

# Official Journal

## of the European Union

# L 75



English edition

## Legislation

Volume 60

21 March 2017

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<sup>(1)</sup> Text with EEA relevance.

## II

(Non-legislative acts)

## INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2017/479

of 8 December 2016

**on the signing, on behalf of the Union, and provisional application of the Agreement between the European Union and the Kingdom of Norway on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund for the period 2014 to 2020**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 77(2) in conjunction with Article 218(5) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Regulation (EU) No 515/2014 of the European Parliament and of the Council <sup>(1)</sup> provides that the countries associated with the implementation, application and development of the Schengen *acquis* are to participate in the instrument in accordance with its provisions and that arrangements are to be concluded on their financial contributions and the supplementary rules necessary for such participation, including provisions ensuring the protection of the Union's financial interests and the powers of audit of the Court of Auditors.
- (2) On 14 July 2014, the Council authorised the Commission to open negotiations with the Kingdom of Norway, the Republic of Iceland, the Swiss Confederation and the Principality of Liechtenstein for an Agreement on the modalities of their participation in the Internal Security Fund — Borders and Visa for the period 2014 to 2020. The negotiations with the Kingdom of Norway were successfully concluded by the initialling of the Agreement on 5 July 2016.
- (3) In accordance with Articles 1 and 2 of the 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 Decision and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of 6 months after the Council has decided on this Decision whether it will implement it in its national law.
- (4) This Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC <sup>(2)</sup>; the United Kingdom is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.

<sup>(1)</sup> Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJ L 150, 20.5.2014, p. 143).

<sup>(2)</sup> Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* (OJ L 131, 1.6.2000, p. 43).

- (5) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC <sup>(1)</sup>; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it or subject to its application.
- (6) The Agreement should be signed on behalf of the Union, subject to its conclusion at a later date.
- (7) In accordance with Article 19(4) of the Agreement, the Agreement, with the exception of Article 5 thereof, should be applied provisionally as from the day following that of its signature,

HAS ADOPTED THIS DECISION:

*Article 1*

The signing on behalf of the Union of the Agreement between the European Union and the Kingdom of Norway on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund, for the period 2014 to 2020 is authorised, subject to the conclusion of the said Agreement.

The text of the Agreement is attached to this Decision.

*Article 2*

The President of the Council is hereby authorised to designate the person(s) empowered to sign the Agreement on behalf of the Union.

*Article 3*

The Agreement, with the exception of Article 5 thereof, shall be applied on a provisional basis in accordance with Article 19(4) thereof from the day following that of its signature <sup>(2)</sup>, pending the completion of the procedures necessary for its conclusion.

*Article 4*

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

Done at Brussels, 8 December 2016.

*For the Council*  
*The President*  
L. ŽITŇANSKÁ

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<sup>(1)</sup> Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

<sup>(2)</sup> The date from which the Agreement will be provisionally applied will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

## AGREEMENT

**between the European Union and the Kingdom of Norway on supplementary rules in relation to the instrument for financial support for external borders and visa, as part of the Internal Security Fund for the period 2014 to 2020**

THE EUROPEAN UNION, hereinafter referred to as 'the Union'

and

THE KINGDOM OF NORWAY, hereinafter referred to as 'Norway',

Hereinafter referred to jointly as 'the Parties'

HAVING REGARD to the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis* <sup>(1)</sup> ('Association Agreement with Norway'),

Whereas:

- (1) The Union established the instrument for financial support for external borders and visa, as part of the Internal Security Fund by means of Regulation (EU) No 515/2014 of the European Parliament and of the Council <sup>(2)</sup>.
- (2) Regulation (EU) No 515/2014 constitutes a development of the Schengen *acquis* within the meaning of the Association agreement with Norway.
- (3) As Regulation (EU) No 514/2014 of the European Parliament and of the Council <sup>(3)</sup> has a direct impact on the application of the provisions of Regulation (EU) No 515/2014, thus affecting the latter's legal framework, and as the procedures set out in the Association Agreement with Norway have been applied for the adoption of Regulation (EU) No 514/2014 which was notified to Norway, the Parties acknowledge that Regulation (EU) No 514/2014 constitutes a development of the Schengen *acquis* within the meaning of the Association Agreement with Norway insofar as it is necessary for the implementation of Regulation (EU) No 515/2014.
- (4) Article 5(7) of Regulation (EU) No 515/2014 provides that the countries associated with the implementation, application and development of the Schengen *acquis*, among which Norway, participate in the instrument in accordance with its provisions and that arrangements should be concluded to specify financial contributions by those countries and supplementary rules necessary for such participation, including provisions ensuring the protection of the Union's financial interests and the power of audit of the Court of Auditors.
- (5) The instrument for financial support for external borders and visa, as part of the Internal Security Fund ('the ISF-Borders and Visa') constitutes a specific instrument in the context of the Schengen *acquis* designed to provide for burden sharing and financial support in the field of external borders and visa policy in Member States and associated States.
- (6) Article 60 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council <sup>(4)</sup> provides for rules on indirect management that are applicable where third countries, including associated States, are entrusted with budget implementation tasks.

<sup>(1)</sup> OJEU L 176, 10.7.1999, p. 36.

<sup>(2)</sup> Regulation (EU) No 515/2014 of the European Parliament and of the Council of 16 April 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa and repealing Decision No 574/2007/EC (OJEU L 150, 20.5.2014, p. 143).

<sup>(3)</sup> Regulation (EU) No 514/2014 of the European Parliament and of the Council of 16 April 2014 laying down general provisions on the Asylum, Migration and Integration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (OJEU L 150, 20.5.2014, p. 112).

<sup>(4)</sup> Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJEU L 298, 26.10.2012, p. 1) as last amended by Regulation (EU, Euratom) No 547/2014 of 15 May 2014 (OJEU L 163, 29.5.2014, p. 18).

- (7) Article 17(4) of Regulation (EU) No 514/2014 provides for the eligibility of expenditure incurred in 2014 by a Responsible Authority not yet formally designated, thereby ensuring a smooth transition between the External Borders Fund and the Internal Security Fund. Similarly, it is important that the same concern be reflected in this Agreement. Given that this Agreement did not come into force before the end of 2014, it is essential to ensure the eligibility of expenditure incurred before and until the formal designation of the Responsible Authority, provided that the management and control systems applied before are essentially the same as the ones in force after the formal designation of the Responsible Authority.
- (8) To facilitate the calculation and use of the annual contributions due by Norway to the ISF-Borders and Visa, its contributions for the period 2014-2020 will be paid in five annual instalments from 2016 to 2020. From 2016 to 2018, the annual contributions are set in fixed amounts while the contributions due for the years 2019 and 2020 will be determined in 2019 on the basis of the gross domestic product of all States participating in the ISF-Borders and Visa taking into account the payments effectively made,

HAVE AGREED AS FOLLOWS:

#### *Article 1*

##### **Scope**

This Agreement sets out the supplementary rules necessary for the participation of Norway in the ISF — Borders and Visa in accordance with Regulation (EU) No 515/2014.

#### *Article 2*

##### **Financial management and control**

1. Norway shall take the necessary measures to ensure compliance with the provisions relevant to the financial management and control which are laid down in the Treaty on the Functioning of the European Union ("TFEU") and in Union law which derives its legal basis from the TFEU.

The provisions of the TFEU and of secondary legislation referred to in the first sub- paragraph are the following:

- (a) Article 287(1), (2) and (3) TFEU;
- (b) Articles 30, 32 and 57, point (i) of Article 58(1)(c), Article 60 and Articles 79(2) and 108(2) of Regulation (EU, Euratom) No 966/2012;
- (c) Articles 32, 38, 42, 84, 88, 142 and 144 of Commission Delegated Regulation (EU) No 1268/2012 <sup>(1)</sup>;
- (d) Council Regulation (Euratom, EC) No 2185/96 <sup>(2)</sup>;
- (e) Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council <sup>(3)</sup>.

The Parties may decide to amend this list by mutual agreement.

2. Norway shall apply the provisions referred to in paragraph 1 in its territory in accordance with this Agreement.

<sup>(1)</sup> Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJEU L 362, 31.12.2012, p. 1).

<sup>(2)</sup> Council Regulation (Euratom, EC) No 2185/96 of 11 November 1996 concerning on-the-spot checks and inspections carried out by the Commission in order to protect the European Communities' financial interests against fraud and other irregularities (OJEU L 292, 15.11.1996, p. 2).

<sup>(3)</sup> Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJEU L 248, 18.9.2013, p. 1).

*Article 3***Respect for the principle of sound financial management**

The funds allocated to Norway under the ISF-Borders and Visa shall be used in accordance with the principle of sound financial management.

*Article 4***Respect for the principle on conflict of interest**

All financial actors and any other person involved in budget implementation and management, including acts preparatory thereto, audit or control acting in the territory of Norway shall be prohibited from taking any action which may bring their own interests into conflict with those of the Union.

*Article 5***Enforcement**

Decisions taken by the Commission which impose a pecuniary obligation on persons other than states shall be enforceable in the territory of Norway.

Enforcement shall be governed by the rules of civil procedure in force in Norway. The order for enforcement of a decision shall be appended to that decision, without any formality other than the verification of the authenticity of the decision, by the national authority which the government of Norway shall designate for that purpose and shall make known to the Commission.

When those formalities have been completed on application by the Commission, the Commission may proceed to enforcement in accordance with national law by bringing the matter directly before the competent authority.

Enforcement may be suspended only by a decision of the Court of Justice of the European Union. However, the courts of Norway shall have jurisdiction over complaints that enforcement is being carried out in an irregular manner.

*Article 6***Protection of the financial interests of the Union against fraud**

1. Norway shall:
  - (a) counter fraud and any other illegal activities affecting the financial interests of the Union through measures which shall act as a deterrent and be such as to afford effective protection in Norway;
  - (b) take the same measures to counter fraud affecting the financial interests of the Union as it takes to counter fraud affecting its own financial interests; and
  - (c) coordinate its action aimed at protecting the financial interests of the Union with the Member States and the Commission.
2. Norway shall adopt equivalent measures to those adopted by the Union in accordance with Article 325(4) TFEU which are in force at the date of signature of this Agreement.

The Parties may decide by mutual agreement to adopt equivalent measures to any subsequent measures adopted by the Union in accordance with this Article.

*Article 7***On-the spot checks and inspections by the Commission (OLAF)**

Without prejudice to its rights under Article 5(8) of Regulation (EU) No 514/2014, the Commission (the European Anti-Fraud Office OLAF) shall be authorised to carry out on-the spot checks and inspections in the territory of Norway as regards the ISF-Borders and Visa in accordance with the terms and conditions laid down in Regulation (Euratom, EC) No 2185/96.

The authorities of Norway shall facilitate on-the-spot checks and inspections which may, if those authorities so wish, be carried out jointly with them.

#### Article 8

##### **Court of Auditors**

In accordance with Article 287(3) TFEU and with Part One, Title X, chapter 1 of Regulation (EU, Euratom) No 966/2012, the Court of Auditors shall have the possibility to perform audits on the premises of any body which manages revenue or expenditure on behalf of the Union in the territory of Norway as regards the ISF-Borders and Visa including on the premises of any natural or legal person in receipt of payments from the budget.

In Norway, audits by the Court of Auditors shall be carried out in liaison with national audit bodies or, if they do not have the necessary powers, with the competent national departments. The Court of Auditors and the national audit bodies of Norway shall cooperate in a spirit of trust while maintaining their independence. Those bodies or departments shall inform the Court of Auditors whether they intend to take part in the audit.

The Court of Auditors shall have at least the same rights as the Commission as laid down in Article 5(7) of Regulation (EU) No 514/2014 and Article 7 of this Agreement.

#### Article 9

##### **Public procurement**

Norway shall apply the provisions of their law on public procurement in accordance with Annex XVI to the Agreement on the European Economic Area <sup>(1)</sup>.

#### Article 10

##### **Financial contributions**

1. For the years 2016 to 2018, Norway shall make annual payments to the budget of the ISF-Borders and Visa in accordance with the following table:

*(All amounts in EUR)*

	2016	2017	2018
Norway	19 777 712	19 777 712	19 777 712

2. The contributions of Norway for the years 2019 and 2020 shall be calculated in accordance with its respective Gross Domestic Product (GDP) as a percentage of the GDP of all States participating in the ISF-Borders and Visa in accordance with the formula described in the Annex.

3. The financial contributions referred to in this Article shall be due by Norway irrespective of the date of adoption of its national programme referred to Article 14 of Regulation (EU) No 514/2014.

#### Article 11

##### **Use of financial contributions**

1. The total of the annual payments for 2016 and 2017 shall be assigned as follows:

- (a) 75 % to the mid-term review referred to in Article 8 of Regulation (EU) No 515/2014;
- (b) 15 % to the development of IT systems referred to in Article 15 of Regulation (EU) No 515/2014, subject to the adoption of the relevant Union legislative acts by 30 June 2017;
- (c) 10 % to Union actions referred to in Article 13 of Regulation (EU) No 515/2014 and emergency assistance referred to in Article 14 of Regulation (EU) No 515/2014.

<sup>(1)</sup> OJEU L 1, 3.1.1994, p. 461.



Where the amount referred to in point (b) is not allocated or spent, the Commission shall, pursuant to the procedure set in the second subparagraph of Article 5(5)(b) of Regulation (EU) No 515/2014, re-allocate it to the specific actions referred to in Article 7 of Regulation (EU) No 515/2014.

If this Agreement does not enter into force or is not applied on a provisional basis by 1 June 2017, the full contribution of Norway shall be used in accordance with paragraph 2 of this Article.

2. The total of the annual payments for 2018, 2019 and 2020 shall be assigned as follows:

- (a) 40 % to specific actions referred to in Article 7 of Regulation (EU) No 515/2014;
- (b) 50 % to the development of IT systems referred to in Article 15 of Regulation (EU) No 515/2014, subject to the adoption of the relevant Union legislative acts by 31 December 2018;
- (c) 10 % to Union actions referred to in Article 13 of Regulation (EU) No 515/2014 and emergency assistance referred to in Article 14 of Regulation (EU) No 515/2014.

Where the amount referred to in point (b) is not allocated or spent, the Commission shall, pursuant to the procedure set out in the second subparagraph of Article 5(5)(b) of Regulation (EU) No 515/2014, re allocate it to the specific actions referred to in Article 7 of Regulation (EU) No 515/2014.

3. The additional amounts assigned to the mid term review, Union actions, specific actions or the programme on the development of IT systems shall be used in accordance with the relevant procedure laid down in one of the following provisions:

- (a) Article 6(2) of Regulation (EU) No 514/2014;
- (b) Article 8(7) of Regulation (EU) No 515/2014;
- (c) Article 7(3) of Regulation (EU) No 515/2014;
- (d) the second subparagraph of Article 15 of Regulation (EU) No 515/2014.

4. Each year, the Commission may use up to 142 919 EUR of the payments made by Norway to finance the administrative expenditure related to staff or external staff necessary for supporting the implementation by Norway of Regulation (EU) No 515/2014 and this Agreement.

#### *Article 12*

### **Confidentiality**

Information communicated or acquired in any form whatsoever pursuant to this Agreement shall be covered by professional secrecy and protected in the same way as similar information is protected by the provisions applicable to the Union institutions and by the laws of Norway. Such information shall not be communicated to persons other than those within the Union institutions, in the Member States or in Norway whose functions require them to know it, nor may it be used for purposes other than to ensure effective protection of the financial interests of the Parties.

#### *Article 13*

### **Designation of Responsible Authority**

1. Norway shall notify the Commission of the formal designation at ministerial level of the Responsible Authority responsible for the management and control of expenditure under the ISF-Borders and Visa, as soon as possible after the approval of the national programme.

2. The designation referred to in paragraph 1 shall be made subject to the body complying with the designation criteria on internal environment, control activities, information and communication, and monitoring laid down in or on the basis of Regulation (EU) No 514/2014.

3. The designation of a Responsible Authority shall be based on an opinion of an audit body, which may be the Audit Authority, which assesses the Responsible Authority's compliance with the designation criteria. That body may be the autonomous public institution responsible for monitoring, evaluating and auditing the administration. The audit body shall function independently of the Responsible Authority and shall carry out its work in accordance with internationally accepted audit standards. Norway may base its decision on designation on whether the management and control systems are essentially the same as those in place for the previous period and whether they have functioned effectively. If the existing audit and control results show that the designated body no longer complies with the designation criteria, Norway shall take the necessary measures to ensure that deficiencies in the implementation of the tasks of that body are remedied, including by ending the designation.

#### *Article 14*

### **Definition of financial year**

For the purpose of this Agreement, the financial year referred to in Article 60(5) of Regulation (EU, Euratom) No 966/2012 shall cover expenditure paid and revenue received and entered into the accounts of the Responsible Authority in the period commencing on 16 October of the year 'N - 1' and ending on 15 October of year 'N'.

#### *Article 15*

### **Eligibility of expenditure**

By way of derogation from Article 17(3)(b) and (4) of Regulation (EU) No 514/2014, expenditure shall be eligible where it has been paid by the Responsible Authority before the Responsible Authority's formal designation in accordance with Article 13 of this Agreement, provided that the management and control systems applied before are essentially the same as the ones in force after the formal designation of the Responsible Authority.

#### *Article 16*

### **Request for payment of the annual balance**

1. By 15 February of the year following the financial year, Norway shall submit to the Commission the documents and information required in points (b) and (c) of the first subparagraph of Article 60(5) of Regulation (EU, Euratom) No 966/2012.

By way of derogation from Article 44(1) of Regulation (EU) No 514/2014 and in accordance with the third subparagraph of Article 60(5) of Regulation (EU, Euratom) No 966/2012, Norway shall submit to the Commission the opinion referred to in the second subparagraph of Article 60(5) of Regulation (EU, Euratom) No 966/2012 by 15 March of the year following the financial year.

The documents submitted referred to in this paragraph shall serve as the request for payment of the annual balance.

2. The documents referred to in paragraph 1 shall be drawn up according to the models adopted by the Commission on the basis of Article 44(3) of Regulation (EU) No 514/2014.

#### *Article 17*

### **Implementation report**

By way of derogation from Article 54(1) of Regulation (EU) No 514/2014 and in accordance with the third subparagraph of Article 60(5) of Regulation (EU, Euratom) No 966/2012, Norway shall submit to the Commission an annual report on the implementation of the national programme in the previous financial year by 15 February each year until and including 2022 and may, at the appropriate level, publish this information.

The first annual report on the implementation of the national programme shall be submitted on 15 February following the entry into force of this Agreement or the start of its provisional application.

The first report shall cover the financial years from 2014 onwards until the financial year before the first annual report was due in accordance with the second paragraph. Norway shall submit a final report on the implementation of the national programme by 31 December 2023.

#### *Article 18*

### **Electronic data exchange system**

In accordance with Article 24(5) of Regulation (EU) No 514/2014, all official exchanges of information between Norway and the Commission shall be carried out using an electronic data exchange system provided for by the Commission for that purpose.

*Article 19***Entry into force**

1. The Secretary-General of the Council of the European Union shall act as depositary of this Agreement.
2. The Parties shall approve this Agreement in accordance with their own procedures. They shall notify each other of the completion of those procedures.
3. This Agreement shall enter into force on the first day of the first month following the day of the last notification referred to in paragraph 2.
4. Except for Article 5, the Parties shall apply this Agreement provisionally as from the day following that of its signature, without prejudice to constitutional requirements.

*Article 20***Validity and termination**

1. Either the Union or Norway may terminate this Agreement by notifying the other Party of its decision. The Agreement shall cease to apply three months after the date of such notification. Projects and activities in progress at the time of termination shall continue according to the conditions laid down in this Agreement. The Parties shall settle by mutual agreement any other consequences of termination.
2. This Agreement shall be terminated when the Association Agreement with Norway is terminated in accordance with Article 8(4), Article 11(3) or Article 16 of the Association Agreement with Norway.

*Article 21***Languages**

This Agreement shall be drawn up in a single original in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Norwegian languages, each of those texts being equally authentic.

Съставено в Брюксел на осми декември през две хиляди и шестнадесета година.

Hecho en Bruselas, el ocho de diciembre de dos mil dieciséis.

V Bruselu dne osmého prosince dva tisíce šestnáct.

Udfærdiget i Bruxelles den ottende december to tusind og seksten.

Geschehen zu Brüssel am achten Dezember zweitausendsechzehn.

Kahe tuhande kuueteistkümnenda aasta detsembrikuu kaheksandal päeval Brüsselis.

Έγινε στις Βρυξέλλες, στις οκτώ Δεκεμβρίου δύο χιλιάδες δεκαέξι.

Done at Brussels on the eighth day of December in the year two thousand and sixteen.

Fait à Bruxelles, le huit décembre deux mille seize.

Sastavljeno u Bruxellesu osmog prosinca godine dvije tisuće šesnaeste.

Fatto a Bruxelles, addì otto dicembre duemilasedici.

Briselē, divi tūkstoši sešpadsmitā gada astotajā decembrī.

Priimta du tūkstančiai šešioliktų metų gruodžio aštuntą dieną Briuselyje.

Kelt Brüsszelben, a kétézer-tizenhatodik év december havának nyolcadik napján.

Magħmul fi Brussell, fit-tmien jum ta' Diċembru fis-sena elfejn u sittax.

Gedaan te Brussel, acht december tweeduizend zestien.

Sporządzono w Brukseli dnia ósmego grudnia roku dwa tysiące szesnastego.

Feito em Bruxelas, em oito de dezembro de dois mil e dezasseis.

Íntocmit la Bruxelles la opt decembrie două mii șaisprezece.

V Bruseli ôsmeho decembra dvetisícšestnástí.

V Bruslju, dne osmega decembra leta dva tisoč šestnajst.

Tehty Brysselissä kahdeksantena päivänä joulukuuta vuonna kaksituhattakuusitoista.

Som skedde i Bryssel den åttonde december år tjugohundrasexton.

Utferdiget i Brussel, den åttende desember totusenogseksten.

За Европейския съюз  
 Por la Unión Europea  
 За Εvropskou unii  
 For Den Europæiske Union  
 Für die Europäische Union  
 Euroopa Liidu nimel  
 Για την Ευρωπαϊκή Ένωση  
 For the European Union  
 Pour l'Union européenne  
 Za Europsku uniju  
 Per l'Unione europea  
 Eiropas Savienības vārdā –  
 Europos Sąjungos vardu  
 Az Európai Unió részéről  
 Ghall-Unjoni Ewropea  
 Voor de Europese Unie  
 W imieniu Unii Europejskiej  
 Pela União Europeia  
 Pentru Uniunea Europeană  
 Za Európsku úniu  
 Za Evropsko unijo  
 Euroopan unionin puolesta  
 För Europeiska unionen  
 For Den europeiske union



За Кралство Норвегия  
 Por el Reino de Noruega  
 Za Norské království  
 For Kongeriget Norge  
 Für das Königreich Norwegen  
 Norra Kuningriigi nimel  
 Για το Βασίλειο της Νορβηγίας  
 For the Kingdom of Norway  
 Pour le Royaume de Norvège  
 Za Kraljevinu Norvešku  
 Per il Regno di Norvegia  
 Norvēģijas Karalistes vārdā –  
 Norvegijos Karalystės vardu  
 A Norvég Királyság részéről  
 Ghar-Renju tan-Norveġja  
 Voor het Koninkrijk Noorwegen  
 W imieniu Królestwa Norwegii  
 Pelo Reino da Noruega  
 Pentru Regatul Norvegiei  
 Za Nórske kráľovstvo  
 Za Kraljevino Norveško  
 Norjan kuningaskunnan puolesta  
 För Konungariket Norge  
 For Kongeriket Norge



## ANNEX

FORMULA TO CALCULATE THE FINANCIAL CONTRIBUTIONS FOR THE YEARS 2019 AND 2020 AND PAYMENT  
DETAILS

The financial contribution of Norway to the ISF-Borders and Visa referred to in the second and third subparagraphs of Article 5(7) of Regulation (EU) No 515/2014 is calculated as follows for the years 2019 and 2020:

For each single year from 2013 to 2017, the final figures of the Gross Domestic Product (GDP) of Norway available on 31 March of 2019 shall be divided by the sum of the GDP figures of all the States participating in the ISF-Borders and Visa for the respective year. The average of the obtained five percentages for the years 2013 to 2017 shall be applied to the sum of the actual annual appropriations for the ISF-Borders and Visa for the years 2014 to 2019 and the annual commitment appropriation for the ISF-Borders and Visa for the year 2020 as included in the draft General budget of the European Union for the financial year 2020 adopted by the Commission to obtain the total amount to be paid by Norway over the whole period of implementation of the ISF-Borders and Visa. From this amount, the annual payments effectively made by Norway in accordance with Article 10(1) of this Agreement shall be subtracted in order to obtain the total amount of its contributions for the years 2019 and 2020. Half of this amount shall be paid in 2019 and the other half in 2020.

The financial contribution shall be paid in Euro.

Norway shall pay its respective financial contribution no later than 45 days after receiving the debit note. Any delay in payment of the contribution shall give rise to the payment of default interest on the outstanding amount from the due date. The interest rate shall be the rate applied by the European Central Bank to its main refinancing operations, as published in the C series of the *Official Journal of the European Union*, in force on the first calendar day of the month in which the deadline falls, increased by 3,5 percentage points.

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# REGULATIONS

## COUNCIL IMPLEMENTING REGULATION (EU) 2017/480

of 20 March 2017

### implementing Regulation (EU) No 36/2012 concerning restrictive measures in view of the situation in Syria

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to Council Regulation (EU) No 36/2012 of 18 January 2012 concerning restrictive measures in view of the situation in Syria and repealing Regulation (EU) No 442/2011 <sup>(1)</sup>, and in particular Article 32(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 18 January 2012 the Council adopted Regulation (EU) No 36/2012.
- (2) In view of the gravity of the situation in Syria, four persons should be added to the list of natural and legal persons, entities or bodies subject to restrictive measures in Annex II to Regulation (EU) No 36/2012.
- (3) Annex II to Regulation (EU) No 36/2012 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

#### *Article 1*

Annex II to Regulation (EU) No 36/2012 is amended as set out in the Annex to this Regulation.

#### *Article 2*

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

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

Done at Brussels, 20 March 2017.

*For the Council*

*The President*

L. GRECH

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<sup>(1)</sup> OJ L 16, 19.1.2012, p. 1.

## ANNEX

The following persons are added to the list set out in Section A (Persons) of Annex II to Regulation (EU) No 36/2012:

	Name	Identifying information	Reasons	Date of listing
235.	Ahmad Ballul (a.k.a. Ahmad Muhammad Ballul; Ahmed Balol) (أحمد بلول)	Date of birth: 10 October 1954  Rank: Major General; Commander of the Syrian Arab Air Force and Air Defence Forces	Holds the rank of Major General, a senior officer and Commander of the Syrian Arab Air and Air Defence Forces, in post after May 2011.  Operates in the chemical weapons proliferation sector and, as a senior ranking officer of the Syrian Arab Air Force, is responsible for the violent repression against the civilian population, including the use of chemical weapons attacks by the Syrian regime identified in the report of the Joint Investigative Mechanism.	21.3.2017
236.	Saji' Darwish (a.k.a. Saji Jamil Darwish; Sajee Darwish; Sjaa Darwis) (ساجيء درويش)	Date of birth: 11 January 1957  Rank: Major General, Syrian Arab Air Force	Holds the rank of Major General, a senior officer and Commander of the 22nd Division of the Syrian Arab Air Force, in post after May 2011.  Operates in the chemical weapons proliferation sector and is responsible for the violent repression against the civilian population: as a senior ranking officer of the Syrian Arab Air Force and Commander of the 22nd Division he holds responsibility for the use of chemical weapons by aircraft operating from airbases under the control of the 22nd Division, including the attack on Talmenes that the Joint Investigative Mechanism reported was conducted by Hama airfield-based regime helicopters.	21.3.2017
237.	Muhammed Ibrahim (محمد إبراهيم)	Date of birth: 5 August 1964  Rank: Brigadier General; Deputy Commander of Syrian Arab Air Force 63rd Brigade at Hama airfield	Holds the rank of Brigadier General, a senior officer and Deputy Commander of the Syrian Arab Air Force 63rd Brigade, in post after May 2011.  Operates in the chemical weapons proliferation sector and, as a senior ranking officer of the Syrian Arab Air Force during the period investigated by the Joint Investigative Mechanism and Deputy Commander of the 63rd brigade from March to December 2015, is responsible for the violent repression against the civilian population through the use of chemical weapons by the 63rd Brigade in Talmenes (21 April 2014), Qmenas (16 March 2015) and Sarmin (16 March 2015).	21.3.2017

	Name	Identifying information	Reasons	Date of listing
238.	Badi' Mu'alla (بديع المعلا)	Date of birth: 1961 Place of birth: Bistuwir, Jablah, Syria Rank: Brigadier General; Commander of Syrian Arab Air Force 63rd Brigade	Holds the rank of Brigadier General, a senior officer and Commander of 63rd Brigade of the Syrian Arab Air Force, in post after May 2011.  Operates in the chemical weapons proliferation sector and, as Commander of the 63rd Brigade during the period investigated by the Joint Investigative Mechanism, is responsible for the violent repression against the civilian population through the use of chemical weapons by the 63rd Brigade in Talmenes (21 April 2014), Qmenas (16 March 2015) and Sarmin (16 March 2015).	21.3.2017'



**COMMISSION IMPLEMENTING REGULATION (EU) 2017/481****of 20 March 2017****amending Annex I to Regulation (EC) No 798/2008 as regards the entry for the United States in the list of third countries, territories, zones or compartments from which certain poultry commodities may be imported into or transit through the Union in relation to highly pathogenic avian influenza****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2002/99/EC of 16 December 2002 laying down the animal health rules governing the production, processing, distribution and introduction of products of animal origin for human consumption <sup>(1)</sup>, and in particular the introductory phrase of Article 8, the first subparagraph of point 1 of Article 8, point 4 of Article 8 and Article 9(4)(c) thereof,

Having regard to Council Directive 2009/158/EC of 30 November 2009 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs <sup>(2)</sup>, and in particular Articles 23(1), 24(2) and 25(2) thereof,

Whereas:

- (1) Commission Regulation (EC) No 798/2008 <sup>(3)</sup> lays down veterinary certification requirements for imports into and transit, including storage during transit, through the Union of poultry and poultry products ('the commodities'). It provides that the commodities are only to be imported into and transit through the Union from the third countries, territories, zones or compartments listed in columns 1 and 3 of the table in Part 1 of Annex I thereto.
- (2) Regulation (EC) No 798/2008 also lays down the conditions for a third country, territory, zone or compartment to be considered as free from highly pathogenic avian influenza (HPAI).
- (3) The United States is listed in Part 1 of Annex I to Regulation (EC) No 798/2008 as a third country from which imports into and transit through the Union of the commodities are not restricted due to the presence of HPAI.
- (4) An Agreement between the European Community and the United States of America on sanitary measures to protect public and animal health in trade in live animals and animal products ('the Agreement') <sup>(4)</sup>, which was approved by Council Decision 1998/258/EC <sup>(5)</sup>, provides for a swift mutual recognition of regionalisation measures in the event of outbreaks of a disease in the Union or in the United States.
- (5) On 4 March 2017, the United States confirmed the presence of HPAI of subtype H7N9 in a poultry holding in Lincoln County in the State of Tennessee. The whole territory of that third country may therefore no longer be considered as being free from that disease.
- (6) The veterinary authorities of the United States placed a 10 km control zone around the affected holding, which included parts of Lincoln, Franklin and Moore counties in the State of Tennessee and Madison and Jackson counties in the State of Alabama. The veterinary authorities of the United States immediately suspended issuing veterinary certificates for consignments of commodities intended for export to the Union from those counties and implemented a stamping-out policy in order to control HPAI and limit its spread.

<sup>(1)</sup> OJ L 18, 23.1.2003, p. 11.

<sup>(2)</sup> OJ L 343, 22.12.2009, p. 74.

<sup>(3)</sup> Commission Regulation (EC) No 798/2008 of 8 August 2008 laying down a list of third countries, territories, zones or compartments from which poultry and poultry products may be imported into and transit through the Community and the veterinary certification requirements (OJ L 226, 23.8.2008, p. 1).

<sup>(4)</sup> OJ L 118, 21.4.1998, p. 3.

<sup>(5)</sup> OJ L 118, 21.4.1998, p. 1.

- (7) The United States has submitted information on the epidemiological situation on its territory and the measures it has taken to prevent the further spread of HPAI which has now been evaluated by the Commission. On the basis of that evaluation, as well as the commitments laid down in the Agreement and the guarantees provided by the United States, in order to safeguard the Union against the animal health risks associated with the introduction into the Union of commodities from the United States, it is appropriate to place restrictions on the introduction into the Union of commodities from the counties of the States of Tennessee and Alabama which are affected by HPAI. The entry for the United States in the list in Part 1 of Annex I to Regulation (EC) No 798/2008 should therefore be amended to take account of the regionalisation of that third country due to the current outbreak of HPAI.
- (8) Annex I to Regulation (EC) No 798/2008 should therefore be amended accordingly.
- (9) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

*Article 1*

Part 1 of Annex I to Regulation (EC) No 798/2008 is amended in accordance with the Annex to this Regulation.

*Article 2*

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

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

Done at Brussels, 20 March 2017.

*For the Commission*  
*The President*  
Jean-Claude JUNCKER

## ANNEX

In Part 1 of Annex I to Regulation (EC) No 798/2008, the following entries for the United States are inserted in numerical order:

ISO code and name of third country or territory	Code of third country, territory, zone or compartment	Description of third country, territory, zone or compartment	Veterinary certificate		Specific conditions	Specific conditions		Avian influenza surveillance status	Avian influenza vaccination status	Salmonella Control Status <sup>(6)</sup>
			Model(s)	Additional guarantees		Closing date <sup>(1)</sup>	Opening date <sup>(2)</sup>			
1	2	3	4	5	6	6A	6B	7	8	9
'US — United States	US-2.23	State of Tennessee: Lincoln County Franklin County Moore County	WGM	VIII	P2	4.3.2017				
			POU, RAT		N					
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA, LT20		P2			A		S3, ST1
	US-2.24	State of Alabama: Madison County Jackson County	WGM	VIII	P2	4.3.2017				
			POU, RAT		N					
			BPR, BPP, DOC, DOR, HEP, HER, SRP, SRA, LT20		P2			A		S3, ST1'

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/482****of 20 March 2017****establishing the standard import values for determining the entry price of certain fruit and vegetables**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 <sup>(1)</sup>,Having regard to Commission Implementing Regulation (EU) No 543/2011 of 7 June 2011 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 in respect of the fruit and vegetables and processed fruit and vegetables sectors <sup>(2)</sup>, and in particular Article 136(1) thereof,

Whereas:

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

HAS ADOPTED THIS REGULATION:

*Article 1*

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

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

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

Done at Brussels, 20 March 2017.

*For the Commission,  
On behalf of the President,  
Jerzy PLEWA  
Director-General*

*Directorate-General for Agriculture and Rural Development*

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<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> OJ L 157, 15.6.2011, p. 1.

## ANNEX

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

(EUR/100 kg)		
CN code	Third country code <sup>(1)</sup>	Standard import value
0702 00 00	EG	288,4
	IL	234,5
	MA	109,4
	SN	196,7
	TN	182,1
	TR	114,2
	ZZ	187,6
0707 00 05	EG	241,9
	TR	187,4
	ZZ	214,7
0709 93 10	MA	49,9
	TR	148,5
	ZZ	99,2
0805 10 22, 0805 10 24, 0805 10 28	EG	42,4
	IL	62,7
	MA	46,9
	TN	50,4
	TR	69,2
	ZZ	54,3
	TR	67,0
0805 50 10	ZZ	67,0
	CL	122,2
0808 10 80	CN	144,8
	ZA	114,1
	ZZ	127,0
	AR	121,3
0808 30 90	CL	163,7
	CN	82,7
	TR	148,9
	ZA	120,5
	ZZ	127,4

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

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/483****of 20 March 2017****determining the quantities to be added to the quantity fixed for the subperiod from 1 July to 30 September 2017 under the tariff quotas opened by Implementing Regulation (EU) 2015/2077 for eggs, egg products and egg albumin originating in Ukraine**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 <sup>(1)</sup>, and in particular Article 188(2) and (3) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2015/2077 <sup>(2)</sup> opened annual tariff quotas for imports of eggs and egg albumin originating in Ukraine.
- (2) The quantities covered by the applications for import licences lodged from 1 to 7 March 2017 for the subperiod from 1 April to 30 June 2017 are less than those available. The quantities for which applications have not been lodged should therefore be determined and these should be added to the quantity fixed for the next quota subperiod.
- (3) In order to ensure efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

*Article 1*

The quantities for which import licence applications have not been lodged pursuant to Implementing Regulation (EU) 2015/2077, to be added to the subperiod from 1 July to 30 September 2017, are set out in the Annex to this Regulation.

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

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

Done at Brussels, 20 March 2017.

*For the Commission,  
On behalf of the President,  
Jerzy PLEWA  
Director-General*

*Directorate-General for Agriculture and Rural Development*

<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> Commission Implementing Regulation (EU) 2015/2077 of 18 November 2015 opening and providing for the administration of Union import tariff quotas for eggs, egg products and albumins originating in Ukraine (OJ L 302, 19.11.2015, p. 57).

## ANNEX

Order No	Quantities not applied for, to be added to the quantities available for the subperiod from 1 July to 30 September 2017 (shell egg equivalent weight in kg)
09.4275	769 500
09.4276	1 500 000

**COMMISSION IMPLEMENTING REGULATION (EU) 2017/484****of 20 March 2017****establishing the allocation coefficient to be applied to the quantities covered by the applications for import rights lodged from 1 to 7 March 2017 under the tariff quotas opened by Implementing Regulation (EU) 2015/2078 for poultrymeat originating in Ukraine**

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 <sup>(1)</sup>, and in particular Article 188(1) and (3) thereof,

Whereas:

- (1) Commission Implementing Regulation (EU) 2015/2078 <sup>(2)</sup> opened annual tariff quotas for imports of poultrymeat products originating in Ukraine.
- (2) For the quota with order number 09.4273, the quantities covered by the applications for import licences lodged from 1 to 7 March 2017 for the subperiod from 1 April to 30 June 2017 exceed those available. The extent to which import rights may be allocated should therefore be determined and an allocation coefficient laid down to be applied to the quantities applied for, calculated in accordance with Article 6(3) in conjunction with Article 7(2) of Commission Regulation (EC) No 1301/2006 <sup>(3)</sup>.
- (3) In order to ensure efficient management of the measure, this Regulation should enter into force on the day of its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS REGULATION:

*Article 1*

The quantities covered by the applications for import rights lodged under Implementing Regulation (EU) 2015/2078 for the subperiod from 1 April to 30 June 2017 shall be multiplied by the allocation coefficient set out in the Annex to this Regulation.

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

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

Done at Brussels, 20 March 2017.

For the Commission,  
On behalf of the President,  
Jerzy PLEWA  
Director-General

*Directorate-General for Agriculture and Rural Development*

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<sup>(1)</sup> OJ L 347, 20.12.2013, p. 671.

<sup>(2)</sup> Commission Implementing Regulation (EU) 2015/2078 of 18 November 2015 opening and providing for the administration of Union import tariff quotas for poultrymeat originating in Ukraine (OJ L 302, 19.11.2015, p. 63).

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



## ANNEX

Order No	Allocation coefficient — applications lodged for the subperiod from 1 April to 30 June 2017 (%)
09.4273	2,317253
09.4274	—

# DECISIONS

**COUNCIL IMPLEMENTING DECISION (CFSP) 2017/485**  
**of 20 March 2017**  
**implementing Decision 2013/255/CFSP concerning restrictive measures against Syria**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(2) thereof,

Having regard to Council Decision 2013/255/CFSP of 31 May 2013 concerning restrictive measures against Syria <sup>(1)</sup>, and in particular Article 30(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 31 May 2013 the Council adopted Decision 2013/255/CFSP.
- (2) In view of the gravity of the situation in Syria, four persons should be added to the list of natural and legal persons, entities or bodies subject to restrictive measures in Annex I to Decision 2013/255/CFSP.
- (3) Decision 2013/255/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Annex I to Decision 2013/255/CFSP is amended as set out in the Annex to this Decision.

*Article 2*

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

Done at Brussels, 20 March 2017.

*For the Council*  
*The President*  
L. GRECH

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<sup>(1)</sup> OJ L 147, 1.6.2013, p. 14.

## ANNEX

The following persons are added to the list set out in section A (Persons) of Annex I to Decision 2013/255/CFSP:

	Name	Identifying information	Reasons	Date of listing
235.	Ahmad Ballul (a.k.a. Ahmad Muhammad Ballul; Ahmed Balol) (أحمد بلول)	Date of birth: 10 October 1954 Rank: Major General; Commander of the Syrian Arab Air Force and Air Defence Forces	Holds the rank of Major General, a senior officer and Commander of the Syrian Arab Air and Air Defence Forces, in post after May 2011.  Operates in the chemical weapons proliferation sector and, as a senior ranking officer of the Syrian Arab Air Force, is responsible for the violent repression against the civilian population, including the use of chemical weapons attacks by the Syrian regime identified in the report of the Joint Investigative Mechanism.	21.3.2017
236.	Saji' Darwish (a.k.a. Saji Jamil Darwish; Sajee Darwish; Sjaa Darwis) (ساجيء درويش)	Date of birth: 11 January 1957 Rank: Major General, Syrian Arab Air Force	Holds the rank of Major General, a senior officer and Commander of the 22nd Division of the Syrian Arab Air Force, in post after May 2011.  Operates in the chemical weapons proliferation sector and is responsible for the violent repression against the civilian population: as a senior ranking officer of the Syrian Arab Air Force and Commander of the 22nd Division he holds responsibility for the use of chemical weapons by aircraft operating from airbases under the control of the 22nd Division, including the attack on Talmenes that the Joint Investigative Mechanism reported was conducted by Hama airfield-based regime helicopters.	21.3.2017
237.	Muhammed Ibrahim (محمد إبراهيم)	Date of birth: 5 August 1964 Rank: Brigadier General; Deputy Commander of Syrian Arab Air Force 63rd Brigade at Hama airfield	Holds the rank of Brigadier General, a senior officer and Deputy Commander of the Syrian Arab Air Force 63rd Brigade, in post after May 2011.  Operates in the chemical weapons proliferation sector and, as a senior ranking officer of the Syrian Arab Air Force during the period investigated by the Joint Investigative Mechanism and Deputy Commander of the 63rd brigade from March to December 2015, is responsible for the violent repression against the civilian population through the use of chemical weapons by the 63rd Brigade in Talmenes (21 April 2014), Qmenas (16 March 2015) and Sarmin (16 March 2015).	21.3.2017

	Name	Identifying information	Reasons	Date of listing
238.	Badi' Mu'alla (بديع المعلا)	Date of birth: 1961 Place of birth: Bistuwir, Jablah, Syria Rank: Brigadier General; Commander of Syrian Arab Air Force 63rd Brigade	Holds the rank of Brigadier General, a senior officer and Commander of 63rd Brigade of the Syrian Arab Air Force, in post after May 2011.  Operates in the chemical weapons proliferation sector and, as Commander of the 63rd Brigade during the period investigated by the Joint Investigative Mechanism, is responsible for the violent repression against the civilian population through the use of chemical weapons by the 63rd Brigade in Talmenes (21 April 2014), Qmenas (16 March 2015) and Sarmin (16 March 2015).	21.3.2017'

**COMMISSION IMPLEMENTING DECISION (EU) 2017/486****of 17 March 2017****amending Annexes I and II to Decision 2004/558/EC as regards the infectious bovine rhinotracheitis-free status of Luxembourg, of the Federal States Hamburg and Schleswig-Holstein of Germany and of Jersey, and amending Annex II to Decision 2008/185/EC as regards the Aujeszky's disease-free status of the Friuli Venezia Giulia region of Italy***(notified under document C(2017) 1689)***(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 64/432/EEC of 26 June 1964 on animal health problems affecting intra-Community trade in bovine animals and swine <sup>(1)</sup>, and in particular Articles 9(2) and (3) and 10(2) and (3) thereof,

Whereas:

- (1) Directive 64/432/EEC lays down rules for trade within the Union in bovine and porcine animals. Article 9 of that Directive provides that a Member State which has a compulsory national control programme for infectious bovine rhinotracheitis or Aujeszky's disease may submit its programme to the Commission for approval. It also provides for the definition of the additional guarantees which may be required for intra-Union trade in bovine or in porcine animals.
- (2) Article 10 of Directive 64/432/EEC provides that where a Member State considers that its territory or part thereof is free of infectious bovine rhinotracheitis, it is to present appropriate supporting documentation to the Commission. It also provides for the definition of the additional guarantees which may be required for intra-Union trade in bovine animals.
- (3) Commission Decision 2004/558/EC <sup>(2)</sup> approves the programmes for the control and eradication of infectious bovine rhinotracheitis caused by the bovine herpesvirus type 1 (BHV1) presented by the Member States listed in Annex I thereto, for the regions of those Member States listed in that Annex, and for which additional guarantees for infectious bovine rhinotracheitis apply in accordance with Article 9 of Directive 64/432/EEC. In addition, Annex II to Decision 2004/558/EC lists the regions of the Member States that are considered free of BHV1, and for which additional guarantees for infectious bovine rhinotracheitis apply in accordance with Article 10 of Directive 64/432/EEC.
- (4) Luxembourg has submitted to the Commission supporting documentation for approval of its national programme for the control and eradication of infectious bovine rhinotracheitis caused by BHV1 covering the whole of its territory, and for the additional guarantees for infectious bovine rhinotracheitis to apply in accordance with Article 9 of Directive 64/432/EEC.
- (5) Following the evaluation of the supporting documentation submitted by Luxembourg, that Member State should be listed in Annex I to Decision 2004/558/EC, and the additional guarantees for infectious bovine rhinotracheitis should apply in accordance with Article 9 of Directive 64/432/EEC. Annex I to Decision 2004/558/EC should therefore be amended accordingly.
- (6) The Federal States of Hamburg and Schleswig-Holstein of Germany are currently listed in Annex I to Decision 2004/558/EC.

<sup>(1)</sup> OJ L 121, 29.7.1964, p. 1977/64.

<sup>(2)</sup> Commission Decision 2004/558/EC of 15 July 2004 implementing Council Directive 64/432/EEC as regards additional guarantees for intra-Community trade in bovine animals relating to infectious bovine rhinotracheitis and the approval of the eradication programmes presented by certain Member States (OJ L 249, 23.7.2004, p. 20).

- (7) Germany has now submitted to the Commission supporting documentation in order for the Federal States of Hamburg and Schleswig-Holstein to be considered free of BHV1 and for the additional guarantees for infectious bovine rhinotracheitis to apply to those States in accordance with Article 10 of Directive 64/432/EEC.
- (8) Following the evaluation of the supporting documentation submitted by Germany, the Federal States of Hamburg and Schleswig-Holstein should no longer be listed in Annex I to Decision 2004/558/EC, but instead they should be listed in Annex II thereto, and the additional guarantees for infectious bovine rhinotracheitis should apply to those States in accordance with Article 10 of Directive 64/432/EEC. Annexes I and II to Decision 2004/558/EC should therefore be amended accordingly.
- (9) Regulation (EEC) No 706/73 of the Council <sup>(1)</sup> provides that for the purpose of the application of the rules on animal health legislation, the United Kingdom and the Channel Islands, including Jersey, are to be treated as a single Member State.
- (10) The United Kingdom has submitted to the Commission supporting documentation in order for Jersey to be considered free of BHV1, and for the additional guarantees for infectious bovine rhinotracheitis to apply to Jersey in accordance with Article 10 of Directive 64/432/EEC.
- (11) Following the evaluation of the supporting documentation submitted by the United Kingdom, Jersey should be listed in Annex II to Decision 2004/558/EC, and the additional guarantees for infectious bovine rhinotracheitis should apply to Jersey in accordance with Article 10 of Directive 64/432/EEC. Annex II to Decision 2004/558/EC should therefore be amended accordingly.
- (12) Commission Decision 2008/185/EC <sup>(2)</sup> lays down additional guarantees for movements of pigs between Member States. Those guarantees are linked to the classification of the Member States according to their disease status for Aujeszky's disease. Annex II to Decision 2008/185/EC lists the Member States or regions thereof where approved national control programmes for the eradication of Aujeszky's disease are in place.
- (13) Italy has submitted to the Commission supporting documentation for the approval of its national control programme for the eradication of the Aujeszky's disease for the region Friuli Venezia Giulia and for that region to be duly listed in Annex II to Decision 2008/185/EC.
- (14) Following the evaluation of the supporting documentation submitted by Italy, the region Friuli Venezia Giulia should be listed in Annex II to Decision 2008/185/EC. Annex II to Decision 2008/185/EC should therefore be amended accordingly.
- (15) Decisions 2004/558/EC and 2008/185/EC should therefore be amended accordingly.
- (16) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

#### *Article 1*

Annexes I and II to Decision 2004/558/EC are amended in accordance with Annex I to this Decision.

#### *Article 2*

Annex II to Decision 2008/185/EC is amended in accordance with Annex II to this Decision.

<sup>(1)</sup> Regulation (EEC) No 706/73 of the Council of 12 March 1973 concerning the Community arrangements applicable to the Channel Islands and the Isle of Man for trade in agricultural products (OJ L 68, 15.3.1973, p. 1).

<sup>(2)</sup> Commission Decision 2008/185/EC of 21 February 2008 on additional guarantees in intra-Community trade of pigs relating to Aujeszky's disease and criteria to provide information on this disease (OJ L 59, 4.3.2008, p. 19).

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*Article 3*

This Decision is addressed to the Member States.

Done at Brussels, 17 March 2017.

*For the Commission*  
Vytenis ANDRIUKAITIS  
*Member of the Commission*

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## ANNEX I

Annexes I and II to Decision 2004/558/EC are replaced by the following:

## ANNEX I

Member States	Regions of Member States to which the additional guarantees for infectious bovine rhinotracheitis apply in accordance with Article 9 of Directive 64/432/EEC
Belgium	All regions
Czech Republic	All regions
Germany	The following Regierungsbezirke in North Rhine-Westphalia: Düsseldorf Köln
Italy	Region Friuli-Venezia Giulia Autonomous Province of Trento
Luxembourg	All regions

## ANNEX II

Member States	Regions of Member States to which the additional guarantees for infectious bovine rhinotracheitis apply in accordance with Article 10 of Directive 64/432/EEC
Denmark	All regions
Germany	The Federal States of: Baden-Württemberg Bavaria Berlin Brandenburg Bremen Hamburg Hesse Lower Saxony Mecklenburg-Western Pomerania Rhineland-Palatinate Saarland Saxony Saxony-Anhalt Schleswig-Holstein Thuringia The following Regierungsbezirke in North Rhine-Westphalia: Arnsberg Detmold Münster



Member States	Regions of Member States to which the additional guarantees for infectious bovine rhinotracheitis apply in accordance with Article 10 of Directive 64/432/EEC
Italy	Region Valle d'Aosta Autonomous Province of Bolzano
Austria	All regions
Finland	All regions
Sweden	All regions
United Kingdom	Jersey'

## ANNEX II

Annex II to Decision 2008/185/EC is replaced by the following:

## 'ANNEX II

**Member States or regions thereof where approved national control programmes for the eradication of Aujeszky's disease are in place**

ISO code	Member State	Regions
ES	Spain	All regions
IT	Italy	Region Friuli-Venezia Giulia
LT	Lithuania	All regions
PL	Poland	All regions'

**COMMISSION IMPLEMENTING DECISION (EU) 2017/487****of 17 March 2017****amending Decision 2005/51/EC as regards the period during which soil contaminated by pesticides or persistent organic pollutants may be introduced into the Union for decontamination purposes***(notified under document C(2017) 1693)*

THE EUROPEAN COMMISSION,

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

Having regard to Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community <sup>(1)</sup>, and in particular the first indent of the first subparagraph of Article 15(1) thereof,

Whereas:

- (1) Pursuant to Article 4(1) of Directive 2000/29/EC, in conjunction with point 14 of Part A of Annex III to that Directive, the introduction into the Union of soil originating in certain third countries is prohibited.
- (2) By Commission Decision 2005/51/EC <sup>(2)</sup> Member States were temporarily authorised to provide for a derogation from those provisions, subject to specific conditions, in respect of soil contaminated by pesticides or persistent organic pollutants, when imported for decontamination purposes and destined for treatment in dedicated hazardous waste incinerators.
- (3) Some Member States have requested an extension of the authorisation to provide for that derogation. From the information submitted by Member States pursuant to Decision 2005/51/EC, it appears that, when making use of that derogation, the specific conditions laid down in that Decision are sufficient to prevent the introduction of harmful organisms into the Union and have been complied with. Consequently, there is no phytosanitary risk from the activity covered by Decision 2005/51/EC.
- (4) It is therefore appropriate to extend the derogation until 31 December 2019.
- (5) Decision 2005/51/EC should therefore be amended accordingly.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS DECISION:

*Article 1*

In the second paragraph of Article 1 of Decision 2005/51/EC, the date '28 February 2017' is replaced by '31 December 2019'.

*Article 2*

This Decision is addressed to the Member States.

Done at Brussels, 17 March 2017.

*For the Commission*  
Vytenis ANDRIUKAITIS  
*Member of the Commission*

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<sup>(1)</sup> OJ L 169, 10.7.2000, p. 1.

<sup>(2)</sup> Commission Decision 2005/51/EC of 21 January 2005 authorising Member States temporarily to provide for derogations from certain provisions of Council Directive 2000/29/EC in respect of the importation of soil contaminated by pesticides or persistent organic pollutants for decontamination purposes (OJ L 21, 25.1.2005, p. 21).



ISSN 1977-0677 (electronic edition)  
ISSN 1725-2555 (paper edition)



**Publications Office of the European Union**  
2985 Luxembourg  
LUXEMBOURG

**EN**