 ex 6002 40 00 6003 10 00 6003 20 00 6003 30 90 6003 40 00 ex 6004 10 00 6005 90 10 6005 21 00 6005 22 00 6005 23 00 6005 24 00 6005 31 90 6005 32 90 6005 33 90 6005 34 90 6005 41 00 6005 42 00 6005 43 00 6005 44 00 6006 10 00 6006 21 00 6006 22 00 6006 23 00 6006 24 00 6006 31 90 6006 32 90 6006 33 90 6006 34 90 6006 41 00 6006 42 00 6006 43 00 6006 44 00		
66	Travelling rugs and blankets, other than knitted or crocheted, of wool, of cotton or of man-made fibres		
	6301 10 00 6301 20 90 6301 30 90 ex 6301 40 90 ex 6301 90 90		
GROUP III B			
10	Gloves, mittens and mitts, knitted or crocheted	17 pairs	59
	6111 90 11 6111 20 10 6111 30 10 ex 6111 90 90 6116 10 20 6116 10 80 6116 91 00 6116 92 00 6116 93 00 6116 99 00		
67	Knitted or crocheted clothing accessories other than for babies; household linen of all kinds, knitted or crocheted; curtains (including drapes) and interior blinds, curtain or bed valances and other furnishing articles knitted or crocheted; knitted or crocheted blankets and travelling rugs, other knitted or crocheted articles including parts of garments or of clothing accessories		

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
	5807 90 90 6113 00 10 6117 10 00 6117 80 10 6117 80 80 6117 90 00 6301 20 10 6301 30 10 6301 40 10 6301 90 10 6302 10 00 6302 40 00 ex 6302 60 00 6303 12 00 6303 19 00 6304 11 00 6304 91 00 ex 6305 20 00 6305 32 11 ex 6305 32 90 6305 33 10 ex 6305 39 00 ex 6305 90 00 6307 10 10 6307 90 10 ex 9619 00 40 ex 9619 00 50		
67 a)	Of which: sacks and bags of a kind used for the packing of goods, made from polyethylene or polypropylene strip		
	6305 32 11 6305 33 10		
69	Women's and girls' slips and petticoats, knitted or crocheted	7,8	128
	6108 11 00 6108 19 00		
70	Pantyhose and tights of synthetic fibres, measuring per single yarn less than 67 decitex (6,7 tex)	30,4 pairs	33
	ex 6115 10 10 6115 21 00 6115 30 19		
	Women's full length hosiery of synthetic fibres		
	ex 6115 10 10 6115 96 91		
72	Swimwear, of wool, of cotton or of man-made fibres	9,7	103
	6112 31 10 6112 31 90 6112 39 10 6112 39 90 6112 41 10 6112 41 90 6112 49 10 6112 49 90 6211 11 00 6211 12 00		
74	Women's or girls' knitted or crocheted suits and ensembles, of wool, of cotton or of man-made fibres, excluding ski suits	1,54	650
	6104 13 00 6104 19 20 ex 6104 19 90 6104 22 00 6104 23 00 6104 29 10 ex 6104 29 90		
75	Men's or boys' knitted or crocheted suits and ensembles, of wool, of cotton or of man-made fibres, excluding ski suits	0,80	1 250
	6103 10 10 6103 10 90 6103 22 00 6103 23 00 6103 29 00		
84	Shawls, scarves, mufflers, mantillas, veils and the like other than knitted or crocheted, of wool, of cotton or of man-made fibres		
	6214 20 00 6214 30 00 6214 40 00 ex 6214 90 00		

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
85	Ties, bow ties and cravats other than knitted or crocheted, of wool, of cotton or of man-made fibres	17,9	56
	6215 20 00 6215 90 00		
86	Corsets, corset-belts, suspender belts, braces, suspenders, garters and the like, and parts thereof, whether or not knitted or crocheted	8,8	114
	6212 20 00 6212 30 00 6212 90 00		
87	Gloves, mittens and mitts, not knitted or crocheted		
	ex 6209 90 10 ex 6209 20 00 ex 6209 30 00 ex 6209 90 90 6216 00 00		
88	Stockings, socks and sockettes, not knitted or crocheted; other clothing accessories, parts of garments or of clothing accessories other than for babies, other than knitted or crocheted		
	ex 6209 90 10 ex 6209 20 00 ex 6209 30 00 ex 6209 90 90 6217 10 00 6217 90 00		
90	Twine, cordage, ropes and cables of synthetic fibres, plaited or not		
	5607 41 00 5607 49 11 5607 49 19 5607 49 90 5607 50 11 5607 50 19 5607 50 30 5607 50 90		
91	Tents		
	6306 22 00 6306 29 00		
93	Sacks and bags, of a kind used for the packing of goods, of woven fabrics, other than made from polyethylene or polypropylene strip		
	ex 6305 20 00 ex 6305 32 90 ex 6305 39 00		
94	Wadding of textile materials and articles thereof; textile fibres not exceeding 5 mm in length (flock), textile dust and mill neps		
	5601 21 10 5601 21 90 5601 22 10 5601 22 90 5601 29 00 5601 30 00 9619 00 30		
95	Felt and articles thereof, whether or not impregnated or coated, other than floor coverings		
	5602 10 19 5602 10 31 ex 5602 10 38 5602 10 90 5602 21 00 ex 5602 29 00 5602 90 00 ex 5807 90 10 ex 5905 00 70 6210 10 10 6307 90 91		

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
96	Non-woven fabrics and articles of such fabrics, whether or not impregnated, coated, covered or laminated		
	5603 11 10 5603 11 90 5603 12 10 5603 12 90 5603 13 10 5603 13 90 5603 14 10 5603 14 90 5603 91 10 5603 91 90 5603 92 10 5603 92 90 5603 93 10 5603 93 90 5603 94 10 5603 94 90 ex 5807 90 10 ex 5905 00 70 6210 10 92 6210 10 98 ex 6301 40 90 ex 6301 90 90 6302 22 10 6302 32 10 6302 53 10 6302 93 10 6303 92 10 6303 99 10 ex 6304 19 90 ex 6304 93 00 ex 6304 99 00 ex 6305 32 90 ex 6305 39 00 6307 10 30 6307 90 92 ex 6307 90 98 ex 9619 00 40 ex 9619 00 50		
97	Nets and netting made of twine, cordage or rope and made-up fishing nets of yarn, twine, cordage or rope		
	5608 11 20 5608 11 80 5608 19 11 5608 19 19 5608 19 30 5608 19 90 5608 90 00		
98	Other articles made from yarn, twine, cordage, cables or rope, other than textile fabrics, articles made from such fabrics and articles of category 97		
	5609 00 00 5905 00 10		
99	Textile fabrics coated with gum or amylaceous substances, of a kind used for the outer covers of books and the like; tracing cloth; prepared painting canvas; buckram and similar stiffened textile fabrics of a kind used for hat foundations		
	5901 10 00 5901 90 00		
	Linoleum, whether or not cut to shape; floor coverings consisting of a coating or covering applied on a textile backing, whether or not cut to shape		
	5904 10 00 5904 90 00		
	Rubberised textile fabric, not knitted or crocheted, excluding those for tyres		
	5906 10 00 5906 99 10 5906 99 90		
	Textile fabrics otherwise impregnated or coated; painted canvas being theatrical scenery, studio back-cloths, other than of category 100		
	5907 00 00		

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
100	Textile fabrics impregnated, coated, covered or laminated with preparations of cellulose derivatives or of other artificial plastic materials		
	5903 10 10 5903 10 90 5903 20 10 5903 20 90 5903 90 10 5903 90 91 5903 90 99		
101	Twine, cordage, ropes and cables, plaited or not, other than of synthetic fibres		
	ex 5607 90 90		
109	Tarpaulins, sails, awnings and sunblinds		
	6306 12 00 6306 19 00 6306 30 00		
110	Woven pneumatic mattresses		
	6306 40 00		
111	Camping goods, woven, other than pneumatic mattresses and tents		
	6306 90 00		
112	Other made-up textile articles, woven, excluding those of categories 113 and 114		
	6307 20 00 ex 6307 90 98		
113	Floor cloths, dish cloths and dusters, other than knitted or crocheted		
	6307 10 90		
114	Woven fabrics and articles for technical uses		
	5902 10 10 5902 10 90 5902 20 10 5902 20 90 5902 90 10 5902 90 90 5908 00 00 5909 00 10 5909 00 90 5910 00 00 5911 10 00 ex 5911 20 00 5911 31 11 5911 31 19 5911 31 90 5911 32 11 5911 32 19 5911 32 90 5911 40 00 5911 90 10 5911 90 90		
GROUP IV			
115	Flax or ramie yarn		
	5306 10 10 5306 10 30 5306 10 50 5306 10 90 5306 20 10 5306 20 90 5308 90 12 5308 90 19		

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
117	Woven fabrics of flax or of ramie		
	5309 11 10 5309 11 90 5309 19 00 5309 21 00 5309 29 00 5311 00 10 ex 5803 00 90 5905 00 30		
118	Table linen, toilet linen and kitchen linen of flax or ramie, other than knitted or crocheted		
	6302 29 10 6302 39 20 6302 59 10 ex 6302 59 90 6302 99 10 ex 6302 99 90		
120	Curtains (including drapes), interior blinds, curtains and bed valances and other furnishing articles, not knitted or crocheted, of flax or ramie		
	ex 6303 99 90 6304 19 30 ex 6304 99 00		
121	Twine, cordage, ropes and cables, plaited or not, of flax or ramie		
	ex 5607 90 90		
122	Sacks and bags, of a kind used for the packing of goods, used, of flax, other than knitted or crocheted		
	ex 6305 90 00		
123	Woven pile fabrics and chenille fabrics of flax or ramie, other than narrow woven fabrics		
	5801 90 10 ex 5801 90 90		
	Shawls, scarves, mufflers, mantillas, veils and the like, of flax or ramie, other than knitted or crocheted		
	ex 6214 90 00		
GROUP V			
124	Synthetic staple fibres		
	5501 10 00 5501 20 00 5501 30 00 5501 40 00 5501 90 00 5503 11 00 5503 19 00 5503 20 00 5503 30 00 5503 40 00 5503 90 00 5505 10 10 5505 10 30 5505 10 50 5505 10 70 5505 10 90		
125 A	Synthetic filament yarn (continuous) not put up for retail sale, other than yarn of category 41		
	5402 45 00 5402 46 00 5402 47 00		

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
125 B	Monofilament, strip (artificial straw and the like) and imitation catgut of synthetic materials		
	5404 11 00 5404 12 00 5404 19 00 5404 90 10 5404 90 90 ex 5604 90 10 ex 5604 90 90		
126	Artificial staple fibres		
	5502 00 10 5502 00 40 5502 00 80 5504 10 00 5504 90 00 5505 20 00		
127 A	Yarn of artificial filaments (continuous) not put up for retail sale, other than yarn of category 42		
	5403 31 00 ex 5403 32 00 ex 5403 33 00		
127 B	Monofilament, strip (artificial straw and the like) and imitation catgut of artificial textile materials		
	5405 00 00 ex 5604 90 90		
128	Coarse animal hair, carded or combed		
	5105 40 00		
129	Yarn of coarse animal hair or of horsehair		
	5110 00 00		
130 A	Silk yarn other than yarn spun from silk waste		
	5004 00 10 5004 00 90 5006 00 10		
130 B	Silk yarn other than of category 130 A; silk-worm gut		
	5005 00 10 5005 00 90 5006 00 90 ex 5604 90 90		
131	Yarn of other vegetable textile fibres		
	5308 90 90		
132	Paper yarn		
	5308 90 50		
133	Yarn of true hemp		
	5308 20 10 5308 20 90		

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
134	Metallised yarn		
	5605 00 00		
135	Woven fabrics of coarse animal hair or of horse hair		
	5113 00 00		
136	Woven fabrics of silk or of silk waste		
	5007 10 00 5007 20 11 5007 20 19 5007 20 21 5007 20 31 5007 20 39 5007 20 41 5007 20 51 5007 20 59 5007 20 61 5007 20 69 5007 20 71 5007 90 10 5007 90 30 5007 90 50 5007 90 90 5803 00 30 ex 5905 00 90 ex 5911 20 00		
137	Woven pile fabric and chenille fabrics and narrow woven fabrics of silk, or of silk waste		
	ex 5801 90 90 ex 5806 10 00		
138	Woven fabrics of paper yarn and other textile fibres other than of ramie		
	5311 00 90 ex 5905 00 90		
139	Woven fabrics of metal threads or of metallised yarn		
	5809 00 00		
140	Knitted or crocheted fabric of textile material other than wool or fine animal hair, cotton or man-made fibres		
	ex 6001 10 00 ex 6001 29 00 ex 6001 99 00 6003 90 00 6005 90 90 6006 90 00		
141	Travelling rugs and blankets of textile material other than wool or fine animal hair, cotton or man-made fibres		
	ex 6301 90 90		
142	Carpets and other textile floor coverings of sisal, of other fibres of the agave family or the Manila hemp		
	ex 5702 39 00 ex 5702 49 00 ex 5702 50 90 ex 5702 99 00 ex 5705 00 80		
144	Felt of coarse animal hair		
	ex 5602 10 38 ex 5602 29 00		

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
145	Twine, cordage, ropes and cables plaited or not abaca (Manila hemp) or of true hemp		
	ex 5607 90 20 ex 5607 90 90		
146 A	Binder or baler twine for agricultural machines, of sisal or other fibres of the agave family		
	ex 5607 21 00		
146 B	Twine, cordage, ropes and cables of sisal or other fibres of the agave family, other than the products of category 146 A		
	ex 5607 21 00 5607 29 00		
146 C	Twine, cordage, ropes and cables, whether or not plaited or braided, of jute or of other textile bast fibres of heading No 5303		
	ex 5607 90 20		
147	Silk waste (including cocoons unsuitable for reeling), yarn waste and garneted stock, other than not carded or combed		
	ex 5003 00 00		
148 A	Yarn of jute or of other textile bast fibres of heading No 5303		
	5307 10 00 5307 20 00		
148 B	Coir yarn		
	5308 10 00		
149	Woven fabrics of jute or of other textile bast fibres of a width of more than 150 cm		
	5310 10 90 ex 5310 90 00		
150	Woven fabrics of jute or of other textile bast fibres of a width of not more than 150 cm; sacks and bags, of a kind used for the packing of goods, of jute or of other textile bast fibres, other than used		
	5310 10 10 ex 5310 90 00 5905 00 50 6305 10 90		
151 A	Floor coverings of coconut fibres (coir)		
	5702 20 00		

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
151 B	Carpets and other textile floor coverings, of jute or of other textile bast fibres, other than tufted or flopped		
	ex 5702 39 00 ex 5702 49 00 ex 5702 50 90 ex 5702 99 00		
152	Needle loom felt of jute or of other textile bast fibres not impregnated or coated, other than floor coverings		
	5602 10 11		
153	Used sacks and bags, of a kind used for the packing of goods, of jute or of other textile bast fibres of heading No 5303		
	6305 10 10		
154	Silkworm cocoons suitable for reeling		
	5001 00 00		
	Raw silk (not thrown)		
	5002 00 00		
	Silk waste (including cocoons unsuitable for reeling), yarn waste and garnetted stock, not carded or combed		
	ex 5003 00 00		
	Wool not carded or combed		
	5101 11 00 5101 19 00 5101 21 00 5101 29 00 5101 30 00		
	Fine or coarse animal hair, not carded or combed		
	5102 11 00 5102 19 10 5102 19 30 5102 19 40 5102 19 90 5102 20 00		
	Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock		
	5103 10 10 5103 10 90 5103 20 00 5103 30 00		
	Garnetted stock of wool or of fine or coarse animal hair		
	5104 00 00		
	Flax, raw or processed but not spun: flax tow and waste (including yarn waste and garnetted stock)		
5301 10 00 5301 21 00 5301 29 00 5301 30 00			

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
	Ramie and other vegetable textile fibres, raw or processed but not spun: tow, noils and waste, other than coir and abaca		
	5305 00 00		
	Cotton, not carded nor combed		
	5201 00 10 5201 00 90		
	Cotton waste (including yarn waste and garneted stock)		
	5202 10 00 5202 91 00 5202 99 00		
	True hemp (<i>Cannabis sativa</i> L.), raw or processed but not spun: tow and waste of true hemp (including yarn waste and garneted stock)		
	5302 10 00 5302 90 00		
	Abaca (Manila hemp or <i>Musa textilis</i> Nee), raw or processed but not spun: tow and waste of abaca (including yarn waste and garneted stock)		
	5305 00 00		
	Jute or other textile bast fibres (excl. flax, true hemp and ramie), raw or processed but not spun: tow and waste of jute or other textile bast fibres (including yarn waste and garneted stock)		
	5303 10 00 5303 90 00		
	Other vegetable textile fibres, raw or processed but not spun: tow and waste of such fibres (including yarn waste and garneted stock)		
	5305 00 00		
156	Blouses and pullovers knitted or crocheted of silk or silk waste for women and girls		
	6106 90 30 ex 6110 90 90		
157	Garments, knitted or crocheted, other than those of categories 1 to 123 and 156		
	ex 6101 90 20 ex 6101 90 80 6102 90 10 6102 90 90 ex 6103 39 00 ex 6103 49 00 ex 6104 19 90 ex 6104 29 90 ex 6104 39 00 6104 49 00 ex 6104 69 00 6105 90 90 6106 90 50 6106 90 90 ex 6107 99 00 ex 6108 99 00 6109 90 90 6110 90 10 ex 6110 90 90 ex 6111 90 90 ex 6114 90 00		

Category	Description CN code 2016	Table of equivalence	
		pieces/kg	g/piece
159	Dresses, blouses and shirt-blouses, not knitted or crocheted, of silk or silk waste		
	6204 49 10 6206 10 00		
	Shawls, scarves, mufflers, mantillas, veils and the like, not knitted or crocheted, of silk or silk waste		
	6214 10 00		
	Ties, bow ties and cravats of silk or silk waste		
	6215 10 00		
160	Handkerchiefs of silk or silk waste		
	ex 6213 90 00		
161	Garments, not knitted or crocheted, other than those of categories 1 to 123 and category 159		
	6201 19 00 6201 99 00 6202 19 00 6202 99 00 6203 19 90 6203 29 90 6203 39 90 6203 49 90 6204 19 90 6204 29 90 6204 39 90 6204 49 90 6204 59 90 6204 69 90 6205 90 10 ex 6205 90 80 6206 90 10 6206 90 90 ex 6211 20 00 ex 6211 39 00 ex 6211 49 00 ex 9619 00 50		
163	Gauze and articles of gauze put up in forms or packings for retail sale		
	3005 90 31'		

2. Annex II is replaced by the following:

'ANNEX II

List of countries referred to in article 2

Democratic People's Republic of Korea'.

3. Annex III is replaced by the following:

'ANNEX III

Annual Union quantitative limits referred to in article 3(1)

DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

Category	Unit	Quantity
1	tonnes	128
2	tonnes	153
3	tonnes	117
4	1 000 pieces	289
5	1 000 pieces	189
6	1 000 pieces	218

Category	Unit	Quantity
7	1 000 pieces	101
8	1 000 pieces	302
9	tonnes	71
12	1 000 pairs	1 308
13	1 000 pieces	1 509
14	1 000 pieces	154
15	1 000 pieces	175
16	1 000 pieces	88
17	1 000 pieces	61
18	tonnes	61
19	1 000 pieces	411
20	tonnes	142
21	1 000 pieces	3 416
24	1 000 pieces	263
26	1 000 pieces	176
27	1 000 pieces	289
28	1 000 pieces	286
29	1 000 pieces	120
31	1 000 pieces	293
36	tonnes	96
37	tonnes	394
39	tonnes	51
59	tonnes	466
61	tonnes	40
68	tonnes	120
69	1 000 pieces	184
70	1 000 pieces	270
73	1 000 pieces	149
74	1 000 pieces	133
75	1 000 pieces	39

Category	Unit	Quantity
76	tonnes	120
77	tonnes	14
78	tonnes	184
83	tonnes	54
87	tonnes	8
109	tonnes	11
117	tonnes	52
118	tonnes	23
142	tonnes	10
151A	tonnes	10
151B	tonnes	10
161	tonnes	152'

4. Annex IV is replaced by the following:

'ANNEX IV

referred to in article 3(3)

(The product descriptions of the categories listed in this Annex are to be found in Section A of Annex I)

Democratic People's Republic of Korea

Categories:	10, 22, 23, 32, 33, 34, 35, 38, 40, 41, 42, 49, 50, 53, 54, 55, 58, 62, 63, 65, 66, 67, 72, 84, 85, 86, 88, 90, 91, 93, 97, 99, 100, 101, 111, 112, 113, 114, 120, 121, 122, 123, 124, 130, 133, 134, 135, 136, 137, 138, 140, 141, 145, 146A, 146B, 146C, 149, 150, 153, 156, 157, 159, 160.'
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**REGULATION (EU) 2017/355 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 15 February 2017**

on certain procedures for applying the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo * of the other part

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure⁽¹⁾,

Whereas:

- (1) The Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo * of the other part⁽²⁾, (the 'Agreement') was signed on 27 October 2015. The Agreement entered into force on 1 April 2016.
- (2) It is necessary to lay down rules for the implementation of certain provisions of the Agreement, as well as the procedures for the adoption of detailed rules of implementation.
- (3) In order to ensure uniform conditions for the implementation of the Agreement, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁽³⁾. In accordance with that Regulation, the examination procedure applies, in particular, for the adoption of implementing acts relating to the common commercial policy. However, the advisory procedure may apply in duly justified cases. Where the Agreement provides for the possibility, in exceptional and critical circumstances, to apply forthwith measures necessary to deal with the situation, the Commission should adopt such implementing acts immediately. The Commission should adopt immediately applicable implementing acts where, in duly justified cases relating to measures concerning agricultural and fishery products, imperative grounds of urgency so require.
- (4) The Agreement stipulates that certain agricultural and fishery products originating in Kosovo may be imported into the Union at a reduced customs duty, within the limits of tariff quotas. It is therefore necessary to lay down provisions regulating the management and review of these tariff quotas in order to allow for their thorough assessment.
- (5) Where trade defence measures become necessary, they should be adopted in accordance with Regulation (EU) 2015/478 of the European Parliament and of the Council⁽⁴⁾, Regulation (EU) 2016/1036 of the European Parliament and of the Council⁽⁵⁾ or, as the case may be, Regulation (EU) 2016/1037 of the European Parliament and of the Council⁽⁶⁾.

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

⁽¹⁾ Position of the European Parliament of 19 January 2017 (not yet published in the Official Journal) and decision of the Council of 7 February 2017.

⁽²⁾ OJ L 71, 16.3.2016, p. 3.

⁽³⁾ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

⁽⁴⁾ Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015 on common rules for imports (OJ L 83, 27.3.2015, p. 16).

⁽⁵⁾ Regulation (EU) 2016/1036 of the European Parliament and of the Council of 8 June 2016 on protection against dumped imports from countries not members of the European Union (OJ L 176, 30.6.2016, p. 21).

⁽⁶⁾ Regulation (EU) 2016/1037 of the European Parliament and of the Council of 8 June 2016 on protection against subsidised imports from countries not members of the European Union (OJ L 176, 30.6.2016, p. 55).

- (6) Where a Member State provides information to the Commission on a possible case of fraud or failure to provide administrative cooperation, the relevant Union legislation should apply, in particular Council Regulation (EC) No 515/97⁽¹⁾.
- (7) This Regulation contains implementing measures for the Agreement, and should thus apply from the entry into force of the Agreement,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation lays down the rules and procedures for the adoption of detailed rules for the implementation of certain provisions of the Stabilisation and Association Agreement between the European Union and the European Atomic Energy Community, of the one part, and Kosovo*, of the other part (the 'Agreement').

Article 2

Concessions for fish and fishery products

The Commission shall adopt detailed rules on the implementation of Article 31 of the Agreement, concerning the tariff quotas for fish and fishery products, by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(3) of this Regulation.

Article 3

Tariff reductions

1. Subject to paragraph 2, rates of preferential duty shall be rounded down to the first decimal place.
2. The preferential rate shall be considered to be full exemption where the result of calculating the rate of preferential duty in accordance with paragraph 1 is one of the following:
 - (a) 1 % or less in the case of *ad valorem* duties;
 - (b) EUR 1 or less per individual amount in the case of specific duties.

Article 4

Technical adaptations

The Commission shall adopt amendments and technical adaptations to the provisions adopted pursuant to this Regulation which are necessary following changes to the Combined Nomenclature codes and to the Integrated Tariff of the European Communities subdivisions or arising from the conclusion of new or modified agreements, protocols, exchanges of letters or other acts between the Union and Kosovo, by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(3) of this Regulation.

Article 5

General safeguard clause

Where the Union needs to take a measure as provided for in Article 43 of the Agreement, the Commission shall adopt that measure by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(3) of this Regulation, unless otherwise specified in Article 43 of the Agreement.

⁽¹⁾ Council Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters (OJ L 82, 22.3.1997, p. 1).

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

*Article 6***Shortage clause**

Where the Union needs to take a measure as provided for in Article 44 of the Agreement, the Commission shall adopt that measure by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(3) of this Regulation.

*Article 7***Exceptional and critical circumstances**

Where exceptional and critical circumstances arise within the meaning of Article 43(5)(b) and Article 44(4) of the Agreement, the Commission may take immediately applicable measures as provided for in Articles 43 and 44 of the Agreement, in accordance with the procedure referred to in Article 12(4) of this Regulation.

*Article 8***Safeguard clause for agricultural and fishery products**

1. Notwithstanding the procedures provided for in Articles 5 and 6 of this Regulation, where the Union needs to take a measure as provided for in Article 34 or 43 of the Agreement, concerning agricultural and fishery products, the Commission shall, at the request of a Member State or on its own initiative, decide upon the necessary measures after, where applicable, having had recourse to the referral procedure provided for in Article 43 of the Agreement. Those measures shall be adopted by the Commission by means of implementing acts. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(3) of this Regulation.

On duly justified imperative grounds of urgency, including the case referred to in paragraph 2 of this Article, the Commission shall adopt immediately applicable implementing acts in accordance with the procedure referred to in Article 12(4) of this Regulation.

2. If the Commission receives the request referred to in paragraph 1 from a Member State, it shall take a decision thereon:

- (a) within three working days following the receipt of that request, where the referral procedure provided for in Article 43 of the Agreement does not apply; or
- (b) within three working days of the end of the 30-day period referred to in Article 43(5)(a) of the Agreement, where the referral procedure provided for in Article 43 of the Agreement applies.

The Commission shall notify the Council of the measures upon which it has decided.

*Article 9***Dumping and subsidy**

In the event of a practice that may cause the Union to take the measures provided for in Article 42(2) of the Agreement, the introduction of anti-dumping or countervailing measures, or both, shall be decided in accordance with the provisions laid down in Regulation (EU) 2016/1036 and Regulation (EU) 2016/1037, respectively.

*Article 10***Competition**

1. In the event of a practice which the Commission considers to be incompatible with Article 75 of the Agreement, the Commission shall, after examining the case on its own initiative or at the request of a Member State, decide upon the appropriate measure provided for in Article 75 of the Agreement.

The measures provided for in Article 75(9) of the Agreement shall be adopted in the cases of aid in accordance with the procedures laid down in Regulation (EU) 2016/1037.

2. In the event of a practice that may cause measures to be applied to the Union by Kosovo on the basis of Article 75 of the Agreement, the Commission shall, after examining the case, decide whether the practice is compatible with the principles set out in the Agreement. Where necessary, the Commission shall take appropriate decisions on the basis of criteria which result from the application of Articles 101, 102 and 107 of the Treaty.

*Article 11***Fraud or failure to provide administrative cooperation**

1. Where the Commission, on the basis of information provided by a Member State or on its own initiative, finds that the conditions laid down in Article 48 of the Agreement are fulfilled, it shall, without undue delay:

- (a) inform the European Parliament and the Council; and
- (b) notify the Stabilisation and Association Committee of its finding together with the objective information it is based on, and enter into consultations within the Stabilisation and Association Committee.

2. Any publication pursuant to Article 48(5) of the Agreement shall be done by the Commission in the *Official Journal of the European Union*.

3. The Commission may decide, by means of implementing acts, to suspend temporarily the relevant preferential treatment of the products as provided for in Article 48(4) of the Agreement. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(3) of this Regulation.

*Article 12***Committee procedure**

1. For the purposes of Articles 2, 4 and 11 of this Regulation, the Commission shall be assisted by the Customs Code Committee established by Article 285 of Regulation (EU) No 952/2013 of the European Parliament and of the Council ⁽¹⁾. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. For the purposes of Articles 5 to 8 of this Regulation, the Commission shall be assisted by the Committee on Safeguards established by Article 3 of Regulation (EU) 2015/478. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

4. Where reference is made to this paragraph, Article 8(1) to (4) of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

*Article 13***Notification**

The Commission, acting on behalf of the Union, shall be responsible for notification to the Stabilisation and Association Council and the Stabilisation and Association Committee, respectively, as required by the Agreement.

*Article 14***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*.

It shall apply from 1 April 2016.

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

Done at Strasbourg, 15 February 2017.

For the European Parliament

The President

A. TAJANI

For the Council

The President

I. BORG

⁽¹⁾ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

AMENDMENTS TO THE ANNEXES OF THE LUGANO CONVENTION, 30 OCTOBER 2007

According to the Swiss Depository Notification of 11 April 2016 and 27 May 2016, the text of annexes I-IV and IX is amended as follows:

[Annex I

The rules of jurisdiction referred to in Article 3(2) and 4(2) of the Convention are the following:]

- in the Czech Republic: Act No 91/2012 on private international law (*Zákon o mezinárodním právu soukromém*), in particular, its Article 6,
- in Estonia: Article 86 (jurisdiction at the location of property) of the Code of Civil Procedure (*Tsiviilkohtumenetluse seadustik*), insofar as the claim is unrelated to that property of the person; Article 100 (claim for termination of application of standard terms) of the Code of Civil Procedure, insofar as the action is to be lodged with the court in whose territorial jurisdiction the standard term was applied,
- in Cyprus: Article 21 of the Law on Courts, Law 14/60,
- in Latvia: paragraph 2 of Article 27 and paragraphs 3, 5, 6 and 9 of Article 28 of the Civil Procedure Law (*Civilprocesa likums*),
- in Lithuania: Articles 783(3), 787 and 789(3) of the Code of Civil Procedure (*Civilinio proceso kodeksas*),
- in Portugal: Article 63(1) of the Code of Civil Procedure (*Código de Processo Civil*) in so far as it may encompass exorbitant grounds of jurisdiction, such as the courts for the place in which the branch, agency or other establishment is situated (if situated in Portugal) when the central administration (if situated in a foreign State) is the party sued and Article 10 of the Code of Labour Procedure (*Código de Processo do Trabalho*) in so far as it may encompass exorbitant grounds of jurisdiction, such as the courts for the place where the plaintiff is domiciled in proceedings relating to individual contracts of employment brought by the employee against the employer,
- in Romania: Articles 1065-1081 under Title I 'International jurisdiction of Romanian courts' in Book VII 'International civil procedure' of Act No 134/2010 on the Code of Civil Procedure,

The entry for Belgium in Annex 1 should be deleted.

[Annex II

The courts or competent authorities to which the application referred to in Article 39 of the Convention may be submitted are the following:]

- in the Czech Republic: the '*okresní soud*',
- in Hungary: the '*törvényszék székhelyén működő járásbíróóság*' and, in Budapest, the '*Budai Központi Kerületi Bíróság*',
- in Portugal: '*instâncias centrais de competência especializada cível, instâncias locais, secção competência genérica*' or '*secção cível*', if the latter exists, of the '*tribunais de comarca*'. In the case of maintenance obligations towards children (under the age of 18 or above) more and in the case of maintenance obligations between spouses, the '*secções de família e menores das instâncias centrais*' or, where none exists, the '*secções de competência genérica*' or '*secção cível*', if the latter exists, of the '*instâncias locais*'. For the remaining maintenance obligations arising from other family relations, parentage or affinity, '*secções de competência genérica*' or '*secção cível*', if the latter exists, of the '*instâncias locais*',
- in Sweden, '*tingsrätt*',
- in the United Kingdom:
 - a) in England and Wales, the High Court of Justice, or in the case of a maintenance judgment, the Family Court on transmission by the 'Secretary of State',

[Annex III]

The courts with which appeals referred to in Article 43(2) of the Convention may be lodged are the following:]

- in the Czech Republic: the '*okresní soud*',
- in Hungary: the '*törvényszék székhelyén működő járásbíróság*' (in Budapest, the '*Budai Központi Kerületi Bíróság*'); the appeal is adjudicated by the '*törvényszék*' (in Budapest, the '*Fővárosi Törvényszék*'),
- in Malta, the '*Qorti ta' l-Appell*', in accordance with the procedure laid down for appeals in the '*Kodiċi ta' Organizzazzjoni u Proċedura Ċivili — Kap.12*' or, in the case of a maintenance judgment by '*rikors ġuramentat*' before the '*Prim'Awla tal-Qorti Ċivili jew il-Qorti tal-Maġistrati ta' Ghawdex fil-gurisdizzjoni superjuri tagħha*',
- in Sweden: '*tingsrätt*',
- in the United Kingdom:
 - a) in England and Wales, the High Court of Justice, or in the case of a maintenance judgment, the Family Court,

[Annex IV]

The appeals which may be lodged pursuant to Article 44 of the Convention are the following:]

- in Ireland, an appeal on a point of law to the Court of Appeal,
- in the Czech Republic: a '*dovolání*', a '*žaloba na obnovu řízení*' and a '*žaloba pro zmatečnost*',
- in Latvia: an appeal to the '*Augstākā tiesa*', via the '*Apgabaltiesa*',
- in Romania: a '*recursul*',
- in Sweden, an appeal to the '*hovrätt*' and '*Högsta domstolen*',

[Annex IX]

The States and the rules referred to in Article II of Protocol 1 are the following:]

- Croatia: Article 211 of the Civil Procedure Act (*Zakon o parničnom postupku*),
 - in Latvia: Articles 75, 78, 79, 80, 81 of the Civil Procedure Law (*Civilprocesa likums*) concerning third-party notices,'
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CORRIGENDA

Corrigendum to Regulation (EU) 2016/429 of the European Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health ('Animal Health Law')

(Official Journal of the European Union L 84 of 31 March 2016)

1. On page 39, Article 14(1), point (c)(i), second indent:

for:

'... as regards activities listed in Article 61, points (a), (b), (e), (f) and (i) of Article 65(1), Article 70(1), Articles 79 and 80, and Article 81(1) and (2), and ...',

read:

'... as regards activities listed in Article 61, points (a), (b), (e), (f) and (i) of Article 65(1), Article 70(1), Articles 79, 80, 81 and 82, and ...'.

2. On page 103, Article 149(1), point (b):

for:

'(b) those provided for in delegated acts adopted pursuant to Articles 125(2) and 131(1), Article 135, Articles 136(2), 137(2), 138(4) and 139(4) and Article 140;',

read:

'(b) those provided for in delegated acts adopted pursuant to Articles 125(2) and 131(1), Article 135, Articles 136(2), 137(2), 138(3) and 139(4) and Article 140;'.

3. On page 134, Article 209, title:

for:

'Obligation of operators to ensure that other aquatic animals are accompanied by an animal health certificate and implementing power',

read:

'Obligation of operators to ensure that other aquatic animals are accompanied by an animal health certificate'.

4. On page 138, Article 219(1), point (a):

for:

'... and any rules adopted pursuant to Article 211 and Article 214(2);',

read:

'... and any rules adopted pursuant to Articles 211 and 214;'.

5. On page 138, Article 219(1), point (b):

for:

'... when they are being moved from a restricted zone as referred to in Article point (a) of 208(2);',

read:

'... when they are being moved from a restricted zone as referred to in Article 208(2);'.

6. On page 140, Article 223(1), point (b)(i):

for:

‘... point (a) of Article 61(1), Articles 62(1) and 63(1), point (c) of Article 65(1), ...’;

read:

‘... point (a) of Article 61(1), Article 62(1), point (c) of Article 65(1), ...’.

7. On page 164, Article 264(3):

for:

‘3. The power to adopt delegated acts referred to in Articles 3(5), 5(2), 5(4), 14(3), ... 42(6), 47, 48(3), ... 109(2), 118, 119, 122(1), 161(6), 162(4),’;

read:

‘3. The power to adopt delegated acts referred to in Articles 3(5), 5(2), 5(4), 14(3), ... 42(6), 47(1), 48(3), ... 109(2), 118(1), 118(2), 119(1), 122(1), ... 161(6), 162(3), 162(4),.....’.

8. On page 167, Article 271(2), second subparagraph:

for:

‘... and the implementing acts provided for in Article 118 of this Regulation.’;

read:

‘... and the implementing acts provided for in Article 120 of this Regulation.’.

9. On page 168, Article 274:

for:

‘... the Commission shall adopt the delegated acts referred to in ... Article 122(2), and Articles ... 239(1), and’;

read:

‘... the Commission shall adopt the delegated acts referred to in Article 122(1), and Articles ... 239(2), and’.

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